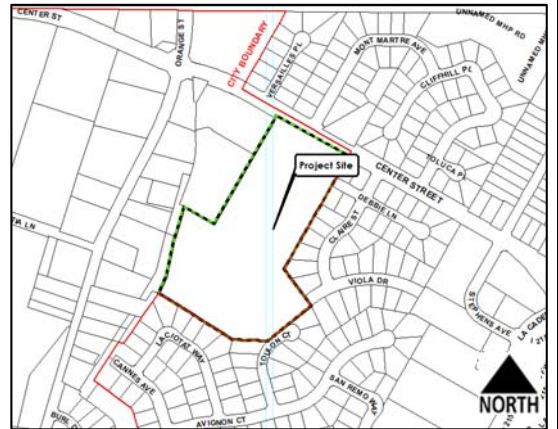




**PLANNING COMMISSION HEARING DATE: OCTOBER 3, 2019  
AGENDA ITEM NO.: 4**

**PROPOSED PROJECT**

<i>Case Numbers</i>	<b>P18-0020</b> (Zoning Code Amendment) <b>P18-0022</b> (Conditional Use Permit) <b>P18-0023</b> (Design Review)	
<i>Request</i>	To consider the following entitlements for the establishment of a 99-unit Mobile Home Park:  1) Zoning Code Amendment to apply the R-1-7000-MH – Single-Family Residential and Mobile Home Park Overlay Zones to the project site;  2) Conditional Use Permit to permit ground leases for 99 mobile home spaces; and  3) Design Review of project plans.	
<i>Applicant</i>	Joel Farkas, of Kings Co., LLC	
<i>Project Location</i>	3444 Center Street; on the south side of Center Street, between Orange and Claire Streets	
<i>APN</i>	246-130-001	
<i>Project area</i>	12.88 acres	
<i>Ward</i>	1	
<i>Neighborhood</i>	Northside	
<i>General Plan Designation</i>	MDR – Medium Density Residential	
<i>Zoning Designation</i>	R-1-7000 – Single-Family Residential Zone	
<i>Staff Planner</i>	Veronica Hernandez, Associate Planner 951-826-3965 <a href="mailto:vhernandez@riversideca.gov">vhernandez@riversideca.gov</a>	



## RECOMMENDATIONS

Staff recommends that the Planning Commission recommend that the City Council:

1. **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 adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and
2. **APPROVE** Planning Cases P18-0020 (Zoning Code Amendment), P18-0022 (Conditional Use Permit), and P18-0023 (Design Review), based on the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

## SITE BACKGROUND

The 12.88-acre project site consists of a single vacant parcel (Exhibit 3). The property contains a riparian drainage feature located along the south property line and has an average natural slope of 9.5 percent. The terrain slopes downward approximately 40 feet from the northeast to the southwest corners of the site. Surrounding land uses include single-family residences to the north, south, and east; and automobile repair facilities and single family residences to the west. All of the existing single-family residential development to the northeast, southeast, and southwest is in unincorporated Riverside County area, developed under County standards.

As a matter of information, this property was annexed into the City on November 16, 1999 (Annexation #86) and has been granted multiple entitlements, which have since expired:

- On September 4, 1990, City Council approved a Conditional Use Permit to establish a 77-unit mobile home park (CU-003-901). The applicant did not proceed with the project, and the Conditional Use Permit expired.
- On November 18, 1999, City Council approved Tentative Tract Map No. 28453 to subdivide the subject parcel into 47 single-family residential lots. The applicant did not proceed with the project and the map expired in May 2002.
- On June 5, 2001, City Council approved a Conditional Use Permit for a mobile home park consisting of 77-units (CU-053-001). The applicant did not proceed with the project, and the Conditional Use Permit expired.

## PROPOSAL

The applicant is requesting approval of a Zoning Code Amendment to rezone the 12.88-acre project site from the R-1-7000 – Single-Family Residential Zone to the R-1-7000-MH – Single-Family Residential and Mobile Home Park Overlay Zones. Approval of a Conditional Use Permit and Design Review are also requested to permit ground leases for 99 mobile home spaces. The Tentative Tract Map to establish a one lot mobile home park for condominium purposes is no longer a part of the project.

