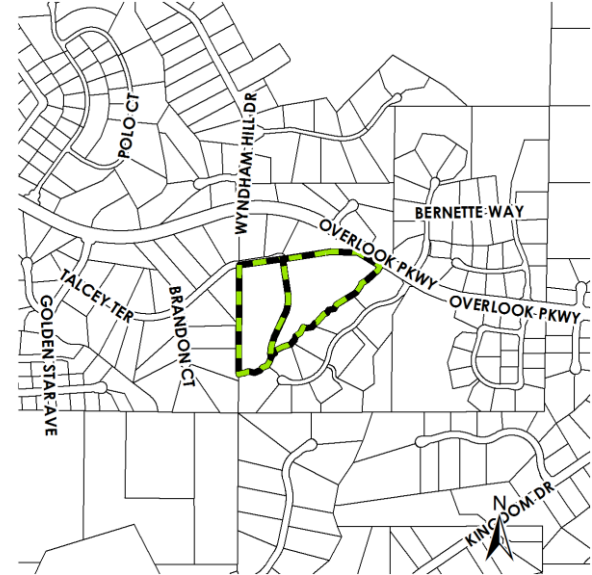




PLANNING COMMISSION HEARING DATE: JUNE 28, 2018

AGENDA ITEM NO.: 3

PROPOSED PROJECT

Case Number	P17-0929 (Tentative Tract Map), P17-0930 (Variance), P17-0931 (Variance) and P17-0932 (Variance and Subdivision Code Modification)		
Request	To consider the following entitlements for the subdivision of two vacant parcels: 1) a Tentative Map (TM-37392) to subdivide 16.79 acres into eight residential lots ranging in size from 1.01 to 3.79 acres and one lettered lot for private street purposes; 2) Variances to allow Lots 7 and 8 to have less than the minimum 2.0 acres in net area for lots with average natural slopes in excess of 15 percent; to allow a corridor access lot (Lot 1); and a Variance and Subdivision Code Modification to allow Lot 2 to have less than the minimum required lot width at the building setback line.		
Applicant	Marwan and Elizabeth Alabbasi		
Project Location	At the eastern terminus of Talcey Terrace, south of Overlook Parkway		
APN	243-210-037 and -243-210-041		
Project area	16.79 acres		
Ward	4		
Neighborhood	Alessandro Heights		
General Plan Designation	HR – Hillside Residential		
Zoning Designation	RC – Residential Conservation		
Staff Planner	Matthew Taylor, Associate Planner; 951-826-5944; mtaylor@riversideca.gov		

RECOMMENDATIONS

Staff recommend that the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record and adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and
2. **RECOMMEND APPROVAL** of Planning Cases P17-0929 (Tentative Tract Map), P17-0930 (Variance), P17-0931 (Variance) and P17-0932 (Variance and Subdivision Code Modification) based on the findings outlined in the staff report and subject to the recommended conditions.

SITE BACKGROUND

The 16.79-acre triangular-shaped project site is undeveloped. It is characterized by rolling hillside terrain which drains generally to the southwest, with an average natural slope of 16.95 percent. It is bounded to the northwest by Talcey Terrace, a partially constructed cul-de-sac street, and by Overlook Parkway to the northeast. An unmapped arroyo tributary, also identified as a blue-line stream by the United States Geological Survey (USGS), is located along the southern boundary. All surrounding properties are developed with large-lot single-family residential subdivisions.

In 1992, this property and the adjoining 24.64-acre property to the east were approved to be developed with a 21-lot single-family residential subdivision (Tentative Tract Map No. 24016), which included a private street extending from the current terminus of Talcey Terrace, across the arroyo tributary, to Overlook Parkway. That project was not constructed, and subsequently two separate, simultaneous proposals to develop both sites with a total of 20 single-family residential lots were approved in 2004 under Tentative Tract Map Nos. 31859 and 32042. The property to the east within TM-31859 has been rough graded and street improvements have been constructed (Planning Cases P03-1336 and P03-1337). The eight-lot development proposed for the subject site under TM-32042 (Planning Case P03-1530), however, was not constructed, and the project approvals expired in 2010.

PROPOSAL

The applicant is requesting approval of a Tentative Tract Map (TTM) to subdivide the property into eight lots for the future construction of single-family residences, and one lettered lot for private street purposes. Variances are requested: 1) to allow Lots 7 and 8 to have less than the minimum 2.0 acres in area for lots with average natural slopes in excess of 15 percent; and 2) to allow a corridor access lot (Lot 1). A Subdivision Code Modification and Variance are also requested to allow Lot 2 to have less than the minimum required lot width at the building setback line.

