



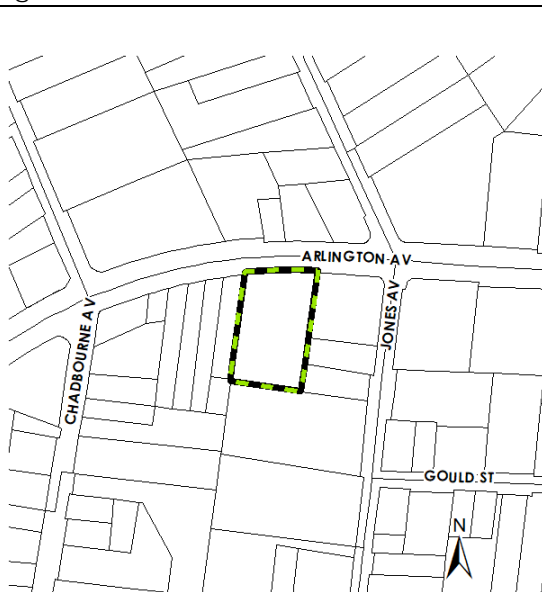
Community & Economic Development Department

Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: MARCH 5, 2020
AGENDA ITEM NO.: 6**

PROPOSED PROJECT

<i>Case Numbers</i>	P18-0189 (Conditional Use Permit – Drive Thru Restaurant) P18-0190 (Conditional Use Permit - Automated Vehicle Wash Facility) P18-0191 (Design Review)	
<i>Request</i>	To consider the following entitlements for the construction of a commercial shopping center: 1. Conditional Use Permit to permit a 3,000-square-foot drive-thru restaurant; 2. Conditional Use Permit to permit a 3,000-square-foot automated vehicle wash facility; and 3. Design Review of project plans for the proposed improvements including the drive-thru restaurant, automated car wash facility and a 14,371-square-foot, multi-tenant retail and office building.	
<i>Applicant</i>	Shiv Talwar, AIA, of Design Concepts	
<i>Project Location</i>	10434 Arlington Avenue, on the south side of Arlington Avenue between Jones and Chadbourne Avenues	
<i>APN</i>	150-062-008	
<i>Project area</i>	1.57 acres	
<i>Ward</i>	7	
<i>Neighborhood</i>	La Sierra Acres	
<i>General Plan Designation</i>	SRR – Semi-Rural Residential	
<i>Zoning Designations</i>	CR – Commercial Retail	
<i>Staff Planner</i>	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@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 Sections 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and

2. **APPROVE** Planning Cases P18-0189 (Conditional Use Permit – Drive Thru Restaurant), P18-0190 (Conditional Use Permit - Automated Vehicle Wash Facility), and P18-0191 (Design Review) 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 project site is currently vacant and consists of a single parcel totaling 1.57 acres. Archival aerial photos and building permit records indicate that the project site was previously developed with two residential structures of indeterminate size that were demolished in 1992.

Surrounding land uses include multi-family residences to the south and west, commercial uses and single-family uses to the east, and commercial uses to the north across Arlington Avenue (Exhibit 3).

PROPOSAL

The applicant requests approval of the following entitlements: 1) a Conditional Use Permit for a drive-thru restaurant; 2) a Conditional Use Permit for an automated vehicle wash facility; and 3) Design Review approval of the proposed drive-thru restaurant, automated vehicle wash facility and multi-tenant retail and office building to facilitate development of the project site with a commercial shopping center ("Eco Plaza"). The following is a description of each component of the proposed project:

- Drive-Thru Restaurant

The proposed 3,000-square-foot drive-thru restaurant is proposed at the northwest corner of the project site. The drive-thru queuing lane is 12 feet wide, 220 feet long, and accommodates stacking for approximately 12 vehicles. The proposed drive-thru pickup window is located on the south side of the building, away from view of Arlington Avenue. The menu board is located near the center of the site, approximately 40 feet from the entry to the drive-thru queuing lane. An outdoor seating area is located on the north side of the building, adjacent to Arlington Avenue. Although an operator has not been identified for the drive-thru restaurant, the Applicant anticipates a 24-hour, 7-day-per-week operation.

