



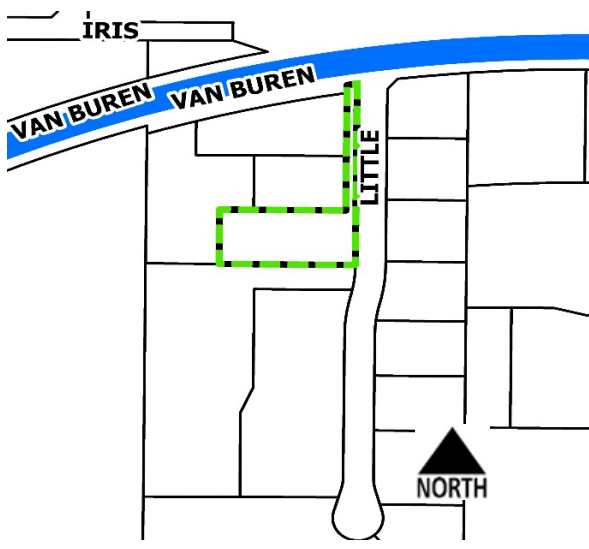
**Community & Economic Development Department**

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

**Planning Division**

**PLANNING COMMISSION HEARING DATE: AUGUST 19, 2021  
AGENDA ITEM NO.: 6**

**PROPOSED PROJECT**

Case Number	PR-2021-000949 (General Plan Amendment, Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Variance)	
Request	To consider the following entitlements to facilitate the construction of a 6,412 square foot multi-tenant commercial building: 1) General Plan Amendment to amend the land use designation from VLDR – Very Low Density Residential to C – Commercial; 2) Zoning Code Amendment to change the zone from R-1-1/2 Acre-SP – Single Family Residential and Specific Plan (Orangecrest) Overlay Zones to CR-SP-X-15-S-2 – Commercial Retail, Specific Plan (Orangecrest), Building Setback (15 Feet from Van Buren Boulevard), and Building Stories (Two-Story Maximum) Overlay Zones; 3) Conditional Use Permit to permit a drive-thru restaurant; 4) Design Review of project plans; and 5) Variance to allow less parking spaces than required by the Zoning Code.	
Applicant	Mike Sadeghian of Van Buren Land Investments	
Project Location	18233 Van Buren Boulevard, situated on the southwest corner of Van Buren and Little Court	
APN	266-020-022	
Project area	0.87 acres	
Ward	4	
Neighborhood	Orangecrest	
General Plan Designation	VLDR – Very Low Density Residential	
Specific Plan Designation	Orangecrest	
Zoning Designation	R-1-1/2 Acre-SP – Single Family Residential and Specific Plan (Orangecrest) Overlay Zones	
Staff Planner	Alyssa Berlino, Associate Planner 951-826-5628 <a href="mailto:aberlino@riversideca.gov">aberlino@riversideca.gov</a>	

## RECOMMENDATIONS

Staff recommends that the Planning Commission recommend that the City Council:

1. **DETERMINE** that the proposed project, as analyzed and presented in the Addendum, will not result in significant effects on the environment, and is, therefore, consistent with the adopted Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program prepared for Planning Cases P13-0263, P13-0264, P14-0769, P15-0269, P15-0158; and
2. **APPROVE** Planning Case PR-2021-000949 (General Plan Amendment, Zoning Code Map Amendment, Conditional Use Permit, Design Review, Variance) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

## SITE BACKGROUND

The 0.87-acre project site consists of one parcel located on the southwest corner of Van Buren Boulevard and Little Court (Exhibit 4). The project site was previously developed with a single-family residence, which was demolished in 2019. The project site is currently being used for construction staging for a shopping center (Van Buren Village).

Surrounding land uses include a shopping center to the north, west, and south (approved under Planning Cases P13-0263, P13-0264, P14-0769, P15-0269, and P15-0158), and single-family residences to the east (across Little Court).

As a matter of information, on December 1, 2015 the City Council approved the development of a shopping center (Van Buren Village) consisting of 10,700 square feet of commercial/ retail, a 10,000 square foot day care center, a 2,540 square foot drive-thru restaurant, a 10,000 square foot office building, and an 8,000 square foot medical office building.