The proposed lots will range in size from 1.01 to 3.79 acres and will be arranged around a gated private cul-de-sac extending south from the existing terminus of Talcey Terrace. Pads ranging in size from 18,650 to 21,925 square feet, as well access driveways, are proposed on each lot to allow for future development of single-family residences. The total disturbed area including the private cul-de-sac, will be approximately 8.60 acres. The remainder of the site is proposed to be left in its natural ungraded condition. A 2.57-acre permanent open space easement is proposed along the southern boundary of the map generally following the course of the existing arroyo tributary and blue-line stream. No residences are proposed to be constructed at this time.

<i>Authorization and Compliance Summary</i>		
	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The proposed project is consistent with the underlying General Plan 2025 Land Use Designation of HR – Hillside Residential, which is intended to limit development of the City's hillsides and to preserve these ecologically and aesthetically sensitive natural areas. The project is consistent with the residential density of 0.5 dwelling units per acre established for the HR designation.</p> <p>The project is further consistent with Objective LU-33 for the Alessandro Heights Neighborhood, which emphasizes a balance of residential development opportunities with the preservation of the open space and natural environmental features that characterize the area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The proposed project is generally consistent with the purpose of the RC – Residential Conservation Zone, which is intended to minimize the adverse effects of insensitive development of hillside terrain and to protect prominent ridges, arroyos and other features, in keeping with the objectives of Proposition R and Measure C. The proposed subdivision and associated grading plan comply with a majority of the development standards set forth in Chapter 19.100 as they pertain to minimum lot sizes, dimensions and overall residential density.</p> <p>Variances have been requested to accommodate departures from certain standards contained in the Zoning Code; specifically, to allow two lots having average natural slopes greater than 15 percent to have an area less than two acres, and to allow one lot to have less than 130 feet in width at the building setback line. Staff can support the variances as requested as the overall effect of the design is to maximize permanent open space and avoid impacts to the arroyo tributary, consistent with the intent of the RC Zone.</p> <p>Staff note that the map design results in an average lot area of 1.99 acres, where the Zoning Code requires a minimum average lot area of 2.0 acres for subdivisions in the RC Zone. To address this deficiency, Staff recommend a Condition of Approval requiring the Final Map design to reduce the width of the proposed private street to the minimum required by the Subdivision Code, in order to increase the overall average lot area to meet the minimum RC Zone standard. As conditioned and with approval of the requested Variances, the project is consistent with the applicable standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p><i>Subdivision Code Consistency (Title 18)</i></p> <p>The proposed project generally complies with the minimum development standards stipulated by the Subdivision Code as they pertain to access, private street design, lot configuration and frontage. One Variance and one Subdivision Code Modification have been requested to accommodate the proposed design; specifically, a Variance request to allow the establishment of a corridor access lot, and a Subdivision Code Modification to allow a lot width of less than 60 feet (in conjunction with the lot width variance discussed in the preceding section). Staff can support the requested Variance and Modification as they enable a project design that maximizes permanent open space while avoiding potential impacts to the arroyo tributary. With the requested Variance and Modification, the project is consistent with the applicable provisions of the Subdivision Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Hillside and Arroyo Grading Ordinance Consistency (Title 17)</i></p> <p>The project is consistent with the applicable provisions of the Hillside and Arroyo Grading Ordinance (Section 17.28.020), which applies to all properties located within the RC Zone and is intended to limit excessive grading and scarring of natural hillsides and to protect significant environmentally sensitive areas of natural open space. The project complies with all provisions relating to grading design, contouring, cut and fill minimization, slope ratios and maximum building pad areas. Staff are able to support a proposed 25 percent increase in vertical manufactured slope height in two instances where this condition occurs on the preliminary grading plan; similarly, Staff support a single instance of driveway grading in excess of 15 percent for Lot 5, based on the concurrence of the Fire Department. A Condition of Approval is recommended requiring compliance with the maximum driveway width of 15 feet for Lots 1 and 2. As conditioned and modified, the proposed grading complies with the applicable provisions of the Hillside and Arroyo Grading Ordinance.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with the March Air Reserve Base Land Use Compatibility Plan</i></p> <p>The project is located in Zone D (Flight Corridor Buffer) of the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP), which is identified as having a low safety risk level and a low-to-moderate noise impact level, and contains no restrictions on residential development. The proposed project is consistent with Compatibility Zone D of the MARB LUCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Zoning Code (Title 19) Chapter 19.100 – Residential Zones											
Standard		Proposed								Consistent	Inconsistent
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8		
Average Natural Slope (%)		15.43	11.78	14.76	19.85	20.06	14.92	17.66	16.10		
Lot Area (<15% A.N.S.)	0.50 acres	-	1.01	1.19	-	-	1.43	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Area (<30% A.N.S.)	2.0 acres	3.61	-	-	2.04	3.79	-	1.38	1.54	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lot Width	130 feet	446	43	155	242	159	139	150	169	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lot Depth	100 feet	455	354	334	334	616	413	391	377	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Density	0.50 du/ac	8 dwelling units/16.79 gross acres = 0.47 du/ac								<input checked="" type="checkbox"/>	<input type="checkbox"/>
Average Lot Size	2.0 acres	1.99 acres								<input type="checkbox"/>	<input checked="" type="checkbox"/>

