



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL DATE: APRIL 22, 2025**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 5  
DEPARTMENT**

**SUBJECT: TO CONSIDER AN APPEAL BY MATTHEW ESQUIVEL OF WARMINGTON RESIDENTIAL, OF A DENIAL OF PLANNING CASE PR-2024-001656 (TENTATIVE TRACT MAP) – BY THE PLANNING COMMISSION FOR A PROPOSAL TO SUBDIVIDE A 9.91 ACRE PROJECT SITE INTO 49 SINGLE FAMILY LOTS TO FACILITATE A RESIDENTIAL DEVELOPMENT OF 46 MARKET RATE DWELLINGS AND 3 AFFORDABLE DWELLINGS, SITUATED ON THE SOUTHEAST CORNER OF LA SIERRA AVENUE AND VICTORIA AVENUE**

## **ISSUE:**

Consider an appeal, requested by Matthew Esquivel of Warmington Residential, of the Planning Commission's denial of a Tentative Tract Map to subdivide a 9.91-acre project site into 49 single family lots to facilitate a residential development of 46 market rate dwellings and 3 affordable dwellings.

## **RECOMMENDATIONS:**

That the City Council:

1. **UPHOLD** the applicants appeal of the Planning Commission determination;
2. **DETERMINE** that the proposed project is exempt from additional environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) as the project is consistent with the 2025 General Plan Programmatic Environmental Impact Report (State Clearinghouse Number: 2004021108) and its addendums; and
3. **APPROVE** Planning Case PR-2024-001656 (Tentative Tract Map) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

## **PLANNING COMMISSION RECOMMENDATION:**

On November 7, 2024, the project was considered by the City Planning Commission. During the public hearing and deliberations, concerns were raised regarding traffic, vehicle access to the site, proposed density, protection of the greenbelt and farmland, the historic designation of Victoria Avenue, and compatibility with the surrounding neighborhood. (Attachment 1)

A motion to accept Staff's recommendation resulted in a vote of 2 ayes, 4 noes, 3 absent and 0 abstentions. The motion to approve the project failed; therefore, the project was not approved and was denied.

## **BACKGROUND:**

The 9.91-acre project site consists of a single parcel planted with orange groves and surrounded by single family residences to the north, southeast, and west. The property is bounded by Victoria Avenue to the north and is subject to the Victoria Avenue Policy which establishes guidelines for landscaping, street improvements and standards for new development with the goal of preserving the historic and aesthetic integrity of Victoria Avenue.

The subject property was annexed into the City in 1985 and placed into the LDR – Low Density Residential Land Use designation and zoned R-1-1/2 Acre - Single Family Residential Zone (formerly R-1-130 Single Family Residential Zone).

On February 24, 2015, City Council approved Planning Case P14-0176 (TM-36713) to subdivide the site into 14 residential lots, with a new public cul-de-sac accessed from Victoria Avenue, and improvements to Millsweet Place. The Map included construction of a decomposed granite trail and planting of three rows of agricultural trees along the Victoria Avenue frontage. The map was not recorded and expired on February 24, 2019.

On July 25, 2019, the Planning Commission approved the same subdivision design under Planning Case P19-0380 and P19-0480 (TM-37764). While the map has not expired, it has not been submitted to be recorded.

## **Project Description**

The applicant is requesting approval of a Tentative Tract Map (TM-38921) to subdivide the 9.91-acre project site into 49 lots for development of single-family residences (46 market rate, 3 affordable residences – very low income); and eight lettered lots for private streets, alleys, a bioretention basin and open space.

The map proposes residential lots ranging in size from 3,690 square feet to 7,437 square feet. Lot G, located along Victoria Avenue, consists of a 29,185 square foot open space area to preserve a portion of existing orange groves. Lot H, located at the northeast portion of the proposed subdivision along Millsweet Place, totals 25,700 square feet serves as a landscaped infiltration basin. Consistent with the Victoria Avenue Policy, and the preservation of the orange groves, as noted above, the applicant will construct a 10-foot-wide multi-purpose decomposed granite (DG) trail along the projects Victoria Avenue frontage.

Vehicular access to the residential subdivision is from La Sierra Avenue. Pedestrian connections within the subdivision will be provided via an internal pedestrian network of sidewalks.

