



**PLANNING COMMISSION HEARING DATE: OCTOBER 12, 2023  
AGENDA ITEM NO.: 3**

**PROPOSED PROJECT**

Case Number	PR-2022-001345 (Design Review, Variances, and Grading Exceptions)	
Request	To consider the following entitlements to facilitate construction of a 16,202 square foot single family residence with an 844 square foot detached garage: 1) Design Review of project plans; 2) Variance to allow for a residence 30 feet in height, where the Zoning Code allows for a maximum building height of 20 feet; 3) Variance to allow for a two-story residence, where the Zoning Code allows for a maximum of one-story; 4) Grading Exception to allow for 44,887 square foot graded pad, where the Grading Code allows a maximum graded pad area of 21,000 square feet; and 5) Grading Exception to allow for a 20 foot wide driveway, where the Grading Code allows a maximum width of 15 feet.	
Applicant	Mike Sadeghian	
Project Location	7530 and 7540 Spencer Court, situated at the terminus of Spencer Court	
APN	243-220-059 and 243-220-060	
Project Area	4.84 Acres	
Ward	4	
Neighborhood	Alessandro Heights	
General Plan Designation	HR – Hillside Residential	
Zoning Designation	RC – Residential Conservation Zone	
Staff Planner	Candice Assadzadeh, Senior Planner 951-826-5667 cassadzadeh@riversideca.gov	

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** whether the proposed request meets the Variance findings, provided in Section 19.720.040.B of the Riverside Municipal Code.

If the Planning Commission determines the request meets the required Variance findings, then Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2022-001345 (Design Review, Variance, Variance, Grading Exception, and Grading Exception) based on the findings made by Planning Commission, outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

## BACKGROUND

The vacant 4.84-acre project site consists of two contiguous parcels, located at 7530 and 7540 Spencer Court, situated at the terminus of Spencer Court. The project parcels (Lots 6 and 7) were created as part of a 13-lot residential subdivision (Tract Map No. 31502), approved by City Council on January 20, 2004, under Planning Case P03-0931. Surrounding land use include single family residential to the north and vacant single family residentially zoned land to the south, east, and west (Exhibits 3 and 4).

The RC – Residential Conservation Zone was established to be consistent with General Plan objectives and voter approved initiatives (Proposition R and Measure C) to protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development practices. The RC development standards limit single family residences to one-story and a maximum building height of 20 feet. Historically, there have been Variances granted for two-stories and residences that exceed 20 feet in height, however such Variances were granted under the previous findings of fact. It should be noted that each variance is considered on its own merit and findings, and legally do not have bearing on whether a subsequent variance should or should not be granted. On June 21, 2022 the City Council adopted an Ordinance (No. 7592) revising the required findings of fact for the approval of a Variance to align with Government Code Section 65906. The revised Variance findings require the subject property to have physical circumstances or characteristics that are unique, and not shared by other properties in the zone.

As a matter of information, in June 2006 rough grading permits were issued for Tract Map No. 31502, under plan check PW06-0080, which established the graded pads. Section 17.28.020.A.9 of the Grading Code allows in increase or decrease the pad size, by up to 25 percent, without a Grading Exception depending on the sensitivity of the site. The approved rough grading plans indicate that Lot 6 was approved with a 21,110 square foot graded pad and Lot 7 was approved with a 25,027 square foot graded pad; consisting of an approximate 0.5 percent and 19.5 percent increase in pad size, respectively.

Section 19.650.020.C.1 of the Zoning Code allows for the Development Review Committee to refer projects to the Planning Commission, for consideration.

## PROPOSAL

The applicant requests approval of the following entitlements to facilitate construction of a 16,202 square foot single family residence with an 844 square foot detached garage:

- 1) Design Review of project plans;
- 2) Variance to allow for a residence 30 feet in height, where the Zoning Code allows for a maximum building height of 20 feet;
- 3) Variance to allow for a two-story residence, where the Zoning Code allows for a maximum of one-story;
- 4) Grading Exception to allow for 44,887 square foot graded pad, where the Grading Code allows a maximum graded pad area of 21,000 square feet; and
- 5) Grading Exception to allow for a 20 foot wide driveway, where the Grading Code allows a maximum width of 15 feet.

The proposed development consists of an 16,202 square foot two-story, single-family residence, comprising of 6 bedrooms, 9 bathrooms, kitchen, dining room, family room, exercise room, home offices, home theatre, and laundry rooms. In addition, a detached 4-car garage, consisting of 844 square feet, is proposed to be located east of the residence. Exterior improvements include an outdoor kitchen, swimming pool, tennis court, and a tennis court shade structure.

