




**PLANNING COMMISSION HEARING DATE: JULY 18, 2024
AGENDA ITEM NO.: 6**

PROPOSED PROJECT

Case Number	PR-2024-001643 (Tentative Tract Map, Design Review)	
Request	To consider the following entitlement to facilitate the construction of a multi-family development consisting of 149 units (141 market rate and 8 affordable units): 1) Tentative Tract Map (TM 38913) for condominium purposes, and 2) Design Review of project plans.	
Applicant	Matthew Esquivel, Warmington Residential	
Project Location	3510 Van Buren Boulevard and 3469 Myers Street	
APN	234-150-046, 234-140-018, and 234-140-019	
Project Area	6.44 acre	
Ward	5	
Neighborhood	Arlington	
Specific Plan	Magnolia Avenue Specific Plan	
General Plan Designation	MU-V – Mixed-Use-Village and MDR – Medium Density Residential	
Zoning Designation	MU-V-SP – Mixed Use-Village and Specific Plan (Magnolia Avenue) Overlay Zones, MU-V – Mixed Use-Village Zone and R-1-7000 – Single Family Residential Zone	
Housing Element Opportunity Site	Site No. 412 and 416	
Staff Planner	Judy Egüez, Senior Planner 951-826-3969 jeguez@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from additional environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) as the project is consistent with the 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;
2. **DETERMINE** that the proposed Tentative Tract Map (TM 38913) is exempt from the California Environmental Quality Act (CEQA) subject to Section 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, as it can be seen with certainty that the Tentative Tract Map will have no significant effect on the environment; and.
3. **APPROVE** Planning Case PR-2024-001643 (Tentative Tract Map and Design Review) based on the findings outlined in the staff report and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The 6.44-acre project site consists of three contiguous parcels situated on the north side of the 91 Freeway between Myers Street and Van Buren Boulevard. The project site is developed with a vacant single-family residence, which is proposed to be demolished as part of the proposal.

On October 5, 2021, the City Council adopted the 2021-2029 6th Cycle Housing Element Implementation Program that rezoned approximately 200 properties across the City to allow for multifamily and mixed-use development, to comply with the State Housing Element Law. The two easternmost parcels of the project site were part of this citywide rezoning effort, amending the General Plan Land Use designation to MU-V - Mixed-Use Village and the Zoning designation to MU-V - Mixed-Use Village. The parcel along Van Buren Boulevard is also within the boundaries of the Magnolia Avenue Specific Plan.

Surrounding land uses include single-family residences and a dental office to the north, a commercial shopping center to the east (across the Van Buren Boulevard), a vehicle fuel station (Chevron) and the 91 Freeway to the south, and single-family residences to the west (Exhibits 2 and 3).

PROPOSAL

The applicant is requesting approval of a Tentative Tract Map TM 38913) and Design Review to facilitate construction of a multi-family residential development.

The proposed development consists of 149 three-story townhome units within 23 buildings. All units will be for sale and range in size from 1,386 to 1,620 square feet. The project proposes 91 3-bedroom units and 58 4-bedroom units. Each unit will include a kitchen, dining area, living area, and a 2-car garage. Eight of the units are proposed to be affordable units for very low-income households.

Each unit will contain an enclosed private deck ranging in total area from 50 square feet to 110 square feet and 124 of the units will also feature a ground floor patio. Common usable open space totals approximately 29,800 square feet and consists of 5 pocket parks disbursed throughout the community. Each pocket park will feature different amenities such as a playground, a dog park, picnic areas, BBQ grills, and landscaped areas. Landscape paseos are also proposed around

each building, providing a pedestrian connection between the buildings and the different amenities. Landscaped areas are enhanced with accent trees and a variety of shrubs. The proposed development will be secured with a 6-foot tubular steel electric rolling gate at the projects two entrances at Van Buren Boulevard and Myers Street. A four-foot-high decorative tubular steel fence is proposed along the east property line along Van Buren Boulevard and a 6-foot-high masonry wall along the project's perimeter to the north and south.

The project is served by 331 parking spaces accessed from a 20 to 24-foot-wide main drive aisle. The garages for buildings along the north portion of the site will be accessed from the main drive aisle, while the remainder of garages for buildings on the south side of the main drive aisle will be accessed from 22-foot-wide motor courts that connect to the main drive aisle. The project takes its primary vehicular access from Van Buren Boulevard and a secondary access point is provided at Myers Street.