Subsequently, two Substantial Conformance requests were approved for the following: 1) the drive-thru restaurant building was reduced in size from 2,540 square feet to 2,377 square feet and the elevations were modified ; and 2) the day care center reconfigured the parking lot, relocated the outdoor play area, and modified the building elevations.

## PROPOSAL

The applicant requests approval of entitlements to facilitate the construction of a 6,412 square foot multi-tenant commercial building. Implementation of this proposed project will require the following entitlements:

- *General Plan Amendment:* To amend the land use designation from VLDR – Very Low Density Residential to C – Commercial;
- *Zoning Code Amendment:* To change the zone from R-1-1/2 Acre-SP – Single Family Residential and Specific Plan (Orangethree) Overlay Zones to CR-SP-X-15-S-2 – Commercial Retail, Specific Plan (Orangethree), Building Setback (15 Feet from Van Buren Boulevard), and Building Stories (Two-Story Maximum) Overlay Zones;
- *Conditional Use Permit:* To permit a drive-thru restaurant;
- *Design Review:* Site design and building elevations; and
- *Variance:* To allow 242 parking spaces where the Zoning Code requires 254 parking spaces.

Access to the project site will be provided via one two-way driveway on Van Buren Boulevard. Two emergency access driveways are provided on Little Court.

## PROJECT ANALYSIS

### Authorization and Compliance Summary

	Consistent	Inconsistent
<p><b>General Plan 2025</b></p> <p>The proposed project is consistent with the proposed General Plan land use designation of C – Commercial (Exhibit 5). The Commercial land use designation provides for retail, sales, service and office uses serving multiple neighborhoods within the City. The proposal to amend the General Plan Land Use designation is consistent with the following Policies and Objectives, and furthers the intent of General Plan 2025:</p> <p><u>Objective LU-75:</u> Manage continued growth of the Orangecrest neighborhood in a manner consistent with the Orangecrest Specific Plan, providing needed infrastructure as land develops.</p> <p><u>Policy LU-75.1:</u> Avoid creating any hindrance to safe operations at the March Air Reserve Base/Inland Port using the Riverside County Airport Land Use Compatibility Plan when reviewing projects within the airport influence area for consistency.</p> <p><u>Policy LU-75.3:</u> Encourage local-serving retail development to provide nearby shopping opportunities within the neighborhood.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Specific Plan (Orangecrest)</b></p> <p>The project site is in the Orangecrest Specific Plan (Exhibit 6). The site is located within Planning Area 107-A, which provides development standards for single-family residential uses. The Specific Plan does not provide development standards for commercial uses meaning, the proposed project is subject to the standards of the underlying zones.</p> <p>Staff has determined that the proposed development is consistent with the development patterns of the Orangecrest Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The proposed project is consistent with the proposed CR-SP-X-15-S-2 – Commercial Retail, Specific Plan (Orangecrest), Building Setback (15 Feet from Van Buren Boulevard), and Building Stories (Two-Story Maximum) Overlay Zones (Exhibit 7), which is consistent with the proposed General Plan C – Commercial Land Use designation.</p> <p>The CR Zone permits the development of a drive-thru restaurant, subject to the approval of a Conditional Use Permit and compliance with the Site Location, Development, and Operational Standards.</p> <p>The proposed project is generally consistent with the applicable development standards of the Zoning Code except for the minimum number of required parking spaces. The Zoning Code allows for consideration of Variances to deviate from the development standards. The applicant is requesting Variances to facilitate implementation of the proposed project (Exhibit 9).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><b>Compliance with Citywide Design &amp; Sign Guidelines</b></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for new commercial development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, landscaping, service area and equipment screening and lighting. The proposed architectural design reflects a contemporary commercial style with Mediterranean revival influences, consisting of wooden trellises, stacked stone columns, arched storefronts, hipped rooflines, and concrete roof tiles. The proposed color palette is primarily shades of cream and light grey consistent with the design of the approved shopping center.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Riverside County Airport Land Use Compatibility Plan</b></p> <p>The proposed project is in Zone E (Other Airport Environs) of the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP). On November 16, 2020, the Riverside County Airport Land Use Commission (ALUC) Director determined the proposed project to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to conditions of approval (Exhibit 10).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<b>Chapter 19.110 – Development Standards for the CR - Commercial Retail Zone</b>					
	<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Floor Area Ratio</b>	0.50		0.16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Lot Requirements</b>	Lot Size	20,000 square feet	37,897 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	270 feet <sup>1</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Depth	100 feet	120 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Height<sup>2</sup></b>	30 feet		30 feet, 10 inches <sup>3</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Setbacks</b>	Front (Van Buren Boulevard)	15 feet <sup>4</sup>	66 feet, 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (West)	0 feet	30 feet, 6 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (Little Court)	0 feet	90 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (South)	0 feet	22 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup>The subject site consists of a corridor lot, which is permissible per Section 18.210.080.E of the Riverside Municipal Code, with a minimum corridor width of 20 feet. The lot width is the horizontal distance between the side lot lines, measured at the front building setback line.