The applicant proposes to consolidate the two contiguous parcels, to facilitate the proposed development.

Vehicular access to the residence will be provided by a proposed 20-foot-wide circular driveway, allowing for access of emergency vehicles, from Spencer Court.

## PROJECT ANALYSIS

	Consistent	Inconsistent
<b><i>General Plan 2025 Consistency</i></b>		
The proposed project is consistent with the underlying General Plan 2025 land use designation of HR – Hillside Residential, which will further the intent of the General Plan by providing sensitive development of Riverside's ecologically sensitive and visually prominent hillside areas (Exhibit 5).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><b>Compliance with Zoning Code (Title 19)</b></p> <p>The project site is zoned RC – Residential Conservation Zone, consistent with the HR – Hillside Residential General Plan land use designation (Exhibit 6). The RC Zone allows for single-family residential uses subject to the approval of a Design Review.</p> <p>The proposed project is generally consistent with the applicable development standards of the Zoning Code except for:</p> <ol style="list-style-type: none"> <li>1) A residence 30 feet in height, where the Zoning Code allows for a maximum building height of 20 feet; and</li> <li>2) A two-story residence, where the Zoning Code allows for a maximum of one-story.</li> </ol> <p>The Zoning Code allows for consideration of Variances to deviate from the development standards. The applicant is requesting Variances to facilitate implementation of the proposed project (Exhibit 8).</p> <p>If the Planning Commission determines the request meets the required Variance findings, then the proposed project would be consistent with the Zoning Code, subject the granting of the Variances.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Hillside and Arroyo Grading Ordinance Consistency (Title 17)</b></p> <p>The project site is subject to Section 17.28.020 - Hillside/Arroyo Grading provisions of the Grading Code, due to the RC – Residential Conservation Zoning and the sites overall average existing slope (of the area that was previously graded) of 24.72 percent. The proposal is generally consistent with the grading standards and general requirements established in the Grading Code except for:</p> <ol style="list-style-type: none"> <li>1) A 44,887 square foot graded pad, where the Grading Code allows a maximum graded pad area of 21,000 square feet; and</li> <li>2) A 20 foot wide driveway, where the Grading Code allows a maximum width of 15 feet.</li> </ol> <p>The Grading Code allows for consideration of Grading Exceptions to deviate from the development standards. The applicant is requesting Grading Exceptions to facilitate implementation of the proposed project (Exhibit 9).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Compliance with Citywide Design Guidelines</b></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for single-family residential development. The architecture reflects a Mediterranean style and includes various design elements such as: a "S" tile roof, stone veneer, and an earthtone stucco finish.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<b><i>Riverside Municipal Airport Land Use Compatibility Plan</i></b> The project site is located within Airport Compatibility Zone D (Flight Corridor Buffer) of the March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan. Staff has determined that the proposed project is consistent with the 2014 March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<b><i>Chapter 19.100 – RC – Residential Conservation Zone Development Standards</i></b>					
<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b><i>Minimum Building Setbacks</i></b>	Front	30 feet	63 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Sides	25 feet	House: 121 feet (East) Garage: 33 feet (East)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			25 feet (West)		
	Rear	25 feet	157 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><i>Maximum Building Stories</i></b>	1-story		2-stories	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Maximum Building Height</i></b>	20 feet		30 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b><i>Chapter 17.28.020 – Hillside/ Arroyo Grading Development Standards</i></b>				
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b><i>Grading and Structures Shall be Designed to Fit with the Contours of the Hillside and Natural Terrain</i></b>		Grading and structures are designed to fit with the contours of the hillside and natural terrain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><i>Ungraded Area to be Retained as Natural Open Space</i></b>		An existing Open Space Easement contains all ungraded areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><i>Maximum Pad Size – 15%-30% Average Natural Slope</i></b>	21,000 square feet	44,887 square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Slopes Having a Ratio of 3.9:1 Shall not Exceed 20-feet in Vertical Height</i></b>		Slopes do not exceed 20-feet in vertical height	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><i>Slopes Requiring Benches Shall not be Permitted</i></b>		No benches proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Driveway Shall not Exceed 15-Feet in Width</b>	20 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Driveway Shall not Exceed 15% Finished Grade</b>	7.5% Maximum	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Driveway Grading Shall be Designed to Fit with the Contours of the Hillside and Natural Terrain</b>	Driveway grading is designed to fit with the contours of the hillside and natural terrain	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## FINDINGS SUMMARY

### **Variances**

The Zoning Code establishes a maximum building height of 20 feet for development in the RC – Residential Conservation Zone. The project proposes a single family residence with a maximum building height of 30 feet.