Wall and fence improvements include a 6-foot-high decorative masonry wall along the south, east (along Millsweet Place) and west (along La Sierra Avenue) property lines. A four-foot-high tubular steel fence will be provided between the residences and the orange grove along the Victoria

Avenue frontage.

### Analysis

The proposed project is consistent with the intent of the General Plan Land Use Designation of LDR – Low Density Residential, which provides for the development of single-family homes up to a density of 4.10 dwelling units per acre.

With the inclusion of three affordable units (five percent), the project qualifies for a number of provisions under the State Density Bonus Law [Government Code § 65915]:

- A 20 percent density bonus, increasing the sites maximum dwelling units from 4.10 to 4.95;
- Waivers to help facilitate the proposal to allow 4.95 dwelling units per acre; and
- Up to three concessions (no concessions are requested)

With the granting of the waivers, the proposed project is consistent with the standards of the Zoning Code, The Subdivision Code, the General Plan and State Housing Laws.

### *State Density Bonus Law and Waivers*

The State Density Bonus Law (SDBL) [Government Code § 65915] is a state mandate that allows developers with qualifying projects to utilize various tools to maximize density for the purpose of developing affordable housing. The proposed tract map is providing five percent (3 residential lots) for very low-income households, therefore the project is eligible to receive a density bonus, concessions and/or waivers under the SDBL.

Under the SDBL, the applicant is allowed to develop the site based on the greatest number of units allowed under the LDR – Low Density Residential designation of the General Plan, which is 4.10 du/ac or, 41 residences (9.91 acres x 4.10 du/ac). Additionally, the applicant is providing a 20 percent density bonus, with the inclusion of five percent (3 residences) of the project to very low-income households, allowing 8 additional residences for a project total of 49 residences,

With the project proposal of five percent of residences to be allocated to very low-income households, the project is eligible for waivers to achieve the permitted density of 4.59 du/ac. A waiver is a reduction or modification of any development standard that would physically preclude the construction of the project at the permitted density under the General Plan Land Use designation. The applicant has requested 8 waivers to reduce or modify development standards in order to achieve the proposed density.

The applicant is requesting to waive the following development standards of the Zoning Code (Title 19) in order to facilitate the proposed subdivision at a density of 4.59 dwelling units per acre (Land Use Density + Density Bonus) consistent with the State Density Bonus Law:

1. Increase in Maximum Zoning Density
  - The project is requesting a waiver from the R-1-1/2-Acre zone's maximum density of 2.0 dwelling units per acre. As previously discussed, the SDBL allows projects proposing affordable housing to develop the site based on the greatest number of units allowed per the General Plan on top of a density bonus. The project is eligible for a 20 percent density bonus and is proposing a density of 4.95 dwelling units per acre.
2. Decrease in Minimum Lot Area
  - The project is requesting a waiver from the R-1-1/2-Acre zone's minimum lot area of 21,780 square feet. In order to accommodate the density of 4.95 du/ac allowed by the SDBL, the residential lots on the map range in size from 3,690 square feet to 7,437 square feet.
3. Reduction in Lot Width
  - The project is requesting a waiver from the R-1-1/2-Acre zone's minimum lot width of 120- feet. The project proposes lot widths of a minimum of 41-feet-wide.
4. Reduction in Lot Depth
  - The project is requesting a waiver from the R-1-1/2-Acre zone's minimum lot depth of 150- feet. The project proposes lot depths of a minimum of 90-feet.
5. Increase in Lot Coverage
  - The project is requesting a waiver from the R-1-1/2-Acre zone's maximum lot coverage of 30 percent. The project proposes a maximum lot coverage of 55 percent.
6. Reduction in Front Yard Setback
  - The project is requesting a waiver from the R-1-1/2-Acre zone's minimum front yard setback of 30-feet. The project proposes a front setback of 10-feet to habitable portion of the single-family residences and a minimum 18-feet to the garage.
7. Reduction in Side Yard Setback
  - The project is requesting a waiver from the R-1-1/2-Acre zone's minimum side yard setback of 20-feet. The project proposes a minimum side yard setback of 4-feet.
8. Reduction in Rear Yard Setback
  - The project is requesting a waiver from the R-1-1/2-Acre zone's minimum rear yard setback of 35-feet. The project proposes a minimum rear yard setback of 15-feet.