The map proposes to combine the two Housing Element Opportunity sites (APN's 234-140-019 and 234-150-046) into one lot (Lot 1) for condominium purposes. The lot located at 3469 Myers Street will remain a separate lot (Lot 2). No structures are proposed on Lot 2.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p>General Plan 2025 Consistency</p> <p>The proposed project is consistent with the General Plan Land Use designation of MU-V – Mixed-Use – Village and MDR – Medium Density Residential (Exhibit 4). The project provides a well-designed infill multi-family development that contributes to the diverse housing options in the City. The proposed project is consistent with the Objectives and Policies of the General Plan 2025, specifically:</p> <p><u>Objective LU-36:</u> Restore, strengthen and maintain the unique community character and identity of the Arlington Neighborhood.</p> <p><u>Policy LU-36.4:</u> Enhance the appearance of the Arlington gateway at the intersection of Van Buren Boulevard and the 91 Freeway.</p> <p><u>Policy HE-1- Affordable Housing:</u> Preserve and increase affordable housing options, including subsidized and nonsubsidized affordable units for lower income and environmental justice communities, special needs, and underserved populations, with a particular emphasis on building community wealth.</p> <p><u>Policy HE-4 – Thriving Neighborhoods:</u> Facilitate and encourage a variety of new housing types, including both single- and multi-family and missing middle housing, and the necessary public amenities to support a sense of community that results in equitable and sustainable neighborhoods.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p>Magnolia Avenue Specific Plan Consistency</p> <p>A portion of the proposed project is located in Arlington District of the Magnolia Avenue Specific Plan (MASP) (Exhibit 5), which allows for multi-family developments subject to the approval of a Design Review. The overall vision for the Arlington District is to preserve Arlington's pedestrian-oriented village qualities. The proposed project supports the vision of the MASP by enhancing the streetscape along Van Buren Boulevard with landscaping and connectivity of projects to the streetscape through design.</p> <p>The proposed development also furthers the Objectives and Policies of the Arlington District, specifically:</p> <ul style="list-style-type: none"> • Policy 1.7: Enhance appearance of the Arlington District at the intersection of Van Buren Boulevard and the 91 Freeway. (General Plan 2025 Policy LU-36.4) <p>The proposed project substantially meets the Arlington Design Guidelines for the South Van Buren Portal area. As proposed and conditioned, the proposed project is consistent with the Arlington Design Guidelines and the Magnolia Avenue Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Zoning Code (Title 19)</p> <p>The project site is zoned MU-V-SP – Mixed-Use Village and R-1-7000 Zone, which is consistent with the MU-V – Mixed-Use – Village and MDR – Medium Density Residential General Plan land use designation (Exhibit 6).</p> <p>The proposed project is consistent with the applicable development and design standards of the MU-V-Mixed Use – Village Zone with the exception of the Building Step Back requirement for the proposed buildings along the north portion of the property. The applicant is requesting a concession to deviate from the Building Step Back in accordance with the State Density Bonus Law as the project is providing eight affordable units for Very Low-Income households.</p> <p>The project meets the criteria defined in AB 2097 and is exempt from minimum parking requirements in the Riverside Municipal Code (RMC), however, the project proposes 331 parking spaces which exceeds the number of parking spaces required by the RMC. The project is located within a High Transit Corridor with access to bus lines as well as within walking distance to local commercial, recreational opportunities, and community services.</p> <p>With the granting of the concession, the proposed project would meet the development standards set forth in the Zoning Code for the MU-V – Mixed-Use Village Zone.</p> <p>The R-1-7000 Single Family zoned lot located at 3469 Myers Street does not propose any structures and complies with the development standards of the R-1-7000 Single Family Residential Zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p>6th Cycle Housing Element</p> <p>The project site was identified as a Housing Element Opportunity site (Site 412 and 416) in the 6th Cycle Housing Element adopted October 5, 2021 (Exhibit 7) to accommodate the City's Regional Housing Needs Assessment (RHNA) allocation.</p> <p>As an opportunity site under the 6th Cycle Housing Element Update, the site was identified to yield up to 122 units within the City's RHNA allocation. The project will construct a total of 149 units which is 27 more units than anticipated.</p> <p>These additional units will serve as a surplus of inventory for other multi-family projects that construct less units than anticipated on opportunity sites. The additional 27 units for this site support the City's goal to meet the total RHNA units.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Subdivision Code (Title 18)</p> <p>The proposed Tract Map (TM 38913) for condominium purposes complies with the development standards of the Subdivision Code (Title 18).</p>		
<p>Compliance with Citywide Design Guidelines</p> <p>The proposed project meets the objectives of the Citywide Design Guidelines for multi-family development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, and landscaping.</p> <p>The proposed project has been designed in a contemporary architectural style incorporating stucco, stone veneer, and faux wood siding.</p> <p>The design provides common open space areas that can be used as gathering and active play areas.</p> <p>The conceptual landscape plan provides an attractive and welcoming environment, with the inclusion of shade trees, shrubs, and high-quality landscaping throughout the site for a cohesive appearance. A row of 36-inch evergreen trees along the northern property line will further screen views from the multi-family development to the rear yards of the adjacent residences</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Proposed Lot 1					
Chapter 19.120 – MU-V – Mixed-Use Village Zone Development Standards					
	Standard	Proposed	Consistent	Inconsistent	Concession
Minimum Lot Area	20,000 square feet	268,132 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lot Width	75 feet	376 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Lot Depth	100 feet	1,185 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor Area Ratio	4.0	0.86	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maximum Density	30 dwelling units/acre	23.14 dwelling units/acre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maximum Building Height	45 feet	38 feet (top of parapet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimum Building Setbacks	Front Yard (Van Buren Boulevard) – 0 feet	12 feet, 5 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Side Yard (north) – 15 feet	19 feet to 19 feet, 4 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Side Yard (south) – 0 feet	11 feet, 5 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Rear Yard (west) – 15 feet	21 feet, 5 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common Open Space	200 square feet/unit = 29,800 square feet	80,129 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Open Space	100 square feet/unit Ground Floor and 50 square feet/unit Upper Story	All units contain a minimum 50 square feet of private open space on the upper story	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building Step back	No portion of the building, excluding parapets, shall extend above an imaginary plane drawn at the property line that is adjacent to the R-1 Zones, and extended at an angle of 45 degrees toward the center of the property	Portions of the buildings along the north and east, adjacent to single family residential zone, extend outside of the 45 degree imaginary plane	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Proposed Lot 2			
Chapter 19.100 –R-1-7000 Single Family Residential Zone Development Standards			
Standard	Proposed	Consistent	Inconsistent