<sup>2</sup>Maximum height limit per the Building Stories Overlay Zone.

<sup>3</sup>Section 19.560.030.A of the Riverside Municipal Code allows for uninhabited architectural design features (such as towers) to exceed the specified height limit by a maximum of 10 feet.

<sup>4</sup>Building Setback per the Building Setback Overlay Zone.

<b>Chapter 19.475 – Drive-Thru Business Development Standards</b>				
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Frontage</b>	100 feet	270 feet <sup>1</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Van Buren Boulevard (Arterial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Drive-Thru Lane Standards</b>	Length: 180 feet	193 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	10 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drive-thru lane screening	A 4-foot high masonry screen wall along Little Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setback</b>	Van Buren Boulevard: 15 feet	36 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.580 – Parking and Loading Standards</b>					
<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Proposed Multi-Tenant Commercial Building</b>	Restaurant (6,412 square feet): 1 space/100 square feet	64 spaces			
<b>Shopping Center (Van Buren Village)</b>	Restaurant (2,377 square feet): 1 space/100 square feet	24 spaces	242 spaces	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Commercial (20,695 square feet): 1 space/250 square feet	83 spaces			
	Medical Office (8,000 square feet): 1 space/ 180 square feet	44 spaces			
	Day Care Center (22 employees + 170 person capacity): 1 space/ employee + 1 space/ 10 persons at facility capacity	39 spaces			
<b>Total</b>		254 spaces			

## FINDINGS SUMMARY

### **Zoning Code Map Amendment and Conditional Use Permits**

The proposal to apply the proposed CR-SP-X-15-S-2 – Commercial Retail, Specific Plan (Orangetrest), Building Setback (15 Feet from Van Buren Boulevard), and Building Stories (Two-Story Maximum) Overlay Zones to the project site will facilitate the development of a high-quality commercial shopping center. The proposed multi-tenant commercial building, with a drive-thru restaurant, is an appropriate use for the corner of Van Buren Boulevard and Little Court, as it will provide additional options for residents of the Orangetrest neighborhood.

The proposed project has been designed to provide safe and efficient vehicular access and internal circulation while providing adequate landscaping, water quality treatment facilities, utility equipment, pedestrian access and site furnishings. The proposed project is generally consistent with the applicable development standards of the proposed CR Zone, as well as the specific standards for drive-thru businesses.

The proposed project is consistent and compatible with the surrounding development and will provide convenient access to goods and services for the surrounding neighborhoods. Staff is able to make the findings to support the Zoning Code Map Amendment and Conditional Use Permit (Exhibit 1).

### **Variances Findings**

The Zoning Code establishes a minimum number of required parking spaces for specific uses based on, but not limited to, gross floor area ratio, maximum number of employees, number of patrons, etc. The proposed multi-tenant commercial building includes two restaurant uses, which require one parking space per 100 square feet of gross floor area. The proposed uses along with the entitled shopping center (Van Buren Village) require a total of 254 parking spaces. The proposed project includes 242 parking spaces for the shopping center.

