



Community & Economic Development  
Department

*City of Arts & Innovation*

September 21, 2017

Steve Berzansky  
7111 Indiana Av #300  
Riverside, CA 92504

SUBJECT: Planning Cases: P16-0112 (GP), P16-0113 (RZ), P16-0114 (TM), P16-0111 (PRD/DR),  
and P16-0883 (VR) – 54-lot Planned Residential Development – 9170 Indiana  
Avenue

Dear Mr. Berzansky:

At its meeting of September 21, 2017, the City Planning Commission approved Planning Cases P16-0112, P16-0113, P16-0114, P16-0111 and P16-0883, subject to the attached conditions.

There is now a ten-day appeal period from the date of the Planning Commission's decision. Appeals must be received in writing along with the required fee by 5:00 p.m. on October 2, 2017 in the Planning Division of the Community & Economic Development Department.

In accordance with established procedure, this matter will now be forwarded to the City Council for public hearing. You will be notified by the City Clerk of the date and time of the hearing. Approval of this action shall not be final until City Council has reviewed and approved it.

Should you have any questions concerning this notice please call Stephanie Tang, Senior Planner, at (951) 826-3965.

Sincerely,

Ted White  
Deputy Director

cc: Public Works, Jeff Hart

PLANNING COMMISSION  
RECOMMENDED CONDITIONS

Case No.: P16-0112 (GP)  
P16-0113 (RZ)  
P16-0114 (TM-37032)  
P16-0111 (PRD/DR)  
P16-0883 (VR)

PLANNING COMMISSION HEARING DATE: September 21, 2017

CONDITIONS

**Planning**

1. The property shall be developed substantially as depicted on the site plan except as modified by the approving authority and the following conditions.
2. All mitigation measures, as outlined in the Mitigation, Monitoring and Reporting Program in the Mitigated Negative Declaration, shall be completed in accordance with the designated schedule.
3. The Commission makes the necessary findings in the applicant's favor to grant the following variances. The applicant's submitted justifications, supplemented by staff's written justifications are referenced:
  - a. To allow reduced building setbacks along Indiana Avenue and adjacent to the south (rear) perimeter property line.
  - b. To allow 5-foot landscaped and wall setbacks along Indiana Avenue where 20 feet is required.
  - c. To allow fences and walls higher than permitted by Code.
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 Map Recordation:*

5. The General Plan 2025 land use designation of MDR – Medium Density Residential shall be finalized and/or adopted.
6. The R-1-7000 – Single-Family Residential Zone shall be finalized and/or adopted.

*During Construction Activities:*

7. 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.

8. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
9. To reduce construction related particulate matter air quality impacts of projects, the following measures shall be required:
  - a. The generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
  - b. Construction activities shall cease during period of high winds (greater than 25 mph);
  - c. 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;
  - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Wash off trucks and other equipment leaving the site;
  - f. Replace ground cover in disturbed areas immediately after construction; and
  - g. Keep disturbed/loose soil moist at all times.
10. The applicant shall be responsible for erosion and dust control during construction phases of the project.

*Prior to Grading and/or Building Permit Issuance:*

11. Tract Map 37032 shall be recorded.
12. A 40-scale precise grading plan shall be submitted to the Planning Division 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. The project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
    - i. Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
    - ii. Suspend all grading activities when wind speeds exceed 25 miles per hour.

