

**CITY OF RIVERSIDE
SPEAKER CARD**

AGENDA ITEM NO.: 5

WELCOME TO THE RIVERSIDE PLANNING COMMISSION MEETING.

IF YOU WISH TO ADDRESS THE PLANNING COMMISSION, PLEASE COMPLETE AND SUBMIT THIS CARD TO THE PLANNING STAFF. SPEAKER CARDS WILL BE ACCEPTED UNTIL CONCLUSION OF PUBLIC COMMENT ON THE AGENDA ITEM.

NAME: Nicholas Adulo

DATE: 5/25

CITY/NEIGHBORHOOD: Chamber of Commerce PHONE # (Optional): _____

ADDRESS (Optional): _____ Address _____ City/State/Zip _____

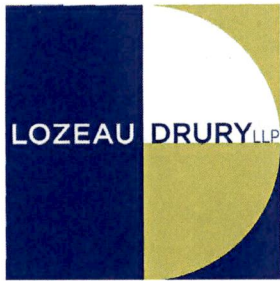
SUBJECT: _____

SUPPORT OPPOSE NEUTRAL

In accordance with the Public Records Act, any information you provide on this form is available to the public.

Pursuant to the City Council Meeting Rules adopted by Resolution No. ²³⁹⁷⁶23437, the Members of the Planning Commission and the public are reminded that they must preserve order and decorum throughout the Meeting. The City of Riverside is committed to a workplace that requires acceptable behavior from everyone - a workplace that provides dignity, respect, and civility to our employees, customers, and the public.

CONFIDENTIAL



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
Amalia@lozeaudrury.com

BY E-MAIL

May 24, 2023

City of Riverside Planning Commission
Johnny R. Wilder, Chair
Lorraine Mooney, Vice Chair
Launa K. Wilson, Commissioner
Raj. K. Singh, Commissioner
Rafael Elizalde, Commissioner
Richard L. Kirby, Commissioner
James R. Rush, Commissioner
Jonathan K. Parker, Commissioner
Christine L. Roberts, Commissioner
3900 Main Street
Riverside, CA 92501
c/o Frances Andrade
fandrade@riversideca.gov

Judy Eguez, Senior Planner
City of Riverside
3900 Main Street
Riverside, CA 92501
jeguez@riversideca.gov

**RE: 1575 University Ave. Mixed-Use Project
Planning Commission Agenda Item 5 (May 25, 2023)**

Dear Chair Wilder, Vice Chair Mooney, and Members of the Planning Commission:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) and its members living and/or working in and around the City of Riverside (“City”) concerning the 1575 University Ave. Mixed-Use Project (Planning Case PR-2022-001429 (PPE)) (“Project”) to be heard as Agenda Item 5 at the May 25, 2023 Planning Commission Meeting.

The City has not conducted any environmental review for this specific Project pursuant to the California Environmental Quality Act (“CEQA”). Rather, the City is claiming that the Project was adequately reviewed in the 2021 Final Environmental Impact Report prepared for the City’s Housing and Public Safety Element Updates and Environmental Justice Policies (“2021 EIR”).

When relying on a prior EIR for a project, CEQA provides certain procedures, including required findings, prior to a determination that no new environmental documentation is required. Although no new documentation is required in certain circumstances, CEQA also mandates the

SAFER Comment
1575 University Ave. Mixed-Use Project
May 24, 2023
Page 2 of 6

circumstances in which reliance on a previous EIR still requires the preparation of an additional environmental impact report (“EIR”) or mitigated negative declaration (“MND”).

The proposed Project does not qualify for review pursuant to a prior EIR, because no project-specific review has been prepared for this Project, and because the significant and unavoidable impacts identified in the 2021 EIR will remain significant with the implementation of this Project. As such, SAFER is requesting that the Commission refrain from approval of the Project at this time until an EIR is prepared.

