

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

604B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 28, 2010

SUBJECT: FIRST EXTENSION OF TIME FOR CONDITIONAL USE PERMIT NO. 3537 -
Applicant: Borchard-Pedley LLC - Second Supervisorial District - Glen Avon Zoning District - Jurupa Area Plan: Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio) - Location: Southerly of Mission Boulevard, easterly of Avon Street, and westerly of Pedley Road - 3.89 Acres - Zoning: Scenic Highway Commercial (C-P-S) - Approved Project Description: Constructon of a 31,780 square foot retail development, "Mission Pedley Plaza," on a 3.89 gross (3.55 net) acre site with a project floor area ratio of 0.21. The project consists of the following: a 17,369 square foot, 24-hour Rite Aid Pharmacy with a 750 square foot mezzanine and a prescription drive-thru window; a 2,869 square foot 24-hour operation fast food restaurant with a drive-thru window and outdoor seating; a 11,542 square foot Fresh and Easy (Tesco) food market; 177 parking spaces; and the sale of alcoholic beverages for off premise consumption for anchor tenants: Rite Aid Pharmacy and Fresh and Easy (Tesco) food market on parcels 1 and 2 of PM35273. The use permit also proposes a sign program for the Mission Pedley Plaza, which includes two (2) 20 foot high multi-tenant pylon signs, one (1) 7 foot high monument sign, and affixed signage on all mentioned buildings pursuant to the approved Sign Program. - **REQUEST: EXTENSION OF TIME TO APRIL 2, 2011 - FIRST EXTENSION.**

RECOMMENDED MOTION:

APPROVAL of the **FIRST EXTENSION OF TIME REQUEST** for **CONDITIONAL USE PERMIT NO. 3537**, extending the expiration date to April 2, 2011, subject to all the previously approved and/or amended Conditions of Approval with the applicant's consent.

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

Initials:
CSL:vc
D.M.

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter of approval is received and filed as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: November 9, 2010
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref.

District: Second

Agenda Number:

1.4

REVIEWED BY EXECUTIVE OFFICE

DATE

10/28/10

Tina Grande

Departmental Concurrence

Policy

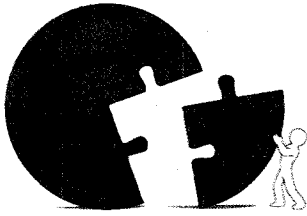
Consent

Dep't Recomm.:

Policy

Consent

Per Exec. Ofc.:



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

604B

DATE: October 21, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: FIRST EXTENSION OF TIME FOR CONDITIONAL USE PERMIT NO. 3537

(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|--|--|
| <input type="checkbox"/> Place on Administrative Action <small>(Receive & File; EOT)</small> | <input type="checkbox"/> Set for Hearing <small>(Legislative Action Required; CZ, GPA, SP, SPA)</small> |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input checked="" type="checkbox"/> Place on Policy Calendar <small>(Resolutions; Ordinances; PNC)</small> | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding <small>(GPIP)</small> | <input type="checkbox"/> Notify Property Owners <small>(app/agencies/property owner labels provided)</small> |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing:
(1st and 5th Dist) Press Enterprise

Need Director's signature by 10/27/10
Please schedule on the November 9, 2010 BOS Agenda

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

Agenda Item No.
Area Plan: Jurupa
Zoning District: Glen Avon
Supervisory District: Second
Project Planner: Ray Juarez *R.M.*

CONDITIONAL USE PERMIT NO. 3537
FIRST EXTENSION OF TIME (EOT)
Board of Supervisor's Date: Nov. 2, 2010
Applicant: Borchard-Pedley LLC

COUNTY OF RIVERSIDE PLANNING DEPARTMENT EXTENSION OF TIME STAFF REPORT

The applicant of the subject case has requested an extension of time to begin substantial construction. This request will not be discussed unless specifically requested by the EOT applicant at the time it is presented to the Hearing Body.

CEQA: The subject case has conformed to the requirements of the California Environmental Quality Act, and all impacts have been analyzed in order to protect the public health, safety and welfare.

GENERAL PLAN: Unless otherwise noted, the subject case had been determined to be consistent with the General Plan and all of its elements.

REQUEST:

FIRST EXTENSION OF TIME REQUEST for CONDITIONAL USE PERMIT NO. 3537.

JUSTIFICATION FOR EXTENSION REQUEST:

As per the correspondence of the Extension of Time applicant (dated October 8, 2010), construction has not occurred within the required period of time because of the overall economic downturn.

BACKGROUND:

The County Planning Department, as part of the review of this extension of time request, and after transmittal to Land Development Committee Members, has determined it necessary to recommend the addition of twelve (12) new conditions of approval in order to be able to make a determination that the project does not adversely affect the general health, safety and welfare of the public. The Planning Department (Landscaping Division) is recommending the addition of seven (7) Conditions of Approval. The Planning Department (Cultural Resources Division) is recommending the addition of four (4) Conditions of Approval. The Transportation Department is recommending the addition of one (1) Condition of Approval.

The Extension of Time applicant was informed of these recommended conditions of approval and has agreed to accept the conditions. Included in this staff report package are the recommended conditions of approval, and the correspondence from the Extension of Time applicant (dated September 2, 2010) indicating the acceptance of the twelve (12) conditions.