- iii. 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;
  - iv. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - v. Wash off trucks and other equipment leaving the site;
  - vi. Replace ground cover in disturbed areas immediately after construction; and
  - vii. Keep disturbed/loose soil moist at all times.
13. The applicant shall prepare and record a Covenants, Conditions, and Restrictions (CC&Rs) and documents creating a Homeowners Association (HOA) subject to approval of the Planning Division and City Attorney's Office. The CC&Rs/HOA shall contain the following:
- a. Each buyer shall sign an acknowledgement that he/she has read the Constitution and By-Laws of the HOA and the CC&Rs applying to the development, including any clause pertaining to private streets and private drives.
  - b. The CC&Rs shall be irrevocably written and recorded so that the maintenance and enforcement of the on-street parking prohibition is the responsibility of the HOA for the life of the project. The CC&R shall clearly state that the HOA officers are responsible for the enforcement of the on-street parking prohibition and are personally liable for any penalties, including citations, for the failure to follow through with their responsibilities.
  - c. Mechanical maintenance and "known-down" repair of fire hydrants and street lights which meet the specifications of the Public Utilities Department along private streets shall be accomplished by either the City Public Utilities Department or applicable serving utility company, at the expense of the HOA.
  - d. The By-Laws or other appropriate document of the Homeowners' Association shall include the obligations of the Association with respect to maintenance of the private streets.
  - e. The CC&R's shall provide the City with authority to repair and/or maintain the private streets and/or appurtenances in the event the HOA fails to maintain said streets and/or appurtenances in a manner that provides adequate access at all times so that emergency and utility vehicles can service the properties contiguous or adjacent thereto. Provision shall be made in the CC&R's to enable the City to recover costs of work performed by the City in these streets. The CC&R's shall provide that the HOA grants the City the authority to enter and repair and maintain the private street in the event the HOA defaults in its maintenance responsibilities and the preservation of the public health, safety, and welfare necessitates City maintenance of the private street. Repair costs incurred by the City shall be shared, pro rata, by all parcels and collected as assessments along with County property taxes.
  - f. On-street parking shall only be permitted on one side of the private street. No parking signs or red curbing shall be maintained along one side.

- g. Vehicles parked on a residential driveway shall not encroach into the sidewalk or private street.
  - h. Graffiti shall be removed within 24 hours of complaint.
  - i. The HOA shall maintain the basins, parkway and landscape along the project's frontage, common open space, private street, curbs, gutters, and sidewalk.
14. Relocate the guest parking space in front of Lot 16 to avoid conflict with the crosswalk.
15. Plans submitted for Plan Check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest preventer possible, be painted green, and consist of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
16. **Landscape and Irrigation Plan:** Landscape and irrigation plans shall be submitted for Planning staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. The landscape plans shall demonstrate the following:
- a. Additional landscape including shrubs, accent plants and trees shall be planted along the street frontage to create a layered effect, reduce the wall massing and to provide visual interest.
  - b. Fast growing vines shall be planted along the southern (rear) perimeter wall and to train them to grow through small openings at the base of the wall to address the potential for graffiti.
  - c. Identify driveway approaches near Lot 8, consistent with the site plan.
17. **Photometric/Lighting Plan:** An exterior lighting plan shall be submitted for review and approval. Photometric plans shall include the following:
- a. A photometric study and manufacturer's cut sheets of all exterior lighting on the new buildings and within the common open space areas shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum intensity 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). The light sources shall be shielded to minimize offsite glare, shall not direct light skyward and shall be directed away from adjacent properties and public right-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed 14 feet in height, including the height of any concrete or other base material.
18. **Fence and Wall Plan:** Revise the submitted fence and wall plan such that the plan provided incorporates the following changes:
- a. Provide details of the perimeter and retaining walls, showing dimensions, colors, and materials.

- b. Walls along Indiana Avenue shall be decorative masonry split face with pilasters and decorative cap.
- c. Walls along the east and west project perimeter shall be split face and decorative cap.
- d. Retaining walls shall match the materials of the block walls along the sides and front of the project site.
- e. Retaining walls shall not exceed 3 feet in height within the front yard setback and 6 feet within the side and rear yards, where not visible from the public right of way.

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

- 19. 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/auditory responsible for the project. Contact Stephanie Tang, Senior Planner at (951) 826-3965 or [stang@riversideca.gov](mailto:stang@riversideca.gov) to schedule the final inspection at least one week prior to needing the release of utilities.

*Standard Conditions:*

- 20. There is a 36 month time limit in which to satisfy the conditions and record this map. Six subsequent one-year time extensions may be granted by the Community & Economic Development Director 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.
- 21. Planned Residential Development permits, Design Review, and Variances, related to an implementing subdivision, may be granted time extensions by the Community & Economic Development Director or their designee up to a total of six years beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued the planned residential development will be considered vested and time extensions are no longer needed. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case in addition to a time extension fee.
- 22. 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.
- 23. 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.

