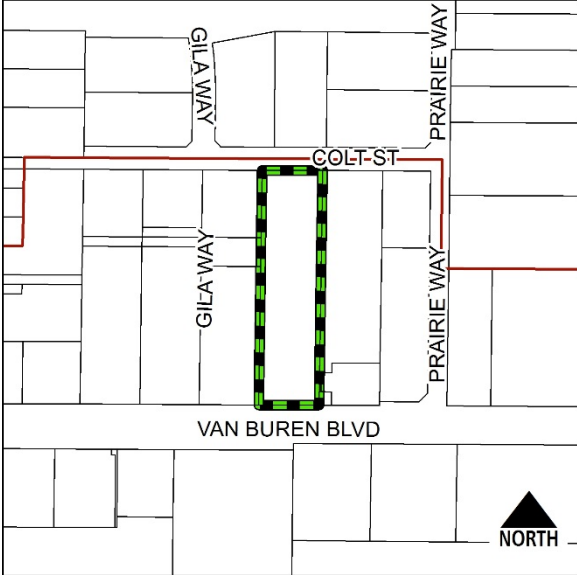




PLANNING COMMISSION HEARING DATE: OCTOBER 17, 2019
AGENDA ITEM NO.: 5

PROPOSED PROJECT

Case Numbers	P17-0689 (Conditional Use Permit) P17-0688 (Design Review) P19-0278 (Grading Exception)		
Request	To consider the following entitlements to establish a 5,440 square foot automated vehicle wash facility: 1) Conditional Use Permit to permit an automated vehicle wash facility; 2) Design Review of project plan; and 3) A Grading Exception for retaining walls higher than permitted by the Grading Code along the west side of the property.		
Applicant	Andrew Paszterko, Gasoline Retail Facilities Consulting		
Project Location	18806 Van Buren Boulevard, situated on the north side of Van Buren Boulevard, between Winchester Way and Prairie Way.		
APN	280-260-030		
Project Area	2.20 acres		
Ward	4		
Neighborhood	Orangecrest		
Specific Plan	Orangecrest Specific Plan		
General Plan Designation	C – Commercial and SSR – Semi Rural Residential		
Zoning Designation	CR-S-2-X-15/50-SP – Commercial Retail, Building Stories (maximum of 2 stories), Building Setback (a minimum setback of 15 feet from Van Buren Boulevard and 50 feet from adjacent residential properties) and Specific Plan (Orangecrest) Overlay Zones; and R-1-13000-SP - Single-Family Residential and Specific Plan (Orangecrest) Overlay Zones		
Staff Planner	Judy Egúez, Associate Planner 951-826-3969 jequez@riversideca.gov		

RECOMMENDATIONS

Staff recommends that the Planning Commission:

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 P17-0689 (Conditional Use Permit), P17-0688 (Design Review), and P19-0278 (Grading Exception), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The 2.20-acre site is generally flat with a gradual natural slope towards the north to northwest direction. The site is comprised of a single parcel, consisting of split zones:

- CR-S-2-X-15/50-SP – Commercial Retail, Building Stories (maximum of 2 stories), Building Setback (a minimum setback of 15 feet from Van Buren Boulevard and 50 feet from adjacent residential properties) and Specific Plan (Orangecrest) Overlay Zones; and
- R-1-13000-SP – Single-Family Residential and Specific Plan (Orangecrest) Overlay Zone.

The southern portion of the site, zoned CR-S-2-X-15/50-SP, consists of 1.44 acres and is developed with an approximately 2,500 square foot single-family residence, a detached garage, and associated hardscape improvements with access from Van Buren Boulevard. The northern portion of the site, with no improvements proposed as part of this application, is zoned R-1-13000-SP and consists of 0.72 undeveloped acres.

Surrounding land uses include single family residences to the north (across Colt Street), commercial uses and a water retention basin to the south (across Van Buren Boulevard), and commercial uses to the east and west (Exhibit 3).

As a matter of information, this property was annexed into the City on July 27, 2004 (Planning Case P04-0262; Annexation #100).

PROPOSAL

The applicant is requesting approval of the following the following entitlements to facilitate the construction of a 5,440 square foot automated vehicle wash facility on the 1.44 acre southern portion of the site zoned CR-S-2-X-15/50-SP: 1) Conditional Use Permit to permit a vehicle wash facility; 2) Design Review of project plans; and 3) Grading Exception for retaining walls, along the west side of the property, higher than permitted by the Grading Code. The northern portion of the site, consisting of 0.72 acres and zoned R-1-13000-SP, will remain undeveloped. The applicant is not proposing to subdivide the parcel at this time.