- Automated Vehicle Wash Facility

The proposed 3,000-square-foot automated vehicle wash facility is located along the east side of the site. It consists of a 100-foot-long automated wash tunnel and 110-foot-long, 12-foot-wide queuing lane. A freestanding solid decorative wall and overhead trellis is proposed along Arlington Avenue to screen the wash tunnel exit from public view. Fifteen parking stalls, adjacent to the proposed building, are designated as self-service vacuum canopies. The self-serve car wash will operate daily from 8:00 a.m. to 6:00 p.m.

- Multi-Tenant Retail and Office Building

The proposed 14,371-square-foot multi-tenant commercial building is located in the southern half of the project site, south of the proposed drive-thru restaurant vehicle queuing lane. The two-story, approximately 40-foot-tall building consists of two retail and two restaurant spaces on the ground floor and 10 office suites on the second floor, which may be combined or further subdivided as leasing activities dictate. Tenants have not been identified; however, the applicant has indicated uses will likely include retail, personal service and casual restaurant

uses that will operate from 9:00 a.m. to 6:00 p.m. and professional office uses that will operate from 9:00 a.m. to 9:00 p.m. that will serve the surrounding neighborhood.

A total of 91 vehicle parking spaces are provided to serve the shopping center. Primary vehicular and pedestrian access is provided from a 36-foot-wide, two-way vehicular driveway and adjoining 5-foot-wide pedestrian walkway on Arlington Avenue. The driveway entrance will allow access into the project site from all directions via an existing center turn lane in Arlington Avenue and dedicated right- and left-hand turn lanes for vehicles leaving the project site.

The proposed architectural design reflects a contemporary commercial style consisting of standing seam metal roofs; painted stucco in red, orange and gold tones; brick veneer and fabric awnings. Plans depict metal carports with solar roofs over a portion of the proposed parking spaces along the south and east sides of the project site.

Proposed landscaping includes a 15-foot wide landscaped setback along Arlington Avenue east of the proposed vehicular driveway and five-foot-wide perimeter landscaped planters along the south and west sides of the project site adjacent to existing residential uses. A Conceptual Landscape Plan depicts a selection of palms and canopy trees distributed throughout the parking area as well as ground cover, hedgerows and accent shrubs.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<i>General Plan 2025</i> The project site has a General Plan 2025 Land Use Designation of SRR – Semi-Rural Residential (Exhibit 4) and a Zoning designation of CR – Commercial Retail (Exhibit 5). As of January 1, 2019, all local jurisdictions in California are required to achieve consistency between land use designations of the General Plan and established Zoning districts, pursuant to Senate Bill 1333. On August 20, 2019, the City Council adopted a resolution amending the Land Use Element of the General Plan 2025 establishing a procedure for finding a project consistent with the objectives, goals and policies of the General Plan when the Plan Land Use and Zoning designations of the project site are not consistent. Staff are able to make the necessary consistency findings, pursuant to Table LU-7 of the Land Use Element (Exhibit 6), and have determined that the proposed project is consistent with the applicable objectives, goals and policies of the General Plan as required by State law, including: <ul style="list-style-type: none">• Policy LU-8.1: Ensure well-planned infill development Citywide, allow for increased density in selected areas along established transportation corridors.• Objective LU-20: Recognize and enhance Arlington Avenue as a cross-city roadway that connects east to west.• Policy LU-62.4 (La Sierra Acres): Encourage the proper development of areas changing from rural to semi-rural.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><i>Riverside County Airport Land Use Compatibility Plan (RCALUCP)</i> The proposed project is located within Zone E of the Riverside Municipal Airport Land Use Compatibility Plan, which is characterized as "Other Airport Environs" having low to moderate accident potential, flight safety hazards and noise impacts related to aviation activities associated with the Riverside Municipal Airport. Zone E has no restrictions on land use intensity and the uses in the proposed project are generally considered compatible. The proposed project is therefore consistent with the RCALUCP for Riverside Municipal Airport.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i> The proposal is consistent with the applicable development standards of the CR – Commercial Retail Zone, which permits the development and operation of drive-thru restaurants and automated vehicle wash facilities subject to the approval of a Conditional Use Permit, and permits retail, office and restaurant uses as a matter of right. As proposed and conditioned, the proposed project is consistent with the general purpose and intent of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Citywide Design & Sign Guidelines</i> 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"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<p><i>Chapter 19.110.030</i> <i>CR-Commercial Retail Zone - Commercial and Office Development Standards</i></p>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Floor Area Ratio</i>	0.50		0.48	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Setbacks</i>	Front (Arlington Avenue)	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (East)	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (West)	15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (South)	15 feet	47 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>	75 Feet		28 feet (vehicle wash) 27 feet (drive-thru restaurant) 40 feet (retail/office building)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.425 Vehicle Wash Facility- Site Location, Operation, and Development Standards				
Standard		Proposed	Consistent	Inconsistent
Screening of Equipment	Equipment, supplies and activities 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	Access to Arlington Avenue	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Circulation	Preclude traffic congestion on public streets and provide safe ingress, egress and traffic movement	Adequate circulation and safe ingress and egress movements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drive-Thru Lane Standards	Length: 36 feet	110 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stacking: 2 vehicles	6 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Screening	Behind proposed building	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscape Setback	10 feet (adjacent to public street)	15 feet (Arlington Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wash Tunnel Screening	Designed to minimize view from public realm	Wash tunnel exit screened by wall and trellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise	Comply with Title 7 of the Municipal Code	Complies with Title 7 as conditioned	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Runoff	Water flow shall be confined to the site	Water flows are confined to the site	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.475 Drive-Thru Business - Site Location, Operation, and Development Standards				
Standard		Proposed	Consistent	Inconsistent
Frontage	100 feet	203 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Arlington Avenue (110-foot Arterial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drive-Thru Lane Standards	Length: 180 feet	220 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	12 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Screening	Behind proposed building	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscape Setbacks	Between Drive-Thru Lane and Interior Property Lines: 5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 Parking and Loading Development Standards					
Standard		Required	Proposed	Consistent	Inconsistent
Multi-Tenant Commercial	Retail/Office: 1 space/250 sq. ft.	47 spaces (11,626 sq. ft.)	91 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Restaurant: 1 space/100 sq. ft.	28 spaces (2,745 sq. ft.)			
Vehicle Wash Facility	1 space/employee*	2 spaces			
Drive-Thru Restaurant	1 space/100 sq. ft.	30 spaces (3,000 sq. ft.)			
Subtotal		107 spaces			
15% Mixed Use Shared Parking Credit (19.580.060[C])		(16 spaces)			
Total		91 spaces			

