

Community & Economic Development
Department

City of Arts & Innovation

June 20, 2019

Eugene Marini
KA Enterprises
5820 Oberlin Drive, Ste. 201
San Diego, CA 92121

SUBJECT: PLANNING CASES P18-0028, P18-0034, P18-0031, P18-0032 and P18-0033 – REZONING, PARCEL MAP, CONDITIONAL USE PERMITS AND DESIGN REVIEW FOR COMMERCIAL DEVELOPMENT AT NORTHEAST CORNER OF SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE, WEST OF THE SOUTHBOUND I-215 OFF-RAMP, WARD 2

Dear Mr. Marini:

The Riverside City Council, at its meeting of June 11, 2019, upheld your appeal and approved your development related application which is referenced by the above-noted case numbers. Attached are the final conditions of approval for your records. In conjunction with this approval the City Council, in accordance with the California Environmental Quality Act (CEQA), determined that this project would not have a significant effect on the environment and adopted a Mitigated Negative Declaration.

A Notice of Determination has been filed with the Riverside County Clerk's Office. The filing of the Notice of Determination formally deems the project approved and commences a 30-day period in which legal challenges to the environmental determination can be made. A copy of the Notice of Determination is enclosed.

The conditions of approval require the applicant to execute an indemnification agreement within 30 days of approval. Please complete the attached agreement and return an original signed copy with the appropriate organizational documents to indicate proper signature authority and a current legal description of the project site to your case planner within 30 days.

Should you have any questions regarding this action, please contact your case planner, Matthew Taylor, Assistant Planner at (951) 826-5944.

Sincerely,



Mary Kopaskie-Brown, AICP, MCIP, OPPI
City Planner

**CITY COUNCIL
FINAL APPROVED CONDITIONS**

City Council Meeting Date: June 11, 2019

PLANNING CASES: **P18-0028** (Zoning Code Map Amendment)
 P18-0034 (Tentative Parcel Map)
 P18-0031 (Conditional Use Permit – Vehicle Fuel Station with Off-Sale of Beer
 and Wine/Vehicle Wash Facility)
 P18-0032 (Conditional Use Permit – Drive-Thru Restaurant)
 P18-0033 (Design Review)

Case Specific

• **Planning Division**

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 proposed project shall be developed and operated substantially as described in the text of this Staff Report and as shown on the plot plan on file with this case, except for any specific modifications that may be required by these conditions of approval.
3. The Applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
4. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including 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 Map Recordation:

5. The Applicant shall submit draft Conditions, Covenants and Restrictions (CC&Rs) for review and approval by the Planning Division and the City Attorney's Office. The CC&Rs shall include the following provisions:
 - a. Reciprocal access and parking shall be provided on both parcels;
 - b. A Master Property Association or other management entity shall be established and shall be responsible for the care and maintenance of all common landscaped areas, parking lots, water quality facilities, site lighting and other shared improvements.

Prior to Grading Permit issuance:

6. 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; and
 - e. Identification of location, exposed height, material and finish of any proposed retaining walls.
 - f. Specify enhanced decorative paving at project entry driveways.
7. **Mitigation Measure BIO-1:** A qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls within 30 days prior to site disturbance. If burrowing owls are detected on-site, the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of the RCA and wildlife agencies.
8. **Mitigation Measure BIO-2:** As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including diking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.
9. **Mitigation Measure BIO-3:**
 - a. **Drainage** - projects in proximity to the MSHCP Proposed Constrained Linkage 7 and shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Proposed Constrained Linkage 7 is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Proposed Constrained Linkage 7. Stormwater systems, as applicable, shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Proposed Constrained Linkage 7. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems. The Project's contractor shall develop a Stormwater Pollution Prevention Plan (SWPPP) to runoff and water quality during construction. However, following the completion of activities, the Project site

shall not contain any developed or paved areas, that will in any way result in increased drainage to the MSHCP Proposed Constrained Linkage 7. As such, no measures would be required post-construction.

