



**Community & Economic Development Department**

**Planning Division**

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

## TENTATIVE PARCEL MAP AND GRADING EXCEPTION

**Development Review Committee Date: April 6, 2022**

**Approval Date: October 6, 2023**

### PROJECT DETAILS

<b>CASE NUMBER:</b>	PR-2022-001293 (Parcel Map No. 39174 and Grading Exception)
<b>CONTACT PLANNER:</b>	Candice Assadzadeh, Senior Planner
<b>APPLICANT:</b>	Jerardo Reyes and Ryan Williams
<b>PROPERTY ADDRESS:</b>	841 Alpine Meadows Lane, situated on the south side of Alpine Meadows Lane between Harbart Drive and Kingdom Drive
<b>ZONE:</b>	R-1-1/2 Acre – Single Family Residential Zone
<b>WARD:</b>	4

### SITE BACKGROUND/PROJECT DESCRIPTION

The 5.74-acre project site is located at 841 Alpine Meadows Lane, situated on the south side of Alpine Meadows Lane between Harbart Drive and Kingdom Drive. The site is partially developed with an existing 2,829 square foot single family residence, a 968 square foot detached garage, and a freestanding 662 square foot barn. The single-family residence, detached garage and barn were constructed in the 1970's. The construction of Alpine Meadows Lane began in approximately 2007; before such time the subject site was accessed via Harbart Drive. The barn is proposed to be demolished as part of this project.

Surrounding land uses consist of single-family residences to the north (across Alpine Meadows Lane) south, east (across Kingdom Drive), and west.

The applicant is requesting approval of the following entitlements: 1) Tentative Parcel Map (No. 39174) to subdivide a 5.74-acre parcel into four parcels for residential purposes; and 2) Grading Exception to allow grading within the Prenda Arroyo and the 50-foot arroyo setback. Parcels 2, 3, and 4 are proposed to each be developed with a 4,222 square foot residence, including a, 822 square foot garage. The existing single-family residence and detached garage will remain on Parcel 1. Construction documents for each home will be submitted directly to Building & Safety for plan check, as Design Review is not required.

### ANALYSIS

The project site is zoned R-1-1/2 Acre – Single Family Residential Zone consistent with the VLDR – Very Low Density Residential General Plan land use designation. The proposed subdivision complies with the development standards of the R-1-1/2 Acre – Single Family Residential Zone, and all standards of the Title 18 – Subdivision Code, as shown on the table below.

R-1-1/2 Acre – Single Family Residential Zone Development Standards							
Standard		Proposed Parcel 1	Proposed Parcel 2	Proposed Parcel 3	Proposed Parcel 4	Consistent	Inconsistent
<b>Lot Size</b>	21,780 square feet	46,609 square feet	46,609 square feet	46,609 square feet	93,218 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Lot Width</b>	125 feet	150 feet	150 feet	150 feet	308 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Lot Depth</b>	150 feet	309 feet, 10 inches	309 feet, 10 inches	309 feet, 10 inches	309 feet, 10 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A Biological Resources Study was prepared for the project, which included a detailed site assessment and mapping of the Prenda Arroyo. The project Biologist determined that the Prenda Arroyo boundaries, and the 50-foot setback, are smaller than what is mapped in Title 17 – Grading Code of the Riverside Municipal Code. Based on the watercourse, topography, and vegetation the actual boundaries of the Prenda Arroyo is located within the southeast portion of the subject parcel, from east to west, as shown on Figures 12a and 12b of the project specific Biological Resources Study, prepared by L&L Environmental, Inc. The 50-foot setback from the actual boundaries of the Prenda Arroyo does not extend into the proposed graded pad area, therefore Staff can make the necessary findings in support of the Grading Exception request.

Furthermore, Section 17.28.020.A.14.a of the Grading Code grants the Community & Economic Development Director authority to administratively allow grading within designated arroyo tributaries depending on the sensitivity of the area. Sensitivity shall be determined by such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary. The project specific Biological Resources determined that the project does not contain: any riparian vegetation, habitat for rare or endangered species, and no significant rock outcroppings or other unique topographic features.

There will be no impact to the Prenda Arroyo.

