

**PLANNING COMMISSION  
APPROVED CONDITIONS**

Planning Commission Meeting Date: October 17, 2019

PLANNING CASES: P18-0849 (Conditional Use Permit)  
P18-0850 (Variance)  
P19-0512 (Public Convenience or Necessity)

• **Planning**

1. The subject property 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.
2. 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.
3. The applicant shall notify Planning Division staff of a future change of ownership of the subject property and/or vacancy of the subject tenant space.
4. Should the City enact an ordinance for the regulation of entertainment within the City, the Applicant and/or property owner shall be required to obtain said entertainment permit and relinquish this Conditional Use Permit as it relates to entertainment only.
5. *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.

*Operational Conditions:*

6. Entertainment shall be limited to Monday through Thursday 9:00 p.m. to 12:00 a.m., Friday from 6:00 p.m. to 1:00 a.m., and Saturday and Sunday from 1:00 p.m. to 1:00 a.m.
7. All exterior doors shall be equipped with automatic door closers to ensure that doors remain closed when not in use.
8. Integral door stops or other means of propping doors open shall be prohibited.
9. The use of sub-woofers inside the building shall be strictly prohibited.
10. There shall be no external speakers for any audio amplification system.
11. 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.
12. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
13. Applicant shall provide additional security for banquet facility events with the potential to serve liquor.

*Prior to Building Permit issuance:*

14. 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. Light poles shall not exceed fourteen (14) feet in height, including the height of any concrete or other base material, within fifty (50) feet of any residentially zoned property.

*Standard Conditions:*

15. There shall be a one-year time limit in which to commence operation of the project beginning the day following approval by the Planning Commission.
16. The Conditional Use Permit and associated Variance and Public Convenience or Necessity Permit, 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.

22. 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.
23. 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
24. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
25. 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.

- **Fire Department**

26. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
27. Construction plans shall be submitted and permitted prior to construction.
28. Fire Department access shall be maintained during all phases of construction.
29. Specify the use and occupancy of each space within the building.
30. Justify the construction type(s), building height and size of the proposed building(s) through an Area Analysis in accordance with Chapters 5 and 6 of the California Building Code.
31. Specify all fire resistive design elements, walls, and horizontal assemblies in accordance with Chapter 7 of the California Building Code.
32. Provide a complete exiting analysis for each story in accordance with Chapter 10 of the California Building Code. Clarify and justify required exits versus provided.
33. Occupant load calculations per story shall be provided with the exiting analysis for the building in accordance with Chapter 10 of the CBC.

Assembly Group A occupancies shall be provided with a manual fire alarm system having an occupant load of 300 or more. See C.F.C. exceptions and specific requirements for occupant loads of 1000 or more. Submit plans and obtain approvals from the Fire Department prior to installation. New fire alarm systems shall be UL, FM or ETL certificated for the life of the system. Central Station shall be UL UUFX.

- **Police Department**

*Alcohol Conditions:*

34. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as a bona fide public eating establishment (Compliance with Section 23038 of the Business and Professions Code).
35. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of the Riverside Municipal Code.

36. No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.
37. No alcohol sales shall be permitted after 1:00 a.m.
38. No alcoholic beverages shall be permitted on the property adjacent to the licensed premises under the control of the licensee.
39. The licensee/employees shall attend a 4-hour License, Education, Alcohol and Drugs (LEAD) class presented by the Riverside Office of the Alcoholic Beverage Control within 90-days of obtaining an ABC sales license.

*Entertainment Conditions:*

40. Applicant or Applicant's designated representative must be present on the Premises during all hours that the facility is open.
41. Applicant or Applicant's designated representative shall make reasonable efforts to prevent the admittance of any person whose conduct is described in Penal Code Section 415 (fighting, loud noise, offensive words in public places) or 647 (disorderly conduct) at the premises or on any parking lot or similar facility used by the establishment. Applicant or Applicant's designated representative shall make reasonable efforts to remove any persons exhibiting such conduct from the establishment.
42. Applicant or Applicant's designated representative shall make reasonable efforts to prevent the admittance of any obviously intoxicated person. A person is "obviously intoxicated" when he or she exhibits readily apparent outward manifestations of drug or alcohol intoxication, including but not limited to, inability to walk or stand in a normal manner, bloodshot or glassy eyes, flushed face, incoherent or slurred speech, alcoholic breath, belligerence or other loud or boisterous conduct, extreme agitation or nervousness or mental confusion.
43. Applicant or Applicant's designated representative shall obey all laws applicable to noise abatement, including those contained in Title 7 of the Riverside Municipal Code.
44. Applicant or Applicant's designated representative shall make reasonable efforts to control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct within the establishment and within fifty (50) feet of the establishment. The distance shall be measured in a straight line from the property line of the establishment.
45. Applicant or Applicant's designated representative shall use reasonable efforts to cause the orderly dispersal of individuals from the vicinity of the establishment at closing time, and shall not allow them to congregate within fifty (50) feet of the establishment in a disorderly fashion. The distance shall be measured in a straight line from the property line of the establishment.
46. It is unlawful for Applicant or Applicant's designated representative to allow any person to bring an alcoholic beverage and/or drugs onto the premises unless such action is allowed by the establishment's ABC License.
47. The Premises shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with section 9.05.020 of the Riverside Municipal Code.
48. The Chief of Police may require Applicant or Applicant's designated representative to close down operations and disperse all patrons for the remainder of its daily operation whenever conduct by disorderly patrons reaches a magnitude that presents an immediate threat to the public safety or well-being of the patrons and general public in the vicinity. It is unlawful for any person to fail to comply with any directive issued by the Chief of Police.