Subdivision Code (Title 18) Chapter 18.210 – Development Standards					
Standard		Proposed	Consistent	Inconsistent	Modified
Private Street Width	28 feet (single-side parking)	28 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maximum Cul-de-Sac Length	600 feet	450 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maximum Lots on Cul-de-Sac	16	8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimum Lot Width	60 feet	43 feet	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minimum Lot Depth	100 feet	334 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimum Corridor Width	20 feet	29 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Grading (Title 17) Chapter 17.28.020 – Hillside/Arroyo Grading					
Standard		Proposed	Consistent †	Inconsistent	Modified
Maximum Pad Size (<15% A.N.S.)	27,000 square feet	21,925 s.f. (Lot 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		20,870 s.f. (Lot 2)			
		20,600 s.f. (Lot 4)			
		18,650 s.f. (Lot 5)			
		20,780 s.f. (Lot 6)			
Maximum Pad Size (<30% A.N.S.)	21,000 square feet	21,000 s.f. (Lot 3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		21,000 s.f. (Lot 7)			
		20,050 s.f. (Lot 8)			
Vertical Slope Height	20 feet	25 feet	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Driveway Width	15 feet	20 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Driveway Slope	15 percent	15.7 percent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VARIANCES

The applicant has requested three Variances to accommodate the proposed project design. Specifically, the applicant requests a Variance to allow Lots 7 and 8 to have an area of 1.38 and 1.54 acres, respectively, where the Zoning Code requires a minimum lot area of 2 acres when the average natural slope of a proposed lot exceeds 15 percent. As Lot 7 has an average natural slope of 17.66 percent and Lot 8 has an average natural slope of 16.10 percent, these lots do not comply with the minimum area standard. This deficiency results primarily from the need to reduce the width of Lots 6, 7 and 8 in order to maximize the distance between the proposed Lot 5 building pad and the arroyo tributary. As such Staff are able to make the necessary findings to support this variance.

The applicant has further requested a Variance to establish Lot 1 as a corridor access lot. Lot 1 has direct frontage on Overlook Parkway; however, the Public Works Department has recommended a Condition of Approval requiring a waiver of vehicular access to be recorded on the final map over the entire Overlook Parkway frontage. This access waiver is necessary to maintain a consistent frontage treatment along Overlook, which has no direct access from any individual private driveway, and to ensure vehicular and bicycle safety on a stretch of roadway with numerous curves and changes in elevation. Because of the requirement to waive access to Overlook, Lot 1 must be configured as a corridor access lot, with access from the proposed private cul-de-sac.

The relatively rapid change in grade between the Lot 1 access corridor and the private street requires the driveway to curve southward, projecting into the frontage of Lot 2 and thereby reducing its width to 43 feet at the building setback line where 130 feet is required. To accommodate this design strategy, a final Variance has been requested for the reduced width of Lot 2. Staff are able to make the necessary findings to support this configuration as the associated lot width and corridor access variances accommodate the required access restriction on Overlook and allow for minimal grading and maximum open space retention.

SUBDIVISION CODE MODIFICATION

The Subdivision Code provides minimum dimensions of 60 feet in width and 100 feet in depth for newly established lots, pursuant to the standards of the Zoning Code. The Subdivision Code further provides a mechanism to permit modifications to this requirement, subject to findings of fact in support of the request. In this case, the proposed project requires a Subdivision Code Modification to permit a lot width of 43 feet for Lot 2 where 60 feet is required. This modification would permit the corridor access configuration for Lot 1 described above. Staff are able to make the necessary findings in support of the requested modification based on the constrained nature of the site, attributed to the presence of the arroyo tributary, the required access waiver along Overlook Parkway, and the irregular triangular shape of the parent parcel.

