

## Planning Commission Memorandum

**Community & Economic Development Department** 

Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

## PLANNING COMMISSION HEARING DATE: JULY 22, 2021 AGENDA ITEM NO.: 5

## **PROPOSED PROJECT**

PR-2020-000733* (Tract Map No. 37733, Planned Residential Developm					
Case Number	Permit, Design Review, and Variance)				
	*Due to a clerical error, the project was advertised as PR-2020-000733. The correct case number is				
	PR-2021-000733 to correspond with the year that the project was created.				
Request	<ul> <li>To consider the following entitlements for a Planned Residential Development:</li> <li>1) Tentative Tract Map (TM-37733) to subdivide 10.06 acres into 41 single-family residential lots and lettered lots for private streets, common open space, and a detention basin;</li> <li>2) Planned Residential Development Permit for the establishment of detached single-family residences, private streets and common open space;</li> </ul>				
	<ul><li>3) Design Review of project plans; and</li><li>4) Variance to allow 6 foot high walls within a reduced perimeter landscape setback.</li></ul>				
Applicant	Nolan Leggio of Lurin Land, LLC				
Project Location	18875 Lurin Avenue, situated on the southeast corner of Lurin Avenue and Obsidian Dive.				
APN	266-100-025	LURINAVE			
Project Area	10.06 acres	LURINAVE			
Ward	4	AST			
Neighborhood	Orangecrest				
Specific Plan	Orangecrest	C ST			
General Plan Designation	LDR – Low Density Residential	088			
Zoning Designation	OSP-RA-SP – Orangecrest Specific Plan – Residential Agriculture Zone	DÓVING-LN-			
Staff Planner	Judy Egüez, Associate Planner 951-826-3969 <u>jeguez@riversideca.gov</u>				

## **RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. **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 Sections 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and
- 2. **APPROVE** Planning Cases PR-2020-000733 (TM, PRD, DR, VR), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

#### SITE BACKGROUND

The 10.06-acre project site consists of a single parcel with an average natural slope of 5.63 percent. A metal barn and a concrete pad for a demolished residence, are located on the northeast corner of the site. The remainder of the project site is vacant.

Surrounding land uses include single-family residences to the north and south (across Lurin Avenue), a residential development under construction to the east, and vacant land to the west (Exhibit 3).

On May 13, 2008 the City Council annexed the project site under Annexation 107 (Planning Case P06-0453). The resulting annexation of the 290 acres of the Alta Cresta area, established appropriate General Plan Land Use designations, and amended the Orangecrest Specific Plan establishing Planning Areas 107-A through 107-E. The subject project is located within Planning Area 107-C.

As a matter of information, the subject property includes an active Williamson Act Contract and is located within Agricultural Preserve No. 3. According to the Orangecrest Specific Plan, if the contract is cancelled and the Agricultural Preserve is diminished, the use of the land must be consistent with the R-1-13000 – Single Family Residential Zone.

#### **PROPOSAL**

The applicant is requesting approval the following entitlements for development of the property with a Planned Residential Development (PRD):

- Tentative Tract Map (TM 37733) to subdivide 10.06 acres into 41 residential lots and lettered lots for private streets, common open space, slopes and a detention basin;
- Planned Residential Development Permit for the establishment of detached single-family residences, private streets and common open space;
- Design Review of project plans for the site design and building elevations; and
- Variance to allow 6 foot high walls within a reduced perimeter landscape setback along Lurin Avenue.

Individual proposed lots range in size from 5,115 square feet to 7,679 square feet and the proposed single-family residences range in size from 2,274 square feet to 3,783 square feet. The proposed residences consist of one and two stories with a maximum building height of 29 feet, 6 inches. The units include up to five bedrooms, four-and-a-half bathrooms, and a two-car garage. Three architectural styles (Spanish Santa Barbara, Italianate, and Craftsman Bungalow) and five floor plans are proposed with varying building designs and rooflines for each of the plans.

The proposed common open space consists of a 20,574 square foot park, centrally located within the Planned Residential Development. Proposed amenities include bar-b-que facilities, picnic tables, tot lot, rubberized walking path, and a dog run. Each residential lot includes a minimum of 200 square feet of private open space.

Vehicular access to the project site is provided from Lurin Avenue and Obsidian Drive. The internal private streets provide 30 guest parking spaces. The proposed project includes an internal

pedestrian network of sidewalks with enhanced street crossings and corner curb bulb-outs for safety.