PROJECT DESCRIPTION AND BACKGROUND

The Project proposes the demolition of an existing 27,593 square foot multi-tenant commercial building in order to facilitate the development of 257 dwelling units and 4,918 square feet of commercial space. The 4.29-acre Project site is located at 1575 University Avenue, between Chicago Avenue and Cranford Avenue in the Mixed Use-Urban and Specific Plan Overlay Zones, in Ward 2.

For CEQA review of the Project, the City has not prepared any new environmental documentation for the Project, but rather intends to rely entirely on the 2021 EIR prepared for the City’s Housing Element Update. The Agenda Item for the Project states that “[t]he Planning Division of the Community & Economic Development Department has determined that the proposed multiple family residential project is consistent with the Final EIR for the 2021-2029 Housing Element Update/Housing Implementation Plan certified in October 2021 (SCH No. 2021040089) subject to compliance with the approved Mitigation Monitoring and Reporting Program.” (May 25, 2023 Planning Commission Agenda, Item 5, p. 5.)

LEGAL STANDARD

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code § 21082.2; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

CEQA permits agencies to ‘tier’ CEQA documents, in which general matters and environmental effects are considered in a document “prepared for a policy, plan, program or ordinance followed by narrower or site-specific [environmental review] which incorporate by reference the discussion in any prior [environmental review] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR].” (Pub. Res. Code (“PRC”) § 21068.5.) “[T]iering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of

environmental effects examined in previous [environmental reviews].” (*Id.* § 21093.) CEQA regulations strongly promote tiering of environmental review.

Where a program EIR has been prepared, such as the 2021 EIR, “[l]ater activities in the program must be examined in light of the program [document] to determine whether an additional environmental document must be prepared.” (14 CCR § 15168(c).) The first consideration is whether the activity proposed is covered by the program. (14 CCR § 15168(c)(2).) If a later project is outside the scope of the program, then it is treated as a separate project and the previous environmental review may not be relied upon in further review. (*See Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320–21.) The second consideration is whether the “later activity would have effects that were not examined in the program.” (14 CCR § 15168(c)(1).) A program environmental review may only serve “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project” (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the program environmental review does not evaluate the environmental impacts of the project, a tiered [CEQA document] must be completed before the project is approved. (*Id.* at 1184.)

Pursuant to Guidelines sections 15162(a) and 15168(c), a project is not within the scope of a previous program EIR, and subsequent environmental review is necessary, where:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more

significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An agency's determination that none of the conditions of Section 15162 have been met and, therefore, that no subsequent EIR or MND is required for the new project must be supported by substantial evidence. (14 CCR § 15162(a); 14 CCR § 15168(c).)

DISCUSSION

I. An Initial Study is Required Because This Project's Environmental Impacts Have Not Been Analyzed.

The City is relying on the 2021 EIR for CEQA review of the Project pursuant to CEQA's subsequent review provisions, 14 CCR § 15162. However, under 14 CCR § 15162(a)(3)(A), an agency cannot avoid preparation of a subsequent EIR for a project if new information of substantial importance shows that the project will have one or more significant effects not discussed in the previous EIR or negative declaration. Here, there is new information regarding the Project's significant effects which was not discussed in the 2021 EIR, therefore the City must prepare a subsequent EIR or Negative Declaration. The environmental impacts of this Project have not been analyzed. Further, the 2021 EIR itself explicitly noted that further environmental review on a project-specific level would be necessary.

The 2021 EIR states that "[a] predevelopment checklist (environmental development checklist) will be developed as part of the Project to support the development review process for applicants proposing development on Opportunity Sites that is consistent with the Project." (DEIR, p. 1-5.) It also states that "[t]he City prepared an initial study checklist in April 2021 to simplify the process of using this EIR as the basis for environmental analyses, focusing on key environmental issues. . . [a]s noted in Chapter 2, *Project Description*, a predevelopment checklist (environmental development checklist) will be developed as part of the Project to support the development review process for applicants proposing to develop Opportunity Sites consistent with the Project" (Id. at 5-5.) Additionally, with regard to air quality impacts in particular, the 2021 EIR states that "specific mitigation measures and/or project design features to reduce construction-related emissions would be determined during project-level analysis." (DEIR, p. ES-10.)