**REQUIRED FINDINGS (GRADING EXCEPTION JUSTIFICATION)**

Grading Exception Findings pursuant to Chapter 17.32		Complies	
		YES	NO
1.	That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this title.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Grading Exception Findings pursuant to Chapter 17.32		Complies	
		YES	NO
<p>Justification: The strict application of the Grading Code would restrict any grading or improvements within the Prenda Arroyo and the 50-foot setback. The adopted Prenda arroyo boundaries, identified in Section 17.080.011 of the Grading Code, were mapped using aerial photography, rather than site specific assessments. A Biological Resources Study was prepared for the project, which included a detailed site assessment and associated mapping of the actual boundaries of the Prenda Arroyo and the 50-foot setback, by means of a site walk and review of all available literature.</p> <p>The project Biologist determined that the boundaries of the Prenda Arroyo and the 50-foot Setback are smaller than what is mapped in Title 17 – Grading Code of the Riverside Municipal Code. Based on the watercourse, topography, and vegetation the actual boundaries of the Prenda Arroyo is located within the southeast portion of the subject parcel, from east to west. The 50-foot setback from the actual boundaries of the Prenda Arroyo does not extend into the proposed graded pad area. There will be no impact to the Prenda Arroyo.</p> <p>The actual surveyed boundaries of the Prenda Arroyo and the 50-foot setback are smaller than the adopted arroyo boundaries, per Section 17.080.011 of the Grading Code, strict application of the Grading Code would result in practical and unnecessary hardships restricting further development of the project site. Allowing this grading exception, which does not impact the Prenda Arroyo, is consistent with the purpose and intent of Title 17, as found in Section 17.04.010 A, B, C, D, G, H, and I, and not inconsistent with E, F, and J. Had the Arroyo boundaries been delineated more accurately by ground survey, instead of aerial estimation, this exception would not be necessary. The use and density are consistent with the Municipal Code and the General plan.</p>			
2.	<b>That there are exceptional 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 same zone or neighborhood.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Justification: The adopted Prenda arroyo boundaries, identified in Section 17.080.011 of the Grading Code, were mapped using aerial photography, rather than site specific assessments. A Biological Resources Study was prepared for the project, which included a detailed site assessment and associated mapping of the actual boundaries of the Prenda Arroyo and the 50-foot setback, by means of a site walk and review of all available literature.</p> <p>The project Biologist determined that the boundaries of the Prenda Arroyo and the 50-foot Setback are smaller than what is mapped in Title 17 – Grading Code of the Riverside Municipal Code. Since the actual surveyed boundaries of the Prenda Arroyo and the 50-foot setback are smaller than the adopted arroyo boundaries, per Section 17.080.011 of the Grading Code, there are exceptional 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 same zone or neighborhood. Inaccuracy in arroyo mapping does not generally apply to other property in the same zone or neighborhood. This exception applies the Title 17 as though the arroyo was more accurately mapped in the aerial photos.</p>			

Grading Exception Findings pursuant to Chapter 17.32		Complies	
		YES	NO
3.	<b>That the granting of a waiver 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.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Justification: A Biological Resources Study was prepared for the project, which included a detailed site assessment and associated mapping of the actual boundaries of the Prenda Arroyo and the 50-foot setback, by means of a site walk and review of all available literature.</p> <p>The project Biologist determined that the boundaries of the Prenda Arroyo and the 50-foot Setback are smaller than what is mapped in Title 17 – Grading Code of the Riverside Municipal Code. Based on the watercourse, topography, and vegetation the actual boundaries of the Prenda Arroyo is located within the southeast portion of the subject parcel, from east to west. The 50-foot setback from the actual boundaries of the Prenda Arroyo does not extend into the proposed graded pad area. There will be no impact to the Prenda Arroyo. Furthermore, all areas outside of the graded pad will be included in an Open Space Easement, which will ensure that the land is kept in its natural state.</p> <p>Since the actual surveyed boundaries of the Prenda Arroyo and the 50-foot setback are smaller than the adopted arroyo boundaries, per Section 17.080.011 of the Grading Code, the proposed improvements will not impact the arroyo and the granting of a waiver 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. Allowing this grading exception, which does not impact the Prenda Arroyo, is consistent with the purpose and intent of Title 17, as found in Section 17.04.010 A, B, C, D, G, H, and I, and not inconsistent with E, F, and J. This exception uses actual biological surveys to determine the real boundaries of the arroyo, ensuring that the ecological values of the arroyo are preserved, more accurately than does an aerial survey.</p>			

**ENVIRONMENTAL DETERMINATION**

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

**PUBLIC NOTICE SUMMARY**

Public notices were mailed to property owners within a 300-foot radius of the Project site. As of the writing of this report, Staff has received three letters expressing opposition to the proposed project.

