



PLANNING COMMISSION HEARING DATE: JUNE 28, 2018

AGENDA ITEM NO.: 2

PROPOSED PROJECT

Case Numbers	P17-0761 (Specific Plan Amendment), P17-0762 (Conditional Use Permit), P17-0763 (Tentative Tract Map)		
Request	To consider the following entitlements for the construction of a multi-family development consisting of 13 residential units on a vacant 0.66 acre parcel: 1) a Specific Plan Amendment to amend the Downtown Specific Plan to permit multi-family residential development, mixed use development, and establish associated development standards within the Neighborhood Commercial District; 2) a Conditional Use Permit to permit the construction of 13 multi-family dwelling units; and 3) a Tentative Tract Map (TTM-37456) for a one lot subdivision for condominium purposes.		
Applicant	Russ Haley, CityMark Communities, LLC		
Project Location	4019 Mission Inn Avenue, situated on the northwest corner of Mission Inn Avenue and Chestnut Street		
APNs	214-211-007		
Project area	0.66 acre		
Ward	1		
Neighborhood	Downtown		
Specific Plan	Downtown Specific Plan		
General Plan Designation	Downtown Specific Plan		
Zoning Designation	DSP-NC-SP-CR - Downtown Specific Plan-Neighborhood Commercial District and Cultural Resources Overlay Zones		
Staff Planner	Judy Egüez, Associate Planner; 951-826-3969; jeguez@riversideca.gov		

RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record and recommend City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Section 21081.6; and
2. **RECOMMEND APPROVAL** of Planning Cases P17-0761 (Specific Plan Amendment), P17-0762 (Conditional Use Permit), and P17-0763 (Tentative Tract Map) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The project site consists of a 0.66 acre vacant parcel, and is situated on the northwest corner of Mission Inn Avenue and Chestnut Street. The project site currently consists of sparsely vegetated areas along the perimeter. The site is served by two existing access driveways, along Chestnut Street and Mission Inn Avenue. The project site is located within the Seventh Street Historic District and was originally developed with three single family residences in the early 1900's. By the late 1920's the residences were demolished and replaced with commercial development consisting of a fuel station, a multi-tenant commercial building, and a parking lot. The fuel station was demolished between 1960 and 1980; the commercial building remained operational. In 2006, the City's former Redevelopment Agency obtained the blighted property and demolished the commercial building.

Surrounding land uses include multiple family residences across the alley to the north, commercial and offices uses to the south across Mission Inn Avenue, single family residences and commercial uses to the east across Chestnut Street, and office bungalows to the west.

As a matter of information, on March 15, 2016 the Successor Agency issued a Request for Proposal (RFP) for the development of the project site. The RFP stipulated that a low density "pocket neighborhood" project was preferred by staff and the neighboring community (via an extensive community outreach process) to increase housing opportunities for downtown residents. The Successor Agency received three proposals and subsequently selected CityMark Development, LLC. On January 25, 2016 the City's Oversight Board for the Successor Agency adopted a resolution to enter into a Purchase and Sale Agreement with CityMark Development, LLC.

PROPOSAL

The applicant is requesting approval of amendments to the Downtown Specific Plan – Neighborhood Commercial District, a Conditional Use Permit, and a Tentative Tract Map to facilitate construction of a multiple-family development consisting of 13 residential condominium units.

The proposed development will consist of five buildings with 13 two-story residential units, ranging in size from 1,396 to 1,546 square feet. Each unit will include a kitchen, dining area, living area, guest bathroom and a 2-car garage on the first floor. The second floor will consist of a master bedroom/bath, two bedrooms, a bathroom and a laundry room.

The units are designed in a contemporary style of architecture with similar design elements to Pueblo Revival Style of architecture. These features include flat roofs, stucco, and articulation of massing with varying height, recessed windows, and architectural canopies. Each unit will contain two enclosed patios, ranging in total area from 187 square feet to 795 square feet. A series of interconnected pedestrian

walkways are provided throughout the site allowing for pedestrian entry to the units located along Mission Inn Avenue, Chestnut Street, and through a landscaped internal common open space. Common usable open space totals approximately 7,680 square feet and consists of a centrally located scenic landscaped area, as well as paseos which provide a pedestrian connection between all of the buildings. Landscaped areas are enhanced with accent trees and a variety of shrubs. A five-foot high wood privacy fence is proposed along the western property line. This project is not proposed to be gated.