*Applicable code requirement as of the date of submittal of complete application.

FINDINGS SUMMARY

Conditional Use Permits - Drive-thru Business, Vehicle Wash Facility

The proposed project will facilitate the development of a cohesive commercial center while ensuring the uses are compatible with the surrounding residential uses. The proposed project will provide convenient and accessible goods and services to neighborhood residents and visitors using Arlington Avenue. The 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 involves a request for a 15% reduction in required on-site parking for mixed-use commercial complexes pursuant to 19.580.060(C). Based upon the proposed mix of uses on the site and the varied peak hours of operation, staff can support the requested reduction in on-site parking spaces, subject to a Condition of Approval requiring recordation of a covenant on the property limiting the mix of uses to those proposed or uses with less intensive parking requirements.

As a matter of information, the application submittal for the proposed project was deemed substantially complete on October 15, 2019, at which time the Zoning Code permitted self-service vacuum canopies associated with a vehicle wash facility to be counted toward the general-purpose parking within a commercial complex. On November 5, 2019, the City Council adopted an amendment to the Zoning Code that, among other changes, excludes vacuum canopies from the total amount of general-purpose on-site parking provided for a project. Since the application was deemed substantially complete prior to the adoption of this code amendment, staff is required to apply the provisions of the Zoning Code effective at the time. A Condition of Approval is recommended requiring the proposed vacuum canopy spaces be designated for general use.

The proposed uses are appropriate for the CR – Commercial Retail zoning designation of the site, are consistent and compatible with the surrounding development, and are consistent with the applicable development standards of the underlying CR Zone and the specific standards for vehicle wash facilities and drive-thru businesses. Staff supports the Conditional Use Permits for the automated vehicle wash facility, and the fast food drive thru restaurant.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) have been prepared for this proposed project in accordance with Section 15074 and 21081.6 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).

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. In addition, Notices of Intent to adopt an MND were mailed to property owners adjacent to the site, public agencies and interested parties previously commenting on the proposed project or requesting notification. Consultation with Native American Tribes pursuant to Assembly Bill 52 was also completed. As of the writing of this report, staff have received no responses.

