

**CITY COUNCIL
FINAL APPROVED CONDITIONS**

P04-1616 (TM-33029)

City Council Meeting Date: October 11, 2005

CONDITIONS *All mitigation measures are noted by an asterisk (*).*

Case Specific

Planning

1. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, staff prepared written justifications are referenced:
 - a. to allow lots 5-7, 21, 22, 26, 27, 28, 33, 34, 43-45, 65, 66 and an open space lot to a substandard lot width less than 125-feet;
2. The Commission makes the necessary findings in the applicant's favor to grant the following grading exceptions:
 - a. to allow portions of lots 28, 64, 76, 78 and Harbart Drive to encroach within the limits and 50-foot development setback of the Prenda arroyo/tributaries.

Prior to Map Recordation

3. Within 30 days of the approval of the tentative map by the City the developer/subdivider 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 subdivision, 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/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
4. The medians along Golden Star north and Matterhorn Drive shall be designed to Public Works and Planning Department approval to be widened to provide for adequate landscaping and pavement treatment to effectively reduce traffic speeds. Slight modifications to the adjoining street alignment may be considered.

- *5. Submit documentation of approval by the Riverside County Airport Land Use Commission (ALUC) shall be submitted to the Planning Department. All Conditions imposed by the ALUC shall be met to its satisfaction prior to map recordation. In the event the ALUC finds this map to be inconsistent with the Airport Land Use Plan, the case shall be considered by the City Council at a public hearing concurrently with the ALUC appeal.
- *6. The applicant shall convey an avigation easement to the March Air Reserve Base (MARB) and the March Inland Port (MIP) to the satisfaction of the Legal Department and MARB/MIP. The applicant shall obtain approval of the Riverside County Airport Land Use Commission and submit documentation to Planning Department staff.
- *7. All ungraded portions of the site shall be placed under an open space easement and shall be dedicated in fee title to an appropriate conservancy organization. As an alternative, the homeowner's association (HOA) may be assigned responsibility with an easement granted to the State Department of Fish and Game for purposes of long term maintenance and management.
- *8. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and other documents as necessary subject to approval of the Planning Department and City Attorney's Office. The CC&Rs shall contain the following conditions and restrictions:
 - a. establishing a Homeowner's Association;
 - b. the HOA shall be responsible for maintenance of open space areas.
 - c. the keeping of livestock is prohibited;
 - d. prohibiting further subdivision of any lots within this map.
 - e. the HOA shall be responsible for the maintenance of bio-swale lot between lots 4 and 5. This lot shall be called out as a lettered lot under the final map.
 - f. the HOA shall be responsible for all street slopes, necessary parkways, and medians.
 - g. The HOA will not be dissolved at any time without written consent of the City.
 - h. Lots 1, 7-14 and 64-66 shall be restricted to one-story.

- i. HOA maintenance of swales between Lots 7-13.
- j. HOA maintenance of 10-foot wide maintenance access easements as shown on the map.

Prior to Grading Permit Issuance

- 9. Tract Map 33029 shall be recorded.
- 10. Advisory: The grading plan shall be revised to show an arched culvert crossing for the Harbart Drive crossing over the Prenda Arroyo subject to Planning Division and Public Works Department review and approval.
- *11. Prior to approval of plans and specifications, a drainage plan that identifies the necessary storm drain facilities to accommodate the additional storm flow associated with the project shall be prepared. Prior to grading activities, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and include BMPs to reduce stormwater pollution prior to, during, and after construction. BMPs include but are not limited to watering newly graded areas, specifying areas for storage and equipment maintenance, locating sand bags around the perimeter of the construction area, disposing of construction waste, and inspecting construction vehicles for leaks.
- *12. Prior to grading permits, the project applicant will submit for approval a Dust Control Plan to the City and SCAQMD that will describe the application of standard best management practices to control dust during construction. Best management practices will include: the application of water on disturbed soils and unpaved roadways a minimum of two times per day, use of track-out prevention devices at construction site access points, stabilizing construction area exit points, covering haul vehicles, cover all stockpiles, restricting vehicle speeds on unpaved roads to 15 mph, replanting disturbed areas as soon as practical, and other measures, as deemed appropriate to the site, to control fugitive dust.
- *13. Site clearing and grading operations will be conducted over a two-month period in order to reduce daily emissions.
- *14. During construction of the proposed improvements, construction equipment will be properly maintained at an off-site location and includes proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction.
- *15. During construction of the proposed improvements, all contractors will be advised not to idle construction equipment on site for more than five minutes.

