

**CITY COUNCIL
FINAL APPROVED CONDITIONS**

City Council Meeting Date: September 25, 2018

PLANNING CASES: P18-0295 (Zoning Code Amendment)
 P18-0331 (TM-39675)
 P18-0330 (Design Review)

Case Specific

- 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.

Prior to Map Recordation

2. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and documents creating a Homeowners Association (HOA), subject to approval of the Planning Division and City Attorney's Office. The CC&Rs/HOA shall contain the following:
 - a. Each buyer shall sign an acknowledgement that he/she has read the Constitution and By-Laws of the HOA and the CC&Rs applying to the development, including any clause pertaining to private streets and private drives.
 - b. Mechanical maintenance and "known-down" repair of fire hydrants and street lights which meet the specifications of the Public Utilities Department along private streets shall be accomplished by either the City Public Utilities Department or applicable serving utility company, at the expense of the HOA.
 - c. The By-Laws or other appropriate document of the Homeowners' Association shall include the obligations of the Association with respect to maintenance of the private streets.
 - d. Graffiti shall be removed within 24 hours of complaint.
 - e. The HOA shall maintain the basins, parkway and landscape along the project's frontage, common open space, private street, curbs, gutters, and sidewalk.

Prior to Grading Permit Issuance:

3. A Final Map for Tract No. 39675 shall be recorded.
4. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Compliance with City adopted interim erosion control measures;
 - b. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;

- d. Note all drainage features will be color treated to match surrounding terrain; and
- e. Final BMPs shall be finalized, subject to Public Work Department approval.

During Grading and Construction Activities:

- 5. 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.
- 6. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
 - b. Grading activities shall cease during period of high winds (greater than 25mph);
 - c. 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;
 - d. Contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted to Public Works Department for review and approval. The Traffic Plan shall include, 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. Work shall not commence without an approval traffic control plan from the Public Works Department;
 - e. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - f. Wash off trucks and other equipment leaving the site;
 - g. Replace ground cover in disturbed areas immediately after construction;
 - h. Keep disturbed/loose soil moist at all times; and
 - i. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
- 7. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
- 8. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
- 9. In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, State CEQA Guidelines 15064.5, and Public Resources Code 5097.98 must be implemented.

Prior to Issuance of Building Permit:

- 10. 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. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.

11. Plans submitted for Plan Check review should 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 preventer possible, be painted green, and consist of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
12. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The 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 lights are proposed to be mounted on buildings, 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.
13. All above ground equipment, visible to the public right-of-way shall be fully screened from the public right-of-way.
14. Landscape and Irrigation Plans shall be submitted for Planning staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Revise the Landscape Plan such that the plan incorporates the following changes:
 - a. The block wall along the north, east and west sides of the property shall be constructed of the same block and incorporate the same decorative cap and columns as the existing wall along the northern property line.
 - b. The project boundary wall shall tie into the existing wall along the northern property line.
 - c. Block columns shall be spaced 20 feet on center along Myers Street and the northern property line.
 - d. The Applicant shall work with the adjoining property owner to the south to remove the existing wall along the property line and replace it with the proposed block wall.

Prior to Release of Utilities and/or Occupancy:

15. The project shall participate in the Crime Free Multi-housing Program, or its successor equivalent by contacting the Riverside Police Department.
16. 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 and submitted to the Planning Division for Planning Division site inspection.

Standard Conditions:

17. There is a thirty-six-month time limit in which to satisfy the conditions and record the Final Map for Tract No. 39675. Six subsequent one-year time extensions may be granted by the Community & Economic Development Director upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
18. The Zoning Code Amendment and Design Review, related to an implementing subdivision, may be granted time extensions by the Community & Economic Development Director or their designee up to a total of six years beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued the Specific Plan Amendment, Conditional Use Permit, and related Certificate of Appropriateness will be considered vested and time extensions are no longer needed. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), 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.
19. 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.
20. 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.
21. The applicant 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.
22. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
23. The subject property shall be developed and operated substantially as described in the text of this 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.
24. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.
 - Fire Prevention
25. A residential fire sprinkler system meeting National Fire Protection Association 13D will be required.

Attached garages are required to be protected by an automatic fire sprinkler system. Plans shall be submitted to and approved by the Fire Department prior to installation. 2016 California Residential Code, Section R313, 2016 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.080.

26. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
27. Construction plans shall be submitted and permitted prior to construction.
28. Fire Department access shall be maintained during all phases of construction.
- Parks, Recreation and Community Services – Park Planning
29. 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.
- Public Utilities – Electric
30. 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.
31. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.
32. 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.
33. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
34. Plot existing electrical distribution facilities on the original site plan.
35. Please show proposed location of transformers and electrical rooms.
- Public Works - Land Development

Prior to Occupancy unless otherwise noted:

36. Size, number and location of driveways to Public Works specifications.
37. Closure of unused driveways to Public Works specifications.
38. Installation of sewer lateral(s) to serve this project to Public Works specifications.
39. Street Trees will be Required. Along Myers Street, 24" Box Size Crape Myrtles to be installed with root barriers along all hardscapes, typical spacing is 35 feet. Street Tree Inspector will spot for final planting once final grading and construction is completed.
40. Installation of automatic irrigation system to provide deep-root watering to trees is required.
41. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State

Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.