The applicant provided justifications in support of the Variance request (Exhibit 9). The applicant prepared a parking analysis to determine the expected parking needs of the shopping center, in comparison with the number required by the Zoning Code. The analysis concluded that based on the expected demand with the mix of proposed uses, there will be a surplus of 32 parking spaces at the time of peak parking demand on the weekdays and a surplus of 101 parking spaces at the time of peak parking demand on the weekends. Staff is able to make the necessary findings in support of the Variance (Exhibit 1).

## **ENVIRONMENTAL REVIEW**

An Addendum to an adopted Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program (Planning Cases P13-0263, P13-0264, P14-0769, P15-0269, and P15-0158) was prepared for this proposed project in accordance with Section 15163 of the California Environmental Quality Act (CEQA) Guidelines. The Addendum determined that the proposed project will not result in significant effects on the environment and is therefore consistent with the adopted Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program.

## **PUBLIC NOTICE AND COMMENTS**

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no comments have been received by Planning Staff.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Existing Site Photos
4. Location Map
5. Existing and Proposed General Plan Map
6. Specific Plan Map
7. Existing and Proposed Zoning Map
8. Project Plans (Site Plan, Floor Plans, Roof Plans, Color Building Elevations, Elevations, Conceptual Grading and Utility Plan, Master Site Plan, Conceptual Landscape Plan, Photometric Plan, Phasing Plan)
9. Applicant Prepared Variance Justifications
10. Riverside County Airport Land Use Commission Approval and Conditions
11. Addendum to Mitigated Negative Declaration

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Prepared by: Alyssa Berlino, Associate Planner  
Reviewed by: Candice Assadzadeh, Senior Planner  
Approved by: Mary Kopaskie-Brown, City Planner



*EXHIBIT 1 – STAFF RECOMMENDED FINDINGS*

**PLANNING CASE:**      **PR-2021-00949** (GPA, RZ, CUP, DR, VR)

**A. Zoning Code Map Amendment (Rezoning) Findings Pursuant to 19.810.040**

- a) The proposed Zoning Code Map Amendment (Rezoning) is consistent with the goals, policies, and objectives of the General Plan;
- b) The proposed Zoning Code Map Amendment (Rezoning) will not adversely affect surrounding properties; and
- c) The proposed Zoning Code Map Amendment (Rezoning) will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

**B. Conditional Use Permit Findings Pursuant to Chapter 19.760.040**

- a) The proposed project is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b) The proposed project will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- c) The proposed project will be consistent with the purposes of the Zoning Code and the application of any required development standards in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

**C. Drive-thru Business Findings Pursuant to Chapter 19.475.050**

- a) The drive-thru business will not substantially increase vehicular traffic on streets in a residential zone;
- b) The drive-thru business will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
- c) The drive-thru business will not create increased traffic hazards to pedestrians;
- d) The site is adequate in size and shape to accommodate the drive-thru business and all yards, walls, parking, landscaping and other required improvements; and
- e) The drive-thru business will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.



**D. Variance - Justification Findings Pursuant to Chapter 19.720.040**

Variance Request: To allow 242 parking spaces where the Zoning Code requires 254 parking spaces.

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

The proposed project **complies** with this finding. Strict application of the Zoning Code would require a minimum of 254 parking spaces in the shopping center to accommodate the proposed multi-tenant commercial building, with two restaurant uses. A parking analysis was prepared, which evaluated the parking demand for the mix of uses in the shopping center compared to the Zoning Code requirements. The basis of determining the required number of parking spaces per the Zoning Code depends on the gross floor area ratio, maximum number of employees, etc. The Zoning Code does not consider the operating times of different uses within a shopping center.

The parking analysis concluded that the peak parking demand on weekdays would occur between 1:00 pm and 2:00 pm and forecasts a surplus of 32 parking spaces. Peak parking demands are projected to occur at 11:00 am on the weekends with forecasted surplus of 101 parking spaces. Based on the expected demand with the mix of proposed uses, there will be a surplus of 32 parking spaces at the time of peak parking demand on the weekdays and a surplus of 101 parking spaces at the time of peak parking demand on the weekends. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

2. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

The proposed project **complies** with this finding. The proposed project is located within a larger shopping center (Van Buren Village) that was approved for entitlements in 2015 and is currently under construction. The southern portion of the shopping center is located on a hillside and the site has an overall grade difference of approximately 60 feet from the southern portion of the center to the northern portion along Van Buren Boulevard. As a result, a significant amount of surface area is dedicated to engineered slopes that could have otherwise been used for parking on a flat site. There are natural and culturally historic resources within the shopping center site.

