

PLANNING COMMISSION
RECOMMENDED CONDITIONS

PLANNING COMMISSION HEARING DATE: April 16, 2020

PLANNING CASES: **P19-0553** (General Plan Amendment)
 P19-0554 (Zoning Code Map Amendment)
 P19-0555 (Design Review)

All mitigation measures are noted by an asterisk (*)

Case-Specific

Planning Division

1. The subject property shall be developed substantially as described in the text of this report and as shown on the plans on file with this case, except for any specific modifications that may be required by these conditions of approval.
2. Any future modifications to the approved design shall be submitted to the Planning Division for consideration. A separate application and fee may be required.
3. Advisory: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to the Issuance of Demolition Permit:

4. *HAZ-1 Prior to issuance of a demolition permit, a lead-based material (LBM) and asbestos-containing material (ACM) survey shall be completed for renovation or demolition of all structures constructed prior to 1978. If the ACM survey is negative and if the LBM survey reveals lead levels below 0.06 milligram per square centimeter or 600 parts per million pursuant to Code of Federal Regulations Chapter 29, Section 1926.62 and Title 8, California Code of Regulations Section 1532.1, no further survey or remedial work is required. However, if ACM are identified within structures proposed for renovation or demolition, **Mitigation Measure HAZ-2** shall apply. Furthermore, if lead levels at or above 0.06 milligram per square centimeter or 600 parts per million are identified, **Mitigation Measure HAZ-3** shall apply. This measure shall be implemented to the satisfaction of the City of Riverside Community Development Director or designee, and/or Building and Safety Division, or designee.
5. * HAZ-2 Prior to issuance of a demolition permit for any structure identified to contain asbestos-containing materials (ACM), all ACM shall be abated from the demolition site. An Asbestos Notification shall be prepared and submitted to the South Coast Air Quality Management District (SCAQMD) for approval before any asbestos abatement may commence. An asbestos construction and demolition plan shall be provided to the City of Riverside prior to the issuance of a demolition permit. The contractor shall provide disposal tickets from an SCAQMD-approved disposal facility and air clearances prior to final inspection. This measure shall be implemented to the satisfaction of the City of Riverside Community Development Director or designee, and/or Building and Safety Division, or designee.
6. * HAZ-3 Prior to the demolition of any structure identified to contain lead-based materials (LBM), all LBM shall be abated from the demolition site. A lead construction and demolition plan shall be provided to the City of Riverside prior to the issuance of a demolition permit. The contractor shall provide disposal tickets from an SCAQMD-approved disposal facility and air clearances prior to final inspection. This measure shall be implemented to the satisfaction of the City of Riverside Community Development Director or designee, and/or Building and Safety Division, or designee.

Prior to Grading Permit Issuance:

7. General Plan Amendment (P18-0922) shall be finalized and/or adopted.
8. Zoning Code Map Amendment (P18-0923) shall be finalized and/or adopted.
9. *TCR 1 Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact consulting 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. In the event of inadvertent discoveries of archaeological resources, work shall temporarily halt until agreements are executed with consulting tribes, to provide tribal monitoring for ground-disturbing activities.
10. *TCR-2 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 trenching and disturbance of native soil, in an effort to identify any unknown archaeological resources. The project archaeologist, in consultation with consulting tribes, the developer/applicant, and the City, shall develop an Archaeological Monitoring Plan to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the plan shall include:
 - a. Project grading and development scheduling;
 - b. The development of a rotating or simultaneous schedule in coordination with the developer/applicant and the project archaeologist for designated Native American Tribal Monitors from the consulting tribes, or culturally affiliated tribes designated by the consulting tribes, during ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists;
 - c. The protocols and stipulations that the developer/applicant, tribes, and project archaeologist/paleontologist 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 resources' evaluation;
 - d. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site; and
 - e. The scheduling and timing of the Cultural Sensitivity Training noted in Mitigation Measure TCR-4.
11. *TCR-4 The Secretary of Interior Standards County certified archaeologist and Native American monitors 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.

12. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
 - e. The project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
 - (1) Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
 - (2) Suspend all grading activities when wind speeds exceed 25 miles per hour;
 - (3) 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;
 - (4) Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - (5) Wash off trucks and other equipment leaving the site;
 - (6) Replace ground cover in disturbed areas immediately after construction; and
 - (7) Keep disturbed/loose soil moist at all times.

During Grading and Construction Activities:

13. 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.
14. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
15. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
16. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust shall be controlled as required by SCAQMD Rule 403;
 - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;

- d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Wash off trucks and other equipment leaving the site;
 - f. Keep disturbed/loose soil moist at all times;
 - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
 - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
17. The applicant shall be responsible for erosion and dust control during construction phases of the project.
18. 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.
19. *TCR-3 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. Consulting Tribes Notified: within 24 hours of discovery, the consulting tribe(s) shall be notified via email and phone. The developer shall establish monitoring agreements with the consulting tribes and provide the city evidence thereof. Consulting tribe(s) will be allowed access to the discovery, in order to assist with the significance evaluation.
 - b. 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. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process.
 - c. 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:
 - (1) 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.
 - (2) 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.
 - (3) 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, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default.

