



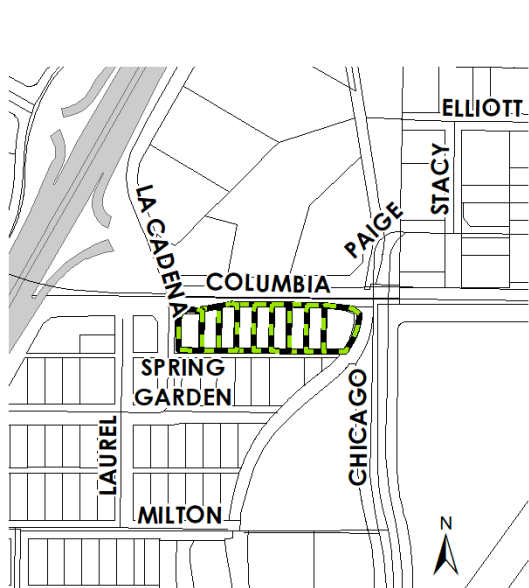
Community & Economic Development Department

Planning Division

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

**PLANNING COMMISSION HEARING DATE: APRIL 2, 2020
AGENDA ITEM NO.: 1**

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0179 (General Plan Amendment) P19-0180 (Zoning Code Map Amendment) P19-0181 (Design Review) P19-0182 (Variance)	
<i>Request</i>	To consider the following entitlements for the construction of a commercial shopping center: 1. A General Plan Amendment to amend the General Plan Land Use Designation of the project site from MDR – Medium Density Residential to C - Commercial; 2. A Zoning Code Map Amendment to rezone the project site from the R-1-7000 – Single-Family Residential Zone to the CR – Commercial Retail Zone; 3. Design Review of project plans for the construction of four multi-tenant commercial retail and office buildings ranging in size from 3,851 to 5,277 square feet, totaling approximately 18,000 square feet of development; 4. A Variance to allow fewer on-site parking spaces than required by the Zoning Code	
<i>Applicant</i>	Khalid “Kenny” Ali, of Empire Pharmacy Health Care Systems, Inc.	
<i>Project Location</i>	1820 Columbia Avenue, between East La Cadena Drive and Chicago Avenue	
<i>APN</i>	210-043-002, -005, -006, -007, -008, -009, -040, -041 and -042	
<i>Project area</i>	1.15 acres	
<i>Ward</i>	1	
<i>Neighborhood</i>	Hunter Industrial Park	
<i>General Plan Designation</i>	MDR – Medium-Density Residential	
<i>Zoning Designations</i>	R-1-7000 – Single-Family Residential	
<i>Staff Planner</i>	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@riversideca.gov	



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**PLANNING COMMISSION HEARING DATE: APRIL 2, 2020
AGENDA ITEM NO.: 2**

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0179 (General Plan Amendment) P19-0180 (Zoning Code Map Amendment) P19-0181 (Design Review) P19-0182 (Variance)	
<i>Request</i>	To consider the following entitlements for the construction of a commercial shopping center: 1. A General Plan Amendment to amend the General Plan Land Use Designation of the project site from MDR – Medium Density Residential to C - Commercial; 2. A Zoning Code Map Amendment to rezone the project site from the R-1-7000 – Single-Family Residential Zone to the CR – Commercial Retail Zone; 3. Design Review of project plans for the construction of four multi-tenant commercial retail and office buildings ranging in size from 3,851 to 5,277 square feet, totaling approximately 18,000 square feet of development; 4. A Variance to allow fewer on-site parking spaces than required by the Zoning Code	
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<i>General Plan Designation</i>	MDR – Medium-Density Residential	
<i>Zoning Designations</i>	R-1-7000 – Single-Family Residential	
<i>Staff Planner</i>	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **Recommend the City Council 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. **Recommend the City Council APPROVE** Planning Cases P19-0179 (General Plan Amendment), P19-0180 (Zoning Code Map Amendment), P19-0181 (Design Review) and P19-0192 (Variance) 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 nine parcels totaling 1.15 acres. The site was previously developed with single-family dwellings constructed primarily in the 1940s and 1950s. In 2007, the City began acquiring the parcels and demolishing the dwellings as part of the Columbia Avenue Grade Separation Project which was completed in 2011. In March of 2015, the City Council declared the properties surplus and the site was marketed for redevelopment. In May of 2018, the City Council approved a Purchase and Sale Agreement with the Applicant to acquire the project site for a commercial development (Exhibit 3).

Surrounding land uses include residential uses to the south and west across East La Cadena Drive, commercial uses and residential uses to the north across Columbia Avenue, and industrial uses to the east across Chicago Avenue (Exhibit 4).