The comments received by Staff suggest that the proposed project is not in compliance with the Hillside/Arroyo Grading Ordinance, that the project specific Biological Study is not adequate, that the project requires greater environmental review, and that the project is not in conformance with the General Plan. The following provides the comments and responses to the issues raised:

**Comment:** Friends of Riverside’s Hills is very concerned about protecting the City’s designated arroyos, very much including the Prenda Arroyo. The project site is all or almost entirely well within the mapped portion of the Prenda Arroyo. In particular, the proposed buildings and graded area are entirely within the arroyo, which is a degradation of the arroyo inconsistent with the Grading Code.

**Response:** Figure 4 – Mapped Area of Prenda Arroyo of the Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis report identifies the project area within the overall extent of Prenda Arroyo, as identified in and referenced in the Riverside Municipal Code (RMC), Title 17 Grading, Exhibits A-F, more specifically Exhibit C. The yellow outline is the mapped Prenda Arroyo as shown in RMC Title 17 Grading, Exhibit C.

Although the project site is within the mapped Prenda Arroyo per RMC Title 17 Exhibit C, it is not within the actual Prenda Arroyo, which is based on in-person assessment of the site and documentation of the current conditions of the site by an experienced biologist. The location of the actual arroyo is provided in Figures 12a and 12b of the project specific Biological Resources Study, prepared by L&L Environmental, Inc.

**Comment:** Conformity with the Code's Hillside/Arroyo provisions have ignored the fact that the disturbed area is within the Prenda Arroyo.

**Response:** The Biological Resources Assessment acknowledged that the Project site is within the mapped extent of the Prenda Arroyo and conducted an analysis of the current condition of the arroyo within the Project parcel. This analysis was prepared to determine the suitability of an exception to the hillside/arroyo grading provisions, as allowed by Chapter 17.28 and 17.32 of the Riverside Municipal Code. The drainage feature within the project parcel/boundary that crosses the southeast portion of the project site is not a blueline stream and is tributary to Prenda Creek; and as it does not support riparian or other sensitive vegetation, does not have habitat for rare or endangered species, or have significant rock outcroppings or other unique topographic features, is not considered a sensitive area. Therefore, the conformity analysis of the project with the provisions of the RMC Title 17 Grading is not flawed or inadequate.

**Comment:** The biological survey was done in the summer of 2021 after an exceptionally dry winter and spring, which may have caused impacts not taken into account.

**Response:** The analysis of potentials for occurrence considers any environmental conditions that may affect plant and wildlife species, including below average rainfall. For this Project, the analysis was conducted by a biologist with ample experience in southern California ecosystems and was conservative, particularly in regard to annual plant species that may be strongly affected by rainfall patterns. The Biological Resources Assessment accounted for environmental conditions on the site, including precipitation, when analyzing potential impacts and also provided recommended mitigation measures (Section 6.0 of the Biological Resources Assessment) to avoid and minimize any potential impacts to sensitive biological resources. For these reasons, even though the analysis was conducted in the summer of 2021, the impact analysis was thorough and complete and did not underestimate potential impacts.

**Comment:** The project is in violation of the Grading Code provisions 14 a, d, and e of Section 17.28.020 of the Riverside Municipal Code. The response to question 11b in the Initial Study, about conflict with such provisions, was not correctly answered; the project requires an EIR rather than an MND.