Site perimeter walls consist of 6-foot-high, split-face masonry walls. Interior vinyl fencing, 5 feet, 6 inches in height, is proposed along the interior property lines and 5-foot, 6-inch high split-face masonry wall is proposed between the park and adjacent residences. Split-face masonry walls are proposed along the side property lines of residences that side onto a street, as well as in the front yard between the residence and side yard. A 5 foot, 6-inch-high tubular steel fence is proposed to secure the water quality treatment areas.

#### **PROJECT ANALYSIS**

#### **Authorization and Compliance Summary**

	Consistent	Inconsistent
General Plan 2025  The General Plan 2025 Land Use designation for the project site is LDR – Low Density Residential (Exhibit 4). The proposed project is consistent with the Objectives and Policies of the General Plan 2025, specifically:		
Objective LU-75: Manage continued growth of the Orangecrest neighborhood in a manner consistent with the Orangecrest Specific Plan, providing needed infrastructure as land develops.	<b>V</b>	
<ul> <li>Objective H-1: Contributes to a high-quality, livable neighborhood that includes maintained housing, public services, and open space</li> </ul>		
<ul> <li>Objective LU-89: Accommodates flexible design that results in superior development that goes beyond the required development standards</li> </ul>		
Orangecrest Specific Plan		
The project site is in the Orangecrest Specific Plan (Exhibit 5). The site is located within Planning Areas 107-C, which provides development standards for single-family residential uses. The Specific Plan does not provide development standards for PRDs meaning, the Project is subject to the standards of the underlying zones. Staff has determined that the proposed development is consistent with the development patterns of the Orangecrest Specific Plan.	<b>√</b>	
As this project has an active Williamson Act Contract and is within Agricultural Preserve No. 3, the applicant has also submitted a concurrent request (P20-0523) to the Economic Development Division for the cancellation of the Williamson Act Contract and the Agricultural Preserve. A condition of approval has been included requiring the cancellation of the Williamson Act Contract and the Agricultural Preserve be approved by the City Council prior to recordation of the map.		

	Consistent	Inconsistent
Zoning Code Land Use Consistency (Title 19)		
The project site is zoned OSP-RA – Orangecrest Specific Plan – Residential Agriculture Zone (Exhibit 5). Upon cancellation of the Williamson Act Contract and the Agricultural Preserve, development of the property will be required to comply with the standards of the R-1-13000 – Single Family Residential Zone.		
The R-1-13000 Zone allows for a benchmark density of 4.8 dwelling units per acre with the approval of a Planned Residential Development Permit (PRD). The applicant is proposing a total of 41 units with a density of 4.08 dwelling units per acre, complying with the overall maximum PRD density allowed in the Zone.	V	
The proposed project is generally consistent with the applicable development standards of the Zoning Code, with the exception of 6-foot-high walls within the project reduced perimeter landscape setback along Lurin Avenue. The Zoning Code allows for consideration of Variances to deviate from development standards. The applicant is requesting a Variance to facilitate the proposed project (Exhibit 7).		
Subdivision Code Consistency (Title 18)		
The proposed tract map meets the development standards outlined in Chapter 18.210 of the Subdivision Code, including those for public streets and lot dimensions.	<b>V</b>	
Grading Code Consistency (Title 17)		
The conceptual grading plan collects and drains storm water and runoff to on-site treatment areas as required by the Santa Ana Regional Water Quality Control Board. The proposed project complies with the standards and provisions of Title 17 of the Riverside Municipal Code.		
Compliance with Citywide Design & Sign Guidelines		
The proposed project provides five primary floor plans in three distinct architectural styles (Spanish Santa Barbara, Italianate, and Craftsman Bungalow) with varied building shapes, roof lines, materials, and colors. Architectural details are provided on the front, side, and rear façades of the dwelling units such as decorative trim, wood siding, and shutters. Enhanced architecture is also provided on all elevations visible from Lurin Avenue and Obsidian Drive.	<b>V</b>	
The conceptual landscape plan provides an attractive and welcoming environment, with the inclusion of shade trees and high-quality landscaping in amenity areas. The proposed project meets the objectives of the Citywide Design & Sign Guidelines.		