ORIGINAL Approval Date: April 2, 2008

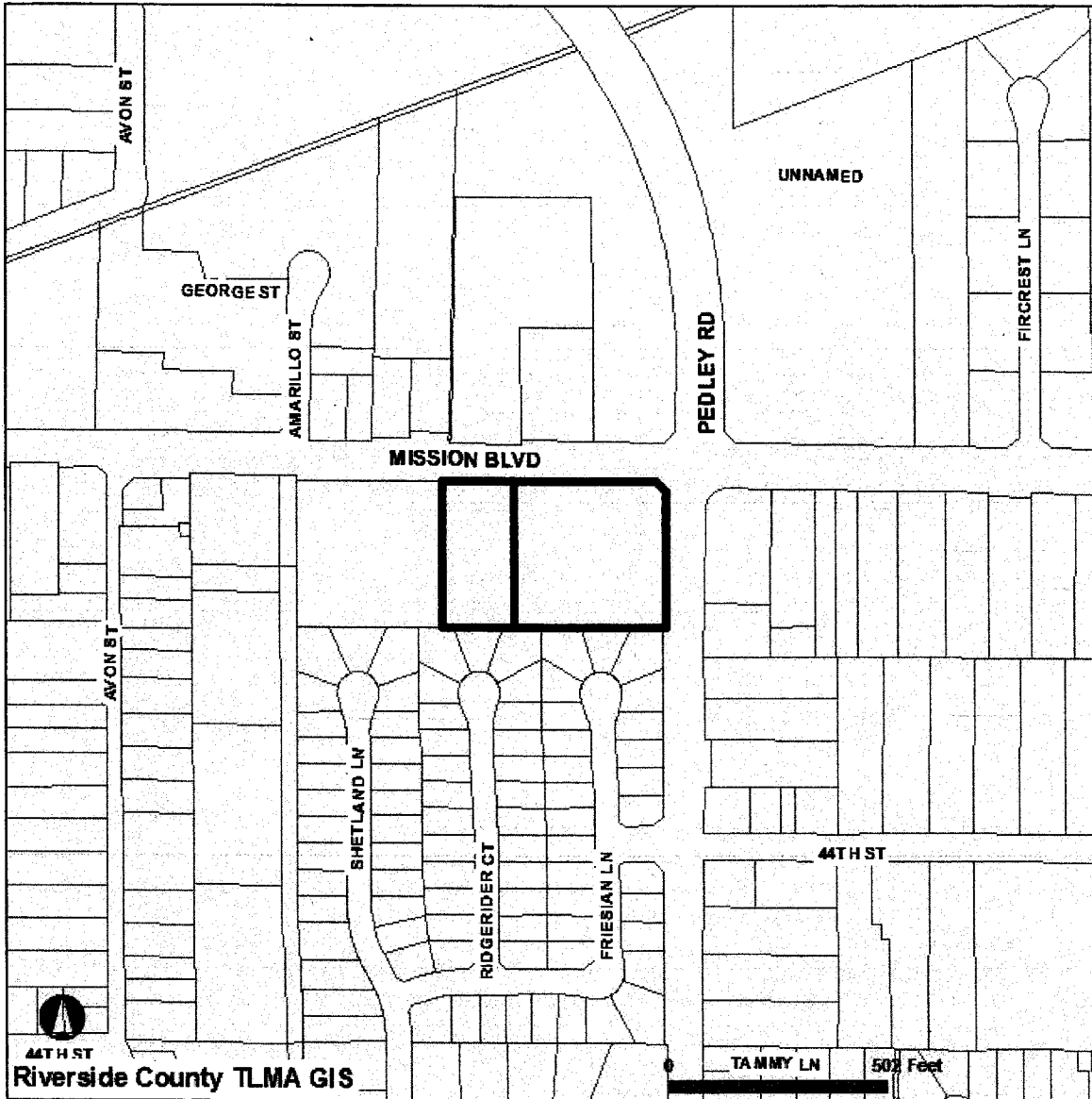
**CONDITIONAL USE PERMIT NO. 3537
FIRST EXTENSION OF TIME REQUEST
Page 2 of 2**

RECOMMENDATION:

APPROVAL of the **FIRST EXTENSION OF TIME REQUEST** for **CONDITIONAL USE PERMIT NO. 3537**, extending the expiration date to April 2, 2011, subject to all the previously approved and/or amended Conditions of Approval with the applicant's consent.

FIRST EXTENSION OF TIME FOR CONDITIONAL USE PERMIT NO. 3537 - Applicant: Borchard-Pedley LLC - Second Supervisorial District - Glen Avon Zoning District - Jurupa Area Plan: Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio) - Location: Southerly of Mission Boulevard, easterly of Avon Street, and westerly of Pedley Road - 3.89 Acres - Zoning: Scenic Highway Commercial (C-P-S) - Approved Project Description: Constructon of a 31,780 square foot retail development, "Mission Pedley Plaza," on a 3.89 gross (3.55 net) acre site with a project floor area ratio of 0.21. The project consists of the following: a 17,369 square foot, 24-hour Rite Aid Pharmacy with a 750 square foot mezzanine and a prescription drive-thru window; a 2,869 square foot 24-hour operation fast food restaurant with a drive-thru window and outdoor seating; a 11,542 square foot Fresh and Easy (Tesco) food market; 177 parking spaces; and the sale of alcoholic beverages for off premise consumption for anchor tenants: Rite Aid Pharmacy and Fresh and Easy (Tesco) food market on parcels 1 and 2 of PM35273. The use permit also proposes a sign program for the Mission Pedley Plaza, which includes two (2) 20 foot high multi-tenant pylon signs, one (1) 7 foot high monument sign, and affixed signage on all mentioned buildings pursuant to the approved Sign Program. - **REQUEST: EXTENSION OF TIME TO APRIL 2, 2011 - FIRST EXTENSION.**

AREA PLAN - CUP03537



Selected parcel(s):