Garages for five of the units along the north (rear) side of the property will be accessed from an existing 15-foot wide alley that extends from Chestnut Street to Brockton Avenue. The remaining eight garages will be accessed from Chestnut Street, via a proposed 20-foot wide private motor court. The motor court is proposed to be enhanced with decorative permeable pavers.

PROJECT ANALYSIS

	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The proposed project is consistent with the underlying General Plan 2025 Land Use designation of DSP-Downtown Specific Plan. As such, the proposed project furthers the intent of the General Plan by providing a variety of housing options in the Downtown neighborhood.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Downtown Specific Plan</p> <p>The project is located within the Neighborhood Commercial District of the Downtown Specific Plan consisting of neighborhood-serving commercial uses to support nearby neighborhoods. The proposed Specific Plan Amendment would allow multiple-family residential and mixed use development in the Neighborhood Commercial District, subject to approval of a Conditional Use Permit, and establish associated development standards for these uses.</p> <p>The introduction of multiple-family and mixed use development to the Neighborhood Commercial District would expand the customer base for the existing businesses in Downtown, as well as allow for the development of a variety of housing options.</p> <p>Additionally, the proposed 13-unit multiple-family development is situated between the Raincross District of the Downtown Specific Plan to the east, which allows high density residential, and the Residential District of the Downtown Specific Plan to the north, which is intended for lower density single-family development. The proposed project functions as a logical transition between the high density and the residential neighborhood to the north. Furthermore, the project is compatible with the surrounding uses and complements the development pattern along Mission Inn Avenue and Chestnut Street.</p> <p>Staff supports the proposed Specific Plan Amendment, as it is consistent with the purpose and intent of the Downtown Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The proposed project is zoned DSP-NC-SP-CR - Downtown Specific Plan-Neighborhood Commercial District and Cultural Resources Overlay Zones. As such, the project will comply with the development standards of the Downtown Specific Plan – Neighborhood Commercial District. The Downtown Specific Plan defers to the Zoning Code for parking requirements for multiple-family development.</p> <p>Parking associated with the project was reviewed and found to be in compliance with Chapter 19.580 – Parking and Loading Standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Subdivision Code (Title 18)</p> <p>The proposed Tract Map for condominium purposes complies with the development standards of the Subdivision Code (Title 18).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Cultural Resources (Title 20)</p> <p>On June 20, 2018, the Cultural Heritage Board will consider the project design and determine if the project is compatible with the Seventh Street Historic District and consistent with the Secretary of the Interior Standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Citywide Design & Sign Guidelines</p> <p>The proposed project meets the objectives and guidelines of the Downtown Specific Plan General Design Standards and Guidelines (Chapter 15), as well as the Design Standards and Guidelines for the Neighborhood Commercial District (Chapter 14, Section 14.6).</p> <p>Landscape plans will be required to be submitted for staff review and compliance with the provisions of the Water Efficient Landscape Ordinance of the Zoning Code. Staff recommends a condition of approval, that a row of 15-gallon evergreen trees are planted along the west property line to provide a buffer and privacy between the proposed multiple-family and office uses to the west. Additionally, a condition of approval is recommended to provide tiered landscaping along Mission Inn Avenue and Chestnut Street, consisting of a combination of groundcover, a minimum of 5-gallon sized shrubs, and evergreen trees. Furthermore, staff recommends a condition of approval to enhance the proposed central scenic landscape area with a variety of drought tolerant plants, ground cover, and evergreen trees.</p> <p>Staff supports the conceptual landscape plans, as conditioned, as they are consistent with the Citywide Design Guidelines and the Water Efficient Landscape Ordinance of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Downtown Specific Plan – Neighborhood Commercial District Multiple-family Residential Standards</i>					
Proposed Standards			Proposed Project	Consistent	Inconsistent
<i>Maximum Density</i>	20 du/ac		19.7 du/ac	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Maximum Building Height</i>	35 feet		24 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Minimum Lot Size</i>	20,000 square feet		28,880 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Minimum Building Setbacks</i>	Front (Mission Inn Avenue and Chestnut Street)	10 feet	10 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Sides (West)	10 feet / 5 feet (when adjacent to a non-habitable structure)	10 feet / 5 feet (adjacent to existing garage structure on adjacent property to the west)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (Alley)	4 feet	4 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Open Space</i>	<i>Private Usable Open Space</i>				
	Minimum area per unit	50 square feet	187-795 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>Common Usable Open Space</i>				
	20% of the site area	5,776 square feet	7,680 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.580 – Parking and Loading</i>					
Standard			Proposed	Consistent	Inconsistent
<i>Parking</i>	2 spaces per unit ≥ 2 bedrooms	13 units – 26 spaces	26 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) has been prepared for this project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines. The CEQA documentation states the proposed project will not have a significant effect on the environment, subject to the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).