PROPOSAL

The Applicant requests approval of the following entitlements to facilitate development of a commercial center: 1) a General Plan Amendment to change the General Plan Land Use Designation of the site from MDR – Medium Density Residential to C – Commercial; 2) a Zoning Code Map Amendment to rezone the site from the R-1-7000 – Single-Family Residential Zone to the CR – Commercial Retail Zone; 3) Design Review approval of site design and building elevations for four multi-tenant commercial buildings ranging in size from 3,851 to 5,277 square feet, totaling approximately 18,000 square feet; and 4) a Variance to allow fewer on-site parking spaces than required by the Zoning Code.

Building A is located adjacent to East La Cadena Drive and comprises 3,851 square feet intended for a single retail tenant. Building B, located at the northwest corner of East La Cadena Drive, comprises 5,277 square feet and is intended for up to five individual tenant spaces to be occupied with retail, restaurant and service commercial uses. Building C, located adjacent to Columbia Avenue and the central project driveway, comprises 4,509 square feet and is intended for up to three tenant spaces to be occupied with retail and service commercial uses. Building D, located at the northeast corner of Columbia and Chicago Avenue, comprises 4,318 square feet, is intended as the administrative and dispatch offices for Empire Pharmacy Health Care Systems.

Empire Pharmacy Health Care Systems is a home infusion pharmacy that compounds medications on-site to be delivered to patients throughout the Southern California region. The proposed offices on site would house Empire Pharmacy's compounding pharmacy operation, product storage, dispatch and administrative offices. Empire Pharmacy's proposed hours of

operation are 9:00am to 6:00pm Monday through Friday. No other tenants for the proposed project have been identified, but the Applicant has indicated they intend to lease commercial space to neighborhood-serving retail, service and restaurant uses including specialty retailers, personal services (such as barbering or beauty salons), dry cleaning and pack-and-ship establishments, professional offices (such as tax, legal or financial services) and quick-service dine-in or takeout restaurants.

A total of 56 vehicle parking spaces are provided to serve the proposed project. Primary vehicular and pedestrian access is provided from a 28-foot-wide, two-way vehicular driveway on Columbia Avenue providing right-turn ingress and egress to eastbound traffic. An existing public alley on the south side of the project site with access to East La Cadena Drive will be widened and improved with asphalt paving and drainage to provide access to the parking areas from the south.

The proposed architectural design reflects an abstract, contemporary commercial style featuring asymmetrical massing, flat roofs, solid and louvered aluminum panels with wood finish, stacked stone siding, and painted stucco in cream, tan and grey tones. Buildings are situated adjacent to the adjoining streets and include full-height storefront glazing to activate the streetscape. An outdoor seating area is located at the corner of East La Cadena Drive and Columbia Avenue. Proposed landscaping includes accent and shade trees distributed throughout the parking area. Bioretention areas at the northeast and northwest corners of the project site are planted with groundcovers, grasses and flowering shrubs.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The Applicant requests approval of an amendment to the General Plan 2025 Land Use and Urban Design Element Figure LU-10 – Land Use Policy Map, to change the Land Use Designation of the project site from MDR – Medium-Density Residential to C – Commercial (Exhibit 5). The Commercial designation provides for retail, sales, service and office uses that serve multiple neighborhoods within the City.</p> <p>The proposed project is consistent with General Plan 2025 Land Use and Urban Design Element objectives, goals and policies for the Hunter Industrial Park neighborhood, and furthers Citywide General Plan objectives, goals and policies including:</p> <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; • Policy LU-9.5: Encourage the design of new commercial developments as “integrated centers,” rather than as small individual strip development. Integrate pedestrian access, parking, access, building design and landscape themes to unify the development; and • Policy LU-57.1: Avoid industrial zoning or encroachment of Hunter Business Park’s planned and existing single-family residential neighborhood. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