The proposed leasable mobile home spaces range in size from 2,418 to 3,500 square feet. Each mobile home space will offer parking for two cars and a total of 20 guest parking spaces will serve the site. Common open space, totaling 27,997 square feet, is proposed and includes of a tot lot, a dog run, picnic/lounge areas, and a 13,590 square foot recreation area consisting of a pool and spa, barbecue area, and restrooms at the southeast corner of the site.

Access will be provided via a single two-way driveway on Center Street. Two drive aisles, and a series of private driveways within the complex will provide access to the individual units. A six-foot high, split-face block wall is proposed around the north, east, and west sides of the property. Vinyl fencing is proposed inside the park to separate the mobile home space. There is no perimeter wall

or fence proposed along the south drainage feature. Staff recommends a condition of approval requiring decorative pilasters along Center Street.

**PROJECT ANALYSIS**

**AUTHORIZATION AND COMPLIANCE SUMMARY**

	<i>Consistent</i>	<i>Inconsistent</i>
<p><b><i>General Plan 2025</i></b></p> <p>The General Plan 2025 Land Use designation of MDR - Medium Density Residential is consistent with the proposed R-1-7000-MH - Single Family Residential and Mobile Home Park Overlay Zones. The Medium Density Residential land use designation provides for the development of single-family homes, town houses, and row houses (Exhibit 4).</p> <p>The project is consistent with General Plan 2025 Land Use and Urban Design Element Objectives, Goals, and Policies and furthers the intent of the General Plan 2025 through consistency with the following objectives:</p> <ul style="list-style-type: none"> <li>Objective LU-89: Accommodate flexible design to provide for superior development in single family residential developments based upon good planning principles and to promote the general welfare of the neighborhood and maximum benefit to the environment.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Zoning Code Land Use Consistency (Title 19)</i></b></p> <p>The applicant requests approval of a Zoning Code Amendment to apply the MH – Mobile Home Park Overlay Zone to the site to allow the development of a mobile home park (Exhibit 5). The proposed R-1-7000-MH - Single Family Residential and Mobile Home Park Overlay Zones is consistent with the existing MDR – Medium Density Residential Land Use Designation. The proposed project complies with the applicable development standards prescribed by the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Compliance with Citywide Design &amp; Sign Guidelines</i></b></p> <p>The proposed project meets the objectives of the Citywide Design Guidelines for new residential development related to building siting and orientation, parking layout, landscaping, and lighting. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p> <p>As a matter of information, the design of the mobile homes are not included in the scope of the Design Review application.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**

<i>Chapter 19.210 – Mobile Home Park Overlay Zone Development Standards</i>				
<i>Standard</i>		<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Density</i>	10 units/acre	7.68 units/acre	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Site Area</i>	10 acres	12.88 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Street Frontage</i>	250 feet	415 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Perimeter Setbacks</i>	Front – 20 feet	21 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side – 10 feet	14.7 feet (East) 22.5 feet (West)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear – 10 feet	79.15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Height of Permanent Structure – Restrooms Building</i>	35 feet	14 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Perimeter Walls</i>	6 foot high decorative solid masonry wall	6 foot high split face masonry wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Buffer</i>	10 feet adjacent to residential uses along the common property line	14.7 feet (East)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Common Open Space</i>	275 square feet/unit = 27,225 square feet	27,997 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.580 – Parking and Loading Development Standards</i>				
<i>Standard</i>		<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Minimum Parking for Home Sites</i>	2 spaces/home site	198 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Total Required: 198 spaces			
<i>Guest Parking Spaces</i>	1 space/5 home sites	20 guest spaces		
	Total Required: 20 spaces			
<i>Total</i>		218 spaces		

***Title 25 (Housing and Community Development) of the California Code of Regulations***

In 2006, review and permitting authority for individual mobile home units within mobile home parks was transferred from local jurisdictions to the California Department of Housing and Community Development. Site development standards for individual mobile home spaces, including lot width and depth, lot coverage, building setbacks and height, building separation, fencing, internal circulation system, private yards, and accessory structures are governed by State law.