The staff report for the Project does not mention having conducted any project-level analysis. The entirety of the environmental review section of the staff report consists of the following sentence: "The proposed project is consistent with the Final EIR for the 2021-2029 Housing Element Update/Housing Implementation Plan certified in October 2021 (SCH No. 2021040089) subject to compliance with the approved Mitigation Monitoring and Reporting Program." (May 25, 2023 PC Hearing, Agenda Item No. 5 Staff Report, p. 7.)

The City has failed to demonstrate with substantial evidence that the Project is consistent with the 2021 EIR. The City must prepare an initial study which assesses the Project's impacts in all areas of CEQA in order to determine the appropriate level of CEQA review for the Project.

II. The Project Requires a Tiered EIR and Statement of Overriding Considerations Due to the Remaining Significant and Unavoidable Impacts.

In addition to the requirement for an initial study due to the failure to conduct any project-level review under CEQA, an EIR is required for the Project due to impacts that remain significant and unavoidable. When a prior EIR, such as the 2021 EIR, admits significant and unavoidable impacts, a later project requires its own EIR and statement of overriding considerations for any impacts that remain significant and unavoidable. (*Communities for a Better Env't. v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 124-25.)

The 2021 EIR found significant and unavoidable impacts to air quality, greenhouse gas emissions, noise, population growth, and transportation. (2021 EIR, pp. ES-48 – ES-49.) The staff report for the Project does not point to any measures which would render these impacts less than significant, therefore they will remain significant and unavoidable.

Even though these impacts were found significant and unavoidable in the 2021 EIR and the City adopted a statement of overriding considerations at that time, the City cannot “adopt one statement of overriding considerations for a prior, more general EIR, and then avoid future political accountability by approving later, more specific projects with significant unavoidable impacts pursuant to the prior EIR and statement of overriding considerations.” (*Communities for a Better Env't., supra*, 103 Cal.App.4th at 124.)

Therefore, the Project requires its own EIR and statement of overriding considerations to ensure that the City “go on the record and explain specifically why they are approving the later project despite *its* significant unavoidable impacts.” (*Communities for a Better Env't., supra*, 103 Cal.App.4th at 125.)

III. The City is Required to Share Its Environmental Review Process with the Public.

The EIR is intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86 [118 Cal.Rptr. 34, 529 P.2d 66] [hereafter *No Oil*]; Guidelines, § 15003, subd. (d).) Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. (*People v. County of Kern* (1974) 39 Cal.App.3d 830, 842 [115 Cal.Rptr. 67]; Guidelines, § 15003, subd. (e).) The EIR process protects not only the environment but also informed self-government.

SAFER Comment
1575 University Ave. Mixed-Use Project
May 24, 2023
Page 6 of 6

CONCLUSION

For the above reasons, SAFER respectfully requests that the Planning Commission refrain from approving the Project at this time. Rather, the City should prepare a new EIR for the Project that tiers from the 2021 EIR prior to approval.

Sincerely,



Amalia Bowley Fuentes
LOZEAU DRURY LLP

REVISED* RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

***CONDITIONS OF APPROVAL NUMBERS 70 THROUGH 73 HAVE BEEN ADDED**

PLANNING CASE: PR-2021-001429 (Site Plan Review)

2022

Planning Division

1. The subject property shall be developed substantially as described in the text of this report and as shown on the plans on file with this case, except for any specific modifications that may be required by these conditions of approval.
2. Any future modifications to the approved design shall be submitted to the Planning Division for consideration. A separate application and fee may be required.
3. The project shall comply with the applicable mitigation measures of the Final Program Environmental Impact Report (FPEIR) certified for the City's 2021-2029 6th Cycle Housing Element (SCH# 22021040089).
4. Outdoor private balconies shall be kept uncovered and shall not be used as storage.
5. **Advisory:** Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Grading Permit Issuance:

6. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
 - e. Identification of location, exposed height, material, and finish of any proposed retaining walls.