GRADING

The proposed grading plan has been designed in a manner consistent with the guidelines and standards established for hillside areas in the Hillside and Arroyo Grading Ordinance. Specifically, seven of the eight proposed building pads and the private street are proposed on the central portion of the site which is flatter and higher in elevation, with the steeper portions around the perimeter left undisturbed. This configuration allows for the maximum preservation of the arroyo tributary, natural slopes adjacent to the tributary, and the optimal retention of natural open space that is contiguous with existing open space easements and lots in the adjoining subdivisions.

Proposed pad sizes are consistent with Grading Code requirements based upon the average natural slope of the area to be graded for a level building pad, as summarized in the following table:

Lot	Area	Lot A.N.S.	Pad A.N.S.	Pad Size
1	3.61 acres	15.43%	11.08%	21,925 s.f.
2	1.01 acres	11.78%	11.99%	20,870 s.f.
3	1.19 acres	14.76%	15.34%	21,000 s.f.
4	2.04 acres	19.85%	13.59%	20,600 s.f.
5	3.79 acres	20.06%	13.58%	18,650 s.f.
6	1.43 acres	14.92%	13.71%	20,780 s.f.
7	1.38 acres	17.66%	15.30%	21,000 s.f.
8	1.54 acres	16.10%	16.43%	20,050 s.f.

Contour grading, slope rounding and blending are proposed consistent with the requirements of the Grading Code. While a majority of the manufactured 2:1 slopes proposed for the project do not exceed 20 feet in vertical height, the Preliminary Grading Plan depicts manufactured slopes up to 25 feet in height in two locations. The Hillside and Arroyo Grading Ordinance permits increases in maximum vertical slope height of up to 25% without a Grading Exception depending on the sensitivity of the site and the overall project design. Staff can support the 25% increase (to a maximum of 25 feet) as these slopes are internal to the site and do not affect the natural areas to remain ungraded or the proposed permanent open space easement.

The Grading Code further limits driveway grading to a maximum width of 15 feet in hillside areas. Although a majority of the proposed lots comply with this standard, Staff notes that the driveway shared by Lots 1 and 2 is 20 feet in width. In order to comply with this provision, a Condition of

Approval is recommended to reduce the width of the driveway to a maximum width of 15 feet, consistent with the Grading Code.

In addition, the Grading Code specifies that driveway slopes shall not normally exceed 15 percent, unless otherwise approved by the Fire Department and Community & Economic Development Director or designee. The proposed driveway on Lot 4 has a maximum grade of 15.7 percent; however, the Fire Department and CEDD Director have concurred with this design.

Finally, the project includes a proposed 2.57-acre permanent open space easement along the entire southern boundary of the site, encompassing the arroyo tributary and associated banks and vegetated areas. Staff note the intent of the Hillside and Arroyo Grading Ordinance is to preserve all undisturbed and ungraded terrain not required for the establishment of a building pad and associated driveway to be permanently preserved as open space by means of an easement. The Grading Code allows Staff to determine the precise boundaries of the open space easement, with the goal to establish significant, contiguous areas of permanent open space and avoid the creation of isolated open space pockets. A Condition of Approval is recommended to adjust the boundaries of the open space easement to incorporate as much of the ungraded areas as is reasonably feasible to reduce the likelihood of future encroachment and incremental expansion of disturbed area. With incorporation of the recommended Conditions of Approval, the project is consistent with the requirements of the Hillside and Arroyo Grading Ordinance..

NEIGHBORHOOD COMPATIBILITY

The proposed project is a large-lot single-family residential subdivision intended for the future construction of custom-designed single-family homes. The surrounding neighborhood is dominated by similar developments featuring large lots, gated, private streets and large permanently preserved natural open space areas. The proposed project is therefore consistent and compatible with the surrounding neighborhood.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) has been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The CEQA documentation states the proposed project will not have a significant effect on the environment provided the recommended mitigation measures are adopted and applied.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, Staff have received one phone call requesting additional information as to the nature of the project, and one comment letter submitted by the Friends of Riverside's Hills (Friends) expressing conditional support for the project provided that certain Conditions of Approval are recommended.