The requested waivers will not result in adverse public health, safety, or be contrary to state or federal law. The waivers will not have an adverse impact on any real property listed in the California Register of Historical Resources. Additionally, granting the waiver results in a project with three affordable residences for very low-income households.

## **DISCUSSION:**

### **Appeal:**

The Applicant/Appellant filed a timely appeal of the Planning Commission's denial of the Project. The Applicant/Appellant's basis for the appeal is that the Project is compliant with all applicable City, State and other regulatory requirements and that all potential environmental effects have been adequately assessed and mitigated to below the applicable thresholds of significance, including the concerns expressed in written and spoken comments (Attachment 3).

After filing the appeal, it was determined that the proposed project qualifies for a CEQA exemption pursuant to CEQA Guidelines section 15183 and tiering pursuant to CEQA Guidelines section 15168. Given that the Proposed Project Site has been long planned and designated for housing in the City's General Plan and the project site was analyzed for housing development in the General Plan EIR (GP EIR), the applicant prepared a consistency analysis (Attachment 4), which concludes that the Proposed Project is consistent with the GP EIR, and is exempt from further CEQA review pursuant to Section 15183 and the following findings:

1. The project is consistent with the development density established by the existing zoning, specific plan or general plan policies for which an EIR was certified;
2. There are no project specific effects which are peculiar to the project or its site;
3. There are no project specific impacts which the Final EIR for the General Plan failed to analyze as significant effects;
4. There are no potentially significant off-site and/or cumulative impacts which the Final EIR for the General Plan failed to evaluate; and
5. There is no substantial new information which results in more severe impacts than anticipated by the Final EIR for the General Plan.

### Community Concerns:

Prior to the appeal, the applicant had prepared a Mitigated Negative Declaration (MND) for the project, which was published for public review and considered by the Planning Commission. Staff received 4 comment letters in response to the Mitigated Negative Declaration (MND), 36 letters in opposition to the proposed project, one letter in response to the change of CEQA Determination to Section 15183, and one letter in support (Attachment 5). The applicant has provided responses to address the comments related to the MND (Attachment 6). The following is an overview of the concerns expressed about the Project by members of the Planning Commission and the community during the Planning Commission meeting:

1. Concern: The project will exacerbate traffic on La Sierra Avenue.

Response: The proposed 49 units is expected to generate 34 AM and 46 PM peak hour trips. The project will generate less than 100 peak hour trips and is not expected to significantly affect the level of service on La Sierra Avenue.

2. Concern: The project only has one point of access.

Response: The Riverside Fire Prevention Department conducted a review of the proposed project during the entitlement phase and did not identify any concerns with access, as the project site: is not located within a very high fire zone; adequate internal circulation is provided; and the project is bounded by three adjacent streets, all accessible to fire personnel and apparatuses in case of an emergency. The project proposes access from La Sierra Avenue as access on Victoria Avenue is discouraged pursuant to the Victoria Avenue Policy. Access onto Millsweet Place is also discouraged to avoid disruption to the existing residences.

The Consistency Analysis prepared for the project evaluated the existing Police and Fire services and found that the anticipated demand is consistent with the GP EIR.

3. Concern: The proposed project is too dense.

**Response:** The proposed project is subject to the State Density Bonus Law, including the use of the density of the General Plan Land Use and all applicable density bonuses with the inclusion of affordable housing. As such, the projects density of 4.95 dwelling units per acre is consistent with the General Plan Land Use designation of LDR – Low Density Residential and provisions of the State Density Bonus Law for inclusion of affordable housing.

4. **Concern:** The proposed project is not compatible with surrounding uses.

**Response:** The proposed project is surrounded by single family residences. While the project lots are smaller in size, the proposed use is similar in traffic patterns and noise levels and is compatible with the surrounding uses. Similar smaller lot developments exist in the vicinity of the proposed development, less than half a mile to the north on La Sierra Avenue.

5. **Concern:** The project would destroy the orange groves, the Greenbelt and the historic Victoria Avenue.