- *16. During construction of the proposed improvements, the project applicant will make arrangements to have a lunch wagon visit the construction site during work breaks including the lunch break
- *17. Prior to construction of the proposed improvements, a traffic control plan will be completed that will describe in detail safe detours around the project construction site and provide temporary traffic control (i.e. flag person) during demolition debris transport and other construction related truck hauling activities.
- *18. During construction of the proposed improvements only low volatility paints and coatings as defined in SCAQMD Rule 1113 shall be used. All paints shall be applied using either high volume low pressure (HVLP) spray equipment or by hand application.
- *19. The approval of the MSHCP and execution of the Implementation Agreement (IA) by the Wildlife Agencies allows signatories of the IA to issue "take" authorizations for all species covered by the MSHCP, including state and federally listed species as well as other identified sensitive species of concern and/or their habitats. Each City or local jurisdiction will impose a Development Mitigation Fee for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP, full mitigation, including compliance with CEQA, NEPA, CESA, and FESA, would be obtained. The Development Mitigation Fee varies according to project size and project description. The fee for residential development ranges from approximately \$800 per unit to \$1,600 per unit depending on development density (County Ordinance 810.2).
- *20. Prior to issuance of a grading permit, the applicant shall pay all development fees pursuant to the Riverside County Multiple Species Habitat Conservation Plan and the Habitat Conservation Plan for the Stephen's Kangaroo Rat in Western Riverside County, California.
- *21. Prior to the issuance of a grading permit, the proposed project shall comply with the following nesting migratory birds' mitigation.
- *22. If onsite grading does not occur during the nesting/breeding season of migratory birds (February 1st-August 31st), no additional measures are required.
- *23. If onsite grading is planned to occur during the nesting/breeding season of migratory birds (February 1 - August 31), a focused survey for migratory bird nests within the project site shall be conducted by a County-approved, qualified biologist prior to grading activities in order to identify active nests on the project site. If nests are found, or construction activity shall take place within 500 feet of an active nest until

the young have fledged (as determined by a County-approved, qualified biologist). The survey shall occur not more than 7 days prior to the initiation of ground disturbance.

- *24. Prior to the commencement of grubbing, grading, or construction within any portion of the single, ephemeral drainage feature, the proposed project shall obtain a 404, 401, and 1602 permit from the USACE, RWQCB, and CDFG, respectively. Mitigation requirements will outlined within each of these permits.
- *25. All cultural resource sites and a 15-meter buffer zone surrounding them will be monitored by professional archaeologists during project grading, and cultural data will be recorded and collected as needed if discovered. Grading activities will be directed away from new discovery locations until cultural resource assessment and recovery is completed.
- *26. A technical report that documents the monitoring effort and any cultural recoveries will be prepared and two copies distributed to the EIC, the official CHRIS repository for the region. Cultural materials recovered will be placed in a curation facility, as necessary, and the location of these materials will also be referenced in the cultural resource monitoring report.
- *27. Generally, a qualified paleontologist will monitor the deposits during project grading, and fossils will be recorded and collected if discovered. Grading activities will be directed away from discovery locations until significance assessment and recovery is completed.
- *28. A technical report that documents the monitoring effort and any paleontological recoveries will be prepared and two copies distributed to SBCM. Significant fossils, if recovered, will be prepared to the point of identification and stabilized, as needed, before being placed in an established, accredited repository for curation in perpetuity. The paleontological monitoring report will include an inventory of recovered fossils and reference the permanent curation facility of these materials should any be recovered during project implementation.
- *29. The grading plan shall be revised, subject to Planning Department review and approval, to:
 - a. clearly indicate all pad and lot drainage, subject to review and approval by the Planning and Public Works Departments. Cross lot drainage covenants, if necessary, shall be subject to Public Works and Legal Departments' review and approval.