- (4) 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.
20. *NOI 1 Prior to the issuance of grading and building permits, the applicant shall submit to the City evidence that the project construction documents include the following restrictions:
- a. The construction contractor shall prohibit the use of heavy equipment (e.g., large tracked bulldozers or loaded trucks during) within 15 feet of the residential structures located immediately northeast and east of the project construction boundary. Light construction equipment (e.g., small rubber-tire bulldozer or pick-up trucks) is permitted within 15 feet of the residential structures located immediately northeast and east of the project construction boundary.
 - b. The construction contractor shall prohibit the use of heavy equipment (e.g., large tracked bulldozers or loaded trucks during) within 145 feet of the broadcast center during its hours of operation. Light construction equipment (e.g., small rubber-tire bulldozer or pick-up trucks) is permitted within 145 feet of the broadcast center during its hours of operation.

Prior to Building Permit Issuance

21. Construction plans submitted for Plan Check review shall specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest equipment possible, be painted green, and include of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
22. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening.
23. **Photometric/Lighting Plan:** An exterior lighting plan shall be submitted with building permit plans review and approval. Photometric plans shall include the following:
- a. A photometric study and manufacturer's cut sheets of all exterior lighting on the new buildings and within the common open space areas shall be submitted with the exterior lighting plan.
 - b. The light sources shall be shielded to minimize offsite glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-way. If lights are proposed to be mounted on buildings, down-lights shall be utilized.

Light poles shall not exceed 14 feet in height, including the height of any concrete or other base material.

- c. Any streetlights proposed along the southern boundary of the project shall be shielded to reduce light glare onto adjacent properties.
- 24. **Landscape and Irrigation Plans** shall be submitted for Planning staff approval. Separate application and filing fee are required. Design modifications may be required as deemed necessary.
- 25. **Site Plan:** Plans submitted for building plan check shall be revised to incorporate the following:
 - a. On Parcel A, the landscape setback along Golden Avenue shall be 15-feet from the property line to the proposed parking spaces; and
 - b. On Parcel A, the landscape setback along Pierce Street shall be 15-feet from the property line to the proposed parking spaces.

Prior to Release of Utilities and/or Occupancy:

- 26. 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/auditory responsible for the project. Contact the project planner at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.
- 27. The applicant/property manager shall contact the Riverside Police Department to participate in the City's Crime Free Multi-Housing Program.

Standard Conditions

- 28. There is a two-year time limit on this approval.
- 29. Entitlements 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 following a public hearing noticed pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions), may grant one final permit extension of up to two years. 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.
- 30. Prior to the expiration of the entitlements, if building permits have not been obtained, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning Division. **PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.**
- 31. 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.
- 32. 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.

33. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

Public Works

Conditions to be fulfilled prior to issuance of building permits unless otherwise noted:

34. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
35. Storm Drain construction will be contingent on engineer's drainage study.
36. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Applicant to provide preliminary sewer loadings to determine if further analysis required.
37. Off-site improvement plans to be approved by Public Works prior to building permit issuance.
38. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to building permit issuance.
39. Deed for widening Hollyhock Lane to 30 feet from monument centerline to Public Works specifications.
40. Installation of curb and gutter at 18 feet from monument centerline, sidewalk and matching paving on Hollyhock Lane to Public Works specifications.
41. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.
42. 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.

43. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
 - a. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

- d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
44. 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.
 45. 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.
 46. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
 47. Size, number and location of driveways to Public Works specifications.
 48. Required double trash enclosures per City standards.
 49. Closure of unused driveways to Public Works Specifications.
 50. Installation of curb adjacent sidewalk on Golden Avenue to Public Works specifications.
 51. PROTECT IN PLACE existing street trees. PLANTING of 24" box size Handroanthus impetiginosus in PUBLIC RIGHT-OF-WAY required in PUBLIC RIGHT-OF-WAY along GOLDEN AVE. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications. Tree Inspector to determine precise locations and quantities at time of scheduled site inspection after fine grading and hardscape installation complete.
 52. Intersection of Golden Avenue/Riverwalk Parkway and Pierce Street:

The westbound left-turn queues are projected to exceed the existing available turn-pocket storage lengths under all analysis scenarios for the intersection of Golden Avenue and Pierce Street. The study recommends extending existing storage by 90 feet by constructing necessary median improvements to accommodate the projected queues and to allow left-turn ingress movements into the project.

The project shall construct all the necessary median, traffic signal & signing improvements including signal loop detector upgrades to accommodate the forecasted queues as well as to facilitate left-turn ingress movements into the project.

The improvement plans will be reviewed and finalized as per the Traffic Engineering Division's satisfaction during the final plan-check process. Project shall provide 100% participation.

Fire

Prior to issuance of building permits

53. An automatic fire sprinkler system is required by City Ordinance 16.32.335. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

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

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.

54. Provide for fire department access to the facility. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
55. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
56. Construction plans shall be submitted and permitted prior to construction.
57. Fire Department access shall be maintained during all phases of construction.
58. Provide for fire department access to the gate. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.

An "Infrared Automatic Gate System" is required for all electric gates. Contact the Fire Prevention Division for information.

59. One new public fire hydrant is required on Pierce Street.

Public Utilities – Water

60. New domestic, landscape, and fire services required to serve project.
61. Any existing residential services will need to be abandoned at the main

Public Utilities – Electric

62. 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.
63. Easements & any associated fees will be acquired during the design process.
64. The provision of utility easements, water, streetlights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.
65. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained, and location of the equipment is approved by the Utility.
66. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing spare conduits, streetlights, also stub & cap along property frontage.
67. Plot existing electrical distribution facilities on the original site plan.

- 68. Please show proposed location of transformers and service panel locations
- 69. Power pole relocations and or may require OH/UG conversion
- 70. Maintain proper clearance from building to existing power lines
- 71. Plot existing service to existing building (will require easement over RPU utilities)

Parks, Recreation and Community Services

- 72. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.