The Zoning Code establishes a maximum of one-story development in the RC Zone. The project proposes a two-story single family residence. The applicant is requesting Variances to facilitate implementation of the proposed project.

The applicant provided justifications in support of the Variance requests (Exhibit 8). Staff requests that the Planning Commission determine if the proposed request meets the Variance findings, provided in Section 19.720.040.B of the Riverside Municipal Code:

- 1. The variance does not grant or authorize a use or activity that is not otherwise allowed in the zone.*
- 2. There are practical difficulties or unnecessary hardships created with the strict application of the code because of the physical circumstances and characteristics of the property that are not shared by other properties in the zone.*
- 3. The variance does not grant special privileges which are not otherwise available to surrounding properties and will not be detrimental to the public welfare or to the property of other persons located adjacent to the subject property and in the vicinity.*

### **Grading Exceptions**

The Grading Code establishes a maximum size for graded pads in the RC Zone, based on the average existing slope of the area to be graded. The subject site has an average existing slope of 24.72 percent and is limited to a maximum graded pad area of 21,000 square feet.

The project site consists of two legally established graded pads. The approved rough grading plans indicate that Lot 6 was approved with a 21,110 square foot graded pad and Lot 7 was approved with a 25,027 square foot graded pad, as Section 17.28.020.A.9 of the Grading Code allows in increase or decrease the pad size, by up to 25 percent, without a Grading Exception depending on the sensitivity of the site. As the site currently exists, a single family residence could be constructed on each parcel. However, the project proposes to consolidate the two contiguous parcels, resulting in a 44,887 square foot graded pad, therefore requiring a Grading Exception, as the graded pad exceeds the maximum allowable size of 21,000 square feet.

The Grading Code establishes a maximum driveway width of 15 feet in the RC Zone. The project proposes a driveway width of 20 feet, to meet the minimum requirements of a Fire Apparatus Access Road. The applicant is requesting a Grading Exceptions to facilitate implementation of the proposed project. The applicant provided justifications in support of the Grading Exception requests (Exhibit 9).

## Findings Summary

Staff is unable to make the necessary findings in support of the variances, however, the matter has been referred to the Planning Commission for consideration. The Planning Commission has the ability to determine whether the proposed request meets the variance findings. Additionally, the applicant has provided justifications in support of the request. Should the Planning Commission determine the project meets the required variance findings, Staff would need direction on the variance findings language. If the findings can be made, Staff has included draft Conditions of Approval for consideration. The applicant has also provided justifications for the grading exception. Staff can make the necessary findings in support of the grading exception requests and have been included within Exhibit 1.

## STRATEGIC PLAN

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 5 – High Performing Government (Goal 5.3 – Enhance communication and collaboration with community members to improve transparency, build public trust and encourage shared decision-making).

This item aligns with the following Cross-Cutting Threads:

1. Community Trust: The proposed project requires a public hearing by the Planning Commission. Additionally, public comment is encouraged throughout the process through the 15-day public noticing period and at public hearings.
2. Equity: The application process allows for the applicant to have due process.
3. Fiscal Responsibility: All project costs are borne by the applicant.
4. Innovation: Utilize technology to guide decision making.
5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes.

## ENVIRONMENTAL REVIEW

The Planning Division of the Community & Economic Development Department has determined that this project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15303 (New Construction or Conversion of Small Structures).

## PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by staff regarding the proposed project.

## APPEAL INFORMATION

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

## EXHIBITS LIST

1. Findings – Grading Exception
  2. Conditions of Approval
  3. Existing Site Photos
  4. Location Map
  5. General Plan Map
  6. Zoning Map
  7. Project Plans (Architectural Site Plan, Fire Path Exhibit, Floor Plans, Roof Plan, Building Elevations, Conceptual Grading Plan, and Conceptual Landscape Plan)
  8. Applicant Prepared Variance Justifications
  9. Applicant Prepared Grading Exception Justifications
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Prepared by: Candice Assadzadeh, Senior Planner

Reviewed and Approved by: Maribeth Tinio, City Planner



**EXHIBIT 1 – FINDINGS – GRADING EXCEPTION**

**PLANNING CASE:** PR-2022-001345 (Design Review, Variance, Variance, Grading Exception, Grading Exception)

**Grading Exceptions – Justifications Findings pursuant to Chapter 17.32**

Grading Exception A: To allow for 44,887 square foot graded pad, where the Grading Code allows a maximum graded pad area of 21,000 square feet.