49. Outdoor amplified music and Entertainment, if permitted, will be subject to the following restrictions:
  - a) sound amplifying equipment may be used only between 10:00 a.m. and 10:00 p.m. Sunday through Thursday, and 10:00 a.m. and midnight Friday and Saturday. Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be unreasonably loud or disturbing in light of the facts and circumstances then prevailing within fifty feet (50') of the perimeter of the premises in all directions. Sound and amplification equipment shall be monitored during business hours to ensure that audible noise remains at acceptable levels in accordance with Title 7 of the Riverside Municipal Code.
50. Applicant or Applicant's designated representative shall place or post conditions on the premises in a place easily accessible by City staff, including law enforcement personnel.
51. The lawful conduct of activity Applicant or Applicant's designated representative shall be limited to those activities expressly indicated on the application. Any change in use as to entertainment will require the approval of the Chief of Police and/or the Planning Division.
52. Applicant or Applicant's designated representative shall not allow others to use or rent his/her permitted premises for any other use not listed in the application.
53. Applicant or Applicant's designated representative shall be responsible for all entertainment at the location, including those conducted by promoters. Applicant and any promoter hired by Applicant, shall obtain a City Business Tax Certificate prior to conducting business. Applicant shall provide all promoters and agents hired with a copy of the approved Permit, which shall include a copy of the approved conditions of operation.
54. If Applicant or Applicant's designated representative utilizes an independent third party event promoter to provide entertainment related services resulting in any public safety call for service, the City reserves the right to remove and/or restrict the use of any independent third party promoters.
55. Applicant or Applicant's designated representative shall conduct all aspects of his or her operation, including before- and after-hours deliveries and maintenance, in consideration of businesses and residences located nearby.
56. No adult entertainment, as defined by Title 19 of the Riverside Municipal Code, shall be conducted on the permitted premises. Applicant or Applicant's designated representative shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.
57. Current occupancy loads shall be posted at all times, and Applicant or Applicant's designated representative shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request.
58. If Applicant's operations give rise to a substantial increase in complaints/calls for police service, Applicant shall increase security staff, implement the use of electronic metal detection equipment, increase outside lighting, or make other changes to the premises or operation as the Chief of Police determines are necessary to protect the safety of the public. In the event of a conflict on this issue between the requirements of this Entertainment Permit and any permit issued by the Alcoholic Beverage Commission, the more stringent regulation shall control.
59. Applicant or Applicant's designated representative shall be responsible for maintaining an adequate security staff, per it's security plan, to supervise patrons and those waiting to enter. Security staffing requirements shall be as follows:
  - a. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels.

- b. For up to fifty (50) people inside (or in a defined queue waiting to enter) an establishment, the Permittee shall provide a minimum of one (1) uniformed, licensed by the state of California, security guard per floor.
  - c. There shall be one (1) additional guard for each subsequent increment or each partial increment of fifty (50), plus one (1) guard per each additional floor.
  - d. The Chief of Police may relax these staffing levels during daylight hours, or during hours in which the primary activity in the establishment is dining, if he determines that a lower level of security staffing is consistent with the protection of public health and safety.
  - e. The attire of each security guard shall clearly indicate the guard's affiliation with the establishment by means of a pin, shirt, or other clearly-visible form of identification.
60. Applicant shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of Applicant. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the premises. Recordings shall be retained for a minimum of thirty (30) days and be accessible upon request by the Riverside Police Department.
61. Applicant or Applicant's designated representative shall work directly with the Riverside Police Department at least 2 weeks prior to events where bands or other performances are expected to draw large crowds.
62. Applicant or Applicant's designated representative shall mechanically keep an accurate count of persons in the Entertainment Establishment and make the count available to the Riverside Police Department upon request.
63. Applicant or Applicant's designated representative shall ensure that there is no loitering and/or littering outside any of the entrance/exit doors at all times when open for business.
64. Applicant or Applicant's designated representative shall take steps to prevent patrons from loitering in the immediate area, littering, or making excessive noise at the conclusion of each event and at closing time.
65. Applicant or Applicant's designated representative shall not distribute, post or attach, and shall be responsible for ensuring that its promoters and or agents do not distribute, post or attach, advertising matter on public and private property, including vehicles.
66. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Applicant shall be removed or painted over within twenty-four (24) hours of being applied.
67. Insofar as is practicable, during the hours of operation, the front door of the establishment, or any door fronting on a public right-of-way, including an alley, shall remain closed at all times to minimize noise.
68. Windows shall not be obscured by the placement of signs, including signs advertising alcoholic products, dark window tinting, shelving, racks or similar obstructions.

*Grounds Conditions:*

69. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easy discernment of the appearance and conduct of all persons on or about the parking lot.
70. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

71. The licensee shall be responsible for maintaining free of graffiti the area adjacent to the premises over which they have control.
72. No loitering shall be permitted on any property adjacent to the licensee's premises and under control of the licensee.

*Compliance Conditions:*

73. A copy of the Conditional Use Permit and the Conditions of Approval shall be available at the site and presented to City staff, including the Riverside Police Department and Code Enforcement upon request.
74. The Conditional Use Permit shall be subject to a mandatory six-month review following the issuance of the Conditional Use Permit. This review shall be conducted by the Planning Division in consultation with other agencies, including the State ABC, the Riverside Police Department and the City Code Enforcement Division. In addition to any other stipulations, three or more sustained complaints to the Riverside Police Department within any 12-month period regarding disturbances caused by patrons or staff at the site shall be grounds for revocation proceedings.