	Consistent	Inconsistent
Riverside County Airport Land Use Compatibility Plan		
The project site is located within Compatibility Zone D (Primary Traffic Patterns and Runway Buffer Area) and Zone E (Other Airport Environs) of the of the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for March Air Reserve Base (MARB). Zone D is exempt from residential density limits required in the RCALUCP, and Zone E does not require residential density limits. The proposed project is consistent with the RCALUCP for the March Air Reserve Base.	V	

## **COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**

Chapter 19.780.060 – Planned Residential Development Standards for R-1-13000 Zone					
Standard		Proposed	Consistent	Inconsistent	
Maximum Benchmark Density	4.8 dwelling units/acre	4.08 dwelling units/acre	<b>V</b>		
Maximum Lot Coverage	Established by the Approving Authority	50 percent	$\checkmark$		
Maximum Building Height	35 feet	29 feet, 6 inches			
Number of Stories	2 stories	2 stories 🗹			
Minimum Parking	2 garage spaces/ dwelling unit	2 garage spaces/ dwelling unit			
Minimum Guest Parking Spaces	1 guest space/ 3 dwelling units  Total Required: 14 guest spaces	30 guest spaces	V		
Open Space	Common: 500 square feet/unit Total Required: 20,500 square feet	20,574 square feet	☑		
	Private: 200 square feet/unit	537 – 7,679 square feet/unit	$\checkmark$		

Chapter 19.780.060 – Planned Residential Development Standards for R-1-13000 Zone (Setbacks)					
Standard		Proposed	Consistent	Inconsistent	
Individual Lot	Front Yard	10 feet	15 - 25 feet	$\overline{\mathbf{V}}$	
Setbacks	Side Yard	5 feet	5 feet	$\overline{\checkmark}$	
	Rear Yard	10 feet	13 – 73 feet	$\overline{\checkmark}$	

Chapter 19.780.060 – Planned Residential Development Standards for R-1-13000 Zone (Setbacks)					
Standard		Proposed	Consistent	Inconsistent	
Project Perimeter Landscape Setback	Adjacent to Public Street (Lurin Avenue)	25 feet	10 – 16 feet		<b></b>
Project Perimeter Building Setback	Adjacent to Public Street (Obsidian Drive)	25 feet	25 feet	V	
	Adjacent to Perimeter Property Lines (South Property Line)	20 feet	21 – 34 feet		
Landscape Setback	No walls or fences		Fences and walls		$\checkmark$

#### FINDINGS SUMMARY

#### Planned Residential Development Permit (PRD)

The proposed project will be compatible with the surrounding residential neighborhood. A Planned Residential Development at this location allows for flexibility and creativity in design, while allowing for residential amenities and gathering areas for residents.

The proposed project provides common area amenities, pedestrian and vehicular circulation and landscaping. The proposed project has also been designed to be consistent with and sensitive to the surrounding residential community and development pattern of the immediate neighborhood and will contribute to the buildout of the Orangecrest Specific Plan area.

#### **Variance Findings**

In the R-1-13000 Zone, the Zoning Code requires a project perimeter landscape setback of 25 feet adjacent to all public streets for Planned Residential Developments. The same Code provision does not allow any fences or walls within the reduced project perimeter landscape setback. The Applicant is requesting a Variance to allow 6-foot high split-face block walls within a reduced project perimeter landscape setback of 10 feet to 16 feet along Lurin Avenue. The Applicant has provided Variance Justification findings in support of this request (Exhibit 7).

The request for reduced project perimeter landscape setback with walls and fences is consistent with adjacent development under construction to the east that was approved with a 5-foot perimeter landscape setback. In addition to the proposed 10-foot to 16-foot perimeter landscape setbacks, there will be 5 feet to 18 feet of landscaped parkway in the Lurin Avenue right-of-way. This helps reduce the visual effect of the reduced project perimeter landscape setbacks, and allows the combined landscaped areas to soften the perimeter walls.

#### **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) have been prepared for this project in accordance with Sections 15074 of the California Environmental Quality Act (CEQA) Guidelines and Sections 15074 and 21081.6 of CEQA (Exhibit 8).

The CEQA documentation states the proposed project will not have a significant effect on the environment, subject to implementation of the MMRP.

#### **PUBLIC NOTICE AND COMMENTS**

Public hearing notices were mailed to property owners within 300 feet of the site and property owners with active Williamson Act Contracts within a mile of the site. As of the writing of this report, no responses have been received by Planning Staff.