169-172-072 169-172-073

AREA PLAN

SELECTED PARCEL

INTERSTATES

HIGHWAYS

CITY

PARCELS

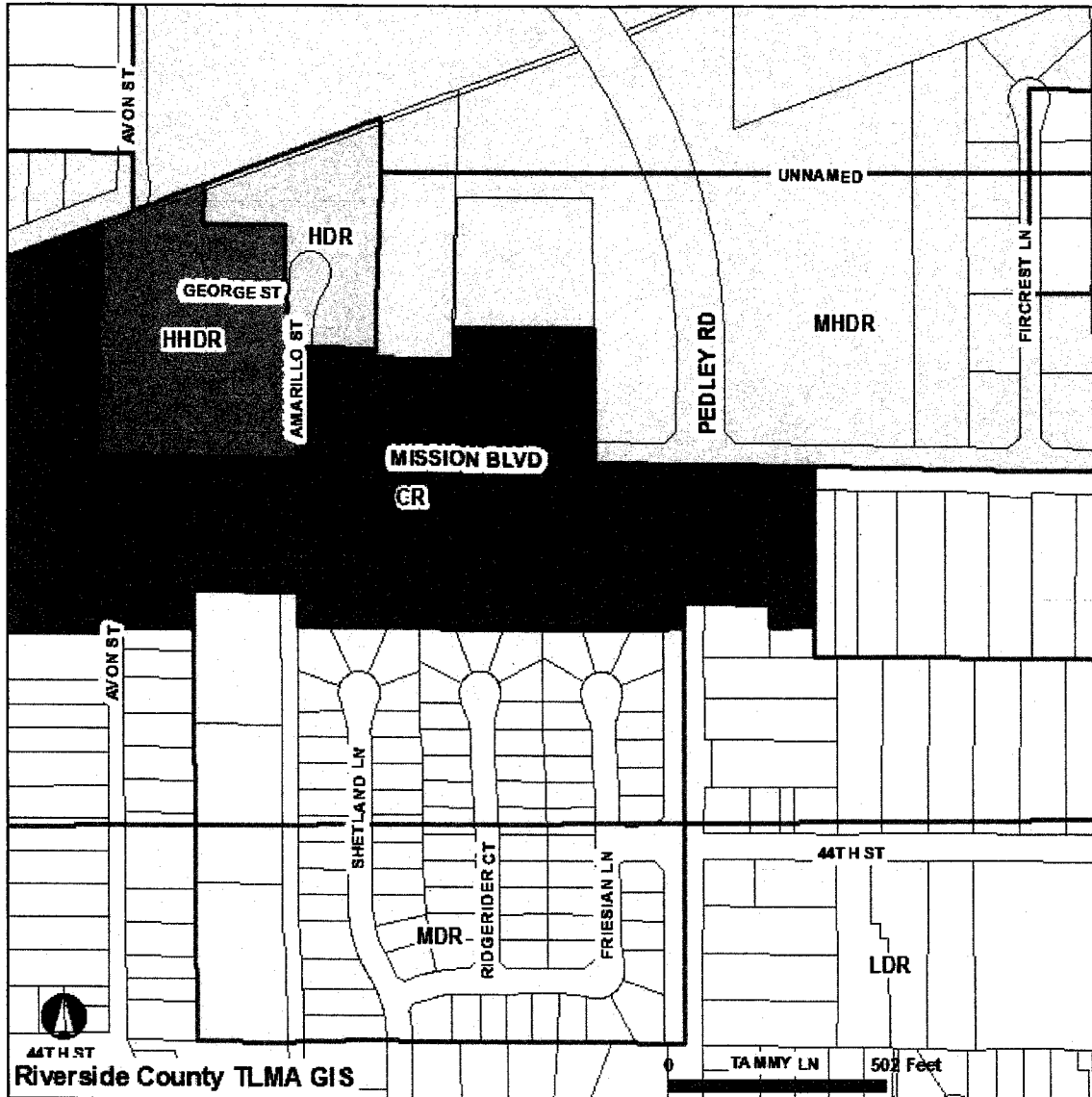
JURUPA

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Wed Mar 10 16:40:10 2010

LAND USE - CUP03537



Riverside County TLMA GIS

Selected parcel(s):
169-172-072 169-172-073

LAND USE

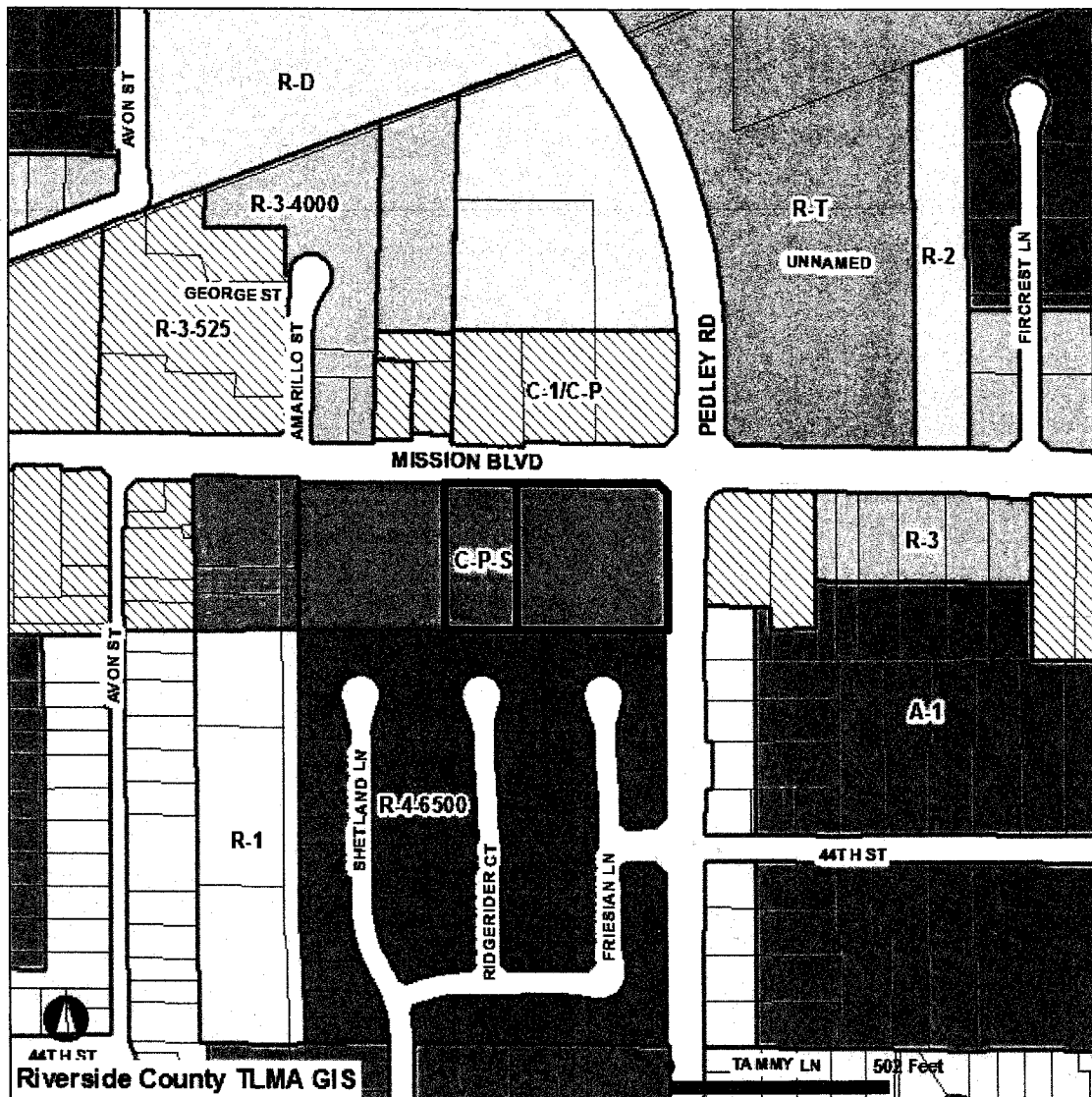
- | | | | |
|-------------------------------|----------------------------------|--|------------------------------------|
| SELECTED PARCEL | INTERSTATES | HIGHWAYS | CITY |
| PARCELS | CR - COMMERCIAL RETAIL | HDR - HIGH DENSITY RESIDENTIAL | HHDR - HIGHEST DENSITY RESIDENTIAL |
| LDR - LOW DENSITY RESIDENTIAL | MDR - MEDIUM DENSITY RESIDENTIAL | MHDR - MEDIUM HIGH DENSITY RESIDENTIAL | |