**Response:** Threshold 11b of the Initial Study indicates: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? The Initial Study includes discussion of the project's consistency with RMC Title 17 in Biological Resources 4c and within the supporting biological studies included in the Appendix to the Initial Study. Because consistency with RMC Title 17 was not specifically discussed in threshold 11b does not mean it was omitted from the Initial Study altogether and because of that an EIR should be prepared. Rather a minor revision is recommended to the Initial Study to further clarify that the project's consistency with RMC Title 17 was conducted. This minor revision is to provide additional clarification and does not change the analysis or conclusions in the Initial Study. Note that Chapters 19.28 and 19.32 allow for exceptions from the strict application of the Grading Code; thus exceptions are consistent with Title 17. Refer to Section 11b of the Draft Mitigated Negative Declaration (Exhibit 3) for the additions shown in underline and deletions shown in ~~strike through~~.

**Comment:** The project, within the boundaries of the Prenda Arroyo, is not in compliance with the protections incorporated into the City's General Plan.

**Response:** A Biological Resources Study was prepared for the project, which included a detailed site assessment and mapping of the Prenda Arroyo. The project Biologist determined that the natural, ecological boundaries of the Prenda Arroyo on this parcel, and therefore the 50-foot

setback, are smaller than those approximated by the aerially-mapped designation in Title 17 – Grading Code of the Riverside Municipal Code. Based on the watercourse, topography, and vegetation the actual boundaries of the Prenda Arroyo is located within the southeast portion of the subject parcel, from east to west, as shown on Figures 12a and 12b of the project specific Biological Resources Study, prepared by L&L Environmental, Inc. The 50-foot setback from the actual boundaries of the Prenda Arroyo does not extend into the proposed graded pad area, therefore the arroyo protections incorporated in the City's General Plan are not applicable to this project.

For additional information, refer to the Response to Comment Letter (Exhibit 3).

Additionally, Riverside Municipal Code section 17.28.020 (a)(14) explicitly provides that "The Community & Economic Development Director shall have the authority to administratively allow grading within designated arroyo tributaries depending on the sensitivity of the area. Sensitivity shall be determined by such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary." The biological study prepared for this project factually establishes that the grading allowed within the aerially mapped delineation will not adversely impact the designated arroyo tributary, based upon such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary.

### **APPEAL INFORMATION**

Actions by the Community & Economic Development Director, including any environmental finding, may be appealed to the Planning Commission within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Division Public Information Counter, 3rd Floor, City Hall.

### **THE COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR DECISION**

The Community & Economic Development Department Director **APPROVES** Planning Case PR-2022-001293 (Parcel Map and Grading Exception), and **ADMINISTRATIVELY ALLOWS** the grading pursuant to RMC 17.28.020, subject to the conditions of approval.

### **EXHIBITS LIST**

1. Conditions of Approval
2. Project Plans (Tentative Parcel Map No. 38174, Site Plan, Grading Plans)
3. CEQA Document (Draft Mitigated Negative Declaration, Appendices, and Response to Comment Letter)
4. Public Comment Letters



*EXHIBIT 1 – CONDITIONS OF APPROVAL*

**Planning Case:** PR-2022-001293 (Parcel Map and Grading Exception)

**Planning**

1. The subject property shall be developed and operated substantially as described in the text of this report and as shown on Tentative Parcel Map No. 39174 except for any specific modifications that may be required by these conditions of approval. Changes to the approved design will require further review by the Planning Division; a new application and filing fee may be required.

*Prior to Recordation of the Final Map:*

2. A Demolition Permit shall be obtained and the existing freestanding barn shall be demolished.

*Prior to Grading Permit Issuance:*

3. **Mitigation Measure MM BIO-2:** In accordance with the Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan, a 30-day pre-construction survey for burrowing owls shall be required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey shall be completed again to ensure that burrowing owl have not colonized the site since it was last disturbed. If burrowing owl are found, the same coordination described above will be necessary.

If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent shall immediately inform the Regional Conservation Authority (RCA). A burrowing owl relocation plan shall be prepared and submitted to the RCA and CDFW for review and approval prior to commencement of ground disturbance activities. The burrowing owl relocation plan shall outline methods to relocate any burrowing owls occurring on the project site and ensure compliance with the MSHCP, MBTA, and California Fish and Game Code. If an active burrow is found during the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level of disturbance.