Avoiding these resources was necessary when the site was designed which impacted the proposed overall site design and the reduced number of parking spaces in the overall shopping center. These conditions constitute an exceptional circumstance not generally applicable to similar properties in the CR-Commercial Retail Zone or within neighborhood.

3. *Granting this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The proposed project **complies** with this finding. The parking analysis demonstrates there will be a surplus of 32 parking spaces at the time of peak parking demand on the weekdays and a surplus of 101 parking spaces at the time of peak parking demand on the weekends, based on the projected demand for the mix of uses approved in the shopping center with two restaurant tenants in the proposed project.

Because of the grade separation and lack of vehicular access on Little Court, there would not be an incentive for customers to park on Little Court. No on-street parking is anticipated to impact the existing residents on Little Court.

Granting the variance will not be materially detrimental to the public welfare or injurious to the neighborhood.

4. *Granting the request will not be contrary to the objectives of the General Plan.*

The proposed project **complies** with this finding. Based on the scope of the requested variance, granting the variance will not be contrary to the objectives of the General Plan 2025.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASES:** PR-2021-00949 (GPA, RZ, CUP, DR, VR)

*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. 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. **Advisory:** 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 Grading Permit issuance:*

5. The General Plan Amendment shall be finalized and/or adopted.
6. The Zoning Code Map Amendment shall be finalized and/or adopted.
7. The master site plan for the shopping center (BP-2021-11316) shall be approved
8. The four parking spaces located to the west of the project site's trash enclosure shall be incorporated into the grading plans for this site.
9. **\*MM Cultural 1:** If encountered during grading and construction activities, avoidance is the preferred treatment for known prehistoric and historical archaeological sites and sites containing Native American human remains. Where feasible, project plans shall be developed to avoid known archaeological resources and sites containing human remains. Where avoidance of construction impacts is possible, the site shall be landscaped in a manner which will ensure that indirect impacts from increased public availability to these sites are avoided. Where avoidance is selected, archaeological resource sites and sites containing Native American human remains shall be placed within permanent conservation easements or dedicated open space areas.
10. **\*MM Cultural 2:** Future development of the project site, including all grading and construction plans, shall include complete avoidance of site CA-RIV-4732 and CA-RIV-8098

as identified in the Cultural Resources Survey prepared for this project, including all grading and construction on or in close proximity to these sites.