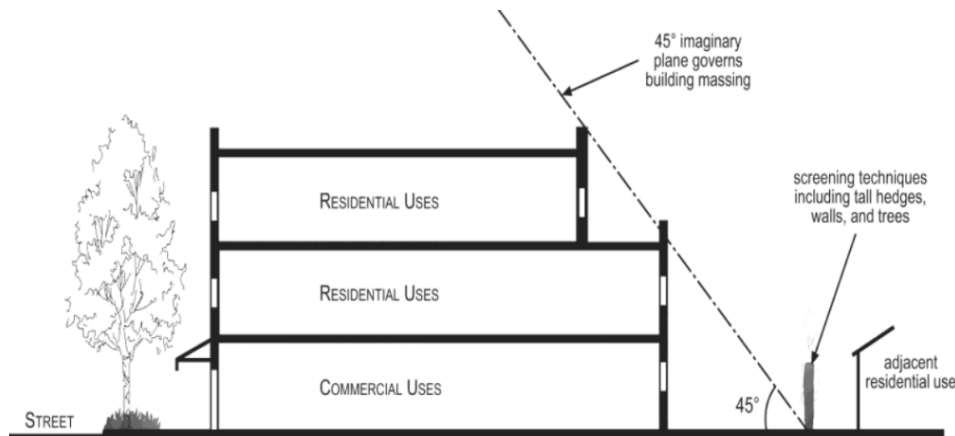
Minimum Lot Area	7,000 square feet	12,370 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Width	60 feet	82 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Depth	100 feet	150 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Coverage	40%	Lot 2 will not contain any structures	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Density	6.2 dwelling units/acre		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Building Height	45 feet		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Building Setbacks	Front Yard (Myers Street) – 20 feet		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard (north) – 7.5 feet		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard (south) – 10 feet			
	Rear Yard – 25 feet		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 – Parking and Loading Development Standards					
Standard		Required	Proposed	Consistent	Inconsistent
Minimum Parking	2 spaces per unit	298 spaces	331 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Covered Parking	75 percent of the required spaces shall be in a garage or carport (298 spaces x 0.75 = 224 spaces)		298 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking Space Dimension	9 feet x 18 feet		9 feet x 20 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drive Aisle Width	20 feet		20 to 22 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Concession for Building Step Back (Chapter 19.120.070.C)

The City is required to grant a concession(s) for housing projects which contain affordable housing, pursuant to the California Government Code. The project proposes eight affordable units for very low-income households and is eligible for one concession. A concession is a reduction or modification of any development standard that would make the project economically infeasible for the developer to build at the permitted density.