#### **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 Division, 3rd Floor, City Hall.

#### **EXHIBITS LIST**

- 1. Staff Recommended Findings
- 2. Staff Recommended Conditions of Approval
- 3. Location Map
- 4. General Plan Map
- 5. Zoning and Specific Plan Map
- 6. Project Plans (Site Plan, Circulation/Parking Plan, Open Space, Conceptual Landscape Plan, Fence and Wall Plan, Tentative Tract Map, Preliminary Grading Plan, Building Elevations, Floor Plans, Color and Material Sample Board)
- 7. Applicant Prepared Variance Justifications
- 8. Existing Site Photos
- 9. Draft Initial Study and Mitigated Negative Declaration

Prepared by: Judy Egüez, Associate Planner

Reviewed by: Candice Assadzadeh, Senior Planner and Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner



#### COMMUNITY & ECONOMIC DEVELOPMENTDEPARTMENT

PLANNING DIVISION

#### EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

**PLANNING CASES:** PR-2020-000733 (TM, PRD, DR, VR)

#### Variance Findings pursuant to Chapter 19.720.040

Variance Requested: To allow 6-foot high split-face block walls within a 10 to 16 foot perimeter landscape setback along Lurin Avenue, where the Zoning

Code requires 25 feet.

1. 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.

The proposal complies with this finding. Strict application of the Planned Residential Development Permit standards for the R-1-13000 Zone would require a 25-foot landscape perimeter setback, free of any structures including walls and fences, when adjacent to public streets. The intent of the required setback is to ensure a uniform, well-designed project appearance from the public realm, and to balance the flexible development standards allowed by a Planned Residential Development for compatibility with surrounding development.

Compliance with the Zoning Code would result in wide, reverse-frontage landscaped areas on Lurin Avenue, which would be substantially larger than those of the surrounding development. Compliance would further require the proposed project to reduce usable private and common open space areas in exchange for creating unusable, passive landscaped areas on the perimeter; or to reduce internal private street widths. Either of these actions would result in a practical difficulty and an unnecessary hardship contrary to the intent and purpose of the Zoning Code, and more specifically the purpose of the Planned Residential Development Permit ordinance.

2. There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.

The proposal complies with this finding. The proposed project design situates the residential lots surrounding and facing onto central common open space amenity areas. This design results in a side and reverse frontage condition along Lurin Avenue, which is common throughout the surrounding neighborhood. However, a majority of the surrounding development consists of conventional subdivisions which are not subject to the same common usable open space or perimeter setback requirements applicable to Planned Residential Developments. In conventional subdivisions in the R-1 Zones, reverse and side frontage lots are not subject to any perimeter landscaped setback requirement. Fence and wall setbacks, observed at existing developments in the immediate project area, range from zero to five feet.

Compliance with the required landscaped setback provision would create a landscaped setback area that would be inconsistent with the surrounding pattern of development, and constitute an exceptional circumstance that does not apply to other property in the same zone or neighborhood.

- 3. Granting this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.
  - The proposal **complies** with this finding. In addition to the proposed project perimeter landscape setback, there will be 5 feet to 18 feet of landscaped parkway on the Lurin Avenue right-of-way. The combination of the proposed perimeter landscaping and parkway will soften the aesthetic of the perimeter walls and create the appearance of a larger landscape setback. The proposed project will provide sufficient area for enhanced landscape planting along the public street frontages. It includes construction of sidewalks, curbs and gutters. These improvements will benefit the Orangecrest neighborhood. Granting the Variance request will not be materially detrimental to the public welfare and surrounding property improvements.
- 4. Granting the request will not be contrary to the objectives of the General Plan.
  - The proposal <u>complies</u> with this finding. Granting the Variance to allow a reduced project perimeter landscape setback along Lurin Avenue is not contrary to the objectives and policies of the General Plan 2025. The proposal will provide a diversity of single-family residential housing and product types within an existing single-family neighborhood consistent with General Plan 2025 Goal H-1, Objective LU-75, and Objective LU-89.



COMMUNITY & ECONOMIC DEVELOPMENTDEPARTMENT

PLANNING DIVISION

#### EXHIBIT 2 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASE: PR-2020-000733 (TM, PRD, DR, VR)

#### **Planning Division**

- 1. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required.
- 2. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
- 3. **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 plans, will be required prior to sign permit issuance.