NEIGHBORHOOD COMPATIBILITY

The proposed project involves infill development and is compatible with surrounding commercial, office and residential land uses. The overall design of the project demonstrates consistency with the goals and policies of the Downtown Specific Plan by providing a development that supports the existing commercial, office, and entertainment uses. The integration of residential uses in a pedestrian-friendly configuration is compatible with surrounding development in the Neighborhood Commercial District. The project will add vibrancy to the district while providing a sensitive transition between the commercial uses and the residential uses to the north. Furthermore, the project is compatible with the surrounding uses and complements the development pattern along Mission Inn Avenue and Chestnut Street.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site, as well as property owners located within the Neighborhood Commercial District of the Downtown Specific Plan. Additionally, in accordance with the provisions of the Zoning Code, a one-eight page advertisement was published in the Press Enterprise. As of the writing of this report, staff has received one email requesting clarification regarding the proposed project. No other responses regarding this project have been received by staff.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Staff Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Downtown Specific Plan – Neighborhood Commercial District Map
6. Proposed Downtown Specific Plan – Neighborhood Commercial District Amendment
7. Project Plans (Site Plan, Conceptual Grading, Floor Plans, Elevations [for reference only] Project Rendering [for reference only], Open Space, Wall and Fence Plan, Conceptual Landscape Plan, Tentative Tract Map)
8. Existing Site Photos
9. CEQA Documents (Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program)
10. Comment Letter

Technical studies related to the CEQA document are available at the Community and Economic Development Department – Planning Division front counter.

Prepared by: Judy Egüez, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: David Welch, Community & Economic Development Interim Director



EXHIBIT 1 – FINDINGS

PLANNING CASES: P17-0761 (Specific Plan Amendment)
P17-0762 (Conditional Use Permit)
P17-0763 (Tentative Tract Map)

Conditional Use Permit Findings pursuant to Chapter 19.760.040:

- a. The proposed multiple-family residential development is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b. The proposed multiple-family residential development will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- c. The proposed multiple-family residential development will be consistent with the purposes of the Zoning Code, Downtown Specific Plan, and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Case Number: **P17-0761** (Specific Plan Amendment)
P17-0762 (Conditional Use Permit)
P17-0763 (Tentative Tract Map)

Meeting Date: June 28, 2018

All mitigation measures are noted by an asterisk ().*

Planning

1. All applicable conditions of related Planning Case P17-0764 (Certificate of Appropriateness) shall apply.
2. A resolution amending The Downtown Specific Plan – Neighborhood Commercial District shall be adopted.
3. All Mitigation Measure listed in the Mitigation and Monitoring and Reporting Program shall apply.
4. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required. Additional review by Historic Preservation staff and/or the Cultural Heritage Board may also be required.

Prior to Map Recordation

5. The applicant shall prepare and record a Covenants, Conditions, and Restrictions (CC&Rs) and documents creating a Homeowners Association (HOA) subject to approval of the Planning Division and City Attorney's Office.

