



Community Development
Department

City of Arts & Innovation

November 20, 2014

Edward Bonadiman
234 N. Arrowhead Av
San Bernardino, CA 92408

SUBJECT: Planning Cases P14-0508, P14-0863, P14-0864, P14-0509 – 6611 and 6613 School Circle Drive

Dear Mr. Bonadiman:

At its meeting of November 20, 2014, the City Planning Commission approved Planning Cases P14-0508, P14-0863, P14-0864 and P14-0509, subject to the attached conditions.

There is now a ten-day appeal period from the date of the Planning Commission's decision. Appeals must be received in writing along with the required fee by 5:00 p.m. on December 1, 2014 in the Planning Division of the Community Development Department.

In accordance with established procedure, this matter will now be forwarded to the City Council for public hearing. You will be notified by the City Clerk of the date and time of the hearing. Approval of this action shall not be final until City Council has reviewed and approved it.

Should you have any questions concerning this notice please call Robert Lewis, at (951) 826-5277.

Sincerely,


Gabriel Perez
Principal Planner

cc: Public Works, Jeff Hart

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: P14-0508 (RZ)

PLANNING COMMISSION HEARING DATE: November 20, 2014

Case Specific

• **Planning**

1. The MU-V – Mixed Use – Village Zone shall be applied to the subject properties, as shown in Exhibit #1.

Standard Conditions

• **Planning**

2. When all of the conditions of approval have been completed, the City Attorney's Office shall prepare the appropriate rezoning Ordinance for City Council adoption concurrently with the appropriate Planning Case.
3. There shall be a two-year time limit in which to satisfy the approved conditions and finalize this action. Subsequent one-year time extensions may be granted by the City Council upon request by the applicant. Any extension of time beyond five years may only be granted after an advertised public hearing by the City Council.
4. All necessary parcel description describing the exact area to be rezoned shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California for the area of the property to be rezoned. Descriptions are required to be on 8 1/2 inch by 11 inch paper with the title "Attachment A" at the top.

GENERAL INFORMATION NOTES

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

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: P14-0509 (MCUP)
P14-0863 (VR)

PLANNING COMMISSION HEARING DATE: November 20, 2014

Case Specific

1. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variance. As justification, the applicant's written justifications and staff's supplemental variance justifications are referenced:
 - a. To permit development of a stand-alone surface vehicular parking lot on a 14,000 square foot site where 20,000 square feet is the minimum lot size and to allow unrelated parking requirements for a non-residential parking lot consisting of 25 vehicular parking spaces in the requested zone.
2. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
3. 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.
4. This permit is issued based upon the business operations plan 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 City 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.
5. 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.
6. The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this permit is exercised.
7. The subject property shall be developed substantially as shown on the plot plan on file with this case except for any specific modification that may be required by these conditions of approval.

General Information Notes

8. All decisions of the Zoning Administrator or Planning Commission shall be final and effective ten days following the notice of decision unless a member of the City Council has requested the item be reviewed or a written appeal has been filed by the applicant or an interested person within this time.
9. Any minor conditional use permit not exercised within one year of its effective date shall become void provided, however, that the Zoning Administrator may extend the time limit no more than twice and no more than one year per extension, if a written application for such an extension showing good cause and the fee for a time extension is submitted to the Planning Department prior to the expiration of the permit.
10. A minor conditional use permit shall become void if any of the conditions listed below apply:
 - a. The construction or use authorized by the minor conditional use permit is not commenced and diligently pursued to completion within one year of the effective date of the conditional use permit or within the time period granted by a time extension granted in accordance with Section 19.690 of Municipal Code;
 - b. The use of which the minor conditional use permit was granted has ceased to exist or has been suspended for one year or more; or
 - c. The owner or owner's authorized representative of the property for which the minor conditional use permit was granted requests, in writing, that the permit be voided and the Zoning Administrator approves the request.
11. Failure to comply with these conditions and/or with zoning code provisions may be cause for revocation. A public hearing to consider the revocation of a minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.730 of Municipal code.
12. If a minor conditional use permit is denied, no reapplication for the same type of use on the same property shall be allowed for at least one year following the date of final denial by either the Zoning Administrator or the City Council. The Zoning Administrator shall have the authority to determine what constitutes the "same type of use" in all instances of requested reapplication.
13. Within 30 days of approval by the City of a process required by this Code and/or approvals and certifications under CEQA, the developer/applicant 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:
 - a. Any such approval of the City; and/or
 - b. An action taken to provide environmental clearance under the California Environmental Quality Act (CEQA) by its advisory agencies, appeal boards or City Council.

