

**Community & Economic Development Department****Planning Division**

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**TENTATIVE PARCEL MAP AND VARIANCE****Development Review Committee Date: December 16, 2020****Approval Date: October 19, 2022****PROJECT DETAILS**

**CASE NUMBERS:** PR-2020-000415 (Parcel Map No. 38052 and Variance)

**CONTACT PLANNER:** Candice Assadzadeh, Senior Planner

**APPLICANT:** Sam Zhou of Zigas, Inc.

**PROPERTY ADDRESS:** 2710 10<sup>th</sup> Street, situated at the southeast corner of 10<sup>th</sup> Street and Victoria Avenue

**ZONE:** R-1-7000 – Single Family Residential Zone

**WARD:** 2

**SITE BACKGROUND/PROJECT DESCRIPTION**

The 0.38-acre project site is situated at the southeast corner of 10<sup>th</sup> Street and Victoria Avenue and is partially developed with an existing 2,000 square foot single family residence and an approximately 818 square foot detached garage. As part of the proposal, the detached garage is proposed to be demolished and reconstructed on site. Surrounding land uses consist of single-family residences to the north (across 10<sup>th</sup> Street) and west, and vacant land to the south and east (across Victoria Avenue).

The applicant is requesting approval of the following entitlements: 1) Parcel Map (PM No. 38052) to subdivide the project site into two residential parcels; and 2) Variance to allow for a reduced lot depth of 97 feet, where the Zoning Code requires a minimum lot depth of 100 feet.

Each parcel is proposed to be developed with a primary residence, including a garage, and a 1,200 square foot accessory dwelling unit. Construction documents for the structures will be submitted directly to Building & Safety for plan check, as Design Review is not required.

**ANALYSIS**

The project site is zoned R-1-7000 – Single Family Residential Zone consistent with the MDR – Medium Density Residential General Plan Land Use Designation. The proposed subdivision generally complies with the development standards of the R-1-7000 – Single Family Residential Zone, except for the minimum lot depth, and all standards of the Title 18 – Subdivision Code, as shown on the table below.

| <b>R-1-7000 – Single Family Residential Zone Development Standards</b> |                   |                          |                          |                                     |                                     |
|--|-------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <b>Standard</b>  |                   | <b>Proposed Parcel 1</b> | <b>Proposed Parcel 2</b> | <b>Consistent</b>                   | <b>Inconsistent</b>                 |
| <b>Lot Size</b>  | 7,000 square feet | 8,924 square feet        | 7,081 square feet        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Lot Width</b>   | 60 feet           | 92 feet                  | 73 feet                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Lot Depth</b>   | 100 feet          | 97 feet                  | 97 feet                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

The Zoning Code allows for consideration of a Variance to deviate from the development standards. The applicant is requesting a Variance to facilitate implementation of the proposed project.

**REQUIRED FINDINGS (VARIANCE JUSTIFICATION)**

| Variance Findings pursuant to Chapter 19.720.040   |   | Complies                            |                          |
|--|---|-------------------------------------|--------------------------|
|  |   | YES                                 | NO                       |
| 1.   | <b>The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Justification: The applicant is proposing to subdivide an existing oversized R-1-7000 – Single Family Residential Zone parcel into two parcels for future development of an additional primary residence and two accessory dwelling units. The existing parcel consists of 16,553 square feet, where the minimum lot size for an R-1-7000 Zone parcel is 7,000 square feet. The existing lot width measures 160 feet, where the Code requires a minimum lot width is 60 feet; and the existing lot depth measures 100 feet, where the Code requires a minimum lot depth of 100 feet.</p> <p>As part of the development, a 3-foot right-of-way dedication is required along Victoria Avenue, which results in the proposed parcels not meeting the minimum lot depth development standard.</p> <p>Creating an additional lot will allow for the future development of another primary residence and an accessory dwelling unit, which will help the City meet the required Regional Housing Needs Allocation (RHNA) numbers, mandated by State Housing Law.</p> <p>The strict application of the provisions of the Zoning Code would result in practical difficulties inconsistent with the general purpose and intent of the Zoning Code.</p> |   |                                     |                          |
| 2.   | <b>There are special 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 vicinity and under the identical zoning classification.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Justification: The project site consists of an oversized parcel that currently exceeds the minimum lot size and lot width of the R-1-7000 – Single Family Residential Zone. As part of the development, a 3-foot right-of-way dedication is required along Victoria Avenue, which results in the proposed parcels not meeting the minimum lot depth development standard of 100 feet.</p> <p>The parcels in the vicinity of the project site are typically long and narrow, and all right-of-way dedications along Victoria Avenue have already been secured.</p> <p>There are exceptional circumstances applicable to this property or the intended use or development of this property which does not generally apply to other property in the vicinity and under the identical zoning classification.</p>  |   |                                     |                          |