24. 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**

##### *During Construction Activities:*

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

##### *Prior to Grading and/or Building Permit Issuance:*

26. Identification and posting of required fire lanes shall be provided as directed by the assigned Fire Inspector.
27. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.
28. Access roadways in excess of one hundred and fifty (150) feet in length shall be provided with a provision for turn around. Such provisions shall be of a design approved by the Fire Department.
29. A residential fire sprinkler system meeting National Fire Protection Association 13D is required. Attached garages are required to be protected by an automatic fire sprinkler system. Plans shall be submitted to and approved by the Fire Department prior to installation.
30. All required hydrants shall be in service and fire flow available prior to building permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.

#### **Public Utilities – Electric**

##### *Prior to Grading and/or Building Permit Issuance:*

31. 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.
32. 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 surveyor.
33. 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 Utility.

#### **Public Utilities – Water**

##### *Prior to approval of Street Improvement Plans:*

34. The applicant shall cause the abandonment of the existing 4-inch water service to the property.

##### *Prior to Map Recordation:*

35. The applicant shall construct or cause to construct an 8-inch water main in Indiana Avenue from Jackson Street to the project's westerly boundary. Contact Water Division for specific requirements.

36. The applicant shall construct or cause to construct an 8-inch water main in Indiana Avenue from the project's westerly boundary to Gibson Street if the fire flow requirements of the project cannot be met. Contact Water Division for specific requirements.
37. Advisory: A 6-foot water easement over Lots 19, 20, and 21 extending from the westerly edge of Lot F is required.

### **Public Works**

#### *Prior to Grading and/or Building Permit Issuance:*

38. 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.
39. Storm Drain construction will be contingent on engineer's drainage study.
40. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Onsite sewer mains shall be public facilities. A minimum 20-foot wide sewer easement is required for the length of the onsite sewer mains.
41. Lot F (Emergency Vehicle Access) to be 24 feet wide minimum to accommodate sewer and water utility.
42. Closure of unused driveway opening(s) along Indiana Avenue to Public Works specifications.
43. Deed for widening Indiana Avenue to 44 feet from monument centerline to Public Works specifications.
44. Installation of curb and gutter at 32 feet from monument centerline, sidewalk, and matching paving on Indiana Avenue to Public Works specifications.
45. Off-site improvement plans to be approved by Public Works prior to map recordation.
46. Full improvement of interior streets based on private residential street standards.
47. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.
48. Project shall restripe the Indiana Avenue to include left turn pockets to serve the project and Donald Avenue as shown in Appendix E of the report (Striping Plan); plans will be reviewed by the Traffic Engineering Division during the plan-check process. Project shall provide 100% participation.
49. Submit to the City for review and approval, a project-specific Water Quality Management Plan (WQMP) that:
  - a. Addresses Site Design Best Management Practices (BMPs) 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 BMPs as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;



- c. Incorporates Treatment Control BMPs as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
  - d. Describes the long-term operation and maintenance requirements of BMPs requiring long-term maintenance; and
  - e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs requiring long-term maintenance.
50. 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 Conditions, Covenants and Restrictions (CC&Rs); 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.
51. 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.
52. Waiver of access to Indiana Avenue from Lots 1 and 21-30.
53. Advisory: Home Owners Association (HOA) to be responsible for landscape maintenance along Indiana Avenue parkway frontage and entry.

*Prior to Map Recordation:*

54. A surety prepared by Public Works to be posted to guarantee the required off-site improvements.
55. The project is within the Southwest Riverside Drainage Area. Drainage fees to be paid prior to map recordation.
56. Planting of 24" Box Size Street Trees required along Indiana Avenue with root barrier along hardscapes. Typical spacing is approximately 30 feet. Street Tree Inspector will spot for planting when final grading and construction is completed.
57. Installation of automatic irrigation system to provide deep-root watering to trees is required.

*Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:*

58. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
59. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
60. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

*Prior to final inspection:*

61. 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.