In response to the Friends' comments, Staff have recommended a Condition of Approval requiring the future development of all lots in compliance with the development standards of the RC – Residential Conservation Zone; a Condition requiring reconfiguration of the proposed Open Space Easement to incorporate as much of the ungraded areas as is feasible; a Condition requiring the CC&Rs advise future property owners of the open space easement restrictions on the lots; and a Condition encouraging professional management of the proposed open space easement. With the recommended Conditions of Approval, Staff believe the concerns laid out in the comment letter have been adequately addressed.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Recommended Conditions of Approval
3. Location
4. General Plan Map
5. Zoning Map
6. Project Plans (Tentative Tract Map No. 37392 and Preliminary Grading Plans)
7. Existing Site Photographs
8. Applicant Provided Variance and Subdivision Code Modification Justifications
9. CEQA Document (Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program)
10. Comment Letter

Prepared by:	Matthew Taylor, Associate Planner
Reviewed by:	Patricia Brenes, Principal Planner
Approved by:	David Welch, Community & Economic Development Interim Director



EXHIBIT 1 – FINDINGS

PLANNING CASES: P17-0929 (Tentative Tract Map No. 37392)
P17-0930 (Variance)
P17-0931 (Variance)
P17-0932 (Variance and Subdivision Code Modification)

Variance Findings pursuant to Chapter 19.720.040

Requested Variances:

- A. To allow Lots 7 and 8 to have less than the minimum 2.0 acres in net area for lots with average natural slopes in excess of 15 percent.
- B. To allow a corridor access lot (Lot 1).
- C. To allow Lot 2 to have less than the minimum required lot width at the building setback line.

The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

Variance A: The proposal **complies** with this finding. Strict application of the requirements of the Zoning Code would require shifting the interior lot lines between Lots 5 through 8 to the south, in order to increase the overall area of lots 7 and 8 to meet the minimum required two acres based on average natural slope. This could impact the proposed Map design by shifting buildable pad areas of the four lots further south, impacting the ecologically sensitive arroyo tributary area and reducing the amount of permanently preserved open space within the open space easement. This constitutes a practical difficulty inconsistent with the purpose and intent of the RC Zone development standards.

Variances B and C: The proposal **complies** with this finding. Strict application of the Zoning Code could theoretically be achieved by extending Talcey Terrace (or a second private cul-de-sac) to the east to provide direct frontage to Lot 1 and eliminate the corridor which reduces the lot width of Lot 2. However, this scenario presents a practical difficulty inconsistent with the purpose and intent of the Zoning Code. An extension of Talcey Terrace or creation of a new east-west cul-de-sac would involve a significant increase in the amount of grading and impervious surface than the proposed design, and would necessitate reconfiguration of Lots 2, 3 and 4 further to the south, creating potential impacts to the arroyo tributary. The proposed design avoids a practical difficulty or unnecessary hardship inconsistent with the intent of the Zoning Code.

There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

Variance A: The proposal **complies** with this finding. The alignment of the proposed private cul-de-sac is predetermined by the existing terminus of Talcey Terrace, and as such the depths of Lots 7 and 8 cannot be increased in order to gain additional lot area without significant design and engineering challenges occurring at the intersection of the existing and proposed roadways. Increasing the widths of these lots would potentially require encroachment into the arroyo tributary and associated vegetative communities, which the present configuration avoids entirely, and would reduce the overall

amount of permanent open space reserved by the proposed easement. The combination of these factors represents a unique circumstance specific to the parent parcel that are not applicable generally to surrounding properties in the same zoning district.

Variance B: The proposal **complies** with this finding. The location of the existing terminus of Talcey Terrace and the required waiver of access along the project site's Overlook Parkway frontage creates a unique circumstance whereby the parent parcel that would otherwise naturally lend itself to the creation of two back-to-back lots with standard frontage and access (Lot 1 on Overlook Parkway and Lot 2 on the private street) is not possible. In this instance, a corridor access configuration is proposed which locates the buildable pad area of Lot 1 to the rear of Lot 2, and provides vehicular access to the private cul-de-sac via a driveway corridor. Alternative solutions providing access could require the violation of the access waiver or require additional variances. This circumstance is unique to the subject property and does not apply generally to similarly zoned properties in the surrounding area.

Variance C: The proposal **complies** with this finding. Straightening the driveway corridor that serves Lot 1 could increase the building setback line lot width of Lot 2; however, this would require portions of the driveway grade to exceed 15% and would necessitate the construction of additional manufactured cut and fill slopes or retaining walls, which are completely avoided in the current design. The presence of the existing Talcey Terrace knuckle, configuration of the gated entry and turnaround area and the change in grade between the street and the proposed driveway location for Lot 1 combine to create a unique circumstance necessitating the reduction in lot width for Lot 2 that does not occur generally at similar properties with the same zoning designation.