Prior to Grading Permit Issuance:

6. A Final Map for Tract No. 37456 shall be recorded.
7. ***MM HAZARDS-1:** Install a vapor barrier under the footprint of the building proposed for construction over soil boring SV5 or once the final locations/footprints of proposed residential buildings at the site are established, collect samples for both soil vapor and soil physical properties within and in proximity to SV5 as defined in the Limited Phase II ESA. For a dataset to be representative of the health risk associated with a particular building, at least eight soil vapor samples should be collected from soil vapor borings representing the proposed building in the area of sample SV5. If upon completion of the additional soil vapor sampling, the consultant concludes that the ECR still exceeds the DTSC ECR criterion of 1 in one million ECR, than the vapor barrier over the affected area would still be required.

8. ***MM HAZARDS-2:** Soils from any area on the site that will ultimately not be covered with hardscape or landscaping that may be accessible to the future residential occupants of the site and/or soil that is in areas to be exported (e.g. from footings, utility trenches, etc.), shall be sampled prior to occupancy or prior to export activities to determine if constituents of concern (i.e., total petroleum hydrocarbons) in soil would exceed either risk-based screening criteria and/or waste criteria. If soil sampling performed in areas of the site that are not paved or covered with landscaping come back from the analytical laboratory with concentrations of total petroleum hydrocarbons that exceed human health based screening criteria, the soil should be either excavated, characterized, and properly disposed of, or covered with a clean soil cap or hardscape to eliminate potential exposure pathways. For soil that is to be exported from the site that is sampled and analyzed, if soil samples come back from the analytical laboratory with results for total petroleum hydrocarbons that exceed waste criteria, the results of the sampling should be disclosed to receivers of this material. The soil generated by grading activities may need to be disposed of as regulated waste if or to other sites that can accept receiving this soil.
9. ***MM HAZARDS-3:** Construction/grading contractors shall address possible worker exposures by using dust-suppression or -control measures, encouraging hygiene practices such as hand washing before eating and at the completion of a job, and washing clothes from the jobsite prior to engaging in other activities off the job site, as is appropriate.
10. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Compliance with City adopted interim erosion control measures;
 - b. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;
 - d. Note all drainage features will be color treated to match surrounding terrain; and
 - e. Final BMPs shall be finalized, subject to Public Work Department approval.

During Grading:

11. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
 - b. Grading activities shall cease during period of high winds (greater than 25mph);
 - c. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - d. Contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic

Manual and the State Standard Specifications. The plan shall be submitted to Public Works Department for review and approval. The Traffic Plan shall include, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site. Work shall not commence without an approval traffic control plan from the Public Works Department;

- e. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - f. Wash off trucks and other equipment leaving the site;
 - g. Replace ground cover in disturbed areas immediately after construction;
 - h. Keep disturbed/loose soil moist at all times; and
 - i. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
12. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
13. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
14. In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, State CEQA Guidelines 15064.5, and Public Resources Code 5097.98 must be implemented.

Prior to Issuance of Building Permit:

15. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.
16. Plans submitted for Plan check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval.

17. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material. Freestanding light standards within 50 feet of residentially zoned property shall be no more than 14 feet in height.
18. Roof equipment shall be fully screened from the public right-of-way. Screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
19. All above ground equipment, visible to the public right-of-way shall be fully screened from the public right-of-way.
20. Landscaping, irrigation, exterior lighting, perimeter wall/fence and sign plans shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping, irrigation and exterior lighting plans must be submitted prior to building permit issuance.
21. **Staff Required Site Plan Conditions:** Revise the site plan such that plans provided for building permit plan check incorporate the following changes:
 - a. Relocate the proposed transformer location from Mission Inn Boulevard to Chestnut Street, to the satisfaction of staff; and
 - b. Relocate the proposed meter center from Mission Inn Boulevard to the interior of the project site, to the satisfaction of staff.
22. **Staff Required Landscape/Irrigation Plan Conditions:** Landscape and Irrigation plans submitted for Design Review staff review and approval shall include the following:
 - a. A row of 15-gallon evergreen trees shall be planted along the west property line, between the proposed multiple-family and office uses to the west;
 - b. Enhanced landscaping consisting of a combination of ground cover, shrubs, and evergreen trees shall be planted along the project frontages, creating a tiered effect;
 - c. A minimum 5-gallon or larger shrubs are recommended along the street frontages; and
 - d. The central scenic landscape area shall be enhanced with a variety of drought tolerant plants, ground cover, and evergreen trees.