The proposed vehicle wash facility will consist of a one-story building with a single vehicle wash tunnel, an office, restrooms, clean room, and an equipment room. Thirty-one covered vacuum positions, in addition to six parking spaces, are located on the west side of the building. The vehicle wash facility is proposing to operate seven days a week from 7:00 a.m. to 10:00 p.m.

Access to the vehicle wash facility is provided from Van Buren Boulevard. Two 12 foot wide queuing lanes with a combined length of 320 feet, which can accommodate 16 vehicles, is located on the east side of the building.

The project includes construction of a 6 foot high decorative masonry wall to screen the car wash development from the residentially zoned portion of the site. Due to the natural slope of the site,

retaining walls will be provided on the east and west sides, adjacent to the commercial properties. The west property line will have retaining walls up to 7.5 feet with a safety handrail on top. Retaining walls on the east property line will reach up to 3 feet, 7 inches high with a safety handrail on top.

Elevations reflect a modern architecture style consisting of a white façade with simple geometric forms and linear elements. The west elevation consists of a large expanse of glass, exposing the interior of the carwash tunnel. The vacuum canopy is comprised of metal support structures with a metal panel shade structure to complement the building.

The conceptual landscape design features a variety of trees and water-efficient ground cover plants around property lines and landscape planters in the parking lot.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The proposed project is consistent with the underlying General Plan 2025 Land Use designation of C – Commercial (Exhibit 4), which is intended to provide for retail, sales, service, and office uses that serve multiple neighborhoods in the City. The proposed development also furthers the Objectives and Policies of the General Plan 2025, specifically:</p> <p>Objective LU-75: Manage continued growth of the Orangecrest neighborhood in a manner consistent with the Orangecrest Specific Plan, providing needed infrastructure as land develops.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Specific Plan (Orangecrest Specific Plan)</i></p> <p>The project site is located in the Orangecrest Specific Plan (Exhibit 5). The site is not located in a specific Planning Area. Staff has determined that the proposed development is consistent with the development patterns of the Orangecrest Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Grading Code Consistency (Title 17)</i></p> <p>The project is generally consistent with the grading standards and general requirements established in the Grading Code, except for requested Grading Exception to allow retaining walls higher than permitted along the west property line.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The project site is zoned CR-S-2-X-15/50 – Commercial Retail, Building Stories (maximum of 2 stories), Building Setback (a minimum setback of 15 feet from Van Buren Boulevard and 50 feet from adjacent residential properties) (Exhibit 5), consistent with the C – Commercial General Plan land use designation. The CR – Commercial Retail Zone allows for vehicle wash facilities subject to approval of a Conditional Use Permit and compliance with Site Location, Operation, and Development Standards. This project is consistent with the applicable development standards for vehicle wash facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for new commercial development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, landscaping, service area and equipment screening and lighting. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Consistency with the Riverside County Airport Land Use Compatibility Plan for March Air Reserve Base</i></p> <p>The project site is located within Compatibility Zone D (Flight Corridor Buffer) of the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for March Air Reserve Base. Zone D does not restrict non-residential intensity. Appendix D (Compatibility Guidelines for Specific Land Uses) of the LUCP lists Auto Services as a Generally Compatible use in Zone D. The proposed project is, therefore, consistent with the RCALUCP for the March Air Reserve Base.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.110 - CR - Commercial Retail Zone Development Standards					
	Standard		Proposed	Consistent	Inconsistent
Floor Area Ratio	0.50		0.09	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Stories	2 stories		1 story	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Height	30 feet ¹		24 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Setbacks	Front	15 feet	69 feet, 9 inches (Van Buren Boulevard)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side	0 feet	3 feet, 5 inches (East)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			87 feet, 8 inches (West)		
	Rear	50 Feet	368 feet (North)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹ Per Section 19.200.030 of the Zoning Code, the maximum overall building height limit in the Building Stories Overlay Zone shall be 20 feet for the first story permitted and ten feet for each additional story permitted.

may be collected for the facility permitted and ten feet for each additional story permitted.