11. **\*MM Cultural 3:** If, after consultation with the appropriate Tribe, the project archaeologist and the project engineer/architect, and in accordance with the law, avoidance and/or preservation in place of known prehistoric and historical archaeological resources and sites containing Native American human remains are not feasible management options, the following mitigation measures shall be initiated:
- a. Prior to the issuance of a grading permit for a project, the City's consultant shall develop a Phase II (i.e., test-level) Research Design detailing how the archaeological resources investigation will be executed and providing specific research questions that will be addressed through the Phase II Testing Program. In general terms, the Phase II Testing Program should be designed to define site boundaries further and to assess the structure, content, nature, and depth of subsurface cultural deposits and features. Emphasis should also be placed on assessing site integrity, cultural significance and the site's potential to address regional archaeological research questions. These data should be used for two purposes: to discuss culturally sensitive recovery options with the appropriate Tribe(s) if the resource is of Native American origins, and to address the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP) eligibility for the cultural resource and make recommendations as to the suitability of the resource for listing on either Register. The Research Design shall be submitted to the City's Cultural Heritage Board and/or Cultural Heritage Board staff and the appropriate Tribe for review and comment. Tribal comments must be received by the City Planning Division within 45 days. The City shall consider all comments, require revisions, if deemed necessary by the report writer and approve a final Research Design which shall be implemented. For sites determined ineligible for listing on either the CRHR or NRHP, execution of the Phase II Testing Program would suffice as the necessary level of data recovery and mitigation of project impacts to this resource.
  - b. A participant-observer from the appropriate Native American Band or Tribe shall be used during all archaeological excavations involving sites of Native American concern.
  - c. After approval of the Research Design and prior to the issuance of a grading permit, the City's consultant shall complete the Phase II Testing Program as specified in the Research Design. The results of this Program shall be presented in a technical report that follows the County of Riverside's Outline for Archaeological Testing. The Phase II Report shall be submitted to the appropriate Tribe and the City's Cultural Heritage Board for review and comment.
  - d. If the cultural resource is identified as being potentially eligible for either the CRHR or NRHP, a Phase III Data Recovery Program to mitigate project effects should be initiated. The Data Recovery Treatment Plan detailing the objectives of the Phase III Program should be developed, in consultation with the appropriate Tribe, and contain specific testable hypotheses pertinent to the Research Design and relative to the sites under study. The Phase III Data Recovery Treatment Plan should be submitted to the City's Cultural Heritage Board and/or the Cultural Heritage Board's staff and the appropriate Tribe for review and comment. Tribal comments must be received by the City Planning Division within 45 days. The City shall consider all comments, require revisions, if deemed necessary by the report writer and approve a final Treatment Plan which shall be implemented.

- e. After approval of the Treatment Plan, the Phase III Data Recovery Program for affected, eligible sites should be completed. Typically, a Phase III Data Recovery Program involves the excavation of a statistically representative sample of the site to preserve those resource values that qualify the site as being eligible for listing on the CRHR or NRHP. Again, a participant-observer from the appropriate Native American Band or Tribe shall be used during archaeological data-recovery excavations involving sites of Native American concern. At the conclusion of the Phase III Program, a Phase III Data Recovery Report should be prepared, following the County of Riverside's Outline for Archaeological Mitigation or Data Recovery. The Phase III Data Recovery Report should be submitted to the appropriate Tribe and the City's Cultural Heritage Board for review.
  - f. All archaeological materials recovered during implementation of the Phase II Testing or Phase III Data Recovery programs would be subject to analysis and/or processing as outlined in the Treatment Plan. If materials are of the type which will be transferred to a curation facility, they should be cleaned, described in detail, and analyzed including laboratory and analytical analysis. Materials to be curated may include archaeological specimens and samples, field notes, feature and burial records, maps, plans, profile drawings, photo logs, photographic negatives, consultants' reports of special studies, and copies of the final technical reports. All project related collections subject to curation should be suitably packaged and transferred to facility that meets the standards of 36 CFR 79 for long-term storage. Culturally sensitive treatment of certain artifacts may require treatment other than curation and as specified in the Treatment Plan, but it should be noted that provisions of the Native American Graves Protection Repatriation Act (NAGPRA) pertaining to Native American burials, sacred objects, and objects of cultural patrimony would come into effect when ownership of the collections transfer to a curation repository that receives Federal funding, unless otherwise agreed to with non-curation methods of treatment.
  - g. The project proponent should bear the expense of identification, evaluation, and treatment of all cultural resources directly or indirectly affected by project-related construction activity. Such expenses may include, archaeological and Native American monitoring, pre-field planning, field work, post-field analysis, research, interim and summary report preparation, and final report production (including draft and final versions), and costs associated with the curation of project documentation and the associated artifact collections. On behalf of the City and the project proponent, the final technical reports detailing the results of the Phase II Testing or Phase III Data Recovery programs should be submitted to the appropriate Native American Tribe and to the Eastern Information Center (EIC) of the California Historical Resources Information System (CHRIS) for their information and where it would be available to other researchers.
12. **\*MM Cultural 4:** The following mitigation measures should be implemented to reduce project-related adverse impacts to archaeological resources and sites containing Native American human remains that may be inadvertently discovered during construction of projects proposed in the City's General Plan Update:
- a. In areas of archaeological sensitivity, including those that may contain buried Native American human remains, a registered professional archaeologist and a representative of the culturally affiliated Native American Tribe, with knowledge in cultural resources, should monitor all project related ground disturbing activities that extend into natural sediments in areas determined to have high archaeological sensitivity.