IMPORTANT

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REPORT PRINTED ON...Wed Mar 10 16:40:29 2010

ZONING - CUP03537



Selected parcel(s):
169-172-072 169-172-073

ZONING

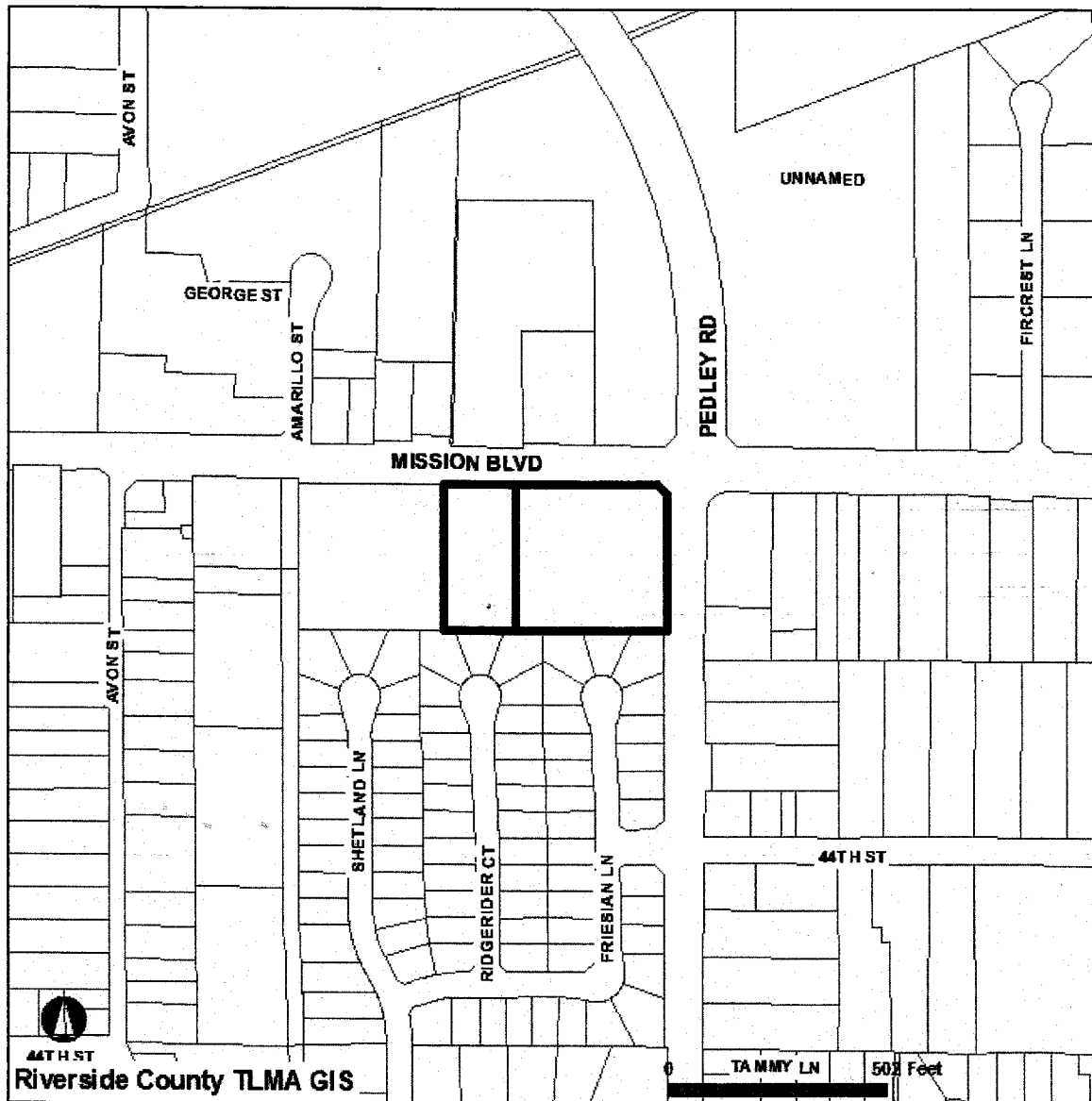
- | | | | |
|-----------------|-----------------|---------------|----------|
| SELECTED PARCEL | INTERSTATES | HIGHWAYS | CITY |
| PARCELS | ZONING BOUNDARY | A-1 | C-P-S |
| R-1 | R-2 | R-3, R-3-4000 | R-4-6500 |
| R-D | R-T | R-3-525 | |

IMPORTANT

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REPORT PRINTED ON...Wed Mar 10 16:40:52 2010