- b. **Toxics** - Land uses proposed in proximity to the MSHCP Proposed Constrained Linkage 7 that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife species, habitat or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Proposed Constrained Linkage 7. Measures such as those employed to address drainage issues shall be implemented. The project shall implement a SWPPP that shall address runoff during construction.
- c. **Lighting** - Night lighting shall be directed away from the MSHCP Proposed Constrained Linkage 7 to protect species from direct night lighting. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting in the MSHCP Proposed Constrained Linkage 7 is not increased.
- d. **Noise** - Proposed noise generating land uses affecting MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards
- e. **Invasives** - Projects adjacent to the MSHCP Conservation Area (including MSHCP Proposed Constrained Linkage 7) shall avoid the use of invasive plant species in landscaping, including invasive, nonnative plant species listed in Volume I, Table 6-2 of the MSHCP.

10. **Mitigation Measure CR-1:** Archaeological and Paleontological Monitoring: At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist, in consultation with interested tribes, the Developer 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 applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
- c. The protocols and stipulations that the Applicant, tribes and project archaeologist/paleontologist shall 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;
- e. The scheduling and timing of the Cultural Sensitivity Training per **Mitigation Measure CR-4**.

11. **Mitigation Measure CR-2:** 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, Applicant, and interested 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 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.

12. **Mitigation Measure CR-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 shall 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. The removal of any artifacts from the project site shall 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. 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;
 - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would 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;
 - iii. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default; and

- iv. 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 shall be submitted to the City of Riverside, Eastern Information Center and interested tribes.

13. **Mitigation Measure CR-4:** Cultural Sensitivity Training: The County of Riverside 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.

During Construction Activities:

14. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
15. The proposed project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with National Pollutant Discharge Elimination System (NPDES) requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
16. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
17. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the proposed project site during all construction.
18. To reduce construction related particulate matter air quality impacts of the proposed project, the following measures shall be required:
 - a. Dust generation shall be controlled as required by the AQMD;
 - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - c. All contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;

- e. Trucks and other equipment leaving the site shall be washed;
 - f. All disturbed/loose soil shall be kept moist at all times;
 - g. Grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site.
19. 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.
20. The project shall comply with all applicable conditions of the Western Riverside County Regional Conservation Authority Joint Project Review (JPR) #18-08-07-01.

Prior to Building Permit issuance:

21. Plans submitted for Building Permit Plan Check shall be revised to specify that exposed deepened footings such as that which occurs on the north elevation of the Convenience Store shall be finished in the same manner as the primary building mass (e.g., decorative block, stucco, etc.).
22. Specify a solid overhanging pedestrian awning or canopy above the primary entrance to the Convenience Store.
23. Landscape and Irrigation Plans shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary. Landscape and irrigation plans shall include the following:
- a. Specify fast-growing climbing vine species to be planted along the eastern retaining wall adjacent to the freeway off-ramp.
 - b. Along the easterly property line, north of the retaining wall and adjacent to the freeway off-ramp, specify screening shrub plantings of sufficient container size and spacing.
 - c. Proposed planting at the corner of Sycamore Canyon Boulevard and Central Avenue, as well as the project entry driveways, shall be enhanced to the satisfaction of Planning Division Staff. Required enhancements will be based on detailed landscape and irrigation design plans and may include increased container size and quantities; decreased spacing; additional planting varieties or similar modifications.
 - d. Freestanding and retaining walls shall be constructed of a decorative masonry material (precision block is not acceptable) and shall be finished with and overhanging masonry cap.
 - e. Landscape construction plans shall incorporate additional detail related to the proposed gateway treatment at the corner of Sycamore Canyon Boulevard and Central Avenue.

24. Plans submitted for Staff review shall specify the location, design and color of all domestic water meters, tank vent risers, backflow preventers, detector check assemblies, utility equipment 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 screen walls.
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. Sight Lighting Plans shall be prepared in accordance with the provisions of the California Building Code and Chapter 19.556 (Outdoor Lighting) of the Zoning Code. In addition, plans submitted for plan check review shall demonstrate compliance with the following:
 - a. A minimum three-foot-high screen shall be provided around the fueling canopy area adjacent to Central Avenue to screen vehicle headlights.

Operational Conditions:

26. Operations outside the vehicle fuel station building shall be limited to the dispensing of gasoline, oil, air and water.
27. All storage and display of merchandise and supplies must be conducted within the service station building.
28. No vehicles shall be parked on the premises other than those of persons attending to business on the site, vehicles being serviced for customers, vehicles of employees, and other service vehicles used in the operation of the station. No vehicle may be parked on the premises and offered for sale.
29. Any tank or display provided for the incidental sale of propane or similar material shall be fully screened from view from any public right-of-way.
30. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to any City Staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
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 is a 36-month time limit in which to satisfy the conditions and record this map. 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.
33. Conditional Use permits, Design Review, and Variances, 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 consistent with the time limits of the map. Once a building permit has been issued the development 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.