#### Prior to Map Recordation:

- 4. A Resolution cancelling the active Williamson Act Contract and Agricultural Preserve No. 3 on the property shall be approved by the City Council.
- 5. The applicant shall prepare and record 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 street and private driveways;
  - b. The CC&Rs shall be irrevocably written and recorded so that the maintenance is the responsibility of the HOA for the life of the project. The CC&Rs shall clearly state that the HOA officers are responsible for the enforcement of the on-street parking regulations and are personally liable for any penalties, including citations, for the failure to follow through with their responsibilities;
  - c. 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;
  - d. Maintenance of private streets;
  - e. Vehicles parked on a residential driveway shall not encroach onto the sidewalk or private street;
  - f. Graffiti shall be removed within 24 hours of complaint; and
  - g. All lettered lots shall be maintained by the HOA.

Prior to Grading Permit Issuance:

- 6. Tract Map No. 37733 shall be recorded.
- 7. **Mitigation Measure BIO-1:** Prior to the commencement of grading activities, the Applicant shall make the appropriate mitigation fee payment into the MSHCP Stephens' kangaroo rat fee payment program for conservation of Stephens' kangaroo rat-occupied habitats in order to offset the loss of potentially suitable Stephens' kangaroo rat habitat on-site through project implementation.
- 8. **Mitigation Measure BIO-2:** Prior to on-site vegetation clearance, the Project Applicant shall retain a qualified biologist to conduct a pre-construction nesting bird survey in accordance with the following:
  - a. The survey shall be conducted no more than three days prior to the initiation of clearance/construction work;
  - b. If pre-construction surveys indicate that bird nests are not present or are inactive, or if potential habitat is unoccupied, no further mitigation is required.
  - c. If active nests of birds are found during the surveys, a species-specific no-disturbance buffer zone shall be established by a qualified biologist around active nests until said qualified biologist determines that all young have fledged (i.e., no longer reliant upon the nest).
  - d. Close coordination among the developer of the site, the City of Riverside, the project engineer, and the consulting qualified biologist is recommended to consider vegetation clearance outside of the normal bird nesting season (usually February 15 through September 15) to avoid impacts to nesting birds which would potentially violate the Migratory Bird Treaty Act. It should be noted that bird nesting season is increasingly less definitive for some year-round resident species such as hummingbirds and raptors. Further, ground-dwelling birds such burrowing owls, can be affected nearly any time of the year if present. It is therefore advisable to conduct a pre-construction bird survey no matter the time of year.
  - e. Removal of vegetation necessitates installation of appropriate Storm Water Pollution Prevention Plan (SWPPP) measures, particularly if grading is not undertaken immediately, therefore careful timing of the project schedule and implementation measures is necessary to avoid water quality impacts
- 9. Mitigation Measure BIO-3: The Project applicant shall retain a qualified biologist to conduct a 30-day pre-construction survey for burrowing owl. The results of the single one-day survey shall be submitted to the City prior to obtaining a grading permit. If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If burrowing owl are detected during the pre-construction survey, the Project applicant and a qualified consulting biologist will be required to prepare and submit for approval a burrowing owlrelocation program.
- 10. **Mitigation Measure CUL-1: Archaeological Monitoring.** At least 30 days prior to application for a grading permit and before any grading, excavation, and/or ground-disturbing activities take place, the developer/applicant shall retain a Secretary of Interior Standards-qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

The project archaeologist, in consultation with consulting tribes, 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:

- a. Project grading and development scheduling;
- b. The development of a rotating or simultaneous schedule in coordination with the developer/applicant and the project archaeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation, and grounddisturbing 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;
- c. The protocols and stipulations that the Applicant, tribes, and project archaeologist/paleontologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, on nonrenewable paleontological resources that shall be subject to a cultural resources evaluation:
- d. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site; and
- e. The scheduling and timing of the Cultural Sensitivity Training.
- 11. Mitigation Measure HAZ-1: Prior to issuance of a grading permit, a soil survey conducted by a licensed professional (retained by the applicant and approved by the City) to determine levels of pesticides and or heavy metals shall be conducted on the site. If pesticide or heavy metal levels are not found on the Project site (or are found below the Environmental Protection Agency (EPA) threshold limits for human exposure), then no additional mitigation is required. However, if pesticide or heavy metal levels exceeding the EPA threshold limits for human exposure are found on site, then Mitigation Measure **HAZ-2** would be required
- 12. Mitigation Measure HAZ-2: If the soil survey determines that pesticide or heavy metal levels are found on the Project site that exceed the EPA threshold limits for human exposure, a report of the findings and a Removal Action Plan (RAW) shall be prepared by a qualified licensed professional (retained by the applicant and approved by the City) and submitted to the California Department of Toxic Substances (DTSC) or other appropriate agency for review and approval. The report shall outline the procedures for removing contaminated soils from the Project site down to the level of contamination and for off-site disposal by a licensed contractor at a facility that accepts such contaminated soil. Soil shall not be reused on the Project site and new soil shall be imported from off site and used on the site during Project construction. This measure shall be implemented to the satisfaction of the DTSC and the City of Riverside Community Development Director or designee, and/or Building and Safety Division or designee.
- 13. Mitigation Measure TRA-1: The Project applicant shall pay their Project Fair-Share fee of 0.12 percent of the \$61,583,924.03 total cost toward the City's bicycle and pedestrian projects, which will be used to develop a Vehicle Miles Traveled mitigation bank study. This fee shall be paid the earlier of one (1) year after entitlement approval or prior to issuance of grading permit. The Project Fair-Share Cost equates to \$74,036.10 and shall be paid to the City of Riverside by the Project applicant.
- 14. Mitigation Measure TRC-1: 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 consulting tribes to provide an electronic copy of the revised plans for review. Additional

consultation shall occur between the City, developer/applicant, and consulting 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 developer/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. In the event of inadvertent discoveries of archaeological resources, work shall temporarily halt until agreements are executed with consulting tribe, to provide tribal monitoring for ground disturbing activities.

- 15. **Mitigation Measure TRC-3: Cultural Sensitivity Training:** The Secretary of Interior Standards County certified archaeologist and Native American monitors shall attend the pre-grading meeting with the developer/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in the event that unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A signin sheet for attendees of this training shall be included in the Phase IV Monitoring Report.
- 16. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following notes:
  - 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; and
  - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.
- 17. 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:
  - a. 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;
  - The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - c. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site:
  - d. All grading activities shall be suspended when wind speeds exceed 25 miles per hour;
  - e. 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;
  - f. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - g. Trucks and other equipment leaving the site shall be washed;

- h. Ground cover in disturbed areas shall be replaced immediately after construction; and
- i. Disturbed/loose soil shall be kept moist at all times.

During Grading and Construction Activities:

- 18. **Mitigation Measure TRC-2: 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. **Consulting Tribes Notified:** within 24 hours of discovery, the consulting tribe(s) shall be notified via email and phone. The developer shall provide the city evidence of notification to consulting tribes. Consulting tribe(s) will be allowed access to the discovery, in order to assist with the significance evaluation.
  - b. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location on site 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
  - c. 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 and Economic Development Department with evidence of same:
    - Accommodate the process for on-site 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 cataloguing and basic recordation have been completed;
    - II. If reburial is not feasible, a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore will 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;
    - III. 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.

19. Discovery of Human Remains: In the event that human remains (or remains that may be human) are discovered at the Project site during grading or earthmoving, the construction contractors, Project Archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Riverside Community & Economic Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b) unless more current State law requirements are in effect at the time of the discovery. Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts.

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native American Heritage Commission in accordance with California Public Resources Code 5097.98.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). The disposition of the remains shall be determined in consultation between the Project proponent and the MLD. In the event that the Project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

- 20. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise 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.
- 21. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
- 22. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- 23. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- 24. The applicant shall be responsible for erosion and dust control during construction phases of the project.
- 25. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

#### Prior to Building Permit Issuance

- 26. Mitigation Measure BIO-4: In accordance with MSHCP provisions limiting the use of exotic and invasive plant species, the Project's landscape plan shall exclude invasive species such as, but not limited to crimson fountain grass (Pennisetum setaceum), pampas grass (Cortaderia selloana), giant reed (Arundo donax), tree of heaven (Ailanthus altissima), eucalyptus, and other ornamental landscape elements on the list of exotic invasive plants utilized by the Riverside Conservation Authority which have to potential to spread into adjoining, downstream, or nearby areas.
- 27. Construction plans submitted for Plan Check review shall include a copy of these Conditions of Approval.
- 28. Construction 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 equipment possible, be painted green, and include of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
- 29. 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 following shall be included:
  - a. All landscaping fronting onto the perimeter streets shall consist of tiered plant materials, subject to Planning Staff review and approval.
  - b. A band of decorative paving shall be incorporated at each main project driveway entrance.