During Grading and Construction Activities:

7. 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.
8. 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.
9. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

10. 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.
11. To reduce construction related particulate matter air quality impacts of the project, the following measures shall be required:
 - a. The generation of dust shall be controlled as required by the AQMD;
 - b. 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;
 - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Trucks and other equipment leaving the site shall be washed off;
 - f. Disturbed/loose soil shall be kept moist at all times;
 - g. All grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site.
12. The applicant shall be responsible for erosion and dust control during construction phases of the project.
13. 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:

14. **Staff Required Landscape and Irrigation Condition:** Plans shall be submitted for Planning staff approval. Separate application and filing fee are required. Design modifications may be required as deemed necessary.
15. **Photometric/Lighting Plan:** An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking-lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed fourteen (14) feet in height, including the height of any concrete or other base material.
16. Roof and building mounted equipment shall be fully screened from the public right-of-way. Screening material shall be integrated with the design of the building and be at least as high as the proposed roof mounted equipment.

17. Ground mounted equipment shall be screened from view on all sides with solid masonry walls or similar permanent structures. Such masonry wall or structure shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted.
18. Construction plans submitted for Plan Check review shall 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.
19. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening.

Prior to Release of Utilities and/or Occupancy:

20. 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 at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.
21. The applicant shall provide written evidence to the Planning Division and the Police Department that they will be participating in the City's Crime Free Multi-Housing Program.

Standard Conditions:

22. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
23. Site Plan Review may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions), 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. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.
24. Prior to the expiration of the entitlements, if building permits have not been obtained, 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.

25. 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.

26. 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.
27. 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.
28. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
29. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

Environmental Compliance

Prior to Issuance of Building Permits:

30. Wastewater survey will be required to be submitted to Environmental Compliance for Review.
31. Grease interceptor and Sample box specifications, location will be required on plumbing plans. Approved Grease Interceptor must be installed and inspected prior to opening of business.
32. Details regarding common laundry room lint clarifier for the Apartment Complex must be submitted to EC for review and approval. Approved lint clarifier must be installed prior to opening for business. Domestic waste shall not be allowed to pass through the lint clarifier.
33. If a sampling station is required—submit proposed installation on corrected plans.
34. Applicant must request inspection to verify the required installation or construction via inspection by EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by EC Inspector.
35. Other items for correction may need to be completed after actual plans are submitted for a formal review.

Fire Department

Prior to Issuance of Building Permits:

36. An automatic fire sprinkler system is required by City Ordinance 16.32.335. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.

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. Provide for fire department access to the gate. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details. An "Infrared Automatic Gate System" is required for all electric gates. Contact the Fire Prevention Division for information.
41. The proposed construction project may require onsite private fire hydrants. (Ca. Fire Code, Appendix C - Fire Hydrant Locations and Distribution).
42. One (1) new public shall be required on University Avenue. The fire hydrant location shall be on the same side of the street as the project.
43. Group R, Division 2 occupancies shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units. (See California Fire Code for exceptions). Submit plans and obtain approvals from the Fire Department prior to installation. New fire alarm systems shall be UL, FM or ETL certificated for the life of the system. Central Station shall be UL UUFX.
44. Open parking structure - In accordance with the Riverside Municipal Code 16.32.335 requires all new buildings shall be equipped with an automatic sprinkler system.
45. Fire Access shall be provided as agreed upon by Fire Department.