4. **Mitigation Measure MM BIO-3:** The status of listing the Crotch bumble bee under the California Endangered Species Act is currently in litigation. If the litigation is resolved in favor of listing this species prior to the start of construction, a focused survey would be completed. If the species is listed and is found to be present on the site and would be impacted, an Incidental Take Permit from CDFW would be required. The ITP would outline CDFW required onsite and/or offsite mitigation to offset potential impacts from the project to less than significant levels.
5. **Mitigation Measure MM BIO-4:** If the project grading plans are revised such that grading is extended to the south and within a 300-foot buffer from riparian habitat in Prenda Creek to the south, then either construction shall avoid the period of April 10 to July 31, or if it will occur during this period, a habitat assessment for riparian birds in that area shall be completed. If this area is deemed to be suitable for least Bell's vireo, southwestern willow flycatcher or the western yellow-

billed cuckoo, then a focused survey shall be conducted to determine presence or absence. If present, additional avoidance and minimization measures shall be implemented as identified by the qualified biologist permitted to conduct the focused surveys for these species.

6. **Mitigation Measure MM CUL-1:** Prior to grading permit issuance, if there are any changes to the 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, 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.
7. **Mitigation Measure MM CUL-2:** 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.
  - a. 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:
    - i. Project grading and development scheduling;
    - ii. 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 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. 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, or nonrenewable paleontological resources that shall be subject to a cultural resources evaluation;
    - iv. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site; and
    - v. The scheduling and timing of the Cultural Sensitivity Training notes in mitigation measure MM CUL-4.
8. **Mitigation Measure MM CUL-4: 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 sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.
9. **Mitigation Measure MM CUL-5:** Prior to issuance of a grading permit, the City shall confirm that the final grading plan avoids impacts to the prehistoric bedrock milling site (33-015434), single-



family residence (841 Alpine Meadows Lane), and/or concrete well (QUIN-001H). If the Project development footprint is modified to include direct and/or indirect impacts to the prehistoric bedrock milling site (33-015434), single-family residence (841 Alpine Meadows Lane), and/or concrete well (QUIN-001H), additional technical studies (i.e., archaeological evaluation report and historical resources evaluation report) shall be required to evaluate the significance of these resources against CRHR criteria. The archaeological evaluation will include, at a minimum, preparation of a Phase II evaluation plan, limited subsurface testing, development of a Native American cultural landscape context to evaluate historical association under Criterion 1, consultation with local Native American tribes and organizations, and preparation of an archaeological evaluation report. The historical resources evaluation will include, at a minimum, preparation of DPR 523 forms, architectural assessments, archival research to determine historical association, if any, to persons or events of local, state, or national significance, and preparation of a Historical Resources Evaluation Report. Final reports shall be submitted to the City, Project Proponent, consulting tribes, and Eastern Information Center located on the campus of the University of California, Riverside.

10. Add the following Best Management Practices (BMPs), as notes on the Grading Plans, per the project specific MSHSP Consistency Analysis:

- a. Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB [Regional Water Quality Control Board] requirements.
- b. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
- c. Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.
- d. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian [species] identified in MSHCP Global Species Objective No. 7.
- e. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, FWS [U.S. Fish and Wildlife Service], and CDFG [California Department of Fish and Wildlife], [and] RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
- f. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.
- g. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.
- h. To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).
- i. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until

the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.

- j. The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

*Prior to Start of Ground Disturbing Activities:*

11. **Mitigation Measure MM BIO-1:** In order to avoid impacts on nesting birds and raptors (common or special status) clearing, grubbing and grading activities shall be scheduled during the non-breeding season (generally between July 1 and February 28/29 for nesting birds and between July 1 and January 31 for nesting raptors), to the extent practicable. If project timing requires that these construction activities be conducted during breeding season (generally between March 1 and June 30 for birds; between February 1 and June 30 for raptors), a pre-construction survey or multiple surveys shall be conducted by a qualified biologist no more than 72 hours prior to disturbance to confirm the absence of active nests. If no active nests are found, no further measures would be necessary. However, if the biologist finds an active nest of a bird protected under the MBTA or the California Fish and Game Code and determines that the nest may be impacted by clearing, grubbing or grading activities, the biologist shall identify an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activities. The active nest site shall be protected until the nesting activity has ended to ensure compliance with the MBTA and California Fish and Game Code. Construction and/or encroachment into the buffer area around a known nest shall only be allowed if the biologist determines that the proposed activity would not disturb the nest occupants.
12. **Mitigation Measure MM 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 the proposed 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. 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 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 landowner 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:
    - i. 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 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 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 necessary fees 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 or Museum of Riverside 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 American Tribal Monitors within 60 days of completion of grading. This report shall document the type of cultural resources recovered and the disposition of such resources. This report shall be submitted to the City of Riverside, Eastern Information Center, and consulting tribes.