APPEAL INFORMATION

The Planning Commission's decision or any conditions of approval can be appealed to the City Council by the applicant or any interested person within ten days of this action. To appeal this decision, submit a letter stating what you wish to appeal and why, the General Application form and a check in the amount of \$1,531.20, made payable to the City of Riverside to cover the appeal fee. The Planning Department offers a packet on filing an appeal that you might find helpful. Appeals may be delivered in person or mailed. The Planning Department's address is:

City of Riverside
Community Development Department
Planning Division
3900 Main Street, 3rd Floor
Riverside, CA 92522

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: P14-0864 (DR)

PLANNING COMMISSION HEARING DATE: November 20, 2014

Case Specific

- **Planning**

1. 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, including any required variances. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.
2. 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.

Prior to Grading Permit Issuance:

3. A 40-scale precise grading plan shall be submitted to the Planning Division 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 all recommendations of the required Project specific Water Quality Management Plan;
 - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - e. 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
 - f. The Project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
 - i. Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;

- ii Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
- iii Wash off trucks and other equipment leaving the site;
- iv Replace ground cover in disturbed areas immediately after construction;
- v Keep disturbed/loose soil moist at all times;
- vi Suspend all grading activities when wind speeds exceed 25 miles per hour; and
- vii Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

Prior to Permit Issuance

- 4. A Lot Line Adjustment application shall be submitted to the Planning Division.
- 5. The applicant shall enter into a Covenant and Agreement to the satisfaction to the Planning Division and the City Attorney's Office requiring that the property and improvements for the 25 non-residential parking spaces be attached in perpetuity and recorded to the property located at 4100 Central Avenue.
- 6. Landscaping, irrigation, exterior lighting, and sign plans shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping, irrigation and exterior lighting plans must be submitted prior to building permit issuance. Landscape and irrigation plans shall include the following:
 - a. The applicant is subject to the Water Efficient Landscaping and Irrigation requirements found in Chapter 19.570 of the Riverside Municipal Code.
- 7. Submit three sets of plans depicting the exact size, design and location of the domestic water backflow preventer and all on and off-site utility cabinets to the Planning Division. These plans will be reviewed and approved by the Water Department and Planning Division. The design shall include the smallest preventer possible, painted green with some form of screening. The applicant is advised to consult with the Water Department prior to preparing these plans.
- 8. Submit three sets of plans depicting the preferred location for above ground utility transformers of capacity to accommodate the planned or speculative uses within the building(s). These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. If landscape screening

is the preferred screening method, no landscaping except ground cover shall be allowed within 10 feet of the transformer. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.

9. An exterior lighting plan shall be submitted to Design Review 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.
10. Plans submitted for Plan check 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 Community Development Department, Planning Division, review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
11. **Staff Required Plot Plan Conditions:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. Verify that all internal drive aisles have a minimum width of 24 feet and all parking stalls are a minimum 9 feet in width by 18 feet in depth;
 - b. Shade trees shall be planted and maintained with 6 feet diamond tree wells at a minimum of every four spaces. The trees shall be placed throughout the parking lot in a manner that will ensure that all portions of the lot receive tree shade. Trees shall be of a variety that provides a broad canopy.
 - c. Screening shall be required between the parking lot and street right-of way. Landscaping shall be designed and maintained for partial screening of vehicles to a minimum height of 3 feet, measured from the finished grade of the parking lot. Screening materials may include any combination of plant materials, earthen berms, solid masonry walls, raised planters, or other screening device deemed by the Zoning Administrator to comply with the intent of this requirement.
 - d. Provision for minimum 12-inch wide concrete walkways, including curb width, along the sides of landscape planters whenever the side of a parking stall is adjacent to it;

- e. Provision for handicap accessible parking as deemed necessary by Building and Safety Division;
- f. Wheel stops shall be provided for parking spaces adjacent to walkways or building walls.