The applicant is requesting a concession to deviate from the Building Step Back design standard for the MU-V Zone that prohibits any portion of the building, excluding parapets, to extend above an imaginary plane drawn at the property line that is adjacent to residential, and extended at an angle of 45 degrees toward the center of the property (see image below).



The purpose of this design standard is to ensure land use compatibility between single-family and multi-family residences. The proposed project contains portions of the 2nd story and 3rd story roof encroaching outside of the imaginary 45-degree plane.

The applicant has made a best effort to reduce the building extension out of the imaginary plane by reducing the width of the primary drive aisle to 20-feet and moving the buildings approximately 19-feet back from the property line. The applicant has considered relocating the drive aisle further to the north, however, that would prevent adequate fire access. The applicant also considered moving all the buildings further south towards the 91-freeway, however, that would have created potential stability issues for the existing freestanding Caltrans wall. The site is constrained by the irregularly narrow shaped lot, and the adjacency to residences on the north side and the 91-freeway on the south side. The applicant is proposing to plant a row of 36-inch evergreen trees along the northern property line to further screen views from the multi-family development to the rear yards of the adjacent residences.

The requested waiver will not result in adverse public health, safety, or environmental impacts, or be contrary to state or federal law. Additionally, granting the waiver results in a project with eight affordable units for very low-income households.

STRATEGIC PLAN

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

This item aligns with the following Cross-Cutting Threads:

1. **Community Trust:** The proposed multi-family development requires public hearings 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 proposed multi-family development provides housing opportunities that benefits all residences in the community and region.
3. **Fiscal Responsibility:** All project costs are borne by the applicant.
4. **Innovation:** The proposed project revitalizes underutilized parcels identified as Opportunity Sites in the 5th Cycle Housing Element. Additionally, the proposed multiple family development meets the growing community's needs for increased housing opportunities

5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes. The proposed multi-family development is designed to meet the current and future needs of the community.

ENVIRONMENTAL REVIEW

The applicant has prepared a CEQA consistency analysis (Appendix N), which also contains a number of technical studies for the project site. The project was found to be 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 and is exempt from further CEQA review pursuant to Section 15183 and the following findings:

1. The project is consistent with the development density established by the existing zoning, specific plan or general plan policies for which an EIR was certified;
2. There are no project specific effects which are peculiar to the project or its site;
3. There are no project specific impacts which the Final EIR for the 2021-2029 Housing Element Update/Housing Implementation Plan failed to analyze as significant effects;
4. There are no potentially significant off-site and/or cumulative impacts which the Final EIR for the 2021-2029 Housing Element Update/Housing Implementation Plan failed to evaluate; and
5. There is no substantial new information which results in more severe impacts than anticipated by the Final EIR for the 2021-2029 Housing Element Update/Housing Implementation Plan.

The proposed Tentative Tract Map is exempt from the California Environmental Quality Act (CEQA) subject to Section 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, as it can be seen with certainty that the Tentative Tract Map will have no significant effect on the environment.

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, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Conditions of Approval
 2. Existing Site Photos
 3. Location Map
 4. General Plan Map
 5. Specific Plan Map
 6. Zoning Map
 7. 6th Cycle Housing Element Site Map
 8. Project Plans (Renderings, Site Plan, Building Elevations, Floor Plans, Material Board, Step Back Exhibit, Photometric Lighting Plan, Conceptual Landscape Plans, Open Space Exhibit, Fence and Wall Plan, Tentative Tract Map, Conceptual Grading Plan)
 9. CEQA Appendix N Consistency Analysis
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Prepared by: Judy Egüez, Senior Planner
Reviewed by: Brian Norton, Principal Planner
Approved by: Maribeth Tinio, City Planner



EXHIBIT 1 – CONDITIONS OF APPROVAL

PLANNING CASE: PR-2024-001643 (Tentative Tract Map, Design Review)