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 Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
36. 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.
37. 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.
38. The Applicant of the business subject to this Conditional Use Permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
39. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.

- **Airport Land Use Commission (ALUC) Director's Determination**

Contact Paull Rull, ALUC Urban Regional Planner IV, at 951-955-6893 or prull@rivco.org with questions regarding the following Airport Land Use Commission conditions:

40. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

41. The following uses shall be prohibited:
- a. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, the production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal, and incinerators.)
42. The attached notice shall be provided to all potential purchasers of the property and to lessees of the structures thereon.
43. Any new aboveground detention or water quality basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention/water quality basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

- **Public Works**

Contact Chris Scully at 951-826-5345 or cscully@riversideca.gov with questions regarding the following Public Works Land Development conditions:

44. 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.
45. Installation of sewer main/sewer laterals to serve new construction.
46. Size, number and location of driveways to Public Works specifications.
47. Street Trees (Golden Trumpet Trees) are approved as outlined on the Landscape Plans. Final spotting and spacing will be conducted by the Tree Inspector once final grading and construction has been completed.
48. Installation of curb adjacent sidewalk to Public Works specifications.
49. 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.

50. 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.
51. 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:
 - a. Requiring the implementation of the project-specific WQMP in the Property Owners Association Conditions, Covenants and Restrictions (C,C&R's);
 - b. Formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or
 - c. Equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.
52. 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.

53. 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.

• **Public Works – Traffic Engineering**

Contact Nathan Mustafa at 951-826-5828 or mdouglas@riversideca.gov with questions regarding the following Fire Department conditions:

54. Figure 10 in the Traffic Impact Study represents the layout for the following conditions of approval:
- The project shall install a segment of two way left turn lane/ refuge area for motorists completing a left turn out for the project's northerly access to Sycamore Canyon Boulevard.
 - The project shall install a median barrier and signage to restrict the driveway to right in/out movements for the southerly access to Sycamore Canyon Boulevard.
 - The project shall install a buffered bicycle lane in the Southbound direction to the intersection approach.
55. The Sycamore Boulevard at Central Avenue intersection will operate under Level of Service F conditions in the AM Peak Hour for the Northbound right turn and LOS F conditions in the PM Peak Hour for the Eastbound right turn movements. The project shall install the overlap phasing of the signal modification to improve the LOS F conditions to the Northbound right and Eastbound right lanes at the Sycamore Canyon Boulevard at Central Avenue intersection.

• **Public Works – Environmental Compliance**

Contact Michael Placencia at 951-351-6072 or mplacencia@riversideca.gov with questions regarding the following Fire Department conditions:

56. A Wastewater Discharge Survey for restaurants must be submitted to EC for approval along with a menu. The Wastewater Survey and Menu will help to determine if you need an interceptor and what size. Plans must show the interceptor location.
- Details regarding an oil/water interceptor for the restaurant must be submitted to EC for review and approval. The City requires a minimum 750 gallon interceptor. Actual approved interceptor size depends on review of drainage fixture units and information written in submitted Wastewater survey. Approved interceptor must be installed prior to the restaurant opening for business. Domestic waste shall not be allowed to pass through the interceptor.
57. All corrections to plans shall be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside Department of Environmental Health by the EC inspector.

58. The Applicant shall request inspection to verify the required installation or construction via inspection by the EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by the EC Inspector.
59. Other items for correction may need to be completed after actual plans are submitted for a formal review.
60. Proposed trash enclosures with drains to sanitary sewer shall have a cover to control rainwater intrusion.
61. A completed Wastewater Discharge Authorization Certificate (WDAC) Application shall be submitted to EC for review and approval, including description pretreatment, such as clarifier/water recycling system.
62. A sampling station is required—submit proposed installation on plans.

- **Fire Department**

Contact Michelle Douglass at 951-826-5828 or mdouglas@riversideca.gov with questions regarding the following Fire Department conditions:

63. 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.