## FINDINGS SUMMARY

### *Zoning Code Map Amendment and Conditional Use Permit*

Rezoning the property to apply the Mobile Home Park Overlay Zone to the underlying R-1-7000-Single Family Residential Zone will facilitate the development of a mobile home park compatible with the surrounding neighborhood.

The proposed mobile home park is an appropriate use for the neighborhood and will serve as a transition between the surrounding single-family residential neighborhoods, and the light industrial uses. The project will not be detrimental to the health, safety, or general welfare of the public or surrounding area. Additionally, the site has been designed with adequate vehicular access and internal circulation. For the reasons stated above, staff can support the Zoning Code Map Amendment and Conditional Use Permit.

## ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) and a Mitigation, and Monitoring Reporting Program (MMRP) have been prepared for this project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines (Exhibit 8).

The property contains a riparian drainage feature located along the south property line. The project has been designed to avoid the existing riparian drainage, with the exception of the detention basin outlet, which requires the installation of a pipe and dissipater within the drainage channel at the southwest corner of the project site. Since 100 percent avoidance was not possible, a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report (Exhibit 9) was prepared. The California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) reviewed the DBESP and requested that a Conservation Easement be recorded to preserve the riparian drainage in its current condition in perpetuity. Thus, Mitigation Measure BIO-3 addresses the agencies request. Additionally, Mitigation Measure Bio-5 was added to clarify that the applicant is required to satisfy permit requirements with U.S. Army Corp of Engineers (USACE), Regional Water Quality Board (RWQB), and CDFW.

In summary, the CEQA documentation states the proposed project will not have a significant effect on the environment, subject to implementation of the Mitigation Monitoring and Reporting Program (MMRP).

## PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. A Notice of Intent to Adopt a Mitigated Negative Declaration was published in the Press-Enterprise and mailed to the list of agencies and interested parties. As of the writing of this report, no responses have been received by Planning 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. Existing and Proposed Zoning Maps
6. Project Plans (Site Plan, Conceptual Grading Plan, Conceptual Utility Plan, Sections and Details, Vehicle Turning Exhibits, Conceptual Landscape Plan, Recreation Center Plan, Conceptual Images, Open Space Plan, Fence and Wall Plan, Site Amenity Cut Sheets, Recreation Center Floor and Roof Plan, Recreation Center Elevations, Photometric Plan)
7. Applicant Prepared Project Description
8. Draft Initial Study / Mitigated Negative Declaration
9. Determination of Biological Equivalent or Superior Preservation
10. Existing Site Photos

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Prepared by: Veronica Hernandez, Associate Planner  
Reviewed by: Candice Assadzadeh, Senior Planner  
Approved by: Mary Kopaskie-Brown, City Planner



*EXHIBIT 1 – FINDINGS*

**PLANNING CASES:**      **P18-0020** (Zoning Code Amendment)  
                                  **P18-0022** (Conditional Use Permit – Mobile Home Park)  
                                  **P18-0023** (Design Review)

***Zoning Code Map Amendment (Rezoning) Findings Pursuant to 19.810.040:***

- 1) The proposed MH – Mobile Home Park Overlay Zone is consistent with the goals, policies, and objectives of the General Plan;
- 2) The proposed MH – Mobile Home Park Overlay Zone will not adversely affect surrounding properties; and
- 3) The proposed MH – Mobile Home Park Overlay Zone will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

***Conditional Use Permit Findings Pursuant to Chapter 19.760.040 (Mobile Home Park):***

- 1) The proposed mobile home park 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;
- 2) The proposed mobile home park 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
- 3) The proposed mobile home park will be consistent with the purposes of the Zoning Code and the application of any required development standards 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*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASES:** P18-0020 (Zoning Code Map Amendment)  
P18-0022 (Conditional Use Permit – Mobile Home Park)  
P18-0023 (Design Review)

• **Planning Division**

*Case Specific*

1. 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.
2. The proposed project shall be developed and operated substantially as described in the text of this Staff 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.
3. The Applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
4. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including exterior building mounted, monument, and window signs, shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