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 Map Recordation:

6. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and documents to create a Homeowners Association (HOA), subject to approval of the Planning Division and City Attorney's Office. The CC&Rs shall contain the following:
 - a. Establishment of a Homeowner's Association.
 - b. Each buyer shall sign an acknowledgement that he/she has read the Constitution and By-Laws of the HOA and the CC&Rs applying to the development, including any clause pertaining to private driveways.
 - c. Except as provided in California Code Section 66411.7 (otherwise known as Senate Bill 9) and as may be modified in the future, further subdivision of any lots within this map is prohibited.
 - d. The HOA shall maintain the stormwater basins, parkway, and landscape along the street frontages, and open space areas;
 - e. Recorded map shall include the condition for maintenance by approved entity.
 - f. Information regarding initial installation of Minimum Efficiency Reporting Value (MERV) filters and homeowner responsibility to replace filters, as necessary, with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 13 LEED.

Prior to Grading Permit Issuance:

7. 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 applicant 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:

- 8. Project-related activities shall occur outside of the bird breeding season (typically January 1 to September 15 to account for both passerines and raptors) to the extent practicable. If construction must occur within the bird breeding season, then no more than three days prior to initiation of ground disturbance and/or vegetation removal, a nesting bird and raptor pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (500-foot for raptors), where feasible.
- 9. 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.
- 10. 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.
- 11. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- 12. 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.
- 13. 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.
14. The applicant shall be responsible for erosion and dust control during construction phases of the project.
15. 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.
16. **Discovery of Human Remains:** In the event that human remains (or remains that may be human) are discovered at the Project site during grading or earthmoving, the construction contractors, Project Archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Riverside Community & Economic Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b) unless more current State law requirements are in effect at the time of the discovery. Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts.

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

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

Prior to Building Permit Issuance:

17. Recordation of a covenant designating eight (8) affordable units for very low-income households within the project site to the satisfaction of the Housing Authority. The applicant shall submit a written request to the project planner to initiate the process.
18. Construction plans submitted for Plan Check review shall include information and/or construction detail demonstrating in-house filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 13 LEED filters are installed in residential structures as described in the Health Risk Assessment prepared by Hanna Resources, dated March 27, 2024.
19. **Landscape and Irrigation:** Plans shall be submitted for Planning staff approval. Separate application and filing fee are required. Design modifications may be required as deemed

necessary. Landscape and Irrigation plans shall be updated to reflect evergreen trees, minimum 36-inch box size, along the north property line.

20. **Photometric/Lighting Plan:** An exterior lighting plan shall be submitted to staff for review and approval as part of the Building Permit plan check. 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.
21. 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.
22. 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.
23. 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.

Prior to Release of Utilities and/or Occupancy:

24. Install 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. A final inspection shall be scheduled with the project planner at least one week prior to the release of utilities.

Standard Conditions:

25. There is a thirty-six-month time limit in which to satisfy the conditions and record Tentative Tract Map No. 38913. Six subsequent one-year time extensions may be granted by the Community & Economic Development Director upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
26. 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 ENTITLEMENTS.

27. The Design Review related to implementing the subdivision may be granted time extensions by the Community & Economic Development Director or their designee up to a total of six years beyond the original approval expiration date prior to issuance of any

building permits. Once a building permit has been issued, the project will be considered vested and time extensions are no longer needed.

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. 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.
30. 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.
31. 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.

Fire Department

Prior to Issuance of Building Permits:

32. 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.

A UL, FM or ETL listed and licensed C10 fire alarm contractor shall 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.

33. 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. 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.
34. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
35. Construction plans shall be submitted and permitted prior to construction.
36. Fire Department access shall be maintained during all phases of construction.
37. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System in:
 - A. New buildings in accordance with California Fire Code Section 510 Emergency Responder Communications Coverage, and NFPA 1221, Edition 2019.Grid tests shall be submitted to the Riverside Police Communication Analyst (951) 353-7270, for review and determination for a system. If a system is required, plans will need to be sent

to Riverside Fire Department for approval and permit issuance prior to any work on such systems. The Riverside Police Communication Analyst will conduct an acceptance test of the system and a copy of the report shall be forwarded to the Fire Department.