64. 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.
65. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
66. Construction plans shall be submitted and permitted prior to construction.
67. Fire Department access shall be maintained during all phases of construction.
68. New public fire hydrant are required on Sycamore Canyon and spaced a maximum of 350 feet.

- **Police Department**

Contact Sgt. Chad Collopy at 951-353-7218 or ccollopy@riversideca.gov with questions regarding the following Fire Department conditions:

Alcohol:

69. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.

70. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
71. No cold single units of beer or fortified wine/liquor shall be allowed to be sold. Beer shall only be sold in three packs or larger pre-packaged lots.
72. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.
73. The subject's alcoholic beverage license shall not be exchanged for a public premises type license or operated as a public premise. All alcoholic beverages sold shall be for consumption off the premises.

Security:

74. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easy discernment of the appearance and conduct of all persons on or about the parking lot.
75. The business windows shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the building shall remain at adequate levels to clearly see into the business from the exterior of the business.
76. A security camera surveillance system shall be in constant use, maintained in good working condition and made available for review by members of the Riverside Police Department.
77. Management shall actively participate in Business Watch through the Riverside Police Department.

Entertainment:

78. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
79. Any adult-oriented magazines, video tapes and other similar materials shall be displayed in an area partitioned off from, and not visible to, the general public or minors and shall be labeled "Adults Only".

Grounds:

80. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
81. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises over which they have control.
82. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
83. No pay phones shall be installed or maintained outside the building.

Compliance:

84. The licensee/employees shall attend a 4-hour LEAD (License, Education, Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining the license upgrade.

85. The required conditional use permit is subject to a mandatory six-month review by the Planning Division. In addition to any other stipulations, three or more sustained complaints to the Riverside Police Department within any 12-month period regarding disturbances caused by patrons or staff at the site shall be grounds for revocation proceedings.

- **Public Utilities – Electric**

Contact Addie Revuelta at 951-826-5484 or arevuelta@riversideca.gov with questions regarding the following Fire Department conditions:

Prior to Map Recordation:

86. Blanket Public Utilities Easement required on all parcels.

Prior to Building Permit Issuance

87. 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.
88. 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 purveyor.
89. 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.
90. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
91. Plot existing electrical distribution facilities on the original site plan.
92. Revise the plans to depict the proposed location of transformers, switch, PJC's, and electrical rooms.
93. Developer is responsible to install spare conduits, street lights, also stub & cap along property frontage.

- **Public Utilities – Water**

Contact Chris Gross at 951-826-5370 or cgross@riversideca.gov with questions regarding the following RPU Water conditions:

Prior to Map Recordation:

94. The Applicant shall abandon the existing water main in the right of way to be vacated, and relocate the existing fire hydrant to Central Ave. frontage.
95. Applicant shall construct or guarantee the construction of a new 12-inch public water main in Sycamore Canyon from Central to the project's northerly property line.

- **Parks, Recreation & Community Services**

Contact Randy McDaniel at 951-826-2000 or rmcdaniel@riversideca.gov with questions regarding the following PRCSD conditions:

96. 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.

**CITY OF RIVERSIDE DEVELOPMENT
INDEMNIFICATION AGREEMENT**

This INDEMNIFICATION AGREEMENT ("Agreement") is made this ____ day of _____, 2015, by a _____, a _____, ("Applicant"), in favor of the City of Riverside, a California charter city and municipal corporation ("City").

RECITALS

A. The Applicant is the owner or developer of that certain real property ("Property") located within the City of Riverside, County of Riverside, California. The Property is more particularly described in the legal description attached hereto as Exhibit "A" and incorporated herein by this reference.

B. The Applicant has applied to the City for certain development approvals for the Property under Planning Case Nos. P18-0028, P18-0034, P18-0031 and P18-0032, a proposal to _____ on the Property located at _____ (the "Project").

C. As a condition of approval to Planning Case Nos. P18-0028, P18-0034, P18-0031 and P18-0032, the City has required that the Applicant execute this Agreement, to defend, indemnify, including reimbursement, and hold harmless the City, its agents, officers and employees from any claim, action, or proceeding against the City, its agents, officers or employees, to attack, void or annul an approval by the City's advisory agency, appeal board, or legislative body concerning the Project.