*Prior to Grading Permit issuance:*

5. Zoning Code Amendment (P18-0020) shall be finalized and/or adopted.
6. **Grading Plan:** Revise the grading plan such that the plans provided for grading permit plan check incorporate the following changes:
  - a. Height of retaining and screen walls along the perimeter of the project site shall comply with the maximum height requirements as provided in the Zoning Code.
7. A 40-scale precise grading plan shall be submitted to the Planning Division and shall include the following:
  - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal holidays;
  - b. Compliance with City-adopted interim erosion control measures;
  - c. Compliance with any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
  - d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement; and



- e. Identification of location, exposed height, material and finish of any proposed retaining walls.
8. Vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.
9. **Mitigation Measure BIO-3:** Prior to the issuance of a grading permit, the applicant shall record a Restrictive Covenant pursuant to California Department of Fish and Wildlife (CDFW) requirements to preserve the riparian drainage in its current condition in perpetuity. Construction, planting, dumping, filling, and similar activities will be prohibited within the area covered under the Restrictive Covenant. Activities within the drainage will be limited to those allowed by the CDFW that preserve and enhance native species, their habitat, and natural communities, in a manner consistent with habitat conservation purposes.
10. **Mitigation Measure BIO-4:** Prior to the issuance of a grading permit, the applicant shall coordinate with the USACE to determine if jurisdiction will be asserted over the riparian drainage under the Federal Clean Water Act (CWA) Section 404. If U.S. Fish and Wildlife Service (USACE) jurisdiction over the riparian drainage is asserted, the applicant shall provide evidence that USACE has issued a CWA Section 404 permit, the Regional Water Quality Control Board (RWQCB) has issued a CWA Section 401 certification, and that applicable USACE permit and RWQCB certification requirements have been satisfied prior to the issuance of a grading permit. If the riparian drainage is not subject to USACE jurisdiction, the applicant shall comply with applicable Waste Discharge Requirements (WDR) established by the RWQCB under the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

Prior to the issuance of a grading permit, the applicant shall obtain a Streambed Alteration Agreement administered by the CDFW pursuant to California Fish and Game Code Section 1600 for the 0.67 acre of the stream comprising both the bed-and-bank and associated wildlife habitat.

11. **Mitigation Measure BIO-5:** Prior to the issuance of grading permits, the applicant shall satisfy (as required), USACE, RWQCB, and CDFW permit requirements.
12. **Mitigation Measure CUL-1:** Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer/applicant, and interested tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site. The City and the developer/applicant shall make all attempts to avoid and/or preserve in place as many cultural and paleontological resources as possible that are located on the project site if the site design and/or proposed grades should be revised. This measure shall be implemented to the satisfaction of the City Planning Division.
13. **Mitigation Measure CUL-2:** Archaeological and Paleontological Monitoring: At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities take place, the developer/applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

- a. The project archaeologist, in consultation with interested tribes, the Developer, and the City, shall develop an Archaeological Monitoring Plan to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the plan shall include:
    - i. Project grading and development scheduling;
    - ii. The development of a rotating or simultaneous schedule in coordination with the developer/applicant and the project archaeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists;
    - iii. The protocols and stipulations that the Applicant, tribes, and project archaeologist/paleontologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, or nonrenewable paleontological resources that shall be subject to a cultural resources evaluation;
    - iv. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site; and
    - v. The scheduling and timing of the Cultural Sensitivity Training noted in Mitigation Measure MM-CUL-4.
14. **Mitigation Measure CUL-5:** A paleontologist shall be hired to develop a Paleontological Resource Impact Mitigation Program (PRIMP) for this project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the project area, as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading.
- a. Excavation and grading activities in deposits with high paleontological sensitivity (very old alluvial-fan deposits) shall be monitored by a paleontological monitor in accordance with the PRIMP. No monitoring is required for excavations in soil with no paleontological sensitivity (Artificial Fill).
    - i. If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance.
    - ii. Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution.
    - iii. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program.
    - iv. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist should be contacted to assess the find for significance. If determined to be significant, the fossil shall be collected from the field.