Prior to Release of Utilities and/or Occupancy:

30. 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 the project planner to schedule the final inspection at least one week prior to needing the release of utilities.

#### Standard Conditions:

- 31. 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.
- 32. Planned Residential Development permits, Design Review and Variance, 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.

# PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.

- 33. 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.
- 34. 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.
- 35. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

#### **Fire Department**

- 36. 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. 2016 California Residential Code, Section R313, 2016 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.335.
  - Minimum of a 1-inch water meter.
- 37. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
- 38. Construction plans shall be submitted and permitted prior to construction.
- 39. Fire Department access shall be maintained during all phases of construction.
- 40. 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.
- 41. The Fire Department access roadway shall meet the 80,000-pound load and all-weather surface. Any alternate methods to meet the 80,000-pound load shall be reviewed and approved by the Fire Department. The turning radius shall meet the minimum required 28' inside radius and 48'outside radius.
- 42. Plot out the parking conditions on the plan
  - a. Street width (curb to curb) less than 28 feet: No parking for both side
  - b. Street width less than 36 feet. Allow parking on one side.
  - c. No parking on cul-de-sac.
- 43. Show the posting of required fire lanes on the plan as they relate to the parking conditions on the private street. (CFC, Sec. 503.3) (RMC, Sec. 16.32.280)

#### Parks, Recreation & Community Services

- 44. Prior to Map Recordation, developer shall make payment of all applicable Park Development Impact fees (regional/reserve and trail fees) for any recorded ROW, HOA common landscape areas or private street lots.
- 45. Prior to Building Permit Issuance, developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

#### Public Works - Land Development

- 46. 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 I 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.
- 47. Deed for widening Lurin Avenue to 33 feet from monument centerline to Public Works specifications.
- 48. Deed for widening Obsidian Drive 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 project side of Obsidian Drive to Public Works specifications. 12 feet of additional pavement required on opposite side of centerline to public works specifications.
- 50. Installation of curb and gutter at 20 feet from monument centerline, sidewalk and matching paving on Lurin Avenue to Public Works specifications.
- 51. Full improvement of interior streets based on private residential street standards.
- 52. Advisory: Project to have sewer service provided by WMWD, will serve letter required.
- 53. Off-site improvement plans to be approved by Public Works prior to map recordation.
- 54. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.
- 55. Storm Drain construction will be contingent on engineer's drainage study.
- 56. 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.

- 57. 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.
- 58. 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.
- 59. 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.
- 60. 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.
- 61. On all plans, provide linear footage labels along all parcel lines. PLANT 24" box size Trees (species TBD) in PUBLIC RIGHT-OF-WAY between curb and sidewalk with root barriers along all hardscape and deep root automatic irrigation system. Schedule site inspection after fine grading and hardscape installation is completed at least two working days prior, for Tree Inspector to determine precise locations for new plantings. No planting to occur prior to scheduled site inspection. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications.
- 62. Size, number, and location of driveways to Public Works specifications.

#### **Public Utilities – Electric**

- 63. Plot existing electrical distribution facilities on the original site plan.
- 64. Power source is northwest corner of Lurin Avenue and Obsidian Drive customer is required to install Vault, PSE, and PJC's required along Lurin Avenue.
- 65. Advisory: Existing OH Edison lines on the north side of Lurin Avenue.