NOW, THEREFORE, in accordance with the recitals set forth above and as consideration for the approval of development entitlements stated herein, the City and Applicant agree as follows:

1. Incorporation of Recitals. The parties agree that the Recitals constitute the factual basis upon which the City and the Applicant have entered into this Agreement. The City and the Applicant each acknowledge the accuracy of the Recitals and agree that the Recitals are incorporated into this Agreement as though fully set forth at length.

2. Term. The term of this Agreement commences upon approval of Planning Case Nos. P18-0028, P18-0034, P18-0031 and P18-0032 and shall terminate one year after the satisfaction of all required conditions under said Planning Case.

3. Indemnification. The Applicant agrees to indemnify and hold harmless the City, its agents, officers, council members, employees, boards, commissions and their members and the City Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of such litigation being to attack, set aside, void or annul any approval of the Project or related decision, or the adoption of any environmental documents or negative declaration which relates to the Project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party, and costs of suit, attorneys' fees, and other costs, liabilities and expenses arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence of the part of the City, its agents, officers, council members, employees, boards, commissions and their members and the City Council.

4. City Notification. City shall promptly notify the Applicant of any claim, action, or proceeding concerning the Project and the City shall cooperate fully in the defense of the matter. Applicant shall promptly retain counsel, at its own cost, to represent the City in any such action. Said counsel, if approved by the City, can jointly represent the City and Applicant. However, the City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. Any costs and attorney's fees incurred by the City for its separate counsel shall be paid for by the Applicant.

5. Settlement. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

6. Severability. If for any reason, any portion of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

7. Assignability Limitations. This Agreement may be assigned by the Applicant to any successor in interest for the Project, only after Applicant has first notified the City Planning Department and has provided to the City Planning Director a signed acceptance of the assignment by the assignee.

8. Nonwaiver of Rights or Remedies. The failure of the City to exercise any right or remedies available to it pursuant to this Agreement shall not constitute a waiver of that party's right to enforce that right or to seek that remedy in the future. No course of conduct or act of forbearance on any one or more occasions by any party to this Agreement shall preclude that party from asserting any right or remedy available to it in the future. No course of conduct or act of forbearance on any one or more occasions shall be deemed to be an implied modification of the terms of this Agreement.

9. City Authority. Notwithstanding anything in this Agreement to the contrary, the City retains all authority and discretion granted to it by law to either approve,

disapprove or modify any of the proposed uses of the Property and/or Project in accordance with City ordinances and the approved General Plan.

10. No Oral Modifications. This Agreement represents the entire understanding of the City and the Applicant and supersedes all other prior or contemporaneous written or oral agreements pertaining to the subject matter of this Agreement. This Agreement may be modified, but only by a writing signed by both the City and the Applicant. All modifications to this Agreement must be approved by the City Council of the City of Riverside.

11. Binding Upon Successors. This Agreement and each of its terms shall be binding upon the City, the Applicant and their respective officers, elected officials, employees, agents, contractors, and permitted successors and assigns.

12. Legal Challenges. Nothing herein shall be construed to require City to defend any third party claims and suits challenging any action taken by the City with regard to any procedural or substantive aspect of the City's approval of the Project, the environmental process, or the proposed uses of the Property. The City shall retain sole and absolute discretion on whether or not it will defend any action filed which challenges the Project, or whether it will take any other course of action on the Project. The Applicant may, however, in its sole and absolute discretion, appear as real party in interest in any third party action or proceeding, and in such event, the City may defend such action or proceedings at City's sole and absolute discretion. This City shall have the absolute right to retain such legal counsel as the City deems necessary and appropriate to represent its interests.

13. Attorneys' Fees. In the event that any action or proceeding, including arbitration, is commenced by either the City or the Applicant against the other to establish the validity of this Agreement or to enforce any one or more of its terms, the prevailing party in any such action or proceeding shall be entitled to recover from the other, in addition to all other legal and equitable remedies available to it, its actual attorneys' fees and costs of litigation, including, without limitation, filing fees, service fees, deposition costs, arbitration costs and expert witness fees, including actual costs and attorneys' fees on appeal.

14. Jurisdiction and Venue. This Agreement is executed and is to be performed in the City of Riverside, Riverside County, California, and any action or proceeding brought relative to this Agreement shall be heard in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county.