ZONING DISTRICT - CUP03537



Selected parcel(s):
 169-172-072 169-172-073

ZONING DISTRICTS AND ZONING AREAS

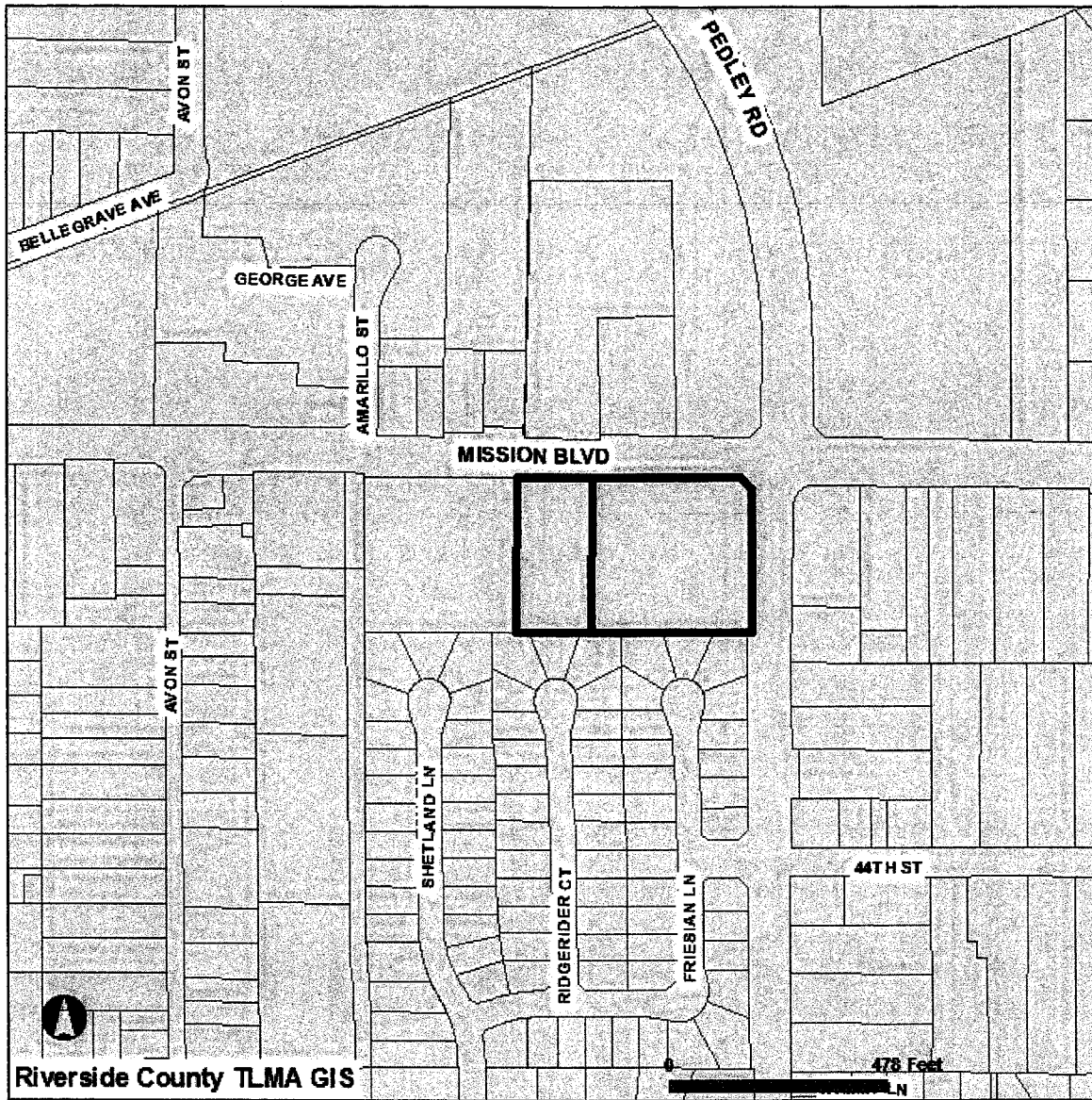
- SELECTED PARCEL
 - INTERSTATES
 - HIGHWAYS
 - PARCELS
- GLEN AVON DISTRICT

IMPORTANT

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REPORT PRINTED ON...Wed Mar 10 16:41:18 2010

SUPERVISORIAL DISTRICT - CUP03537



Selected parcel(s):
169-172-072 169-172-073

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Wed Sep 08 10:24:12 2010

Version 100412

Extension of Time Environmental Determination

Project Case Number: CUP03537

Original E.A. Number: EA41163

Extension of Time No.: First

Original Approval Date: April 2, 2008

Project Location: Southerly of Mission Boulevard, easterly of Avon Street, and westerly of Pedley Road

Project Description: Constructon of a 31,780 square foot retail development, "Mission Pedley Plaza," on a 3.89 gross (3.55 net) acre site with a project floor area ratio of 0.21 (Commercial Retail requires a 0.20-0.35 Floor Area Ratio). The project consists of the following: a 17,369 square foot, 24-hour Rite Aid Pharmacy with a 750 square foot mezzanine and a prescription drive-thru window; a 2,869 square foot 24-hour operation fast food restaurant with a drive-thru window and outdoor seating; a 11,542 square foot Fresh and Easy (Tesco) food market; 177 parking spaces; 17,501 square feet (11%) of landscaping; and the sale of alcoholic beverages (type 21) for off premise consumption for anchor tenants: Rite Aid Pharmacy and Fresh and Easy (Tesco) food market on parcels 1 and 2 of PM35273. The use permit also proposes a sign program for the Mission Pedley Plaza, which includes two (2) 20 foot high multi-tenant pylon signs, one (1) 7 foot high monument sign, and affixed signage on all mentioned buildings pursuant to the attached Sign Program.

On Sept. 2, 2010, this Conditional Use Permit and its original environmental assessment/environmental impact report was reviewed to determine: 1) whether any significant or potentially significant changes in the original proposal have occurred; 2) whether its environmental conditions or circumstances affecting the proposed development have changed. As a result of this evaluation, the following determination has been made:

<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration and the project's original conditions of approval.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, and there are one or more potentially significant environmental changes or other changes to the circumstances under which the project is undertaken, NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration and revisions to the project's original conditions of approval which have been made and agreed to by the project proponent.
<input type="checkbox"/>	I find that there are one or more potentially significant environmental changes or other changes to the circumstances under which the project is undertaken, which the project's original conditions of approval may not address, and for which additional required mitigation measures and/or conditions of approval cannot be determined at this time. Therefore, AN ENVIRONMENTAL ASSESSMENT/INITIAL STUDY IS REQUIRED in order to determine what additional mitigation measures and/or conditions of approval, if any, may be needed, and whether or not at least one of the conditions described in California Code of Regulations, Section 15162 (necessitating a Supplemental or Subsequent E.I.R.) exist. Additionally, the environmental assessment/initial study shall be used to determine WHETHER OR NOT THE EXTENSION OF TIME SHOULD BE RECOMMENDED FOR APPROVAL.
<input type="checkbox"/>	I find that the original project was determined to be exempt from CEQA, and the proposed project will not have a significant effect on the environment, therefore NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME.