Chapter 19.425 - Vehicle Wash Facilities Site Location, Operation, and Development Standards				
	Standard	Proposed	Consistent	Inconsistent
Screening of Equipment	Equipment, supplies and activities - Contained within an enclosed building.	Vehicle wash equipment - Located within an enclosed building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frontage	Direct access to an arterial or collector street	Van Buren Boulevard (120 foot Arterial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.425 - Vehicle Wash Facilities Site Location, Operation, and Development Standards</i>				
	<i>Standard</i>	<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Circulation</i>	Traffic circulation pattern shall be designed to preclude traffic congestion on public streets and provide safe ingress, egress and movement of on-site traffic	Adequate circulation and safe ingress and egress movements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	10 feet setback adjacent to any public street	24 feet, 11 inches (Van Buren Boulevard)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Noise</i>	Noise shall comply with Title 7 of the Municipal Code	The project will operate in compliance with the Noise Code	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Water Runoff</i>	Water flow shall be confined to the site	Water flows are confined to the site	<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>Parking Requirements</i>	Vehicle Wash Facility: 1 space/ 2 employees per shift = 2 spaces required	6 surface parking spaces/31 vacuum stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	15 feet (Van Buren Boulevard)	24 feet, 11 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GRADING EXCEPTION/CONDITIONAL USE PERMIT FINDINGS SUMMARY

Grading Exception

The project involves a Grading Exception for a retaining wall higher than permitted by the Grading Code along the west property line. Grading plans show a retaining wall ranging in height from 3 feet 5 inches to 7 feet 5 inches. The project site gradually drops approximately 4 to 8 feet from east to west with a natural slope downwards towards the north to northwest direction. Because of the natural topography, the site needs to be filled and retained in order to meet maximum slope requirements, for compliance with the Americans with Disabilities Act. The proposed retaining wall will not be visible from the street. Approximately 7 feet of the wall will be exposed to the adjacent site developed with a car sales lot; however it is located behind an existing building and not visible from Van Buren Boulevard.

Staff supports the proposed grading exception as the retaining wall will not be visible from the street. The retaining wall exceeding the allowable height is necessary due to the existing topography of the site.

Conditional Use Permit

The automated vehicle wash facility is an appropriate use for the site and is consistent with established automotive-related uses including vehicle fuel stations and commercial development along Van Buren Boulevard. The project site has been designed to provide safe and efficient vehicular access and internal circulation while providing adequate landscaping, water quality treatment facilities, utility equipment, pedestrian access, and site furnishings.

The proposed project will visually enhance the site with new landscaped areas adjacent to the street frontages and throughout the site. The proposed modern architectural design of the building and the canopy are consistent with current design standards and guidelines. Staff supports the Conditional Use Permit.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) and 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 9). 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).

As of writing this report, staff received one comment letter (Exhibit 10) regarding the MND, from the Rincon Band of Luiseño Indians, which stated that they are in agreement with the proposed Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program. Additionally, the Rincon Band of Luiseño Indians requested a copy of the Phase IV Monitoring Report be provided to them. Preparation of the Phase IV Monitoring Report is required pursuant to MM CUL-3 and will be distributed to all consulting tribes, which includes the Rincon Band of Luiseño Indians.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, a phone call was received with concerns regarding 1) the compatibility of the car wash site adjacent to a residential neighborhood, 2) the potential to encroach into a blue line stream, and 3) the number of car washes already in the vicinity and along Van Buren Boulevard.

1. A Noise Impact Analysis was prepared for the project, which demonstrates that there will not be any noise impacts to the surrounding residential neighborhood. The project also proposed to construct a 6 foot high decorative masonry wall to screen the vehicle wash facility from the residential properties across Colt Street.
2. There is an existing blue line stream located northeast of the site; the stream does not trespass the subject site.
3. The Zoning Code allows for vehicle wash facilities in the CR – Commercial Retail Zone, subject to the approval of a Conditional Use Permit and subject to development standards. The Zoning Code does not include a separation requirement for vehicle wash facilities.

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. Staff Recommended Findings
 2. Staff Recommended Conditions of Approval
 3. Location Map
 4. General Plan Map
 5. Zoning and Specific Plan Map
 6. Project Plans (Site Plan, Floor Plan, Color Building Elevations, Conceptual Grading Plan, and Conceptual Landscape Plan)
 7. Applicant Prepared Grading Exception Justifications
 8. Existing Site Photos
 9. Draft Initial Study/Mitigated Negative Declaration
 10. Comment Letter
-

Prepared by: Judy Egüez, Associate Planner

Reviewed by: Candice Assadzadeh, Senior Planner

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P17-0689** (Conditional Use Permit)
 P17-0688 (Design Review)
 P19-0278 (Grading Exception)

Conditional Use Permit Findings Pursuant to Chapter 19.760.040

1. The proposed project 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 project 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 project 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

Grading Exception Findings pursuant to Section 17.32.020

Requested Grading Exception: To permit a retaining wall higher than permitted by Code along the west property line.