The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

Variances A-C: The proposal **complies** with this finding. The proposed project design is consistent with the surrounding development pattern and represents an "in-fill" subdivision that completes the existing pattern of large-lot single-family residential neighborhoods that border the site on all sides. As designed, the project provides the maximum retention of permanently preserved natural open space. Each of the requested variances contributes to this effect by enabling a creative and efficient design that is sensitive to the project's environmental setting and is consistent with the purpose and intent of the various policies and regulations applicable to hillside development.

The granting of the variance will not be contrary to the objectives of any part of the General Plan.

Variances A-C: The proposal **complies** with this finding. Approval of this subdivision, as opposed to a conventional subdivision with more uniform lot sizes, is consistent with the objectives of the General Plan by conforming to the intent of the land use (Objectives LU-3 through LU-5) and open space (Objectives OS-1 and OS-2) objectives of the General Plan. The project achieves this by creating clustered lots that meet the requirements of the Municipal Code while preserving the natural topography, open space, and the arroyo. Furthermore, the overall density of the project is consistent with the RC – Residential Conservation Zone and the HR – Hillside Residential General Plan Land Use Designation.

Subdivision Code Modification Findings pursuant to Chapter 18.230.030

Requested Modification:

- A. To allow Lot 2 to have less than the minimum required lot width of 60 feet.

The property is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions that it is impossible, impractical or undesirable for the petitioner to fully conform with the regulations prescribed by the Subdivision Code, and required conformance would result in undue hardship.

The proposal **complies** with this finding. The existing site constraints, primarily the site's topography, and its triangular shape and the required access waiver along Overlook Parkway, create a situation in which corridor access from the proposed private street is the most logical configuration for Lot 1, but a strictly perpendicular corridor is infeasible without substantial grading. Increasing the width of Lot 2 at the front lot line would also require straightening the driveway corridor alignment to intersect with the proposed private street in very close proximity to the Talcey Terrace knuckle, which will create conflicts with gate access driveways and turnaround areas. As a result, the reduced width of Lot 2 to accommodate the access corridor alignment is appropriate as alternative arrangements are impractical, undesirable and have the potential to impact on-site resources.

The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

The proposal **complies** with this finding. The proposed configuration of Lot 1 as a corridor access lot with a shared driveway and the resulting reduced lot width of Lot 2 enable the project to accommodate the highest residential lot yield allowed by the existing Zoning and General Plan. Due to the challenges described above, widening the frontage of Lot 2 to meet the minimum Subdivision Code standard could render corridor access to Lot 1 significantly more difficult if not impossible altogether. As designed, the proposed modification preserves a substantial property right.

The modification will not be detrimental to the public health, safety or welfare, or be injurious to other properties in the vicinity.

The proposal **complies** with this finding. The proposed modification represents a reduction in minimum lot width for Lot 2 to a depth of only 58 feet from the front lot line, after which point the lot widens beyond the required 60-foot minimum. Further, the proposed buildable pad area for Lot 2 is located toward the rear of the lot and provides ample room for development of a single-family residence in compliance with all applicable development standards. As such, the proposed modification is not detrimental to the public welfare or injurious to surrounding properties.

Granting the modification is in accordance with the purposes set forth in this title.

The proposal **complies** with this finding. A stated purpose of the Subdivision Code is to "preserve the natural assets of the City's setting, to prevent the indiscriminate clearing of property and the destruction of[...] desirable landscape features, to ensure adequate access to each building site, and to create new beauty and safeguard the public safety and welfare". The proposed modification enables adequate driveway access to the proposed private street for Lot 1 while ensuring the maximum possible retention of existing natural topography and features of the site through a clustered design scheme. The granting of this modification is thus consistent with the purpose of the Subdivision Code.

Granting the modification is not contrary to the objectives of the Zoning Code and the General Plan.

The proposal **complies** with this finding. The proposed modification will facilitate a project design that is consistent with the purpose and intent of both the RC – Residential Conservation Zone and the Zoning Code, and is further consistent with Objectives LU-3, LU-4 and LU-5 of the Land Use and Urban Design Element and Objectives OS-1 and OS-2 of the Open Space and Conservation Element of the General Plan 2025.



EXHIBIT 2 – RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: **P17-0929** (Tentative Tract Map No. 37392)
 P17-0930 (Variance)
 P17-0931 (Variance)
 P17-0932 (Variance and Subdivision Code Modification)

Meeting Date: June 28, 2018

Case Specific

• **Planning**

1. There shall be a three-year time limit in which to satisfy the conditions and record this map.
2. Future development of individual residences shall comply with all development standards of the RC – Residential Conservation Zone. Plans for the development of each lot shall be submitted for Design Review approval. Separate applications and filing fees will be required.

