

**CITY COUNCIL
FINAL APPROVED CONDITIONS**

CASE NO. **P15-0265 (CUP)**
P15-0403 (DR)

City Council Meeting Date: August 11, 2015

Case Specific

• **Planning**

1. The day care center shall be limited to a maximum of 45 employees and 200 children on site at any given time. Any additional staff or children above and beyond these numbers will require consideration of a revised Conditional Use Permit by the City Planning Commission.
2. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, is necessary prior to any sign permit issuance.

Prior to Building Permit Issuance

3. Plans shall be submitted depicting that the final placement of the modular buildings shall comply with the California Building Code, as determined by the Building and Safety Division.
4. All modular buildings on-site shall remain on the premises for a maximum of ten (10) years from the date of approval.
5. Prior to receiving a Building Permit the plot plan, building elevations, landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. A separate application and filing fee is required. The plot plan and building elevations must be approved prior to building permit issuance; landscaping and irrigation plans must be submitted prior to building permit issuance.
 - a. Additional landscaping shall be provided along the southerly property line and along the remainder of the Magnolia Avenue street frontage to fill in the "gaps" along these property lines.
6. Details regarding building skirting, colors, mechanical equipment screening shall be provided on the plans submitted for plan check review and will be subject to review and approval by Design Review staff.
7. Plans submitted for Design Review staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and installation of a screen wall.

Prior to Occupancy

8. The project shall be subject to the payment of school fees and the Transportation Uniform Mitigation Fee (TUMF) and local traffic and transportation fees in accordance with City Ordinances, prior to building permit issuance.
9. The applicant shall obtain all licenses and permits required by State law of operation of the facility. The applicant shall keep all State licenses or permits valid and current. Failure to comply will result in revocation of this revised Conditional Use Permit.

Operational Conditions

10. The day care facility operation shall be limited to Monday through Friday, 6:00 a.m. to 6:00 p.m. No Holiday, Weekend, or Night operation shall be permitted. Should the applicant request revised hours of operation in the future, a revised Conditional Use Permit will be required including all applicable submittal requirements and fees.
11. The day care facility shall be operated as described in the submitted application for this case and as described in the body of the attached report.
12. The site shall be fully landscaped and maintained and kept in clean, weed and graffiti free condition at all times.
13. Signage shall be limited to that permitted under the City's Sign Code.
14. The business for which this Conditional Use Permit is granted shall be continually operated in compliance with the definition for a day care facility, contained in Definitions Section 19.910.050 of the Zoning Code, and all site location, operation and development standards contained in Section 19.290.030 of the Zoning Code. Failure to comply with these requirements will be grounds for Code Enforcement action, revocation or further legal action.

● **Public Works**

THE FOLLOWING PUBLIC WORKS "ENGINEERING" CONDITIONS TO BE MET PRIOR TO CASE FINALIZATION:

15. No conditions.

● **Public Utilities – Electric**

CONTACT SUMMER AYALA AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.

16. 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.
17. 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.

● **Public Utilities – Water**

18. No Conditions.

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:

19. Construction plans shall be submitted and permitted prior to construction.
20. Fire Department access is required to be maintained during all phases of construction.
21. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

- **Riverside County Airport Land Use Commission**

22. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky.
23. 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 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.
24. The attached notice shall be provided to any potential purchasers of the property and future tenants of the building thereon.
25. Any new detention 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 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.

- **Parks and Recreation**

26. No Conditions.

Standard Conditions

• Planning

27. 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.
28. 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.
29. 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.
30. 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.
31. 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. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
32. The applicant herein 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.
33. Failure to abide by all conditions of this permit shall be cause for revocation.
34. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
35. 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.

36. 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
37. The project must be competed per the Design Review by the Planning Commission, including all conditions listed in this report. Any substantial changes to the project must be approved by the Planning Commission or minor by Design Review staff. Upon completion of the project, a Design Review staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.
38. This approval is for design concept only, and does not indicated the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
39. There is a 24 month time limit on this approval
40. 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.