1. That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent Title 17.

The proposal complies with this finding. The site has an average natural slope of 3.8 percent with a terrain that is generally flat. The existing grade gradually drops approximately 4 to 8 feet from east to west with a natural slope downwards towards the north to northwest direction. The development is required to have maximum 2% slope for the ADA accessible walkways and vacuum parking stalls to prevent vehicles from rolling when left in neutral. In order to achieve this, the site needs to be filled, thus necessitating a retaining wall up to 7 feet, 6 inches along the west property line. Strict application of the provision limiting the retaining walls to a maximum height of 6 feet when not visible from the public right-of-way would consequently create a property where ADA accessibility is not feasible to achieve due to the existing topography of the site. Limiting the retaining walls to 6 feet in height when not visible from the public right-of-way would result in practical difficulties and unnecessary hardships that are inconsistent with the general purpose and intent of the City of Riverside's Grading Ordinance (Title 17).

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The proposal complies with this finding. The property is long and narrow with a slope difference of 4 to 8 feet from east to west. As mentioned above, a flat surface is needed for compliance with ADA accessibility requirements. The adjacent properties are already developed, thus not allowing the property to expand which would allow for a more gradual slope and potentially reduce the height of the retaining wall. For these reasons, there are exceptional circumstances

or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

3. That the granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

The proposal complies with this finding. Granting the grading exception for retaining walls higher than permitted by Code will not be materially detrimental to the public welfare or injurious to the property or the surrounding neighborhood. The portion of the retaining wall proposed to be over 6 feet high is located along the west property line, adjacent to a developed property and setback approximately 160 feet from Van Buren Boulevard, thus not visible from the public right-of-way. Granting the exception will allow for the construction of an automated vehicle wash facility which is consistent with the development pattern of the surrounding neighborhood.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: P17-0689 (Conditional Use Permit)
 P17-0688 (Design Review)
 P19-0278 (Grading Exception)

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

• **Planning Division**

1. The hours of operation for the vehicle wash facility is limited to the hours to 7:00 a.m. to 10:00 p.m.
2. All Mitigation Measure listed in the Mitigation and Monitoring and Reporting Program shall apply.
3. 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.
4. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
5. The applicant is advised that the business or use for which this conditional use permit is granted (Automated Vehicle Wash Facility) cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
6. *Advisory:* A Parcel Map application shall be submitted to the Planning Division prior to developing the residential portion of the site.
7. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new 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 Clearing and Demolition Activities:

8. ***MM BIO-1:** If project activities are planned during the bird nesting season (February 15 to August 31), nesting bird survey(s) consisting of up to three (3) site visits within the week prior to clearing and demolition activities shall be conducted to ensure birds protected under the Migratory Bird Treaty Act 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 measures 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, 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. No construction of 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.

Prior to Issuance of Grading Permit:

9. ***MM 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 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 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.
10. ***MM 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.

The project archaeologist, in consultation with consulting 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:

- a. Project grading and development scheduling;
 - b. The retention of 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;
 - c. 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 that shall be subject to a cultural resources evaluation;
 - d. Treatment and final disposition of any cultural, sacred sites, and human remains if discovered on the project site; and
 - e. The scheduling and timing of the Cultural Sensitivity Training noted in mitigation measure MM CUL-4.
11. ***MM HAZ-1:** Prior to the issuance of a demolition or grading permit, the project applicant shall provide evidence to the City of Riverside Community & Economic Development Department, Building Division staff, for review and approval, that testing for lead base paint has been conducted.
 12. ***MM HAZ-2:** Prior to the issuance of a demolition or grading permit, the project applicant shall submit to the City of Riverside Community & Economic Development Department, Building Division staff, for review and approval, evidence that any onsite asbestos containing material or lead base paint contaminated material identified in any site-specific hazardous material investigation, has been removed, remediated, and/or disposed of pursuant to the applicable local, regional, and/or State requirements. The removal and disposal of any such material shall be documented as part of a hazardous

waste abatement report to be reviewed by the City prior to the issuance of demolition or grading permits.

13. A 40-scale precise grading plan shall be submitted to Public Works and 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 qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
 - e. Identification of location, exposed height, material and finish of any proposed retaining walls.

During Grading and Construction Activities:

14. ***MM CUL-4: 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 will 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 onsite. If a secure location cannot be identified onsite, the discovered resources may be stored at the offices of the project archaeologist with concurrence with the consulting tribe(s). The removal of any artifacts from the project site will need to 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 & Economic Development Department with evidence of same:
 - i. Preservation-In-Place of the cultural resources, if feasible as determined through coordination between the project archaeologist, developer/applicant, and consulting tribal monitor(s). Preservation-In-Place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources;
 - ii. Accommodate the process for onsite 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, with an exception that sacred items, burial goods, and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report;
 - iii. If Preservation-In-Place or reburial is not feasible, 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;

- iv. If more than one Native American tribe or band is involved with the project and cannot come to a consensus as to the disposition of cultural materials, the Developer/Applicant shall select a curation facility within Riverside County per 36 CFR Part 79; and
- v. 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 of 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 will be submitted to the City of Riverside, Eastern Information Center, and interested tribes.