Prior to Map Recordation

3. Conditions, Covenants and Restrictions (CC&Rs) shall be drafted and submitted for review and approval by the Planning Division and City Attorney's Office. The CC&Rs shall address the following items:
 - a. Establish a Homeowner's Association (HOA). The HOA shall be responsible for all common area maintenance including the private street, entry gates, perimeter walls and fencing, and reverse/side-on frontage and entry area landscaping.
 - b. The HOA shall be responsible for the ongoing management and maintenance of the open space easement. Ideally, the open space easement should be professionally managed by a professional conservation organization with joint financing between the HOA and the HOA established on the adjoining tract (TTM-31859).
 - c. Advise future property owners that all ungraded area on each lot shall be left in its natural, undisturbed condition. No native vegetation shall be removed and no non-native vegetation shall be introduced, nor shall any development or disturbance of any kind be allowed on the areas outside the approved, established graded pad areas, regardless of whether these areas are incorporated into a permanent open space easement.
 - d. Prohibition of on-street parking on one side of the private cul-de-sac pursuant to the requirements of the Subdivision Code.
 - e. All applicable requirements in Section 18.210.030(N)(4) of the Subdivision Code.
4. The boundaries of the Open Space Easement shall be revised to incorporate the maximum amount of ungraded area feasible, particularly in close proximity to the arroyo tributary. The Open

Space Easement shall roughly follow the limits of grading identified on the Preliminary Grading Plan.

5. An Open Space Management Plan shall be developed by a qualified biologist and submitted for review and approval by the Planning Division. The management plan should establish schedules and procedures for regular maintenance, debris clearing and inspection.
6. The Final Map submitted for processing shall reflect a reduction in the width of the private street lettered lot in order to increase the average area of all numbered lots to a minimum of 2.00 acres.

Prior to Grading Permit Issuance

7. Tentative Map No. 37392 shall be recorded.
8. **Mitigation Measure BIO-1** At least 30 days prior to the commencement of any ground-disturbing activities, a qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls. If burrowing owls are detected onsite and may be affected by the project, avoidance measures shall be developed in compliance with the MSHCP and subject to the approval of the Western Riverside Regional Conservation Authority and wildlife agencies.
9. **Mitigation Measure BIO-2** As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests based on his/her judgement, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.
10. **Mitigation Measure CUL-1** Changes to Project: Prior to Grading Permit issuance, if there are any changes to Project site design and/or proposed grades, the Applicant and the City shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City and interested tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project site. The City and the Applicant shall make all attempts to avoid and/or preserve in place as many cultural and paleontological resources as possible that are located on the Project site if the site design and/or proposed grades should be revised.
11. **Mitigation Measure CUL-2** Archaeological Monitoring: At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of the Interior's Standards-qualified Project Archaeologist to manage the monitoring of all ground-disturbing activities in an effort to identify any unknown archaeological resources.
 - a. The Project Archaeologist, in consultation with consulting tribe(s), the Developer and the City, shall develop an Archaeological Monitoring Plan to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the Plan shall include:
 - i. Project grading and development scheduling;
 - ii. The development of a rotating or simultaneous schedule in coordination with the Developer and the Project Archaeologist for designated Native American Tribal

Monitors from the Consulting Tribe(s) during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;

- iii. Plan for the controlled grading within 50 feet of the boundaries of identified resources. Grading within 50-feet of these sites shall be conducted using controlled grading techniques. Large indiscriminate grading equipment shall not be used, and the controlled grading technique shall be reviewed by the Project Archaeologist, in consultation with the Consulting Tribe(s), the Developer, and the City. The Project Archaeologist and Native American Tribal Monitors shall ensure that the grading efforts in these areas are conducted in a manner that allows for the identification of subsurface cultural resources. Any resources observed shall be addressed in accordance with **MM-CUL-3**;
 - iv. The determination by the Project Archaeologist, Project Biologist, Developer, City and Consulting Tribe(s) as to the scope, methods and suitable relocation site(s) for CA-RIV33-003483. This Removal and Relocation Plan shall be reviewed and approved by City Staff prior to commencement of work. Relocation shall be mutually agreed upon and completed to the satisfaction of all parties prior to commencement of mass grading. The relocated features will be placed in an area that will be preserved in perpetuity, so that no future disturbances will occur; and
 - v. The protocols and stipulations that the Developer, City, Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.
12. Landscape and Irrigation Plans shall be submitted for all manufactured slopes in excess of 5 feet in vertical height, all reverse and side-on frontage areas, the entry gateway and private street parkway landscaping. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
- a. The Landscape and Irrigation Design Plans shall incorporate a Perimeter Wall and Fence Plan that identifies the location, height, material and finish of all proposed walls and fences. Perimeter walls shall be constructed of solid split-faced or other decorative masonry with a decorative masonry cap. Perimeter fencing shall be constructed of powder-coated tubular steel or wrought iron or equivalent. Chain link shall not be permitted.
 - b. Any ground-mounted utility equipment (transformers, meter pedestals, backflow devices, etc.) shall be depicted on the proposed landscape plan and shall be thoroughly screened by landscaping to the satisfaction of the Planning Division and the responsible utility.
13. Plans submitted for Grading Plan Check shall reflect the reduction of the shared driveway between Lots 1 and 2 to the maximum allowable width of 15 feet.