- b. If buried archaeological resources are uncovered during construction, all work must be halted in the vicinity of the discovery until a registered professional archaeologist can visit the site of discovery and assess the significance and origin of the archaeological resource. If the resource is determined to be of Native American origin, the Tribe shall be consulted. If the archaeological resource is determined to be a potentially significant cultural resource, the City, in consultation with the project archaeologist and the Tribe, shall determine the course of action which may include data recovery, retention in situ, or other appropriate treatment and mitigation depending on the resources discovered.
  - c. 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(e), and Public Resources Code 5097.98 must be implemented. Specifically, in accordance with Public Resources Code (PRC) Section 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Whenever the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the MLD and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.
13. 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.

*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. The applicant shall be responsible for erosion and dust control during construction phases of the project.
20. 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:*

21. **Staff Required Elevation Conditions:** Revise the submitted elevations such that the plans provided for building permit plan check incorporates the following changes:
  - a. The outdoor dining patio columns shall include stacked stone, consistent with the pilasters on the north elevation of the multi-tenant commercial building.
22. 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. Ground mounted equipment, including but not limited to backflow and FDC devices shall be adequately screened with landscaping, to the satisfaction of staff; and

- b. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it.
  - c. Landscaping on the tiered retaining walls shall provide low spreading plants to allow for screening over the walls.
- 23. **Fence and Wall Plan:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following changes:
  - a. All freestanding and retaining walls shall be constructed of, or finished in, a decorative material;
  - b. All walls and pilasters shall be finished with a decorative cap; and
  - c. Decorative pilasters shall be provided where the walls terminate as well as 20 feet on-center along Little Court.
- 24. A declaration of Covenants, Conditions and Restrictions (CC&R's) shall be prepared establishing a Master Property Owner Association, or other management entity, subject to the City's Planning Division and City Attorney's Office review and approval. Such declaration shall set forth provisions for maintenance of all common landscaped areas, and all other privileges and responsibilities of the common ownership. The CC&R's shall contain the following conditions and restrictions:
  - a. Establish a Master Property Owners Association (MPA) or other management entity;
  - b. The MPA, or other management entity, shall be responsible for the care and maintenance of all common landscaped areas, parking lots, water quality facilities, site lighting and other shared improvements; and
  - c. Reciprocal parking and access agreements shall be provided between all parcels.
- 25. Roof and building mounted equipment shall be fully screened from the public right-of-way. Screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
- 26. Ground mounted equipment shall be fully screened from the public right-of-way.
- 27. 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.
- 28. **Photometric/Lighting Plan:** A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas, parking lots and pedestrian paths shall be submitted.
  - a. 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);
  - b. The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways;



- c. If lights are proposed to be mounted on buildings, down-lights shall be utilized;
- d. Light poles shall not exceed 20 feet in height, including the height of any concrete or other base material.
- e. For safety, all pedestrian paths shall be adequately lighted throughout the project.

*Prior to the Release of Utilities and/or Occupancy:*

- 29. 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.

*Standard Conditions:*

- 30. 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.
- 31. The General Plan Amendment, Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Variance 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.

**Please be advised that the applicant will not be notified by the planning division about the pending expiration of the subject entitlement.**

- 32. 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.
- 33. 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.
- 34. 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.

35. 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.
36. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
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.
39. This 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.
40. 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
41. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
42. 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.
43. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

#### **Riverside County Airport Land Use Commission**

44. 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.
45. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - 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 towards an aircraft engaged in a straight final approach towards 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, 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 facilities, fly ash disposal, and incinerators.)
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - e. Hazards to flight.
46. The attached notice shall be provided to all prospective purchasers of the property and tenants of the building.
47. Any proposed detention basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm, and remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.
48. Landscaping in the detention basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at RCALUC.ORG which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.
49. A notice sign, in a form similar to that attached hereto, shall be permanently affixed to the stormwater basin with the following language: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes". The sign will also include the name, telephone number or other contact information of the person or entity responsible to monitor the stormwater basin.