Parks, Recreation and Community Services

Prior to Issuance of Building Permits:

46. 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

Prior to Issuance of Building Permits:

47. Provide a blanket PUE.
48. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained, and location of the equipment is approved by the Utility.
49. 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.
50. Plot existing electrical distribution facilities on the original site plan.
51. Provide, switch, PJC, transformer, & switchgear location.

Public Utilities – Water

52. Project is required to install a separate dedicated water meter for landscape irrigation.
53. An executed master meter agreement is required to permit private sub-metering and billing of individual tenants. Submeters must be installed to measure tenants actual use for a master meter agreement to be executed.
54. New water service installations are processed under a separate plan and permit submitted directly to the Public Utilities Department. Water plan must be submitted prior to issuance of building permit.
55. Residential and Commercial uses require separate water services.

Public Works – Land Development

Conditions to be fulfilled prior to issuance of occupancy unless otherwise noted:

56. Storm Drain construction will be contingent on engineer's drainage study.
57. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
58. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Sewer to be private all the way to main line connection.
59. Size, number and location of driveways to Public Works specifications
60. Closure of unused driveway(s) to Public Works specifications.
61. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around will have to be provided to Public Works Specifications.
62. PROTECT IN PLACE existing Street Trees in PUBLIC RIGHT-OF-WAY along UNIVERSITY AVE. If existing Street Trees are found by Tree Inspector at time of scheduled site inspection (after fine grading and hardscape installation is complete), to be missing, dead, damaged or in poor condition, they will be required to be removed and/or replaced with 24" box size trees to Tree Inspector's specification. Planting, staking, irrigation, root barriers, trunk protectors, to Landscape & Forestry specifications.
63. Trash enclosures required per public works specifications.
64. 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.

65. 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.
66. 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.
67. 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.
68. 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.
69. There is currently a pavement moratorium in University Avenue. Pavement rehabilitation will be required along entire project frontage from curb to curb to public works specifications.

Public Works – Traffic Engineering

70. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete following improvements:

- a. Construct a stop sign (R1-1), stop bar, stop legend, at the project driveways. Stop signs must conform to City Standard 664 and the markings must conform to the California Manual on Uniform Traffic Control Devices, Part 2A and 2B: <https://dot.ca.gov/programs/safety-programs/camutcd/camutcd-files>
- b. Install "ONE WAY" signage in the center median across from the western most driveway (project driveway 2 per the final traffic study accepted on 4/11/23) at University Avenue.

All signage and striping improvements must comply with the most current California Manual of Uniform Traffic Control Devices (MUTCD) standards. The applicant shall hire a contractor to install MUTCD & City of Riverside Standard compliant signage & striping and median improvements. The applicant shall obtain any necessary permits and approvals to complete the improvements. The applicant is solely responsible for the **procurement** and **installation** of the improvements to the satisfaction of the Director of Public Works.

71. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the **procurement** and **installation** of this infrastructure improvements.
72. Should installation of private gates be proposed in the future, a site plan, showing the proposed improvements, and an empirical Gate Stacking Analysis, consisting of a feasibility study illustrating adequate vehicle turn around area in front of the gates as well as emergency vehicle access, shall be submitted to the Public Works Department and Planning Division for review. Site plan changes shall be subject to consideration by the Development Review Committee (DRC) or Planning Commission, as applicable, and may require a revision to this Planning entitlement.
73. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct the following improvements at the signalized intersection of University Avenue and Cranford Avenue:
 - a. Install eight (8) Polara audible pedestrian push buttons (or City approved equal) audible pedestrian push buttons with a central control unit system. An acceptable audible pedestrian push button assembly and system is the Polara Model INS with 5" x 7" R10-3 face plates.
 - b. Install Marathon (or City approved equal) Battery Backup System (BBS).

The applicant shall hire a contractor to install the traffic signal equipment to its intended operating conditions. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the traffic signal equipment shall be completed to the satisfaction of the Director of Public Works. The project is solely responsible for the **procurement** and **installation** of this infrastructure improvement.