	Consistent	Inconsistent
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The Applicant requests approval of a Zoning Code Map Amendment to change the zoning designation of the site from R-1-7000 – Single-Family Residential to CR – Commercial Retail (Exhibit 6), which is consistent with the proposed General Plan Land Use designation of C – Commercial. The proposed project, including the prospective future uses of retail, personal services, restaurants and office space, are permitted by-right in the CR Zone, subject to Design Review approval for new construction.</p> <p>The proposed project is generally consistent with the applicable development standards of the Zoning Code, with the exception of the requested Variance to allow 56 on-site parking spaces where the Zoning Code requires a minimum of 74 on-site parking spaces for the proposed mix of uses. The Zoning Code allows for consideration of Variances to deviate from the development standards, including minimum required on-site parking. Therefore, the applicant is requesting a Variance to facilitate implementation of the proposed project.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Riverside County Airport Land Use Compatibility Plan (RCALUCP)</i></p> <p>The proposed project is located within Zone E of the March Air Reserve Base/March Inland Port 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. On June 6, 2019, the Riverside County Airport Land Use Commission (ALUC) determined that the proposed project was consistent with Zone E of the MARB/MIP LUCP, subject to the specified conditions (ALUC Case ZAP1369MA19, Exhibit 7).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Citywide Design & Sign Guidelines</i></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for new commercial development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, landscaping, service area and equipment screening and lighting. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.110.030</i>					
<i>CR – Commercial Retail Zone – Commercial and Office Development Standards</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Lot Area</i>	20,000 square feet		49,923 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Width</i>	60 feet		488 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Depth</i>	100 feet		106 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Floor Area Ratio</i>	0.50		0.37	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Setbacks</i>	Front (Columbia Avenue)	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (East La	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.110.030					
CR – Commercial Retail Zone – Commercial and Office Development Standards					
Standard			Proposed	Consistent	Inconsistent
	Cadena Drive)				
	Street Side (Chicago Avenue)	0 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (Alley)	0 feet	47 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Height	75 Feet		29 feet (Building A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			34 feet (Building B)		
			29 feet (Buildings C and D)		

Chapter 19.580						
Parking and Loading Development Standards						
Standard			Required	Proposed	Consistent	Inconsistent
Building A	Unit A – Retail	3,851 sq. ft.	16 spaces	56 spaces	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Unit B-1 – Restaurant	1,124 sq. ft.	12 spaces			
Building B	Unit B-2 - Restaurant	942 sq. ft.	10 spaces			
	Unit B-3 – Retail	1,189 sq. ft.	5 spaces			
	Unit B-4 – Restaurant	982 sq. ft.	10 spaces			
	Unit B-5 – Retail	1,029 sq. ft.	5 spaces			
	Unit C-1 – Retail	1,651 sq. ft.	7 spaces			
Building C	Unit C-2 – Retail	1,427 sq. ft.	6 spaces			
	Unit C-3 - Retail	1,495 sq. ft.	6 spaces			
Building D	Pharmacy	1,568 sq. ft.	7 spaces			
	Office	500 sq. ft.	2 spaces			
	Storage	2,250 sq. ft.	3 spaces			
Subtotal			89 spaces			
15% Mixed Use Shared Parking Credit (19.580.060[C])			(13 spaces)			
Total			76 spaces			

FINDINGS SUMMARY

Zoning Code Map Amendment

The proposed Zoning designation of CR – Commercial Retail is consistent with the proposed General Plan Land Use designation of C – Commercial and will facilitate the development of a cohesive commercial center while ensuring the uses are compatible with the surrounding residential uses and activating an underutilized in-fill parcel at a significant regional entry point to the Hunter Industrial Park neighborhood and the City. The proposed project will also provide convenient and accessible goods and services to residents of the adjoining neighborhood as well as visitors and travelers on Columbia and Chicago Avenues.

The proposed commercial center is appropriate for the proposed CR – Commercial Retail Zoning designation, is consistent and compatible with the surrounding development, and is generally consistent with the applicable development standards of the CR Zone. Staff supports the proposed Zoning Code Map Amendment and recommends approval.

Variance

The Zoning Code establishes minimum required on-site parking spaces for each prospective type of use in the proposed project. The overall number of required on-site parking spaces is determined by the sum of the spaces required by each individual use. The proposed project includes 56 on-site parking spaces. The Applicant has proposed a mix of future tenants that would require as many as 76 parking spaces when fully leased.

The Applicant has provided justifications in support of the Variance request (Exhibit 8) as well as a Parking Study prepared for the project that quantifies the anticipated parking needs of the proposed tenant mix (Exhibit 9). Staff is able to make the necessary findings in support of the Variance to allow a reduced number of on-site parking spaces based on the unique operating characteristics and staggered peak operating times of the proposed tenant mix. The proposed project site's position on adjacent to an established residential neighborhood that lacks existing neighborhood-serving commercial uses further supports a reduced number of on-site parking spaces due to the neighborhood residents' ability to walk or use non-motorized transportation to access goods and services a short distance from home.

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 12). 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 Bills 18 and 52 were also completed. As of the writing of this report, Staff have received one letter in support (Exhibit 11) for the proposed project and one phone call expressing concern about loss of access to adjacent residential development as a result of the proposed project. As the proposed project

will widen and improve the existing public alley between the project site and the adjacent residential development, access will be improved for all parcels with alley frontage.