Grading Exception B: To allow for a 20 foot wide driveway, where the Grading Code allows a maximum width of 15 feet.

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.*

Grading Exception A: The proposed project **complies** with this finding. In June 2006, rough grading permits were issued for Tract Map No. 31502, under plan check PW06-0080, which established the graded pads. Section 17.28.020.A.9 of the Grading Code allows in increase or decrease the pad size, by up to 25 percent, without a Grading Exception depending on the sensitivity of the site. The approved rough grading plans indicate that Lot 6 was approved with a 21,110 square foot graded pad and Lot 7 was approved with a 25,027 square foot graded pad; consisting of an approximate 0.5 percent and 19.5 percent increase in pad size, respectively.

Strict application of the Grading Code (Title 17) would require that the combination of the existing graded pads be reduced to 25,027 square feet upon consolidation of Lots 6 and 7. This proposal does not involve additional grading beyond the limits of the already graded pads; therefore, strict application of the provisions of the Grading Code would constitute practical difficulties and unnecessary hardships.

Grading Exception B: The proposed project **complies** with this finding. The purpose and intent of the Grading Code (Title 17) is to protect life, limb, property, the public welfare and the physical environment by regulating grading on private property. The subject property is located at the terminus of a cul-de-sac. Due to the location, the parcels are much deeper than the required lot depth of 100 feet for the RC – Residential Conservation Zone. The location of the existing graded pad was established when the rough grading permit was issued in June 2006 (PW06-0080). With the installation of fire sprinklers, any exterior parts of the residence need to be within 250 feet of Spencer Court. Due to the depth of the lot and the location of the graded pad, the structure is located more than 250 feet from Spencer Court, and therefore requires an on-site Fire Apparatus Access Road, a minimum of 20 feet wide, in order to comply with the 2022 California Fire Code Section 503 – Fire Apparatus Access Roads and Chapter 16.32 – Fire Prevention of the Riverside Municipal Code.

Strict application of the provisions of the Grading Code would result in practical difficulties or unnecessary hardships, as it would deprive the proposed project of adequate fire protection and the project would not meet the requirements of the 2022 California Fire Code and Chapter 16.32 – Fire Prevention of the Riverside Municipal Code.

2. *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.*

Grading Exception A: The proposed project **complies** with this finding. The previously approved rough grading plans (PW06-0080) for the project site were found to be consistent with the standards of the Hillside/Arroyo Grading Ordinance (Title 17 – Grading Code), as they relate to pad size based on the average natural slope of the area to be graded. The proposed consolidation of graded pads on the project site will not result in additional grading; therefore, there will be no additional impacts that have not already been assessed under the original Tentative Tract Map (Tract Map No. 31502), approved by City Council on January 20, 2004, under Planning Case P03-0931. Therefore, there are exceptional circumstances or conditions applicable to the project site that do not apply generally to other property in the same zone or neighborhood.

Grading Exception B: The proposed project **complies** with this finding. The subject property is located at the terminus of a cul-de-sac. Due to the location, the parcels are much deeper than the required lot depth of 100 feet for the RC – Residential Conservation Zone. The location of the existing graded pad is set back a significant distance from Spencer Court and was established when the rough grading permit was issued in June 2006. The pads of other properties in the neighborhood generally allow for any exterior parts of the residence to be within 150 to 250 feet an existing fire apparatus access road. Exceptional circumstances and conditions apply to the project because the location of approved and graded pad for the project is significantly set back from Spencer Court.

3. *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.*

Grading Exception A: The proposed project **complies** with this finding. The existing graded pads have been designed to be consistent with the development standards set forth in the Hillside/Arroyo Grading Ordinance (Title 17 – Grading Code). The proposed consolidation of graded pads on the project site will not result in additional grading. Therefore, 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.

Grading Exception B: The proposed project **complies** with this finding. The proposed 20-foot wide driveway (Fire Apparatus Access Road) will be wholly on the project site and will not impact any surrounding properties. As previously mentioned, the Fire Department is requiring a 20-foot wide driveway for compliance with the requirements of the 2022 California Fire Code and Chapter 16.32 – Fire Prevention of the Riverside Municipal Code. Therefore, 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.



