

**PLANNING COMMISSION
RECOMMENDED CONDITIONS**

PLANNING COMMISSION HEARING DATE: September 26, 2024

PLANNING CASE: PR-2024-001665 (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience or Necessity)

****REVISED CONDITION OF APPROVAL (#62)****

Planning

1. Approval of the project shall be contingent upon the approval Planning Cases DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review), SD-2022-00002 (Tentative Parcel Map), DP-2022-00047 (Certificate of Appropriateness), and DP-2022-00048 (Environmental Impact Report) or an alternative project that can satisfy No Net Loss requirements under State Law.
2. 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.
3. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
4. *Advisory:* 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. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Issuance of Grading Permit:

5. A 40-scale precise grading plan shall be submitted to Public Works and 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 qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
 - e. Identification of location, exposed height, material, and finish of any proposed retaining walls.

During Grading and Construction Activities:

6. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.

7. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust 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. The project 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 off;
 - f. Disturbed/loose Soils shall be kept moist at all times;
 - g. All 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.
8. The applicant shall be responsible for erosion and dust control during construction phases of the project.
9. 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 Issuance of Building Permit:

10. **Plot Plan:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following:
 - a. Relocate the proposed landscape planter to the north of the electrical switchgear, to allow for landscape material to be planted and screen the equipment and exterior sales/storage;
 - b. Relocate the ice machine to the west side of the entry doors, to the satisfaction of staff, allowing for greater separation of the exterior sales/storage from the public right-of-way (Van Buren Boulevard);
 - c. Provide decorative paving at entry driveways;
 - d. Verify that all internal drive aisles have a minimum width of 24 feet; and
 - e. 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 a planter.
11. **Landscaping and Irrigation Plans** shall be submitted to the Planning Division for review. Design modifications may be required as deemed necessary. Separate application and filing fee is required. Include the following on the plans:
 - a. Provide one shade tree per four parking spaces;

- b. Provide enhanced landscaping along all street frontages, subject to the satisfaction of staff;
 - c. Provide dense evergreen trees along the west property line, shared with the residences, subject to the satisfaction of staff; and
 - d. Trees along the west property line shall comply with height restrictions provided by Public Utilities – Electric, due to the overhead electrical lines.
12. **Fence and Wall Plan:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following:
- a. All walls shall be constructed of, or finished in, a decorative material and finished with a decorative cap;
 - b. Pilasters shall be constructed at the end of the wall segments, to the satisfaction of staff;
 - c. All walls shall be no greater than 3-feet in height in any front yard setbacks; and
 - d. Specify the color and materials of all proposed walls and fences.
13. **Building Elevations:** Revise the submitted building elevations such that the plans provided for building permit plan check incorporate the following changes:
- a. The building elevations submitted for building permits shall clearly specify all building materials and colors to match the materials and colors as approved by the City Planning Commission as applicable; and
 - b. Roof-mounted mechanical equipment shall not protrude above the height of the building parapet wall.
14. **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 for review and approval.
- 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 within 50 feet of residential zone or uses shall not exceed 14 feet in height, including the height of any concrete or other base material;
 - e. Light poles not within 50-feet of residential zones shall not exceed 20 feet in height, including the height of any concrete or other base material; For safety, all pedestrian paths shall be adequately lighted throughout the project.
15. Plans submitted for plan check review shall specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.

16. Roof and building mounted equipment shall be fully screened from the public right-of-way. Screening material shall be integrated with the design of the building and be at least as high as the proposed roof mounted equipment.
17. Ground mounted equipment shall be fully screened from the public right-of-way.

During Construction:

18. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport or urban pollutants, and flooding.
19. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

Prior to Release of Utilities and/or Occupancy:

20. 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. Contact the Case Planner, at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.

Site Operation Standards:

21. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
22. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to 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
23. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
24. 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.
25. Applicant will be required to remove any graffiti on the project site within 48 hours of the incident being reported to City of Riverside Code Enforcement.
26. No outdoor display of alcohol shall be permitted.

Standard Conditions:

27. 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.

28. The Zoning Code Map Amendment, Conditional Use Permit, and Design Review 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
34. 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.

35. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
36. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

Fire Department

37. Codes in Effect: The proposed project shall fully comply with the 2022 Edition of Title 24, the California Building Standards Code, as adopted and amended by the City of Riverside, or the version of these codes in effect at the time a building permit application is filed.
38. Separate Permits Required: Where installation is required, a separate plan review and permit application must be submitted directly to the fire department for each of the following improvements:
 - a. Underground piping for private fire water supply (Fire Underground);
 - b. Automatic Fire Sprinkler System (Fire Overhead);
 - c. Fire Alarm/or Sprinkler Monitoring System; and
 - d. Gas Detection System
39. Fire Sprinkler System & Sprinkler Monitoring: An automatic fire sprinkler system meeting the requirements of the California Building Code and National Fire Protection Administration Standard 13 will be required. Fire sprinkler system monitoring by a Central Station will also be required.
40. Carbon Dioxide Gas Detection System: For insulated liquid carbon dioxide systems used in beverage dispensing applications with more than 100 pounds of Carbon Dioxide a gas detection system with visual and audible notification is required.

Parks, Recreation & Community Services – Park Planning

41. Prior to lot consolidation, developer shall make payment of all applicable Park Development Impact fees (regional/reserve and trail fees) for all recorded ROW.
42. Prior to Building Permit Issuance, developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

Police Department

Alcohol

43. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.
44. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
45. No single units of beer shall be sold. Beer shall only be sold in three packs or larger pre-packaged lots.

46. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows, or checkout counter.
47. 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

48. 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.
49. 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.
50. Installation of a security camera surveillance system consisting of the latest high-definition video technologies with the minimum requirement of having the ability to save recorded video for a thirty-day period and which shall also be made immediately available to the Riverside Police Department upon request. An on-sight manager shall have working knowledge on how to retrieve video when requested by Riverside Police Department
51. Management shall actively participate in Business Watch through the Riverside Police Department.

Entertainment

52. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
53. 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

54. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
55. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises over which they have control.
56. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
57. If tobacco is to be sold on the premises, a Tobacco Retail Establishment Permit shall be obtained. Riverside Municipal Code 6.24

Compliance

58. The licensee/employees shall attend a License, Education, Alcohol and Drugs (LEAD) class and Responsible Beverage Service (RBS) training, both of which are presented by the Department of Alcoholic Beverage Control within 90 days of obtaining an ABC sales license.
59. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department in the enforcement of all laws relating to this permit. The

violation of any laws in connection with this use or failure to cooperate with the Riverside Police Department will be cause for revocation.

60. A copy of the Conditional Use Permit and the Conditions of Approval shall be available at the site and presented to City staff, including the Riverside Police Department and Code Enforcement upon request.
61. 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

62. The applicant is fully responsible for all cost associated with relocation of existing electric facilities in compliance with Electric Rules. This includes but not limited to the removal of existing secondary pole and associated overhead service facilities, and the installation of a new secondary pole and associated overhead service facilities to relocate electric service for 3464 Van Buren Blvd. Applicant shall be also responsible to provide easements for the above-mentioned work.
63. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
64. The provision of utility easements, water, streetlights, and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
65. Easements & any associated fees will be acquired during the design process.
66. 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.
67. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing spare conduits, streetlights, and stub & cap along property frontage. Contact RPU for information on private street lighting.
68. Plot existing electrical distribution facilities on the original site plan.
69. The circuit in this area has been recently flagged. This circuit does not have the capacity to add any new load. Any necessary circuit improvements, and their associated costs, to bring power to the site will be the responsibility of the customer.
70. Provide proposed PJC and transformer locations.
71. Provide E-sheets reflecting estimated load. Show location, size, and voltage of proposed switchgears on site plan.
72. Developer must notify RPU at least 4 weeks in advance of any removals prior to demolition phase. A separate application and design deposit may be collected depending on the scope.
73. Contact ElectricDevelopment@riversideca.gov for new RPU Electric Customer AutoCAD File Requirements.

Public Utilities – Water

74. Project is required to install a separate dedicated water meter for landscape irrigation.
75. New water service installations are processed under a separate plan and permit submitted directly to the Public Utilities Department. Water plan must be submitted prior to issuance of building permit.

Public Works – Land Development

Conditions to be fulfilled prior to occupancy unless otherwise noted

76. 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.
77. Installation of sewer lateral to serve this project to Public Works specifications. Sewer to be private all the way to main line connection.
78. Removal and Replacement of sub-standard/damaged existing street improvements along property frontage to Public Works Specifications.
79. Size, number and location of driveways to Public Works specifications.
80. Closure of unused driveway(s) to Public Works specifications.
81. On site plan, provide linear footage labels, clearly marked, along all parcel lines. plant 24-inch box size Cupaniopsis Anacardiodes in public right-of-way along Primerose Drive. One tree in cutout near the corner and two more trees in parkway to the west. Typical spacing 25-feet on center. Prior to any planting, email Tree Inspector at gtanaka@riversideca.gov, to schedule inspection for Tree Inspector to determine precise locations at time of scheduled site inspection after fine grading and hardscape installation is complete. Planting, staking, irrigation, root barriers, trunk protectors, to Landscape and Forestry specifications.
82. Trash enclosures required per public works specifications. Project is required to use the City of Riverside franchise hauler Athens Services for waste disposal or recycling.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. Modification of existing access restrictions along Van Buren required prior to building permit issuance.

Public Works – Traffic Division

89. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete following improvements:
- a. Construct a stop sign (R1-1), stop bar, stop legend, at the Project Driveways. Stop signs must conform to City Standard 664 and the stop bar and legend must conform to the City standard 650.

- b. Intersection of Van Buren Boulevard and Andrew Street/ Primrose Drive:
 - i. Install yellow retro-reflective signal backplates to all existing vehicular signal heads.
 - ii. Restripe the existing eastbound left turn lane to provide approximately 140-foot storage as shown on the "Exhibit 1-5: Conceptual Plan" in the traffic study.
 - iii. Install approximately 82' of red curb on the north side of Primrose Drive to accommodate the proposed eastbound left turn lane extension improvement as shown on the "Exhibit 1-5: Conceptual Plan" in the traffic study.
- c. Project Driveway @ Van Buren Boulevard:
 - i. The project driveway will allow right turn-in and right turn out only. Hence, the project shall install right turn only pavement marking symbol and associated "R3-5R" signage at the project's entry ways on Van Buren Boulevard.
 - ii. The project driveway will not allow ingress movements for the delivery/commercial trucks (WB-40) to enter the site. Project shall install appropriate signage indicating no access for commercial trucks.

All signage and striping improvements must comply with the most current California Manual of Uniform Traffic Control Devices (MUTCD) standards and should be per City of Riverside, Public Works requirements. The applicant shall hire a contractor to complete the work. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage and striping shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvements.

- 90. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
- 91. Signing & striping improvement plans and traffic signal modification plans shall be shown as separate design plans signed by a licensed civil or traffic engineer and completed to the satisfaction of the Director of Public Works.