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. City Council Memorandum – Purchase and Sale Agreement with Empire Pharmacy Health Care Systems – May 8, 2018
4. Location Map
5. Existing and Proposed General Plan Map
6. Existing and Proposed Zoning Map
7. Riverside County Airport Land Use Commission Consistency Determination (ZAP1369MA19)
8. Applicant-Provided Variance Justifications
9. Parking Study
10. Project Plans (Zoning Map Amendment, Site Plan, Preliminary Grading, Floor Plans, Building Elevations, Conceptual Landscape Plan, Fence and Wall Plan)
11. Comment Letter
12. Draft Mitigated Negative Declaration

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



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P19-0179** (General Plan Amendment)
 P19-0180 (Zoning Code Map Amendment)
 P19-0181 (Design Review)
 P19-0182 (Variance)

Zoning Code Map Amendment Findings Pursuant to Chapter 19.810.040 (Zoning Code Map/Text Amendment)

1. The proposed Zoning Code Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan;
2. The proposed Zoning Code Map Amendment will not adversely affect the surrounding properties; and
3. The proposed Zoning Code Map Amendment promotes the public health, safety and general welfare and serves the goals and purposes of the General Plan.

Variance Findings Pursuant to Chapter 19.720.020

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

The proposal **complies** with this finding. Strict compliance with the minimum required number of on-site parking spaces would require the provision of an additional 20 parking spaces, plus associated drive aisle and maneuvering areas, which would necessitate a reduction of at least 5,400 square feet of building, landscape and pedestrian circulation area, an unnecessary hardship which would be inconsistent with the intent of the Zoning Code to promote the highest and best use of buildings, structures and land. Alternatively, strict compliance with the minimum on-site parking requirement of the Zoning Code would require the redesign of the proposed commercial buildings to provide more room on the site for parking spaces, drive aisles and maneuvering areas. Due to the shallow depth of the site relative to its considerable width, this would necessitate building footprints that would be potentially unusable for commercial business activities, a practical difficulty that would also be inconsistent with the intent of the Zoning Code.

2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

The proposal **complies** with this finding. The proposed project consists of a neighborhood-serving commercial shopping center with excellent access to the adjoining residential neighborhood for non-motorized forms of transportation including pedestrians and bicycles, a unique circumstance that is not generally applicable to other properties within the CR – Commercial Retail zoning designation. Additionally, the Parking Study prepared for the project determined that the proposed mix of tenants will have sufficiently staggered peak hours of operation and, as a result, peak parking demands such that there is substantial opportunity for uses on the site to share some amount of the provided on-site parking without undue spillover effects on the adjoining streets. These factors combined constitute a special

circumstance that does not necessarily apply to similarly situated properties within the immediate area.

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

The proposal **complies** with this finding. The proposed project represents the in-fill development of an existing vacant, underutilized parcel that, due to the high speed and volume of traffic on Columbia Avenue, is no longer suited to single-family residential development. Granting of the requested variance will facilitate the beneficial re-use of underutilized property and will provide new goods and services within walking distance of the adjoining residential neighborhood. As such, the proposed project will materially benefit the public welfare and the neighborhood in which the property is located.

4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.

The proposal **complies** with this finding. The granting of the requested variance will be consistent with General Plan Objectives, Goals and Policies that encourage Smart Growth principles, in-fill development of underutilized urban parcels and the development of cohesive, integrated commercial centers in lieu of strip development.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES:

P19-0179 (General Plan Amendment)
P19-0180 (Zoning Code Map Amendment)
P19-0181 (Design Review)
P19-0182 (Variance)

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. *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.
4. *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:

5. ***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.
6. ***MM CUL-2: On-call Project Archaeologist:** Prior to the issuance of a grading permit, the Property Owner/Developer shall provide a letter from a County certified Archaeologist and Paleontologist stating that the Property Owner/Developer has retained these individuals, and that the Archaeologist and Paleontologist shall be on call during all grading and other significant ground-disturbing activities in native sediments.

7. A 40-scale precise grading plan shall be submitted to the Planning Division and shall include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal holidays;
 - b. Compliance with City-adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
 - d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement;
 - 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.

During Ground Disturbing Activities:

8. ***MM CUL-3: Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project, the following procedures 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.