15. ***MM CUL-5: Discovery of Human Remains:** In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall inform the Riverside County Coroner and the City of Riverside Community & Economic Development Department immediately, and the County Coroner shall be permitted to examine the remains, as required by California Health and Safety Code Section 7050.5(b) unless more current State law requirements are in effect at the time of the discovery. Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Applicant shall comply with the State relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097). The County Coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the MLD to determine the most appropriate means of treating the human remains and any associated grave artifacts.

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the NAHC in accordance with California Public Resources Code 5097.98.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

16. 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.
17. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
18. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
19. 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 project site during all project construction.
20. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust 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. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Wash off trucks and other equipment leaving the site;
 - f. Keep disturbed/loose soil moist at all times;
 - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
 - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
21. The applicant shall be responsible for erosion and dust control during construction phases of the project.
22. 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:

23. **Site Plan:** Revise the site plan such that the plans provided for building permit plan check incorporate the following changes:
 - a. Specify enhanced decorative paving at project entry driveways.
24. **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.
25. Landscaping and Irrigation plans shall be submitted to the Planning Division for review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.

26. Landscaping along Van Buren Boulevard shall be enhanced and subject to the satisfaction of staff.
27. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
28. 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.
29. Roof and building mounted 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.
30. Ground mounted equipment shall be fully screened from the public right-of-way.

Prior to Release of Utilities and/or Occupancy:

31. 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. Contact Judy Egüez, Associate Planner, at (951) 826-3969 jeguez@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.

Site Operation Standards:

32. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
33. 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
34. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
35. No outdoor pay phones shall be permitted on the premises.
36. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.
37. No vehicles shall be parked on the carwash premises other than those of persons attending to business on the site, vehicles being serviced for customers, vehicles of employees, and other service vehicles used in the operation of the carwash. No vehicle may be parked on the premises and offered for sale.

Standard Conditions:

38. There shall be a two-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.
39. The Conditional Use Permits, Design Review and Grading Exception 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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.

46. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
47. 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 case finalization unless otherwise noted.

48. Storm Drain construction will be contingent on engineer's drainage study.
49. Deed for widening Van Buren Boulevard to 60 feet from monument centerline to Public Works specifications.
50. Deed for widening Colt Street to 33 feet from monument centerline to Public Works specifications.
51. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Extension of sewer main in Van Buren Blvd. required to, and along project frontage (approximately 170'±)'
52. Installation of curb and gutter at 50 feet from monument centerline, sidewalk and matching paving on Van Buren Boulevard to Public Works specifications. Cash in lieu for improvements may be accepted.
53. Driveway(s) size and location to Public Works specifications.
54. Closure of unused driveway(s) to Public Works specifications.
55. Required double trash enclosure per City standards.
56. 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.

57. 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.
58. 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.
59. 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.
60. 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.

- **Public Works – Environmental Compliance**

- 61. A completed Wastewater Discharge Authorization Certificate (WDAC) Application must be submitted to EC for review and approval, including description pretreatment, such as clarifier/water recycling system.
- 62. If a sampling station is required—submit proposed installation on plans.
- 63. Plumbing plan details must be submitted during the Building and Safety Plan Check submittal and obtain EC approval.
- 64. Proposed trash enclosures with drains to sanitary sewer must have cover to control rainwater intrusion.

- **Fire Department**

- 65. Construction plans shall be submitted and permitted prior to construction.
- 66. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments. Note: 2016 Edition.
- 67. An automatic fire sprinkler system is required by City Ordinance 16.32.335. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be

provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72

68. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.
69. Fire Department access shall be maintained during all phases of construction.
70. A public fire hydrant shall be located within 350 feet from property; and if none exists, then a new public fire hydrant will be required to be installed and operational prior to the issuance of a building permit.

- **Public Utilities – Electric**

71. 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.
72. Easements and any associated fees will be acquired prior to energizing and setting meters at developers cost.
73. 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.
74. 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.
75. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
76. Plot existing electrical distribution facilities on the original site plan.
77. Please show proposed location of transformers and electrical rooms.
78. This location will require additional infrastructure (switch, PJC) to be installed to serve development.

- **Public Utilities – Water**

79. Project will be served water by Western Municipal Water District. Please contact WMWD at 951-571-7100 for requirements.

- **Parks, Recreation & Community Services – Park Planning**

80. 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.