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 Map
6. General Plan Land Use Element Table LU-7 – Consistency Criteria
7. Project Plans (Zoning Map Amendment, Site Plan, Preliminary Grading, Floor Plans, Building Elevations, Conceptual Landscape Plan, Fence and Wall Plan)
8. Existing Site Photos
9. Revised Draft Mitigated Negative Declaration

Prepared by: Matthew Taylor, Associate Planner
Reviewed by: David Murray, Principal Planner
Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P18-0189** (Conditional Use Permit – Drive-Thru Restaurant)
 P18-0190 (Conditional Use Permit – Drive-Thru Vehicle Wash Facility)
 P18-0191 (Design Review)

Conditional Use Permit Findings Pursuant to Chapter 19.760.040 (Vehicle Wash Facility and Drive-Thru Restaurant)

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.

Drive-thru Business Findings Pursuant to Chapter 19.475.050

1. The drive-thru businesses will not substantially increase vehicular traffic on streets in a residential zone;
2. The drive-thru businesses will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
3. The drive-thru businesses will not create increased traffic hazards to pedestrians;
4. The sites are adequate in size and shape to accommodate the drive-thru businesses and all yards, walls, parking, landscaping and other required improvements; and
5. The drive-thru businesses will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES:

P18-0189 (Conditional Use Permit – Drive-Thru Restaurant)

P18-0190 (Conditional Use Permit – Drive-Thru Vehicle Wash Facility)

P18-0191 (Design Review)

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

• **Planning**

1. Plans shall conform to the Exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised Exhibits and a narrative description of the proposed modifications. The Applicant is advised that an additional application and fee may be required.
2. The 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.
3. The Applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
4. *Advisory:* A sign program is required for multi-occupancy non-residential or mixed-use developments with three or more separate lease spaces, per Section 19.620.110 of the Zoning Code.
5. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including freeway oriented sign, exterior building mounted, monument, and window signs, shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Grading Permit Issuance:

6. ***MM CUL-1: Changes to Project:** Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer/applicant, and consulting tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site. The City and the developer/applicant shall make all attempts to avoid and/or preserve in place as many cultural and paleontological resources as possible that are located on the project site if the site design and/or proposed grades should be revised.
7. ***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.

- a. The project archaeologist, in consultation with consulting tribes, the Developer, and the City, shall develop a Cultural Resources Monitoring Plan (CRMP) to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the plan shall include:
 - i. Project grading and development scheduling;
 - ii. The retention Native American Tribal Monitors from the consulting tribes during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists;
 - iii. The protocols and stipulations that the Applicant, consulting tribes, and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, or nonrenewable paleontological resources that shall be subject to a cultural resource evaluation;
 - iv. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site; and
 - v. The scheduling and timing of the Cultural Sensitivity Training noted in mitigation measure **MM-CUL-4**.
8. A 40-scale precise grading plan shall be submitted to the Planning Division and shall include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal holidays;
 - b. Compliance with City-adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
 - d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement;
 - e. Identification of location, exposed height, material and finish of any proposed retaining walls; and
 - f. Specify decorative stamped concrete paving for the project entry driveway.
9. ***MM NOI-1:** Prior to the start of any site preparation or grading activities for the proposed project, the project applicant shall construct a minimum 8.0-foot high temporary sound wall on the south property lines. The temporary sound wall shall be constructed of minimum half-inch plywood or oriented strand board (OSB) and shall be maintained until the start of construction of the permanent wall detailed in **MM NOI-1**.
10. ***MM AES-1:** To reduce impacts of temporary visual changes as a result of construction activities:
 - a. Store features such as fill materials are to be placed in areas with least amount of visibility;

- b. Replant all disturbed areas, including cut and fill slopes, as soon as possible following disturbance; and
- c. Locate construction staging areas where they are least visual from streets and residential neighborhood.

During Ground Disturbing Activities:

11. ***MM CUL-3:** Inadvertent Archeological/Cultural Resources Find: If during ground disturbance activities, cultural resources are discovered that were not assessed by the archaeological report(s), environmental assessment conducted prior to project approval, and/or other specific agreements between the City, the Project Applicant and the consulting tribes concerning the discovery, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the consulting tribes.
 - a. All ground disturbance activities within a buffer specified by the Project archeologist, in consultation with the Native American Tribal Monitors, of the discovered cultural resources shall be halted until a meeting is convened between the developer, the Project archaeologist, and the consulting tribes to discuss the significance of the find.
 - b. At the meeting, the significance of the discoveries shall be discussed. After consultation with the consulting tribes and the Project archaeologist, a decision shall be made, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resources.
 - c. Grading or further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate treatment. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Native American Tribal Monitors, if needed.
 - d. Treatment and disposition of the inadvertently discovered cultural resources shall be consistent with CUL-4 or the Cultural Resources Treatment and Monitoring Agreement entered into with the consulting tribes.
 - e. Pursuant to Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the consulting tribes cannot come to a consensus on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community & Economic Development Director or designee for decision. The City Community & Economic Development Director or designee shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall consider the cultural and religious principles and practices of the consulting tribes.
12. ***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 on site or at the offices of the project archaeologist. If a secure location cannot be identified onsite, the