***Prior to Ground Disturbing Activities:***

15. **Mitigation Measure BIO-1:** If grading or construction activities are planned during the bird nesting season (February 1 to August 31), a nesting bird survey shall be conducted for five consecutive days no more than three days prior to any ground-disturbing activities, including, but not limited to clearing, grubbing, and/or rough grading, to ensure birds protected under the MBTA are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional actions related to this measure are required. If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, or near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City; non-raptor bird species nests shall be buffered up to 280 feet, while raptor nests shall be buffered up to 820 feet. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.
16. **Mitigation Measure BIO-2:** No burrowing owls or features potentially occupied by burrowing owls were detected on the project or adjacent areas during the August 2017 survey. Because the burrowing owl is a mobile species and site conditions may change, a pre-construction survey would be required within 30 days prior to beginning of site grading, per the MSHCP Burrowing Owl Survey Guidelines Section 6.3.2. If burrowing owls are found to be present at that time, the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Services (USFWS), and the Riverside Conservation Authority (RCA) will be notified within three days. A burrowing owl relocation and protection plan will be developed and approved by all three agencies. Relocation and protection measures shall be completed pursuant to the plan prior to the start of ground disturbance activities. No further action is required if the 30-day pre-construction survey does not result in burrowing owl sign or observation.
17. **Mitigation Measure CUL-4:** Cultural Sensitivity Training: The Secretary of Interior Standards County certified archaeologist and Native American monitors shall attend the pre-grading meeting with the developer/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in the event that unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

***During Ground Disturbing and Construction Activities:***

18. **Mitigation Measure CUL-3:** Treatment and Disposition of Cultural Resources: In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project. The following procedures shall be carried out for treatment and disposition of the discoveries:
  - a. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the project archaeologist. The removal of any artifacts from the project site shall be thoroughly inventoried with tribal monitor oversight of the process; and
  - b. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of

the following methods and provide the City of Riverside Community and Economic Development Department with evidence of same;

- i. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
  - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
  - iii. If more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default; and
  - iv. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced shall be submitted to the City of Riverside, Eastern Information Center and interested tribes.
19. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise 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.
20. The proposed project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with National Pollutant Discharge Elimination System (NPDES) requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
21. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
22. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the proposed project site during all construction.
23. To reduce construction related particulate matter air quality impacts of the proposed project, the following measures shall be required:
- a. Dust generation shall be controlled as required by the AQMD;
  - b. 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;

- c. All contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Trucks and other equipment leaving the site shall be washed;
  - f. All disturbed/loose soil shall be kept moist at all times;
  - g. Grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
  - h. A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site.
24. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

***Prior to Building Permit Issuance:***

25. **Plot Plan:** Revise the plot plan such that the plans provided for building permit plan check incorporate the following changes:
- a. Specify enhanced decorative paving at project entry driveways.
26. **Wall and Fence Plan:** Revise the wall and fence plan such that the plans provided for building permit plan check incorporate the following changes:
- a. Clearly specify the proposed masonry walls shall consist of decorative materials, including a decorative cap, subject to staff approval.
  - b. Decorative pilasters shall be provided at the east and west side of the access driveway at Center Street, subject to staff approval.
27. Landscape and Irrigation Plans shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary.
28. Plans submitted for Staff review shall specify the location, design and color of all domestic water meters, tank vent risers, backflow preventers, detector check assemblies, utility equipment cabinets and other ground-mounted equipment subject to Planning Division and Public Utilities review and approval. The visibility of such facilities shall be minimized through means including but not limited to relocation, berming, landscaping, and/or installation of screen walls.
29. The Applicant shall submit manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot as part of the exterior lighting plan. 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 building-mounted lights are proposed, down-lights shall be utilized. Site Lighting Plans shall be prepared in accordance with the provisions of the California Building Code and Chapter 19.556 (Outdoor Lighting) of the Zoning Code.

***Prior to Certificate of Occupancy:***

30. The Applicant shall participate in the City's Crime Free Multi Housing Program, or its successor equivalent.

***Operational Conditions:***

31. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
32. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.

***Standard Conditions***

33. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
34. The Rezoning, Conditional Use Permit, and Design Review may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.
35. 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.
36. The Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use 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.
37. The Applicant shall comply with all federal, state and local laws and 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.
38. This permit is issued based upon the project description 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. The Applicant 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.
39. The Applicant of the business 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.

40. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.