- b. Indicate that all rip-rap will be natural rock (not blasted) and all visible drainage features will be color treated to blend in with the natural surroundings.
 - c. Indicate an interim erosion control program to be certified by the project engineer subject to Public Works Department review and approval.
 - d. Reflect City adopted contour grading policies. Prior to issuance of a building permit, the applicant's engineer shall submit a letter certifying the contouring of such required slopes in accordance with City adopted standards.
 - e. Indicate that grading operations will be restricted 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.
 - f. Indicate the 100 year flood limits of the blue line stream to the satisfaction of the Public Works Department.
 - g. All pads backing up to existing lots along Tiger Tail shall be reduced to the lowest grade possible, subject to Planning Division approval.
30. Final driveway grades and configurations will be subject to review and approval of the Fire Department.
- *31. Landscaping and irrigation plans for all manufactured slopes in excess of five feet in vertical height shall be submitted to and approved by the Planning Department. The applicant's engineer or landscape architect shall submit a letter certifying to the installation of such required landscaping and irrigation facilities prior to the release of utilities.
32. Adjacent property owner's approval shall be obtained for all off-site grading. Also, slope maintenance agreements for all slopes crossing property lines shall be recorded subject to approval of the Planning and Public Works Departments and City Attorney's Office.
33. Manufactured slope ratios shall not exceed a maximum of 2:1.
- *34. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
35. Grading activity shall be in substantial compliance with the grading plan on file with this application.

- *36. Advisory: The Regional Water Quality Control Board requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- *37. The applicant shall comply with the long term Stephen's Kangaroo Rat (SKR) Habitat Conservation Plan (HCP) and the City's policies for implementing the HCP.

Prior to Building Permit Issuance

- *38. The applicant is advised that the project is in an area impacted by a CNEL noise level between 60 and 70 dBA. Dwelling units constructed within the noise impacts areas will have to be sound insulated to the specifications of the Building Division.
- 39. Any lighting other than normally associated with a residential use, such as tennis court lighting, will be reviewed by the Planning Department in the Design Review process. Any tennis court lighting is required to be hooded and directed downward. In addition, the design shall avoid off-site light spillage.
- *40. The Project will be subject to TUMF and Traffic and Transportation Fees in an amount established by City ordinance.
- 41. Plans submitted for plancheck shall be revised to show single-story homes on lots 1, 7 through 14 and 64 through 66.
- 42. Plans submitted for plancheck shall be revised to show a 10-foot landscaped buffer setback along the northerly property line of lots 13 and 14.
- 43. A perimeter fencing plan shall be submitted for Design Review staff approval.
- 44. Design review for residences in the RC Zone shall be submitted and approved, including landscaping/irrigation, building elevations and site plans.

Standard Conditions

Planning

- 45. In approving this case, it has been determined that the proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for payment of Fish and Game fees at the time the Notice of Determination is filed with the County.
- 46. There is a thirty month time limit in which to satisfy the conditions and record this map. Five subsequent one-year time extensions may be granted by the City Planning

Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.

Public Works

47. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.
48. Deed for widening Bradley Street to 33 feet from monument centerline to Public Works specifications.
49. Installation of curb and gutter at 20 feet from monument centerline, sidewalk and matching paving on Bradley Street to Public Works specifications.
50. Full improvement of Harbart Street between Golden Star and "H" Court based on 66-foot residential collector street standards. Street geometrics shall be based on a 35 mph design speed.
51. Full half-street improvements on Harbart Street between "H" Court and Bradley Street, total R/W = 43 feet, sidewalk, curb and gutter at 20 feet westerly and AC pavement extending to 8 feet easterly of monument centerline to Public Works specifications.
52. Termination of Golden Star (northerly and southerly segments) to Public Works specifications.
53. Full improvement of Matterhorn Drive based on 66 foot residential street standards.
54. Full improvement of "A", "B", "C" and "D" Streets based on 66-foot residential street standards.
55. Installation of sewers and sewer laterals to serve this project to Public Works specifications.
56. Storm Drain construction will be contingent on engineer's drainage study as accepted by Public Works.
57. Off-site improvement plans to be approved by Public Works prior to map

recordation.

58. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.
59. The proposed development may impact the operation and maintenance of Riverside County Flood Control District facilities. The applicant shall obtain RCFCD concurrence prior to grading permit issuance.
60. Prior to issuance of a building permit, the applicant shall pay the Overlook Parkway Crossing development fee in accordance with the fee schedule in effect at the time of issuance.
61. Prior to issuance of a building permit, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance.

Fire Department

62. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.
63. Construction plans shall be submitted and permitted prior to construction.
64. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
65. Fire Department access is required to be maintained during all phases of construction.

Public Utilities

66. 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.
67. 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.
68. The provision of utility fees and charges in accordance with the City of Riverside Water Rules.

69. Advisory: The provision of water facilities in accordance with the City of Riverside Water Rules. Parallel mains required in Harbart from the intersection of Bradley and Harbart to lot 83. The 1400 zone water main required from the intersection of Bradley and Harbart up to existing water main in Golden Star to be 12" diameter.
70. The provision of faithful performance bonds in accordance with the City of Riverside Water Rules.
71. Utility easements shall be provided and/or retained to the specifications of the affected departments and agencies.

Park and Recreation

Prior to Recordation

72. Wherever public street rights-of-way dedications are insufficient to provide a minimum 5-1/2 foot wide planting area, street tree easements shall be dedicated to accommodate required street tree plantings along all public streets per City standards. For questions or concerns regarding this condition contact Senior Park Planner Bob Johnson at 951/826-2018.

Prior to Issuance of a Grading Permit

73. All grading plans for any proposed public park site shall be subject to the review and approval of the Park and Recreation Department and shall provide line-of-sight views into the site from each of the surrounding public streets, to the specifications of the Department. Grading work shall be subject to the Park and Recreation Department's public landscape permit and inspection process. For questions or concerns regarding this condition contact Principal Park Planner Bob Johnson at 951/826-2018.
74. All grading plans for any project adjacent to a public park site shall provide for the installation a temporary construction debris fence along the common boundary between the project and the public park site. This fence shall be sufficiently designed to prevent any entry of construction equipment and worker's onto the public lands/landscape. No grading is to occur within any public natural open spaces (e.g. Prenda Arroyo, etc.) without specific separate environmental review and approval together with the review and approval of the Park and Recreation Department. Debris Fence installation work shall be subject to the Park and Recreation Department's public landscape permit and inspection process. For questions or concerns regarding this condition contact Principal Park Planner Bob Johnson at 951/826-2018.

Prior to Building Permit Issuance

- 75. Payment of all applicable park development fees (local and regional/reserve) as mitigation for the impacts of the project on the park development and open space needs of the City. For questions or concerns regarding this condition contact Senior Administrative Analyst Patti Casillas - 826-2068.
- 76. Payment of Street Tree Plan Check and Inspection Fees as applicable. For questions or concerns regarding this condition contact the Tree Division Staff at 951/351-6126.

Prior to Occupancy

- 77. The installation (or posting of appropriate sureties with the Park and Recreation Department to guarantee the installation) of new street trees along all public street frontages per City standards. For questions or concerns regarding this condition contact the Tree Division Staff at 951/351-6126.
- 78. All City street trees shall be automatically irrigated.

General Conditions

- 79. For landscape maintenance purposes, all parkways along public streets where adjacent to front or side yards of single family lots shall be privately maintained by the property owner(s) adjacent thereto, all per City standards, policies and ordinances. For questions or concerns regarding this condition contact Principal Park Planner Bob Johnson at 951/826-2018.