discovered resources may be stored at the offices of the project Archeologist 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 and Economic Development Department with evidence of same:
 - i. Preservation-In-Place of the cultural resources, if feasible as determined through coordination between the project archeologist, 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 in perpetuity;
 - ii. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
 - iii. If on-site 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 will 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 for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center, and consulting tribes.
- 13. ***MM CUL-5: Cultural Sensitivity Training:** The Secretary of Interior Standards County certified archaeologist shall attend the pre-grading meeting with the developer/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in the event that unanticipated resources are discovered.

Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

14. 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.
15. The proposed project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with National Pollutant Discharge Elimination System (NPDES) requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
16. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
17. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the proposed project site during all construction.
18. To reduce construction related particulate matter air quality impacts of the proposed project, the following measures shall be required:
 - a. Dust generation shall be controlled as required by the AQMD;
 - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - c. All contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Trucks and other equipment leaving the site shall be washed;
 - f. All disturbed/loose soil shall be kept moist at all times;
 - g. Grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site.
19. The applicant shall be responsible for erosion and dust control during construction phases of the project.
20. 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:

21. ***MM NOI-2:** The project applicant shall require the proposed carwash to be constructed with an automatic car door with a minimum of Sound Transmission Class (STC) rating of 14 STC at the entrance of the carwash which would be closed prior to operating the car wash for each car to be washed. The project applicant shall also require all vacuum and blower motors be located within the carwash building and the operational hours of the car wash shall be limited to between 8:00 a.m. and 6:00 p.m.

22. Detailed elevations of the proposed wash tunnel exit screen wall shall be provided.
 - a. The solid portion of the proposed wall shall not exceed 6 feet in height from finished grade.
 - b. A decorative trellis feature shall be provided above the solid wall portion of sufficient height to screen the upper portion of the wash tunnel exit.
 - c. The screen wall shall be architecturally integrated with the buildings in terms of materials, architectural details, finishes and colors.
23. **Landscape and Irrigation Plans** shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary. Landscape and Irrigation Plans shall be revised to include the following:
 - a. A shrub hedge and accent plant materials shall be planted within the landscape setback to adequately screen the queuing lanes from public view. Plantings within the landscape setback shall be designed for partial screening of vehicles to a minimum height of three (3) feet, measured from the finished grade of the queuing lane;
 - b. Ground mounted equipment, including but not limited to backflow and FDC devices shall be adequately screened with landscaping, to the satisfaction of staff;
 - c. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters when adjacent to parking stalls;
 - d. The planting plan shall be revised to provide a minimum ratio of 1 canopy tree per four on-site parking spaces, excluding those spaces covered by a solar canopy or carport. Palm trees are acceptable as accent plantings only; and
 - e. The bioretention basin located adjacent to Arlington shall be fully landscaped with a mix of perennial plantings of varied height and density sufficient to screen the basin from public view.
24. Roof and building mounted equipment shall be fully screened from the public right-of-way.
 - a. Building sections shall be provided demonstrating that proposed roof-mounted equipment is fully screened by the adjacent building parapet walls; and
 - b. Parapet walls or other screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
25. Ground mounted equipment shall be fully screened from the public right-of-way by landscape materials, walls or similar screening materials.
26. Plans submitted for Staff review shall specify the location, design and color of all domestic water meters, backflow preventers, detector check assemblies, utility cabinets and other ground-mounted equipment subject to Planning Division and Public Utilities review and approval. The visibility of such facilities shall be minimized through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
27. 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.