During grading and construction activities:

- 12. 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.
- 13. To reduce construction related particulate matter air quality impacts of City Projects the following measures shall be required:
 - a. The generation of dust shall be controlled as required by the AQMD;
 - b. Grading activities shall cease during periods of high winds (greater than 25 mph);
 - c. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer; and
 - d. The contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted for approval, by the engineer, at the preconstruction meeting. Work shall not commence without an approved traffic control plan.
- 14. During all project grading on site, the Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- 15. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.
- 16. 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.
- 17. During all Project site construction, the Construction Contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.

18. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.
19. Should cultural, historical or archaeological items be found during grading and construction activity, the construction and grading of this Project shall be halted in the vicinity of the find and a qualified archaeologist shall be hired at the applicant's expense to work with the Planning Division to determine the finds' significance and possible mitigation measures.
20. In compliance with Health and Safety Code 7050.5, State CEQA Guidelines 15064.5(e) and Public Resources Code 5097.98 if buried materials and/or human remains are found during construction and/or grading activities construction personnel shall halt work in the immediate area; leave the buried materials and/or remains in place; contact the City Manager, the City Historic Preservation Officer, and/or the Riverside County Coroner. The final disposition of buried materials and/or remains will be coordinated by representatives of the property owner and the most likely descendent from the Native American community and perhaps assisted by the City's Historic Preservation Officer and/or the Project archaeologist. If human remains are found they must not be removed until a representative from the Coroner's office reviews the remains in the field. If the Coroner determines that the remains are prehistoric, the Coroner contacts the Native American Heritage Commission and the most likely descendent from the Native American community is informed.

Prior to Release of Utilities and/or Occupancy:

21. 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. Call Robert Lewis at (951) 826-5277 to schedule the final inspection at least one week prior to needing the release of utilities.
22. **The applicant shall construct a 6 ft wrought iron fence with split-face pilasters along School Circle Drive with an electronic wrought iron gate at the 30 foot driveway to secure the parking lot during non-working business hours. The Applicant is to provide the Fire Department access with a Knox lock system or similar device.**

- **Public Works**

THE FOLLOWING PUBLIC WORKS "ENGINEERING" CONDITIONS TO BE MET PRIOR TO CASE FINALIZATION:

23. Deed for widening School Circle Drive to 33 feet from monument centerline to Public Works specifications.

24. Installation of curb and gutter at 20 18 feet from monument centerline, sidewalk and matching paving on School Circle Drive to Public Works specifications.
25. Size, number and location of driveways to Public Works specifications. The driveway to School Circle Drive shall be constructed to commercial driveway standards.
26. Off-site improvement plans to be approved by Public Works prior to Construction Permit issuance.
27. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to Building Permit issuance.
28. 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.

29. 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.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. Removal and replacement of sidewalks, curbs and gutters adjacent to the property frontage as necessary to provide proper street drainage and accessible pedestrian path of travel to Public Works specifications and in accordance RMC 13.10.

- **Public Utilities - Electric**

CONTACT SUMMER DELGADO AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.

34. Blanket public utility easements on all parcels
35. 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.
36. 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.

- **Public Utilities – Water**

37. If Project requires additional water service a Composite Utility Plan is required to be submitted which will incorporate the Site Plan and all existing utilities within the public right-of-way fronting the property being developed. The Utility Plan will depict size and location for all proposed water services (domestic, landscape, fire) and backflow devices. Backflow devices shall be located in a landscaped area, directly behind the sidewalk, as close as possible to the meter or fire service. Please contact the Water Division at (951) 826-5285 prior to preparing the Utility Plan.

38. **General Information Conditions:**

- a. The project must be completed per the Design Review staff's approval, including all conditions listed below. Any subsequent changes to the project must be approved by the Design Review staff or Planning Commission. Upon completion of the project, a Design Review staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.
- b. This approval is for design concept only, and does not indicate the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
- c. There is a one year time limit on this approval.
- d. 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.

APPEAL INFORMATION

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City of Riverside
Community Development Department
3900 Main Street, 3rd Floor
Riverside, CA 92522