#### **Western Municipal Water District**

- 66. Compliance with water efficient landscape requirements per the City of Riverside Ordinance No. 859.
- 67. All applicable Added Facilities Charges (for water facilities), Sewer Connection Fees, Annexation Fees and Meter Installation Fees, must be paid prior to the installation of any water meter.
- 68. Proposed facilities for water and sewer service must be designed by a Registered Civil Engineer and reviewed and approved by Western. Deposit for Plan Check must be received prior to plan check and Deposit for Inspection must be received prior to approval of the plans.
- 69. Western, as a member agency of Metropolitan Water District of Southern California (MWD) will enforce MWD's Plan for Water Use Efficiency Guideline requirements for water conservation.
- 70. Developer's landscape architect is required to consult with Western's Water Resources Department to review Western's conservation efforts.
- 71. The property is located within the 1900 Pressure Zone. Currently, Western has an existing 8" water pipeline located along Lurin Avenue service connection to the proposed project. The available Fire Flow must be determined by a flow test of fire flow modeling.
- 72. Coordinate with fire protection agency of jurisdiction to determine required fire flow for the proposed project and advise Western of the fire flow requirements. Submit request to Western for fire flow modeling to determine if existing water systems capacity is available to provide the required fire flow. Depending the results of the fire flow modeling additional conditions of approval such as upsizing of existing pipes, extension of pipes, installation of parallel piping or installation of pumps, at the developer's cost, may be required.
- 73. Developer to submit a 22" x 34" preliminary onsite and/or offsite plan of water and/or sewer plan layout to Western before formal submittal of Water and/or Sewer Improvement Plans.
- 74. Developer to submit a 22" x 34" preliminary onsite and/or offsite "Master Utility Plan" showing existing and proposed water, sewer and recycled plan layout for approval to Western before formal submittal of water and sewer construction plans.
- 75. Master Utility Plan shall show the following items:
  - a. Provide basis of survey with date, surveyor information, datum and basis of bearing.
  - b. Delineate all existing utility facilities (i.e.; pipe diameter, pipe material, manholes, water meters, air/vac, blow-off, fire hydrants, valves, sewer, gas, communication, electrical, etc.) within project boundaries and along project boundaries and any off-site improvements. Show existing water and sewer facilities with reference to Western record documents. Show future (proposed) utilities of Tract 37593. Check Western existing pipeline depth with grading plans to confirm depth of pipe from bottom of proposed grade of proposed street subbase and maintain required depth of pipe as

- measured from subbase and other grading. Propose relocation of pipeline as needed.
- c. Delineate all easements within project boundaries with metes and bounds, width of easements (if needed), owners of interest and brief description of easement purposes.
- d. Delineate all proposed and existing lots, streets, and storm drains.
- e. Delineate all proposed water, sewer and/or recycled water facilities within project boundaries. Include pipeline diameters and type of material.
- f. Show replacement of 6" existing water pipeline along the perimeter of the subdivision in Lurin Avenue with water pipeline to match existing waterline to the east or 12" pipeline as required by Western. Relocate any recycled water facilities in Lurin Avenue that do not meet Westerns standards for location.
- g. Sewer is required to be collected into Western's to flow southerly to Markham Sewer Lift Station basin per the 2004 Riverside Sewer Master Plan.
- h. Show location of water meters, sizes and location and sizes of RPDA's (reduced pressure detector assemblies). The Master Utility Plan will be used for meter fees and meter drop requests.
- 76. Developer to submit a detailed engineer's construction cost estimate to Western for review and approval. Once approved Developer shall make a deposit for plan checking services for Water and/or Sewer Improvement Plans.
- 77. Water and/or Sewer Improvement Plans shall be designed per Western's Standard Specifications. Please review Western's Standard Specifications for submittal formats and requirements online at <a href="http://www.wmwd.com/158/Standard-Specifications-Drawings">http://www.wmwd.com/158/Standard-Specifications-Drawings</a>
- 78. Developer to submit grading plans for Western's review and approval before grading permit is issued. Please ensure that proper depth of cover is maintained over existing and proposed Western pipelines during grading especially in street areas were depth of pipe is measured from the bottom of the subbase of the pavement structural section.
- 79. Water and/or Sewer Improvement Plans shall not be approved until all items mentioned above are received and approve by Western.
- 80. The developer is responsible for installing, paying all costs, and obtaining an encroachment permit from the local jurisdiction having authority over installation of water and/or sewer facilities including laterals in the public right-of-way. If the customer chooses to cross private property, then the customer is responsible to obtain private easements from adjacent property owners.
- 81. Provide and/or pay all applicable cost and fees including connection facilities, relocation of facilities, and additional facilities that may be necessary to accommodate applicant's proposed water and sewer usage, while maintaining resiliency of pipelines within Western's distribution system. This may include the upsizing of pipelines, installation of pressure reduction, and or pump stations (subject to the application of appropriate credits for additional facilities provided by the applicant).
- 82. For water and/or sewer service by Western, the developer mut comply with the "Standard Conditions," and all applicable Rules, Regulations, and General Policies of Western at the time of construction.
- 83. Contact Western's Development Services Department at (951) 571-7100 for further information.