*Prior to Building Permit Issuance:*

13. Parcel Map No. 39174 shall be recorded.

*Standard Conditions:*

14. There is a 36-month time limit in which to satisfy the conditions and finalize this action.
15. The Tentative Parcel Map and Grading Exception may be granted time extensions by the Community & Economic Development Director, or their designee, for up to a total of six years beyond the original approval expiration date prior final map recordation. Once a final map has been recorded, the development will be considered vested and time extensions are no longer needed.

Prior to **October 6, 2026**, if a final map has not been recorded, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning Division.

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

16. Any future development shall comply with the development and design standards and entitlement processes at the time such development is submitted for permitting.
17. 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.
18. 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.
19. Failure to abide by all conditions of this entitlement shall render it null and void.

**Fire Department**

20. 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. Automatic residential fire sprinkler system shall be designed in accordance with 2019 California Residential Code, Section R313. Plans shall be submitted to and approved by the Fire Department prior to installation (2019 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.080)

21. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
22. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
23. Construction plans shall be submitted and permitted prior to construction.
24. Fire Department access shall be maintained during all phases of construction.
25. New buildings located in any Very High Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area shall comply with the 2016 California Building Code, Chapter 7A, California Fire Code, Chapter 49, and Public Resource Codes 4290 & 4291.
26. When the project is submitted to the Building and Safety Division for plan review, the submittal shall include the approved Fire Protection Plan (FPP) or Alternate Methods and Materials (AM&M) dated April 12, 2023.

#### **Parks, Recreation & Community Services – Park Planning**

27. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

#### **Public Utilities – Electric**

28. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing spare conduits, streetlights, also stub & cap along property frontage.
29. Plot existing electrical distribution facilities on the original site plan.
30. Provide transformer, PJC, & service panel locations.
31. This site will require multiple transformers and a PJC structure. As well, a street crossing is required to extend primary from C10997 or C10994.

#### **Public Utilities – Water**

32. Prior to recordation of map, all required water department fees must be paid to provide water service to each new parcel.
33. **Advisory:** Water pressure in the area of this development exceeds 120 psi, it is the owner's responsibility to install appropriate measures at each parcel to regulate the water pressure as needed.

#### **Public Works – Land Development**

34. Storm Drain construction will be contingent on engineer's drainage study.
35. Deed for widening Alpine Meadows Lane along project frontage to 33' from monument centerline to Public Works specifications.
36. Installation of curb and gutter at 20 feet from monument centerline, sidewalk and matching paving on Alpine Meadows Lane to Public Works specifications.
37. 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.
38. Installation of sewer laterals to serve this project to Public Works specifications.
39. Off-site improvement plans to be approved by Public Works prior to map recordation.
40. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.

41. Size, number and location of driveways to Public Works specifications.
42. Closure of unused driveway(s) to Public Works specifications.
43. Prior to permit issuance, add the following notes to the site/plot or landscape plans and email PDF to gtanaka@riversideca.gov for review and approval:
  - a. PLANT 24" box size *Afrocarpus falcatus* in public right-of-way along Alpine Meadows Lane. Prior to any planting, Typical spacing 25' O.C. Tree Inspector to determine precise locations at time of scheduled site inspection after fine grading and hardscape installation is complete. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.
49. The project proposes to grade a slope within Assessor's Parcel Number 243-600-021 as part of the widening of Alpine Meadows Lane near Kingdom Drive. Prior to issuance of grading permits, the property owner shall obtain a letter of permission from the adjacent property owner of Assessor's Parcel Number 243-600-021 to allow for grading within the property.