Signature: 
Raymond Juarez, Planner IV

Date: Sept. 2, 2010
For Carolyn Syms Luna, Director

BORCHARD - PEDLEY LLC

TO: Board of Supervisors, COUNTY OF RIVERSIDE

Via Email

FROM: Fritz Howser

RE: **EXTENSION OF TIME - CUP No. 3537**
Mission & Pedley
Riverside County, California

DATE: October 8, 2010

Gentlemen:

I have outlined below my rationale/justification for the **Extension of Time Request** for the above referenced property:

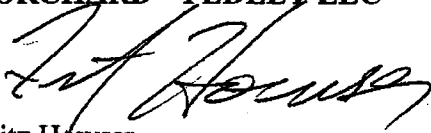
- Anchor Tenant Financial Strength declined making the construction loan unavailable
- Overall Economic Downturn has impacted the Project
- Construction Lending Markets have significantly constricted
- Hundreds of hours committed by all components of this project including various Riverside County Departments, Architects, Engineers, Owner/Developer
- Time is needed for the Tenant Activity to Improve
- Construction Lending Activity needs time to recover as well

Thank you for your assistance with the above.

Please feel free to call me at (949) 566-9155 to discuss any comments or questions.

Sincerely,

BORCHARD - PEDLEY LLC



Fritz Howser
General Manager

BORCHARD - PEDLEY LLC

TO: Catherine Dimagiba, COUNTY OF RIVERSIDE - PLANNING Via Email
FROM: Fritz Howser
RE: **EXTENSION OF TIME - CUP No. 3537**
Mission & Pedley
Riverside County, California
DATE: September 2, 2010

Ms. Dimagiba:

As the Applicant for the above referenced Extension of Time, I accept the following additional Conditions of Approval:

10.PLANNING.49	80.PLANNING.33	90.PLANNING.38
10.PLANNING.50	80.PLANNING.34	90.PLANNING.39
10.PLANNING.51	80.PLANNING.35	90.PLANNING.40
60.PLANNING.26	80.TRANS.24	90.PLANNING.41

Thank you for your assistance with the above.

Please feel free to call me at (949) 566-9155 to discuss any comments or questions.

Sincerely,

BORCHARD - PEDLEY LLC



Fritz Howser
General Manager

ADDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 49

GEN - IF HUMAN REMAINS EOT1

RECOMMND

The developer/permit holder or any successor in interest shall comply with the following codes for the life of this project:

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to 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 their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law. Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant." The Most Likely Descendant shall then make recommendations and engage in consultation with the County and the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the County Planning /Director.

10.PLANNING. 50

GEN - INADVERTANT ARCHAEO EOT1

RECOMMND

The developer/permit holder or any successor in interest shall comply with the following for the life of this project:

If during ground disturbance activities, cultural resources are discovered that were not assessed by the archaeological reports and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. A cultural resources site is defined, for this condition, as being three or more artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

1.All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the project

ADDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

10. GENERAL CONDITIONS

10.PLANNING. 50 GEN - INADVERTANT ARCHAEO EOT1 (cont.) RECOMMND

archaeologist, the Native American tribal representative (or other appropriate ethic/cultural group representative), and the Planning Director to discuss the significance of the find.

2.At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal (or other appropriate ethnic/cultural group representative) and the archaeologist, a decision is made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc) for the cultural resource.

3.Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate preservation or mitigation measures.

10.PLANNING. 51 USE - LC LANDSCAPE REQUIREMENT RECOMMND

The developer/ permit holder shall:

1)Ensure all landscape and irrigation plans are in conformance with the APPROVED EXHIBITS;

2)Ensure all landscaping is provided with California Friendly landscaping and a weather based irrigation controller(s) as defined by County Ordinance No. 859;

3)Ensure that irrigation plans which may use reclaimed water conform with the requirements of the local water purveyor; and,

4)Be responsible for maintenance, viability and upkeep of all slopes, landscaped areas, and irrigation systems until the successful completion of the twelve (12) month inspection or those operations become the responsibility of the individual property owner(s), a property owner's association, or any other successor-in-interest, whichever occurs later.

To ensure ongoing maintenance, the developer/ permit holder or any successor in interest shall:

1)Connect to a reclaimed water supply for landscape irrigation purposes when reclaimed water is made

ADDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

10. GENERAL CONDITIONS

10.PLANNING. 51 USE - LC LANDSCAPE REQUIREMENT (cont.) RECOMMND

available.

2)Ensure that landscaping, irrigation and maintenance systems comply with the Riverside County Guide to California Friendly Landscaping, and Ordinance No. 859.

3)Ensure that all landscaping is healthy, free of weeds, disease and pests.

EOT1

60. PRIOR TO GRADING PRMT ISSUANCE

PLANNING DEPARTMENT

60.PLANNING. 26 GEN- CULT RESOURCES PROF EOT1 RECOMMND

As a result of information contained in archaeological report PD-A-4363, it was determined that archaeological monitoring of grading and related earth-distribign activities is required.

Prior to the issuance of grading permits, the developer/permit holder shall retain and enter into a monitoring and mitigation service contract with a qualified Archaeologist for services. This professional shall be known as the "Project Monitor." The Project Monitor shall be included in the pre-grade meetings to provide cultural/historical sensitivity training including the establishment of set guidelines for ground disturbance in sensitive areas with the grading contractors and special interest monitors. The Project Monitor shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The Project Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with the special interest monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Riverside County Planning Department to ensure compliance with this condition of approval. Upon verification, the Planning Department shall clear this condition.

ADDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 26 GEN- CULT RESOURCES PROF EOT1 (cont.) RECOMMND

NOTE:

1)The Project Monitor is responsible for implementing mitigation using standard professional practices for cultural resources. The Professional shall consult with the County, developer/permit holder and special interest group monitor throughout the process.

2)This agreement shall not modify any condition of approval or mitigation measure.

80. PRIOR TO BLDG PRMT ISSUANCE

PLANNING DEPARTMENT

80.PLANNING. 33 USE - LC LANDSCAPE PLOT PLAN RECOMMND

Prior to issuance of building permits, the developer/permit holder shall file a Landscaping Minor Plot Plan Application to the Riverside County Planning Department for review and approval along with the current fee. The landscaping plans shall be in conformance with the APPROVED EXHIBITS; in compliance with Ordinance No. 348, Section 18.12; Ordinance No. 859; and, be prepared consistent with the County of Riverside Guide to California Friendly Landscaping.

At minimum, plans shall include the following components:

- 1)Landscape and irrigation working drawings "stamped" by a California certified landscape architect;
- 2)Weather based controllers and necessary components to eliminate water waste;
- 3)A copy of the "stamped" approved grading plans; and,
- 4)Emphasis on native and drought tolerant species.