15. Headings. The headings of each Section of the Agreement are for the purposes of convenience only and shall not be construed to either expand or limit the express terms and language of each Section.

16. Representations of Authority. Each party signing this Agreement on behalf of a party which is not a natural person hereby represents and warrants that all necessary legal prerequisites to that party's execution of this Agreement have been satisfied and that he or she has been authorized to sign this Agreement and bind the party on whose behalf he or she signs.

IN WITNESS WHEREOF, the Applicant has caused this Indemnification Agreement to be executed the date first written above.

APPLICANT:

By_____

Printed Name_____

Title_____

By_____

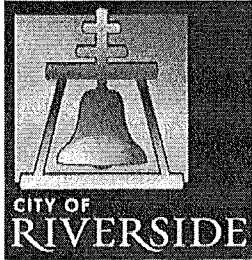
Printed Name_____

Title_____

APPROVED AS TO FORM:

Deputy City Attorney

Rev: 08/19/11



CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JUNE 11, 2019, 2:30 P.M.
ART PICK COUNCIL CHAMBER
CITY HALL
3900 MAIN STREET

City of Arts & Innovation

COUNCILMEMBERS

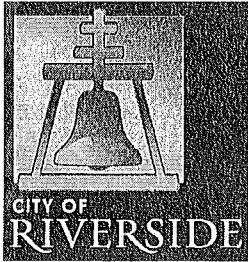
G A R D N E R	M E L E N D R E Z	S O U B I R O U S	C O N D E R	M A C A R T H U R	P E R R Y	A D A M S
1	2	3	4	5	6	7

WARDS

PUBLIC HEARINGS/PLANNING REFERRALS AND APPEALS

CASES P18-0028, P18-0031, P18-0032, P18-0033, AND P18-0034 -
APPEAL - ZONING CODE AMENDMENT - TENTATIVE PARCEL MAP -
CONDITIONAL USE PERMITS - DESIGN REVIEW - SYCAMORE
CANYON/CENTRAL - ORDINANCE INTRODUCED

Hearing was called on an appeal on behalf of KA Enterprises of
Planning Commission denial of a proposal by Eugene Marini of KA
Enterprises for a Zoning Code Amendment, Tentative Parcel Map,
conditional use permits, and design review to facilitate development
of 2.19 acres with a commercial development consisting of a drive-
thru restaurant and a vehicle fuel station that includes a convenience
store with a Type 20 (Off-Sale of Beer and Wine) Alcohol License and
an automated vehicle wash facility on property located at the
northeast corner of Sycamore Canyon Boulevard and Central
Avenue, immediately west of Interstate 215/State Route 60. Fifty-six
people spoke on the matter. The public hearing was officially closed.
Following discussion, the City Council (1) upheld the appeal of the
Planning Commission denial of a proposal by Eugene Marini of KA
Enterprises for a Zoning Code Amendment, Tentative Parcel Map,
conditional use permits, and design review to facilitate development
of 2.19 acres with a commercial project, and determined that the
proposed project will not have a significant effect on the
environment based on the findings set forth in the case record;
(2) adopted the Mitigated Negative Declaration and Mitigation
Monitoring and Reporting Program pursuant to California
Environmental Quality Act Guidelines Section 15097 and Section
21081.6; (3) approved Planning Cases P18-0028 Rezoning, P18-0034
Tentative Parcel Map, P18-0031 and P18-0032 conditional use permits,
and P18-0033 design review, based on the findings outlined in the
staff report and subject to the conditions of approval; and
(4) introduced an Ordinance amending the Zoning Map of the
Riverside Municipal Code to apply the CG - Commercial General
Zone to the project site; whereupon, an ordinance entitled, "An
Ordinance of the City of Riverside, California, Amending the Zoning




City of Arts & Innovation

CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JUNE 11, 2019, 2:30 P.M.
ART PICK COUNCIL CHAMBER
CITY HALL
3900 MAIN STREET