#### **Fire Department**

50. 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.

51. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

52. Construction plans shall be submitted and permitted prior to construction.

53. 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.

54. Fire Department access shall be maintained during all phases of construction.

55. Provide for fire department access to the gate. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.

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

56. A new public fire hydrant required on Van Buren Blvd, shall be spaced a maximum of 350 feet apart. Onsite fire hydrants are based on the required fire flow for the buildings.

Contact Western Municipal Water at (951) 571-7276 for the requirements for the dedicated fire service and backflow requirements.

57. All public and/or private fire hydrants shall be installed and in service prior to full release of the building permits.

Minimum fire flow based on proposed Construction Type-VB @ 6,098 sq. ft. shall provide the minimum fire flow of 1,500 gpm @ 20 psi for 2 hours. (2019 Ca. Fire Code, Section B105 and Riverside Municipal Code, Section 16.32.377- Appendix B Table B105.2 – amended.

58. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate cover to the Riverside Fire department and obtain approvals prior to any work on such systems.

59. 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").

Dead end access road shall not exceed 150 feet in length without a turnaround with the minimum turn radius of 28' inside and 48' outside. (CFC, 503.2.1)

#### **Parks, Recreation & Community Services – Park Planning**

60. 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**

61. Any revisions to existing drawings will require a review by Riverside Public Utilities and depending on the revisions it may require a re-design of the approved drawings.

#### **Public Works**

*Conditions to be fulfilled prior to building permit issuance unless otherwise noted:*

##### **62. \*MM Transportation 1:**

- a. Dauchy Avenue at Van Buren Boulevard: Modify existing traffic signal to provide for an eastbound right-turn overlap phase. Project to provide 10.8% participation, with an estimated total project contribution at \$2,160 for this improvement.

- b. Cole Avenue / Trautwein Road at Van Buren Boulevard: Restripe south leg to include a second NB left-turn lane. Project to provide 7.9% participation, with an estimated total project contribution at \$3,950 for this improvement.
  - c. Wood Road at Van Buren Boulevard: Widen the intersection's west leg to include additional lanes – this has been identified as a regionally funded improvement that the project will contribute towards via TUMF.
- 63. Storm Drain construction will be contingent on engineer's drainage study.
- 64. Right-of-way corner cutback at corner of Van Buren Boulevard and Little Court to Public Works specifications.
- 65. Waiver of access required along Little Court to Public Works specifications prior to occupancy.
- 66. Installation of private sewer lateral to serve this project to Public Works specifications.
- 67. Closure of unused driveway to Public Works specifications.
- 68. On all plans, provide linear footage labels along all parcel lines. Add the following notes to the landscape plans and email PDF to [gstanaka@riversideca.gov](mailto:gstanaka@riversideca.gov) for review and approval:  
  
REMOVE existing pepper tree in PUBLIC RIGHT-OF-WAY; PLANT 24" box size *Celtis sinensis* in PUBLIC RIGHT-OF-WAY along Little Court; Tree Inspector to determine precise locations during site inspection after fine grading and any hardscape installation is complete. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications.
- 69. Double trash enclosure required per Public Works specifications.
- 70. 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.
- 71. 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.
- 72. 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.
- 73. 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.
- 74. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
  - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
  - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
- 75. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
- 76. Reciprocal ingress/egress access easement required to allow access across parcels prior to occupancy.
- 77. Project shall design and construct a "continuous Green-T" half-signal three-phase operation. The half-signal indications and detection hardware will be hard-wired into the traffic signal controller / cabinet currently operating the intersection of Alta Cresta Avenue & Van Buren Boulevard. The half signal will provide video detection for motorists in the left turn pocket, and for motorists exiting the project site. The project will provide 100% participation.
- 78. Project shall design and construct all necessary improvements to provide a 200' westbound left-turn pocket which would require modification of the existing median and the removal of 40' (i.e. 300' to 260') of the existing eastbound left-turn pocket at the intersection of Ridgeway Avenue at Van Buren Boulevard.