During all construction activities:

- 9. ***MM AQ-1:** Construction activities shall use zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.
- 10. ***MM AQ-2:** All trucks hauling dirt, sand, soil or other loose materials are to be covered, or should maintain at least two feet of freeboard in accordance with California Vehicle Code Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- 11. 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.
- 12. 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.
- 13. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
- 14. 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.
- 15. 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.
16. The applicant shall be responsible for erosion and dust control during construction phases of the project.
17. 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:

18. ***MM NOI-1:** Individual roof-mounted HVAC equipment shall be shielded by a screen or parapet be installed around all HVAC units. The screen or parapet shall extend at least one foot above the tallest rooftop unit and be of sufficient length to block line of sight between the HVAC units and residences to the south. The screen shall be designed to achieve at least a 5 dBA noise reduction for each unit.
19. ***MM AQ-3:** Building-mounted external kitchen exhaust fans shall be placed in such a manner as to direct exhaust odors to the north towards Columbia Avenue and away from adjacent residential neighbors to the south.
20. **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. Bioretention basins shall be fully landscaped with a mixture of groundcovers, grasses, shrubs and trees to the satisfaction of the Planning Division and Public Works Department;
 - 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. Additional tree wells, "diamond" or "half-diamond" tree planters may be required.

21. 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.
22. Provide detailed elevations of the trash enclosure including materials, finishes, and colors. The trash enclosure shall be designed to complement the building architecture and shall include a decorative overhead trellis.
23. Ground mounted equipment shall be fully screened from the public right-of-way by landscape materials, walls or similar screening materials.
24. 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.
25. 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:

26. 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.
27. 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:

28. The mix of uses occupying the tenant spaces within the project shall maintain a parking requirement equal to or less than the mix of uses specified herein. Tenant Improvement plans submitted for Building Permit plan review shall include a parking analysis demonstrating that the proposed mix of tenant uses and square footage of each do not exceed the limits set forth in this approval.
29. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.

30. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
31. 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:

32. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
33. The General Plan Amendment and Zoning Code Map Amendment 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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

39. Storm Drain construction will be contingent on engineer's drainage study.
40. 20' wide paving along the alley to Public Works Standards and Specifications.
41. Installation of sewers and sewer laterals to serve this project to Public Works specifications. If an existing sewer lateral is to be utilized a video inspection must be provided and authorized prior to connection.
42. Size, number and location of driveways to Public Works specifications.
43. On all plans, provide linear footage labels along all parcel lines; PLANTING of 24" box size street trees required in PUBLIC RIGHT-OF-WAY along COLUMBIA AVE (Zelkova serrata) & along E LA CADENA DR (Cercis canadensis 'Oklahoma') tree inspector to determine precise locations and quantity of street trees at time of inspection after fine grading and hardscape installation complete. Typical spacing is 30' O.C. with automatic irrigation system.
44. Installation of automatic irrigation system to provide deep-root watering to trees is required.
45. Required triple trash enclosure per City standards. Two trash bins and one recycle.
46. 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.

47. 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.

48. 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.
49. 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.
50. 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.
51. ***MM TRA-1:** The project is anticipated to have a significant impact at the intersection of I-215 Northbound Ramps and E. La Cadena Drive for Opening Year (2021) with project scenario. The study recommends construction of a new traffic signal. The project's fair share contribution towards mitigation is 1.1% of the total improvement cost.

Fire Department

52. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
53. Construction plans shall be submitted and permitted prior to construction.
54. 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.
55. Fire Department access shall be maintained during all phases of construction.
56. One new public fire hydrant is required on Columbia Avenue at Chicago Avenue.
57. 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.

58. 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

59. 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.
60. Separate landscape irrigation meter will be required.
61. Existing ¾" residential water services must be abandoned with project.
62. Water service installations are processed under a separate permit and plan submittal directly to the Water Department.

Public Utilities – Electric

63. 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.
64. A blanket Public Utility Easement shall be required on all parcels
65. 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.
66. 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.
67. 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.
68. Existing electrical distribution facilities shall be plotted on the site plan.
69. Plans shall depict the proposed location of transformers and electrical rooms.
70. Relocation of existing utility poles within the alley, either overhead or underground, shall be required, to the satisfaction of the Electric Utility.
71. The point of connection to the electrical distribution system shall be determined in coordination with the Electric Utility.
72. The Applicant shall contact Riverside Public Utilities to initiate design requirements and locate transformer(s) for multiple buildings.
73. All existing electrical distribution facilities shall be located toward the rear of the property.
74. Existing electrical services to adjoining residential properties shall be re-fed. Easements may be required depending on the final design.

75. The Applicant shall coordinate with telecommunications providers with respect to the undergrounding their existing facilities.

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.