Prior to the Release of Utilities and/or Occupancy:

28. ***MM NOI-1:** Prior to the issuance of a certificate of occupancy for the proposed project start of any site preparation or grading activities on the project site, the project applicant shall construct a minimum 6.0-foot high wall on the west and south property lines and approximately 125 feet of the southern part of the east property line for the project site and a minimum 8.0-foot high wall along the east property line that runs southerly for 60 feet from the southeast corner of the carwash structure. The walls shall be constructed of concrete masonry units (cmu) and shall be free of any cut-outs or openings.
29. A Covenant and Agreement shall be prepared and recorded limiting the mix of uses within the commercial complex to the proportional equivalent of those uses specified herein, to the satisfaction of Planning Division Staff and the City Attorney. The Covenant and Agreement shall not be modified without the prior written consent of the City Manager or his/her designee.
30. 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 the Case Planner at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities. Additional plant material may be required upon final inspection if better coverage is needed.

Operational Conditions:

31. The hours of operation of the vehicle wash facility shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
32. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to any 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.
33. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
34. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
35. 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.

Standard Conditions:

36. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
37. The Conditional Use Permits and Design Review, may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A

public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

38. 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.
39. 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.
40. 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.
41. 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. The Applicant shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this Conditional Use Permit.
42. 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.
43. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
44. 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.
45. 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.

Public Works

Conditions to be fulfilled prior to building permit unless otherwise noted

46. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.

47. Requires double trash enclosure per City standards.
48. Deed for widening Arlington Avenue along project frontage to 55' from monument centerline to Public Works specifications.
49. Prior to building permit issuance, applicant to pay cash in lieu for Installation of curb and gutter at 43 feet from monument centerline, sidewalk and matching paving on Arlington Avenue to Public Works specifications.
50. Size, number and location of driveways to Public Works specifications.
51. Street Trees with automatic irrigation Will be Required. On Arlington, 24" Box size Cercis canadensis 'Oklahoma'. Typical spacing approximately 35 feet.

Quantity and final spotting will be determined after site inspection after fine grading and hardscape installation has been completed.
52. Installation of automatic irrigation system to provide deep-root watering to trees is required.
53. 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.
54. 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:

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;

Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and

Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
55. 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.

56. 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.
57. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;

Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and

Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
58. ***MM TRA-1: Left Turn Restriction** - The project is anticipated to have a significant impact at Arlington Avenue and Chadbourne Avenue. The study recommends posting no left turn sign (R3-2) on Arlington Avenue at Chadbourne Avenue and revising pavement delineation on Arlington Avenue to restrict eastbound left turns into Chadbourne Avenue. However, the City of Riverside will be constructing a traffic signal at the intersection of Arlington Avenue and Chadbourne Avenue as part of SB1 Maintenance and Traffic Improvements project, which will be constructed by end of year 2020. The proposed Riverside Eco Plaza project is anticipated to be constructed by beginning of year 2021, which will be after the intersection is fully signalized. Hence, no mitigation measure required. However, please note that should the signal be delayed for whatever reason, the City will be responsible to monitor and implement recommended mitigation.

Fire Department

59. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
60. Construction plans shall be submitted and permitted prior to construction.
61. Required public fire hydrant(s) are to be operational prior to Fire Department release of permit. A new public fire hydrant will be required on Arlington Ave.
62. Fire Department access shall be maintained during all phases of construction.
63. An automatic fire sprinkler system is required by City Ordinance 16.32.080. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. 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.

64. Provide for Fire Department vehicle access to within one hundred and fifty (150) feet of all portions of all exterior walls of all structures. This measurement shall be based on the path of travel as determined by the Fire Department.

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.

Access roadways shall be all weather surfaces, paved, provided with engineered turf block, or alternate design. Such roadways shall be maintained at all times.

Public Utilities – Water

65. Commercial sub-metering is not permitted. Separate water meters are required for each commercial building. Separate meters should be provided to individual suites if they are intended to pay for their own water use.
66. Separate landscape irrigation meter will be required.
67. Existing ¾" residential water services must be abandoned with project.
68. Water service installations are processed under a separate permit and plan submittal directly to the Water Department.

Public Utilities – Electric

69. 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.
70. A blanket Public Utility Easement shall be required on all parcels
71. The developer shall provide all utility easements, water, streetlights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
72. Provisions for electrical Utility equipment to provide power to the site shall be the responsibility of the developer. All clearances shall be maintained and location of the equipment shall be approved by the Utility.
73. Developer shall be responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. The nearest point of connection is located on the north side of Arlington Avenue.
74. Existing electrical distribution facilities shall be plotted on the site plan.
75. Plans shall depict the proposed location of transformers and electrical rooms.

Parks, Recreation & Community Services – Park Planning

76. 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.