When applicable, plans shall include the following components:

- 1)Identification of all common/open space areas;
- 2)Natural open space areas and those regulated/conserved by the prevailing MSHCP;
- 3)Shading plans for projects that include parking lots/areas;

ADDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 33 USE - LC LANDSCAPE PLOT PLAN (cont.)

RECOMMND

4)The use of canopy trees (24" box or greater) within the parking areas;

5)Landscaping plans for slopes exceeding 3 feet in height;

6)Landscaping and irrigation plans associated with entry monuments. All monument locations and dimensions shall be provided on the plan; and/or,

7)If this is a phased development, then a copy of the approved phasing plan shall be submitted for reference.

NOTE:

1)Landscaping plans for areas within the road right-of-way shall be submitted for review and approval by the Transportation Department only. The Planning Department shall not approve landscape plans within the Road Right-of-Way.

2)This proposal is located within the (Valley-Wide Recreation and Park District / Jurupa Community Services District). Prior to landscape plan submittal to the Planning Department, the developer / permittee shall show evidence of landscape plan approval by the applicable District.

As part of the plan check review process and request for condition clearance, the developer/permit holder shall show proof of the approved landscaping plot plan by providing the Plot Plan number. The planning department shall verify the landscape route is approved and the Plot Plan is in TENTAPPR status. Upon verification of compliance with this condition and the APPROVED EXHIBITS, the Planning Department shall clear this condition.

EOT1

80.PLANNING. 34

USE - LC LANDSCAPE SECURITIES

RECOMMND

Prior to the issuance of building permits, the developer/permit holder shall submit an estimate to replace plantings, irrigation systems, ornamental landscape elements, walls and/or fences, in amounts to be approved by the Riverside County Planning Department, Landscape Division. Once the Planning Department has approved the estimate, the developer/permit holder shall submit the

CONDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 34 USE - LC LANDSCAPE SECURITIES (cont.) RECOMMND

estimate to the Riverside County Department of Building and Safety who will then provide the developer/permit holder with the requisite forms. The required forms shall be completed and submitted to Building and Safety for processing and review in conjunction with County Counsel. Upon determination of compliance, the Department of Building and Safety shall clear this condition.

NOTE:

A cash security shall be required when the estimated cost is \$2,500.00 or less. It is highly encouraged to allow adequate time to ensure that securities are in place. The performance security shall be released following a successful completion of the One Year Post-Establishment Inspection, and the inspection report confirms that the planting and irrigation components are thriving and in good working order consistent with the approved landscaping plans.

EOT1

80.PLANNING. 35 USE - LC LNDSCP COMMON AREA MA RECOMMND

Prior to building permit issuance, the developer/permit holder shall submit Covenants, Conditions, and Restrictions (CC&R) to the Riverside County Counsel for review along with the required fees set forth by the Riverside County Fee Schedule.

For purposes of landscaping and maintenance, the following minimum elements shall be incorporated into the CC&R's:
1) Permanent public, quasi-public or private maintenance organization shall be established for proper management of the water efficient landscape and irrigation systems. Any agreements with the maintenance organization shall stipulate that maintenance of landscaped areas will occur in accordance with Ordinance No. 859 (as adopted and any amendments thereto) and the County of Riverside Guide to California Friendly Landscaping.

2) The CC&R's shall prohibit the use of water-intensive landscaping and require the use of low water use landscaping pursuant to the provisions of Ordinance No. 859 (as adopted and any amendments thereto).

3) The common maintenance areas shall include all those identified on the approved landscape maintenance exhibit.

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 35 USE - LC LNDSCP COMMON AREA MA (cont.) RECOMMND

The Planning Department shall clear this condition once a copy of the County Counsel approved CC&R's has been submitted to the Planning Department.
EOT1

TRANS DEPARTMENT

80.TRANS. 24 USE-TUMF CREDIT AGREEMENT EOT1 RECOMMND

If the applicant/developer is constructing a "TUMF" facility as a condition of approval for this project and will be seeking "TUMF" credits and/or reimbursements for the "TUMF" improvements built with this project, the applicant shall enter into a "TUMF Improvement and Credit Agreement" with the Transportation Department prior to the first building permit issuance as directed by the Director of Transportation. Please contact (951) 955-6800 for additional information.

90. PRIOR TO BLDG FINAL INSPECTION

PLANNING DEPARTMENT

90.PLANNING. 38 GEN - CULT RESOURCES RPT EOT1 RECOMMND

Prior to final inspection of the first building permit, the developer/permit holder shall prompt the Cultural Resources Professional to submit two (2) copies of a Phase IV Cultural Resources Monitoring Report that complies with the Riverside County Planning Department's requirements for such reports. The report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Planning Department shall review the report to determine adequate mitigation compliance. Provided the report is adequate, the Planning Department shall clear this condition.

90.PLANNING. 39 USE - LC LNDSCP INSPECT DEPOST RECOMMND

Prior to building permit final inspection, the developer/permit holder shall file an Inspection Request Form and deposit sufficient funds to cover the costs of Installation, Six Month Establishment, and One Year Post-Establishment inspections. In the event that an open

ADDITIONAL USE PERMIT Case #: CUP03537

Parcel: 169-172-073

90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 39 USE - LC LNDSACP INSPECT DEPOST (cont.) RECOMMND

landscape case is not available, then the applicant shall open a FEE ONLY case to conduct inspections. The deposit required for landscape inspections shall be determined by the Riverside County Landscape Division. The Planning Department shall clear this condition upon determination of compliance.

EOT1

90.PLANNING. 40 USE - LC LNDSACP INSPECTION REQ RECOMMND

The permit holder's landscape architect responsible for preparing the Landscaping and Irrigation Plans (or on-site representative) shall arrange for a PRE-INSTALLATION INSPECTION with the Planning Department at least five (5) working days prior to the installation of any landscape or irrigation components.

Upon successful completion of the PRE-INSTALLATION INSPECTION, the applicant will proceed with the installation of the approved landscape and irrigation system and arrange for an INSTALLATION INSPECTION at least five 5 working days prior to the building final inspection or issuance of occupancy permit, whichever occurs first and comply with the Planning Department's Milestone 80 conditions entitled "USE-LANDSCAPING SECURITY" and the Milestone 90 condition entitled "LANDSCAPE INSPECTION DEPOSIT." Upon successful completion of the INSTALLATION INSPECTION, the County Planning Department's Landscape Inspector and the permit holder's landscape architect (or on-site representative) shall execute a Landscape Certificate of Completion that shall be submitted to the Planning Department and the Department of Building and Safety. The Planning Department shall clear this condition upon determination of compliance.