**Response:** The project is proposed to be developed in an existing Orange Grove that has been maintained by the current property owner but does not actively farm the site for public production. The property is outside of the boundaries of the Arlington Heights Greenbelt and is not subject to the standards and restrictions of Proposition R/Measure C. While Victoria Avenue is a Historic Landmark listed in the National Register of Historic Places, the designation only applies to Victoria Avenue between Arlington Avenue to Boundary Lane. Regardless, Victoria Avenue is subject to the Victoria Avenue Policy and the proposed project complies with the policy by implementing the preservation of existing orange trees within 100-feet of Victoria Avenue's edge, the construction of a multipurpose trail, and elimination of any streets or driveways along the Victoria Avenue frontage.

6. **Concern:** The project is located on Prime Farmland.

**Response:** The General Plan 2025 EIR acknowledges that there are sites in the City designated as Prime Farmland that will be used for other uses than agricultural uses, contributing to the overall decline of agriculture in the region. The GP-EIR has identified this issue as a significant and unavoidable effect and indicated that there was no feasible mitigation measures to address this. The tools that have been implemented to preserve agricultural areas include the application of Proposition R and Measure C. However, the subject site has a General Plan Land Use designation LDR – Low Density Residential, consistent with the R-1-1/2 Acre Zone, which allows for a residential subdivision. Additionally, the subject site does not contain a Williamson Act Contract or an Agricultural Easement that would prevent the development of single-family residences.

7. **Concern:** Loss of trees will increase the impact of air quality.

**Response:** The Air Quality and Greenhouse Gas Technical Study prepared by KPC EHS Consultants and dated June 6, 2024 did not identify any air quality impacts resulting from the project. Additionally, the project proposes to preserve over 130 of the existing trees and plant an additional 129 trees with the proposed project.

8. **Concern:** Grading Impacts related to traffic, dust, and noise.

**Response:** The proposed project was reviewed by the Public Works Department and has provided conditions of approval related to construction emissions and dust control measures. The Air Quality and Greenhouse Gas Technical Study prepared by KPC EHS Consultants and dated June 6, 2024, did not identify any air quality impacts related to construction of this project. Grading of the site will require a Grading Permit and adherence to local and state regulations. The project includes conditions of approval related to best management practices related to construction activities in compliance with the South Coast Air Quality Management District. Grading is anticipated to occur over 20 days and does not anticipate any long-term traffic issues.

9. **Concern:** The project will lead to significant noise impacts.

**Response:** The Noise Report prepared by Veneklasen Associates, dated May 3, 2024, did not identify any noise impacts resulting from the development of single-family residences. To control noise associated with construction of the proposed project, the developer is required to adhere to the Municipal Code Noise regulations that prohibit construction activities between the hours of 7:00 p.m. and 7:00 am on weekdays, between the hours of 5:00 p.m. and 8:0 a.m. on Saturdays, or at any time on Sunday or a Federal holiday.

The proposed project will facilitate the development of housing on the site which will provide the community with an additional housing option and serves to diversify the range of options in the City. The 49 single-family residences proposed by the project will be counted towards the City's Regional Housing Needs Assessment. Additionally, the proposed development will provide housing opportunities for very low-income households.

### **STRATEGIC PLAN ALIGNMENT:**

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 2 – Community Well Being (Goal 2.1 – Facilitate the development of a quality and diverse housing supply that is available and affordable to a wide range of income levels).

This item aligns with the following Cross-Cutting Threads:

1. **Community Trust:** The proposed residential development requires public hearings by the Planning Commission. Additionally, public comment is encouraged throughout the process through the public noticing period and at public hearings.
2. **Equity:** The proposed residential development provides housing opportunities that benefits all residences in the community and region.
3. **Fiscal Responsibility:** All project costs are borne by the property owner, Warmington Residential.
4. **Innovation:** The proposed project revitalizes an underutilized parcel and meets the growing community's needs for increased housing opportunities.
5. **Sustainability and Resiliency:** All new construction will meet the most up-to-date Building Codes. The proposed residential development is designed to meet the current and future needs of the community

**FISCAL IMPACT:**

There is no fiscal impact related to this report since all costs are borne by the Applicant.

Prepared by: Judy Egüez, Senior Planner  
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Certified as to  
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer  
Approved by: Mike Futrell, City Manager  
Approved as to form: Jack Liu, Interim City Attorney

**Attachments:**

1. Conditions of Approval
2. City Planning Commission Minutes – November 7, 2024
3. City Planning Commission Report and Exhibits – November 7, 2024
4. Appeal Letter
5. Consistency Analysis
6. Comment Letters
7. Applicants Response to Comments
8. Presentation