- **Public Works**

41. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department. Storm Drain construction will be contingent on engineer's drainage study. Size, number and location of driveways to Public Works specifications.

42. Deed for widening Center Street to 44' from monument centerline concurrent with map recordation.

43. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Onsite sewer mains shall be public facilities. A minimum 20 foot wide sewer easement is required for the length of the onsite sewer mains. Any on site pumping stations and force main(s) will be privately maintained by the owner

44. Installation of curb and gutter at 32 feet from monument centerline, sidewalk and matching paving on Center Street to Public Works specifications.

45. Extension of Sewer Main (approximately 650'±) within Center Street to Public Works specifications.

46. Off-site improvement plans to be approved by Public Works prior to building permit issuance.

47. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to building permit issuance. Full improvement of interior streets based on private residential street standards.

48. 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 and Fire Department specifications.

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.

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

50. 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.
51. 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.
52. 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.
53. 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 for the future owners/ occupants.
54. Trash collection service will not be provided on common drives. Areas shall be provided along private streets to accommodate the placement of containers for automated collection. On-street parking shall be prohibited (if allowed) on collection days as required to ensure access to the trash containers. Keypad activation of the security gates is required to allow access to the site for collection service.
55. 24" Box Size Street Trees (Sycamore 'Blood Good') along Center Street required, typical spacing is 35 feet, final spacing to be determined by an onsite inspection by Street Tree Inspector after final grading has been completed. Installation of automatic irrigation system to provide deep-root watering to trees is required.

***Prior to Issuance of Certificate of Occupancy:***



56. The project will install a two-way left turn lane (pocket) along Center Street for the intersection of Mont Martre Avenue & Project Driveway shown in Figure 8-4 in the Traffic Impact Analysis to facilitate the two way left turn movements for the proposed project.

57. **Mitigation Measure TRA-1:** Fair-Share Payments: Prior to issuance of a Certificate of Occupancy, the City of Riverside Public Works - Traffic Engineering, City Traffic Engineer, or designee, shall verify that the project applicant has made payment of the project's fair share to the appropriate jurisdiction to fund improvements necessary for the following project study area intersections to operate at acceptable LOS under cumulative (2018) conditions:

- a. Orange Street/Center Street (City of Riverside): Payment of 1.67 percent fair share contribution for the installation of one eastbound lane, one westbound lane, and a traffic signal.
- b. Mont Martre Avenue – Project Driveway/Center Street (City of Riverside): Payment of 100% contribution for the installation of one two-way left turn lane along Center Street.
- c. Stephens Avenue/Center Street (County of Riverside): Payment of 4.28 percent fair share contribution for the installation of one eastbound lane, one westbound lane, and a change from split phasing to protected left-turn phasing in the east-west direction along Center Street.

- **Fire Department**

58. Fire access shall comply with Fire Department information bulletin B-16-001.

59. Access roadways in excess of 150 feet in length shall be provided with a provision for a turnaround. Such provisions shall be of a design approved by the Fire Department.

60. Public fire hydrants shall be spaced a maximum of 350 feet apart.

61. All on-site private fire hydrants shall be installed and in service prior to any mobile homes being placed on-site.

62. Provide for Fire Department access to the gate. Knox key devices are available for use in the City. Contact the Fire Department for applications and details.

63. An Infrared Automatic Gate System is required for all electric gates. Contact the Fire Prevention Division for information.

- **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. 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 purveyor.

66. 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.

67. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.

68. Plot existing electrical distribution facilities on the original site plan.

69. Plot proposed location of transformers and electrical rooms.

70. Point of connect for this project will be off Orange Street.

- **Public Utilities – Water**

71. The project is required to install one meter for domestic use, and a separate dedicated water meter for landscape irrigation.

72. A master meter agreement is required to be executed if the project will be sub-metering the water to bill the tenants.

73. Prior to issuance of building permit, the applicant shall submit a composite water plan to the water department for the installation of the required water services.

- **Parks, Recreation & Community Services (PRCSD)**

***Prior to Any Permit Issuance:***

74. Dedicate Multi-purpose Recreational Trail Easements/rights- of-way, designated for non-motorized use as required to implement the City's Multi-purpose Recreational Trails System Master Plan.