EOT1

90.PLANNING. 41 USE - LC COMPLY W/ LNDSACP/ IRR RECOMMND

The developer/permit holder shall coordinate with their designated landscape representative and the Riverside County Planning Department's landscape inspector to ensure all landscape planting and irrigation systems have been installed in accordance with APPROVED EXHIBITS, landscaping, irrigation, and shading plans. The Planning Department will ensure that all landscaping is healthy, free of weeds, disease and pests; and, irrigation systems

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 41

USE - LC COMPLY W/ LNDSCP/ IRR (cont.)

RECOMMND

are properly constructed and determined to be in good working order. The developer/permit holder's designated landscape representative and the Riverside County Planning Department's landscape inspector shall determine compliance with this condition and execute a Landscape Certificate of Completion. Upon determination of compliance, the Planning Department shall clear this condition.

EOT1

LAND DEVELOPMENT COMMITTEE
INITIAL CASE TRANSMITTAL
RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE
P.O. Box 1409
Riverside, CA 92502-1409

DATE: March 11, 2010

TO:

Transportation Dept.
Environmental Health Dept.
Flood Control District
Fire Department
Dept. of Bldg. & Safety (Grading)

Regional Parks & Open Space District
Co. Geologist
Environmental Programs Dept.
P.D. Trails Coordinator – J. Jolliffe
P.D. Landscaping Section - Kristi Lovelady

FIRST EXTENSION OF TIME FOR CONDITIONAL USE PERMIT NO. 3537 - Applicant: Borchard-Pedley LLC - Second Supervisorial District – Glen Avon Zoning District - Jurupa Area Plan: Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio) - Location: Southerly of Mission Boulevard, easterly of Avon Street, and westerly of Pedley Road – 3.89 Acres - Zoning: Scenic Highway Commercial (C-P-S) – Approved Project Description: Construction of a 31,780 square foot retail development, "Mission Pedley Plaza," on a 3.89 gross (3.55 net) acre site with a project floor area ratio of 0.21 (Commercial Retail requires a 0.20-0.35 Floor Area Ratio). The project consists of the following: a 17,369 square foot, 24-hour Rite Aid Pharmacy with a 750 square foot mezzanine and a prescription drive-thru window; a 2,869 square foot 24-hour operation fast food restaurant with a drive-thru window and outdoor seating; a 11,542 square foot Fresh and Easy (Tesco) food market; 177 parking spaces; 17,501 square feet (11%) of landscaping; and the sale of alcoholic beverages (type 21) for off premise consumption for anchor tenants: Rite Aid Pharmacy and Fresh and Easy (Tesco) food market on parcels 1 and 2 of PM35273. The use permit also proposes a sign program for the Mission Pedley Plaza, which includes two (2) 20 foot high multi-tenant pylon signs, one (1) 7 foot high monument sign, and affixed signage on all mentioned buildings pursuant to the attached Sign Program. - **REQUEST: EXTENSION OF TIME TO APRIL 2, 2011 - FIRST EXTENSION.**

Please review the attached information, together with your existing records for the above-described project. This extension request is being placed on the **April 15, 2010 LDC Comment Agenda** in order to establish a deadline for review and comment. All County Agencies and Departments are to have completed their review prior to the above referenced LDC Comment date. Failure to complete the review and/or provide comments within the indicated time frame will result in a presumption that the affected Agency/Department has no comment, and the extension request will be moved forward to the Planning Commission based on that presumption.

If, it is determined necessary, that in order to maintain conformance with the County General Plan, and/or ensure that the project does not adversely affect the general health, safety and welfare of the public, each LDC Agency or Department may prepare recommended conditions of approval and place them in the County's Land Management System for the affected project.

LDC MEMBERS ARE ENCOURAGED TO DIFFERENTIATE THOSE CONDITIONS ADDED AS PART OF THE EXTENSION BY ADDING A REFERENCE IN THE CONDITION TITLE AND/OR BODY OF THE CONDITION (ie. "EOT 1, EOT 2)

Each LDC Agency or Department who does so must then provide documentation to the Planning Department justifying the application of said conditions. Any such conditions, and their justification, will be presented to the Advisory Agency for their consideration as part of their action relative to the extension of time request.

If any LDC Agency or Department finds that the project, as approved, cannot be found to be in conformance with the General Plan and/or finds the project adversely affects the general health, safety and welfare of the public without the processing and approval of a Revised Permit to the Approved Use Permit, said Agency or

APPLICATION FOR EXTENSION OF TIME

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

All approvals of extension of time must be consistent with the pertinent elements of the Riverside County General Plan, the Riverside County Land Use Ordinance (Ordinance No. 348), and the Multiple Species Habitat Conservation Plan (MSHCP).

An extension of time for a land division based on the filing of a phased final map shall not be granted unless the Planning Department determines that the requisite funds have been expanded to construct, improve, or finance the construction of public improvements outside the boundaries of the land division. Any other extension of time for a land division shall not be granted unless the land division conforms to the Comprehensive General Plan, is consistent with existing zoning, conforms to the currently applicable schedule of improvements specified by the Riverside County Land Division Ordinance (Ordinance No. 348) and does not affect the general health, safety, and welfare of the public. If required to bring the subject land division into conformance with current general plan, Ordinance No. 460 and public health, safety, and welfare requirements, additional conditions of approval may be imposed upon approval of an extension of time request.

I hereby request an extension of time for the above referenced project, and I acknowledge that if the basis for extension is something other than the filing of a phased final map, additional conditions of approval may be imposed upon approval of the extension of time and that I may refuse to accept additional conditions of approval only in writing prior to action by the Planning Director, or in writing or in person prior to action by the Planning Commission.

Borchard - Pedley LLC (Fritz Howser, General Mgr)
PRINTED NAME OF APPLICANT

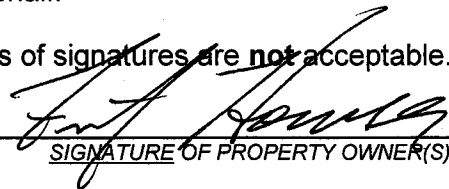

SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Borchard - Pedley LLC (Fritz Howser, General Mgr)
PRINTED NAME OF PROPERTY OWNER(S)


SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.