38. All public and/or private fire hydrants shall be installed and in service prior to full release of the building permits
39. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate permit to Riverside Fire Department for approval and permit issuance prior to any work on such systems.
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.
41. Provide for Fire Department vehicle access to within one hundred and fifty (150) feet of all portions of all exterior walls of all structures. This measurement shall be based on the path of travel as determined by the Fire Department.

Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.

Access roadways shall be all weather surfaces, paved, provided with engineered turf block, or alternate design. Such roadways shall be maintained at all times. Information Bulletin attached

42. Comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition). Upload a copy of the emergency site safety plan through the building permit public portal. This document can be uploaded as a supplemental document. The safety plan shall include the following components (CFC, 3303.1.1)

Parks, Recreation and Community Services

Prior to Issuance of Building Permits:

43. The applicant shall make payment of all applicable Park Development Impact fees (regional/reserve and trail fees) for all recorded right of way.
44. The applicant 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:

45. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
46. Easements and any associated fees will be acquired during the design process.
47. The applicant 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.

48. The applicant must notify RPU at least 4 weeks in advance of any removals prior to demolition phase. A separate application and design deposit may be collected depending on the scope.
49. The applicant shall contact ElectricDevelopment@riversideca.gov for new Riverside Public Utility Electric Customer AutoCAD File Requirements.

Public Utilities – Water

50. 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.
51. 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.
52. New domestic, landscape and fire services will be required for the project.

Public Works – Land Development

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

53. Prior to Building Permit Issuance, the Applicant shall complete a covenant and agreement to tie lots 1 and 2 to the satisfaction of the Planning Division and Public Works Department.
54. Deed for widening Diana Street along project frontage to 33 feet from monument centerline to Public Works specifications.
55. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Sewer mains and laterals to be private all the way to the main line connection in the City Street.
56. PLANT 24 inch box size Handroanthus Impetiginosus in public right of way along Van Buren Boulevard. Typical spacing 25 feet O.C. prior to any planting, email Tree Inspector at gtnaka@riversideca.gov, to schedule inspection for 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, trunk protectors, to Landscape & Forestry specifications.
57. Storm Drain construction will be contingent on engineer's drainage study.
58. A surety prepared by Public Works shall be posted to guarantee the required off-site improvements prior to building permit issuance.
59. Size, number and location of driveways to Public Works specifications.
60. Closure of unused driveway(s) to Public Works standards.
61. Trash enclosures required per Public Works specifications. Project is required to use the City of Riverside franchise hauler Athens Services for waste disposal or recycling.
62. 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 applicant 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.

63. 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.
64. 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 (CC&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.
65. 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.
66. 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.

67. 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.

Public Works – Traffic

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

68. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of five 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 improvement.
69. 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 stop bar and legend must conform to the City standard 650.
 - b. Intersection of Van Buren Blvd and Andrew St/ Primrose Dr:
 - i. Upgrade existing eight (8) pedestrian push buttons to Polara audible pedestrian push buttons (or City approved equal) with a central control unit system. An acceptable audible pedestrian push button assembly and system is the Polara Model iDS39R with 5" x 7" R10-3 face plates
 - ii. Upgrade the existing crosswalks to high visibility crosswalks per Standard Plan No. 640 at the north, south and west approaches
 - c. Intersection of Van Buren Blvd and Project Driveway:
 - i. Install the right turn only sign (R3-5) at the project access driveway at its intersection with van Buren Blvd to restrict left turn out turning movement.
 - ii. Install R49 (CA) "NO PED CROSSING" signages at the existing streetlight poles located north and south of the proposed driveway along Van Buren Blvd as shown on the "SIGNAGE AND STACKING" exhibit included in Appendix A of the final Traffic Impact Analysis study submitted on 6/11/24.
 - iii. Install R9-3 and R9-3a signage on the existing median nose at the half signal located at the intersection of Shopping Ctr and Van Buren Blvd to prevent pedestrian crossing as shown on the "SIGNAGE AND STACKING" exhibit included in Appendix A of the final Traffic Impact Analysis study submitted on 6/11/24.
 - iv. MUTCD compliant "KEEP CLEAR" pavement marking and "DO NOT BLOCK" signage for southbound direction along Van Buren Blvd near project driveway.
70. The applicant shall hire a contractor to install the traffic signal equipment to its intended operating conditions. 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. Signing & striping improvements and traffic signal modifications in this memo shall be shown on traffic design plans signed by a licensed civil or traffic engineer and to the satisfaction of the Director of Public Works.