COUNCILMEMBERS

	G A R D N E R	M E L E N D R E Z	S O U B I R O U S	C O N D E R	M A C A R T H U R	P E R Y	A D A M S
WARDS	1	2	3	4	5	6	7
<p>Map of the City of Riverside Pursuant to Chapter 19.090 of the Riverside Municipal Code by Zoning 2.19 Acres of Excess Right of Way Situated on the Northeast Corner of Sycamore Canyon Boulevard and Central Avenue, West of the Southbound I-215 Off-Ramp as CG - Commercial General Zone," was presented and introduced.</p> <p><u>COMMUNICATIONS</u></p> <p>CITY ATTORNEY REPORT ON CLOSED SESSIONS City Attorney Geuss announced there was nothing to report on closed sessions.</p> <p>ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION Councilmember Mac Arthur reported on the Operation Splash at Hunt Park event. Councilmember Adams reported on Ward 7 Cool Centers.</p> <p>The City Council adjourned at 5:43 p.m.</p> <p>Respectfully submitted,</p> <p></p> <p>COLLEEN J. NICOL City Clerk</p>		X				X	
Motion Second All Ayes							

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt #: 19-171689

State Clearinghouse # (if applicable):

Lead Agency: CITY OF RIVERSIDE

Date: 06/12/2019

County Agency of Filing: RIVERSIDE

Document No: E-201900677

Project Title: KA SYCAMORE AT CENTRAL COMMERCIAL DEVELOPMENT

Project Applicant Name: EUGENE MARINI OF KA ENTERPRISES

Phone Number: (951) 826-5371

Project Applicant Address: 219 VACANT NORTHEAST CORNER OF SYCAMORE CANYON BOULEVARD AND

Project Applicant: LOCAL PUBLIC AGENCY

CHECK APPLICABLE FEES:

☐ Environmental Impact Report

☒ Negative Declaration

☐ Application Fee Water Diversion (State Water Resources Control Board Only)

☐ Project Subject to Certified Regulatory Programs

☒ County Administration Fee

☐ Project that is exempt from fees (DFG No Effect Determination (Form Attached))

☐ Project that is exempt from fees (Notice of Exemption)

\$2,354.75

\$50.00

Total Received \$2,404.75

Signature and title of person receiving payment:



Deputy

Notes:



Community & Economic
Development Department
Planning Division

3900 /

E-201900677

06/12/2019 12:28 PM

Customer Copy Label

The paper to which this label is affixed
has not been compared with the
filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

NOTICE OF DETERMINATION

To: ☒ County of Riverside
County Clerk & Recorder
P.O. Box 751
2724 Gateway Drive
Riverside, Ca 92507-0751
(951) 486-7405
Office of Planning & Research
☐ P.O. Box 3044,
1400 Tenth Street, Room 222
Sacramento, Ca 95812-3044

From: City of Riverside
Community Development Department
Planning Division
3900 Main Street, 3rd floor
Riverside, CA 92522
(951) 826-5625

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: *(if submitted to State Clearinghouse)* N/A

Project Title: KA Sycamore at Central Commercial Development – P18-0028 (Zoning Code Map Amendment), P18-0034 (Tentative Parcel Map), P18-0031 (Conditional Use Permit), P18-0032 (Conditional Use Permit) and P18-0033 (Design Review)

Project Applicant: Eugene Marini, of KA Enterprises

Project Location (include County): 2.19 vacant acres at the northeast corner of Sycamore Canyon Boulevard and Central Avenue, City of Riverside, County of Riverside

Project Description: Proposal by Eugene Marini of KA enterprises to consider the following entitlements for a commercial development on 2.19 acres: 1) a Zoning Code Map Amendment to apply the CG – Commercial General Zone to the project site; 2) a Tentative Parcel Map (TPM – 37591) to vacate 1.14 acres of excess right-of-way and to subdivide the subject 2.19 acres into two lots, ranging in size from 1.04 to 1.15 acres; 3) a Conditional Use Permit to permit a vehicle fuel station consisting of a fueling canopy with 12 gasoline pumps, a 3,200 square foot convenience store with off-sale of beer and wine (Type 20 Alcohol License), and a 1,518-square-foot automated vehicle wash facility; 4) a Conditional Use Permit to permit a 3,800-square-foot drive-thru restaurant; and 5) Design Review of project plans.

This is to advise that the Riverside City Council has approved the above-described project on June 11, 2019 and has made the following determinations, which reflect the independent judgment of the City of Riverside regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration is available to the General Public at the City of Riverside, Community Development Department, Planning Division, 3900 Main Street, Riverside.

Signature:  Title: Associate Planner

Date: June 12, 2019 Date Received for filing at OPR: _____