| Variance Findings pursuant to Chapter 19.720.040   |  | Complies                            |                          |
|--|--|-------------------------------------|--------------------------|
|  |  | YES                                 | NO                       |
| 3.   | <b>The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Justification: The proposed subdivision will be compatible with the existing development pattern of the neighborhood in which the property is located. The requested Variance to allow for a reduced lot-depth of 97 feet, where the Code requires 100 feet is a result of the required right-of-way dedication along Victoria Avenue.</p> <p>Public notices were mailed to property owners within a 300-foot radius of the project site, and no responses were received by Staff regarding this project.</p> <p>Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood.</p> |  |                                     |                          |
| 4.   | <b>The granting of the variance will not be contrary to the objectives of any part of the General Plan.</b>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Justification: Staff has reviewed the General Plan and determined that the variance request for reduced lot depth will not be contrary to the objectives of any part of the General Plan 2025.</p>  |  |                                     |                          |

#### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense) of the CEQA Guidelines, as it can be seen with certainty that there is no possibility the project will have a significant effect on the environment, and categorically exempt from CEQA pursuant to Section 15315 (Minor Land Divisions), as this project will not have a significant effect on the environment.

#### **PUBLIC NOTICE SUMMARY**

Public notices were mailed to property owners within a 300-foot radius of the Project site. As of the writing of this report, no responses have been received by Staff regarding this project.

#### **APPEAL INFORMATION**

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

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

The Community & Economic Development Department Director **APPROVES** Planning Case PR-2020-000415 (PM, VR) subject to the conditions of approval.



## CONDITIONS OF APPROVAL

**Planning Case:** PR-2020-000415 (Parcel Map and Variance)

### Planning

1. The subject property shall be developed and operated substantially as described in the text of this report and as shown on Tentative Parcel Map No. 38052 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. The rear yard paving on Lot 1 (accessed from Victoria Avenue) is limited to a maximum of 20 feet in width, and no more than 1,000 square feet of the rear yard shall be paved, or 25 percent of the rear yard area, whichever is less.

#### *Prior to Grading Permit Issuance:*

3. Plans submitted for Grading Permit shall reflect retaining walls in compliance with the maximum allowable height of 3-feet when visible from the right-of-way and 6-feet in height when not visible from the right-of-way.

#### *Prior to Building Permit Issuance:*

4. Parcel Map No. 38052 shall be recorded.
5. Plans submitted for Building Permit shall reflect walls and fences in compliance with the maximum allowable height of 3-feet, when constructed of a solid material, and 4-feet, provided the openwork portion of the wall or fence above the height of 3-feet shall be no more than one part solid to three parts open, within the front yard setback.

#### *Standard Conditions:*

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

Prior to **October 19, 2025**, if a final map has not been recorded, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning Division.

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

8. Any future development shall comply with the development and design standards and entitlement processes at the time such development is submitted for permitting.
9. 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.

10. 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.
11. Failure to abide by all conditions of this entitlement shall render it null and void.

#### **Fire Department**

12. Residential fire sprinkler system meeting National Fire Protection Association 13D is required. Attached garages are required to be protected by an automatic fire sprinkler system. Automatic residential fire sprinkler system shall be designed in accordance with 2019 California Residential Code, Section R313. Plans shall be submitted to and approved by the Fire Department prior to installation (2019 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.080).

#### **Public Utilities – Electric**

13. Provide service panel location – new service will be required to go underground and existing service, if upgraded with anything larger than a 200A, will also require a design for underground service.

#### **Public Utilities – Water**

14. Water fees due for service to each parcel prior to map recordation.

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

15. Deed for widening Victoria Avenue along project frontage to 33' from monument centerline to Public Works specifications.
16. 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.
17. Installation of sewers and sewer laterals to serve this project to Public Works specifications
18. Size, number and location of driveways to Public Works specifications.
19. Closure of unused driveways to Public Works Standards and Specifications.
20. On all plans, provide linear footage labels along all parcel lines. Add the following notes to the landscape plans and email PDF to [gtanaka@riversidca.gov](mailto:gtanaka@riversidca.gov) for review and approval.
  - a. Planting of 24" box size Magnolia grandiflora 'St Mary' required in public right-of-way along Tenth Street and Victoria Avenue. Tree Inspector will determine precise locations and quantities at time of scheduled site inspection after fine grading and hardscape installation complete for all trees planted in the public right-of-way. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications.
21. 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.

22. A 12-foot-wide sewer easement is required along southerly property line to Public Works standards.
23. The subject project is located within a Special Flood Hazard Area (SFHA) with a designation of Zone AE. Proposed structures will need to be constructed with a minimum finished floor elevation of 1 foot higher than the base flood plain elevation and an elevation certificate will need to be processed for approval through the City prior to both building permit issuance and occupancy.