75. A surety shall be prepared by Public Works or PRCSD to be posted to guarantee the required trail improvements.

76. Developer shall make payment of all applicable Park Development Impact fees (regional/reserve and trail fees) for all recorded ROW, private landscape or private street lots.

77. The property owner shall record a Covenant and Agreement with the County-Clerk Recorder to ensure the owner's responsibility in perpetuity to repair and maintain in good operable condition, at the owner's sole cost, the multi-purpose trail and associated improvements, including the trail tread, concrete curbs, fencing, decals, and signs. The Covenant and Agreement shall be submitted for review and approval by the City Attorney's Office and the Parks, Recreation, and Community Services Department prior to recordation by the County-Clerk Recorder.

***Prior to Grading and Street Improvement Permit Issuance:***

78. Trail improvements shall be included on Public Works Street Improvement or Grading plans. Submit a copy of the Public Works Grading Plans and Improvement Plans to PRCSD, in PDF format, for review and approval prior to permit issuance.

79. Obtain separate Public Park/Trail Improvement Permit and Inspection Card through the PRCSD.

80. Public Park Permit Requirements:

a. Permit scope of work includes all Improvements constructed by Developer on trail easements or other PRCSD conditioned improvements.

b. Protect trail improvements from graffiti and remove graffiti within 72 hours of notification.

c. Design and construct multi-purpose trails to meet PRCSD standard trail specifications and construction details, including:

d. Grade trails 2%-4% w/ ADA compliant cross slope. No trail slope shall exceed 7%.

e. Provide 10' wide constructed trail surface using 4" of stabilized decomposed granite compacted to 95%.

f. At-grade or above-grade utility and irrigation fixtures and equipment such as boxes, cabinets, valves, vaults, and similar, shall be located outside the multipurpose trail.

- g. All improvements shall be constructed per CBC, City Public Park Improvement Standard specifications and details and Standard Specifications for Public Works Construction.

81. Additional plan review comments from the PRCSD may be forthcoming once grading plans are submitted for plan check prior to permit issuance.

***Prior to Grading/Street Improvement Permit Closeout:***

82. Demonstrate that all trail scope of work has been constructed, installed and approved in conformance with the approved plans, specifications and public park/trail improvement permit.

***Prior to Building Permit Issuance:***

83. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

84. Submit a copy of the construction documents to the PRCSD for review prior to construction permit issuance.

85. Obtain a separate Public Park/Trail Improvement Permit and Inspection Card through the PRCSD.

86. Public Park Permit Requirements:

- a. Permit scope of work includes all Improvements constructed by Developer on trail easements or any improvement to be turned over to PRCSD for maintenance.
- b. All improvements shall be constructed per CBC, City Public Park Improvement Standard specifications and details and Standard Specifications for Public Works Construction.
- c. Protect trail improvements from graffiti and remove graffiti within 72 hours of notification.

87. Additional plan review comments from the PRCSD may be forthcoming once construction plans are submitted for plan check prior to permit issuance.

***Prior to all Occupancy, Certificate of Use, or Building Permit Closeout:***

88. Construct multi-purpose trail improvements per Trails Master Plan and Trails Construction Standards and Specifications for the trail segments along the Center Street frontage of the project. Refer to the PRCSD Construction Standards and Specifications for multi-purpose trail improvements, which include:

- a. 4' high 2-rail white PVC ranch style fence;
- b. 4" thick stabilized decomposed granite trail compacted to 95%;
- c. Concrete mow curbs along each side of the trail;
- d. Trail markers and signs;
- e. Min. 3' wide private landscaped bench wherever the trail is adjacent to engineered slopes;
- f. Submit material samples and product cut sheets related to trail improvements to the PRCSD for approval prior to purchase (stabilized decomposed granite, fence materials, etc.).
- g. Refer to City adopted Multi-purpose Recreational Trail Construction Standards and Specifications for more information and full criteria.

89. Demonstrate that all public park and trail scope of work has been constructed, installed and approved in conformance with the approved plans, specifications and public park improvement permit.
90. Operational Conditions:
  - a. Owner or occupant shall maintain dedicated trail improvements including at a minimum all fencing, curbs, signage and trail tread.