During Construction:

23. Future construction will be limited by compliance with the City's Noise Ordinance (Title 7), which limits construction noise that would disturb a residential neighborhood to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
24. Should cultural, historical or archeological items be found during grading and construction activity, the construction and grading of this project all activity shall be halted in the vicinity of the find and a qualified archeologist shall be hired at the applicant's expense to work with the City Planning Division to determine the find's significance and possible mitigation measures.

Prior to Release of Utilities and/or Occupancy:

25. The project shall participate in the Crime Free Multi-housing Program, or its successor equivalent, by contacting the Riverside Police Department.
26. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project and submitted to the Planning Division for Planning Division site inspection.

Standard Conditions:

27. There is a thirty-six-month time limit in which to satisfy the conditions and record the Final Map for Tract No. 37456. Six subsequent on-year time extensions may be granted by the Community & Economic Development Director upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
28. The Specific Plan Amendment and Conditional Use Permit, related to an implementing subdivision, may be granted time extensions by the Community & Economic Development Director or their designee up to a total of six years beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued the Specific Plan Amendment, Conditional Use Permit, and related Certificate of Appropriateness will be considered vested and time extensions are no longer needed. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case in addition to a time extension fee.

29. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.
30. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
31. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
32. The applicant shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
33. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
34. The applicant herein of the project subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
35. Failure to abide by all conditions of this permit shall be cause for revocation.
36. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
37. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

Public Works

Conditions to be fulfilled prior to map recordation unless otherwise noted:

38. Deed for widening adjacent alley to 10 (3.75 feet additional) feet from monument centerline to Public Works specifications.
39. Improvement of adjacent alley to 10 feet from monument centerline to Public Works specifications.
40. Storm Drain construction will be contingent on engineer's drainage study.
41. Off-site improvement plans to be approved by Public Works prior to issuance of a construction permit.
42. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.
43. Right-of-way corner cutback at intersection of Chestnut Street and Mission Inn Avenue to Public Works specifications. I
44. Installation of sewer main and sewer lateral(s) to serve this project to Public Works specifications. *Advisory – Minimum sewer main diameter is 8”.
45. Size, number and location of driveways to Public Works specifications.
46. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.
47. Closure of unused driveway(s) to Public Works specifications.
48. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying I the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.
49. Prior to final inspection for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG.
50. The terms of the agreement shall be in accordance with the RMC Chapter 16.68 and the TUMF Administrative Plan requirements. Credit/reimbursement agreements must be fully executed prior to receiving any credit/reimbursement. An appraisal is required for credit/reimbursement of right of way dedications and credit/reimbursement of qualifying improvements requires the public bidding and payment of prevailing wages in accordance with State Law. For further assistance, please contact the Public Works Department.

51. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
 - a. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
52. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.
53. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
54. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available.

55. On Chestnut Street, protect existing Canary Island Date Palms in place. On Mission Inn Avenue, protect existing Mexican Fan Palm in place. If any palm tree needs to be removed or relocated, it will be the responsibility of the Developer.

Fire Prevention

56. An automatic fire sprinkler system is required by City Ordinance 16.32.080. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation.
57. One new public fire hydrant on Mission Inn is required for this project. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
58. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
59. Construction plans shall be submitted and permitted prior to construction.
60. Fire Department access shall be maintained during all phases of construction.
61. The alley shall remain clear and unobstructed at all times.

Public Utilities – Water

62. Townhome units will be served from individual utility meters fronting the properties along Mission Inn and Chestnut. The rear unit's water meters will be grouped at Chestnut, and private tailpipes will run from each meter to the individual unit.
63. Prior to Building Permit Approval, Applicant shall submit a water plan to install individual water meter per condo unit.

Public Utilities – Electric

64. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
65. Blanket Public Utility Easement required on all parcels.
66. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.
67. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained and location of the equipment is approved by the Utility.
68. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
69. Plot existing electrical distribution facilities on the original site plan.

70. Please show proposed location of transformers and electrical rooms.

71. Meeting needed to discuss layout of transformers.

Parks, Recreation and Community Services – Park Planning

72. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.