

**PLANNING COMMISSION**  
**RECOMMENDED CONDITIONS**

PLANNING COMMISSION HEARING DATE: April 2, 2020

**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.