During Grading and Construction

14. **Mitigation Measure CUL-3** Treatment and Disposition of Cultural Resources: In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project, the following procedures will be carried out for treatment and disposition of the discoveries:

- a. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the Project Archaeologist. The removal of any artifacts from the Project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
- b. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The Applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Riverside Community & Economic Development Department with evidence of same:
 - i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging and basic recordation have been completed;
 - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
 - iii. If more than one Native American tribe or band is involved with the Project and cannot come to a consensus as to the disposition of cultural materials, they shall be curated at the Western Science Center by default; and
 - iv. At the completion of grading, excavation and ground disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the Project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center and interested tribes.

Prior to Release of Utilities

- 15. 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 Case Planner Matthew Taylor at 951-826-5944 or mtaylor@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.

- **Public Works Department**

Contact Jeff Hart at 951-826-5875 or jthart@riversideca.gov with questions regarding the following Public Works conditions:

CONDITIONS OF APPROVAL TO BE FULFILLED PRIOR TO MAP RECORDATION UNLESS OTHERWISE NOTED:

16. 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.
17. Deed for widening Talcey Terrace to 30 feet from monument centerline to Public Works specifications.
18. Installation of curb and gutter at 18 feet from monument centerline, sidewalk and matching paving on Talcey Terrace to Public Works specifications. Improvements to include completion of cul-de-sac at easterly terminus.
19. Full improvement of interior streets based on private street standards. Parking allowed on one side of the street where curb separation = 28'. Minimum 36' cul-de-sac radius to provide adequate turnaround.
20. Waiver of access from Lot 1 to Overlook Parkway.
21. Installation of sewers and sewer laterals to serve this project to Public Works specifications.
22. A sewer extension approximately 700 feet long will be required to serve this project.
23. Size, number and location of driveways to Public Works specifications.
24. 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. Keypad activation of the security gate is required to provide access to the project for trash collection.
25. Off-site improvement plans to be approved by Public Works prior to recordation of this map.
26. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to recordation of this map.
27. 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.

28. 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.
29. 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.
30. 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.
31. 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.

- **Fire Department**

Contact Lisa Munoz at 951-826-5480 or lmunoz@riversideca.gov with questions regarding the following Fire Department conditions:

32. 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. 2013 California Residential Code, Section R313, 2013 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.080.
33. Public fire hydrants shall be installed and in service prior to release of building permits. Public fire hydrants shall be spaced a maximum of 500 feet and 400 feet for dead end streets.
34. 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.

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.

Access roadways shall be all weather surfaces, paved, provided with engineered turf block, or alternate design. Such roadways shall be maintained at all times. See Information Bulletin B-16-001 for turn around clearances.

- **Public Utilities – Electric**

Contact Summer Ayala at 951-826-2129 or sayala@riversideca.gov with questions regarding the following Public Utilities Electric conditions:

35. 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.
36. Blanket Public Utility Easement required on all parcels.
37. 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.
38. 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.
39. Plot existing electrical distribution facilities on the original site plan.
40. Please show proposed location of transformers and electrical rooms.

- **Public Utilities – Water**

Contact Chris Gross at 951-826-5170 or cgross@riversideca.gov with questions regarding the following Public Utilities Water conditions:

41. Prior to recordation of map, applicant shall construct or guarantee the construction of an 8" water main extension approximately 750 feet to serve the project from the point of connection in Overlook Parkway.
42. A minimum 30-foot wide waterline easement is required along the northerly project boundary from the terminus of Talcey Terrace to Overlook Parkway. Waterline easement shall be graded flat and shall be accessible from the easterly and westerly ends.
43. Keypad activation of the security gate is required to provide access to the project for operation and maintenance of the public water system.
44. No decorative pavement or raised median will be permitted to be installed over any public water facilities.

Standard Conditions and General Information Notes

45. 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.
46. 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.
47. 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.