*EXHIBIT 2 – CONDITIONS OF APPROVAL*

**CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASE:** **PR-2022-001345** (Design Review, Variance, Variance, Grading Exception, Grading Exception)

**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.

Changes to the approved design will require further review by the Planning Division; a new application and filing fee may be required.

2. Construction plans submitted to the Building and Safety Division shall reflect all materials and colors utilized on the plans submitted to the Planning Division.

*Prior to Grading Permit Issuance:*

3. 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.
4. The Project Applicant shall retain a qualified biologist to conduct a 30-day pre-construction survey for burrowing owl. The results of the single one-day survey shall be submitted to the City prior to obtaining a grading permit. If burrowing owl are not detected during the pre-construction survey, no further action is required. If burrowing owl are detected during the pre-construction survey, the Project Applicant and a qualified consulting biologist will be required to prepare and submit for approval a burrowing owl-relocation program.

*During Grading and Construction Activities:*

5. 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.

6. 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.
7. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
8. 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.
9. 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.
10. The applicant shall be responsible for erosion and dust control during construction phases of the project.
11. 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:*

12. Plans submitted for plan check review shall specify the location, design and color of any new 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 preventer possible, be painted green, and incorporate of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
13. Landscaping and irrigation plans shall be submitted to the Planning Division for a comprehensive Landscape and Irrigation Design Review. A separate application and a filing fee are required. Landscape plans shall be prepared and wet-stamped by a licensed landscape architect.

- a. **Advisory:** The ungraded area must be left in its natural form for the remainder of the site. No native vegetation shall be removed and no non-native vegetation shall be introduced or allowed within hillside areas not included as part of the graded pad area.
- 14. **Fence and Wall Plan:** The wall and fence plan provided for building permit plan check shall include the following:
  - a. Specify the color and materials of all proposed walls and fences; and
  - b. All block walls shall be constructed of decorative masonry block, and provide a decorative cap and pilasters, subject to the satisfaction of staff.
- 15. Roof equipment shall be fully screened from the public right-of-way. Screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
- 16. Ground mounted utility and mechanical equipment shall be fully screened from the public right-of-way.
- 17. The plans submitted for plan check review must comply with the provisions for Chapter 19.556 - Outdoor Lighting, Section 19.556.080 – Design and Development Standards for Lighting Zone 3 of the Zoning Code.

*During Construction:*

- 18. In the unlikely event that potentially significant buried archaeological materials are encountered during construction activities, all work must be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource.
- 19. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

*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/auditor responsible for the project. Contact the Case Planner to schedule the final inspection at least one week prior to needing the release of utilities.
- 21. A final site inspection shall be required prior to Certificate of Occupancy.

*Standard Conditions:*

- 22. There is a one-year time limit in which to commence construction of the project.
- 23. The Design Review may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of two years beyond the original

approval expiration date prior to issuance of any building permits. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

24. Prior to **October 12, 2024**, 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. 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.
26. The Project must be completed per the approved plans approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by the Community & Economic Development Director or designee. Upon completion of the Project, an inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
27. 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.
28. 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.
29. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

## **Fire Department**

### *Prior to Issuance of Building Permits:*

30. 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 2022 California Residential Code, Section R313. Plans shall be submitted to and approved by the Fire Department prior to installation (2022 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.335)
31. A Fire Apparatus Road, a minimum of 20 feet in width, shall be provided.

## **Parks, Recreation and Community Services**

### *Prior to Issuance of Building Permits:*

32. 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:*

33. 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.
34. Plot existing electrical distribution facilities on the original site plan.
35. Plot all existing facilities on the site plan or civil plan.
36. If 3PH power is required, applicant will be required to trench and connect from a structure located on Green Orchard Place (this is considered a line extension). Based on the added load we may need to upgrade the existing transformer.

**Public Utilities – Water**

37. All unused water services will need to be abandoned at the water main.

**Public Works – Land Development**

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

38. 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.
39. 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.

40. 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.

41. 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.
42. 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.
43. 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.
44. The City Sewer System is not available. Please contact the Riverside County, Department of Environmental Health, 4080 Lemon Street, 2nd Floor, for approval of an alternate sewer system. Please obtain a Letter of Introduction that lists the County requirements at the front counter of the Public Works Department at City Hall.