



# Development Review Committee Memorandum

Community & Economic Development Department

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

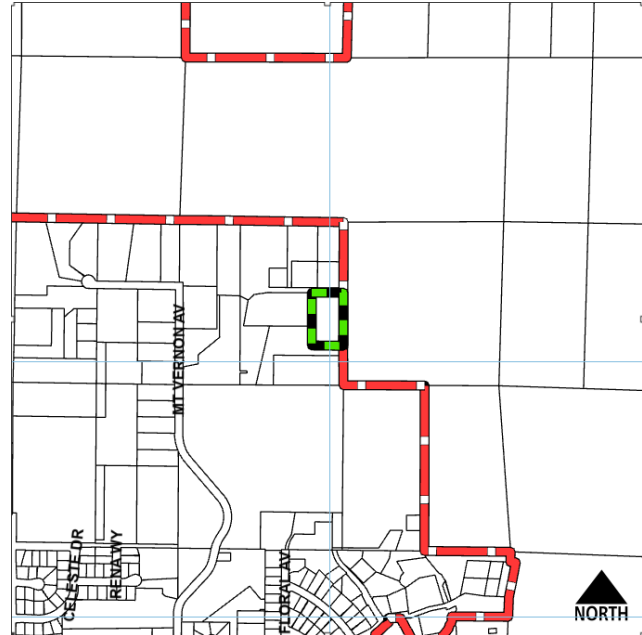
Planning Division

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## DESIGN REVIEW AND VARIANCE

Development Review Committee Date: October 7, 2020

Approval Date: February 22, 2023

<b>Case Number</b>	<b>PR-2021-001108</b> (Design Review, Grading Exception)	
<b>Request</b>	To consider the following entitlements to construct a 3,154 square foot single family residence and a 971 square foot accessory dwelling unit on a 2.47-acre vacant parcel: 1) Design Review of project plans, and 2) a Grading Exception to permit a 20-foot-wide driveway where the Grading Code limits the driveway width to 15-feet wide.	
<b>Applicant</b>	Guillermo Landeros	
<b>Project Location</b>	Situated east of Mt. Vernon Avenue	
<b>APN</b>	257-160-003	
<b>Project area</b>	2.47-acres	
<b>Ward</b>	2	
<b>Neighborhood</b>	University	
<b>General Plan Designation</b>	HR- Hillside Residential	
<b>Zoning Designation</b>	RC – Residential Conservation Zone	
<b>Staff Planner</b>	Judy Egüez, Senior Planner 951-826-3969 jeguez@riversideca.gov	

## SITE BACKGROUND AND PROJECT DESCRIPTION

The project site consists of a vacant 2.47-acre parcel with an average natural slope of 39.36 percent. Surrounding land uses include single-family and vacant land to the north, south and west and Box Spring Mountain Reserve Park to the west.

The applicant is requesting approval of a Design Review to construct a 3,154 square foot single-story, single family residence and a 971 square foot single story accessory dwelling unit (ADU). A Grading Exception is also requested to permit a 20-foot-wide driveway where the Grading Code limits the driveway width to 15-feet wide.

The proposed residence will feature 4 bedrooms, 3 bathrooms, a family living and dining area, and an attached garage. The proposed detached ADU will have 2 bedrooms, 2 bathrooms, and a family living, kitchen and dining area.

The project site is accessed from Mt. Vernon Avenue via a shared private road.

## PROJECT ANALYSIS

### *Authorization and Compliance Summary*

	Consistent	Inconsistent
<b>General Plan 2025</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 residential homes and facilitating limited development of Riverside's ecologically sensitive and visually prominent hillside areas. The proposed development also furthers the Objectives and Policies of the General Plan 2025, specifically:  <u>Policy LU-4.2:</u> Enforce the hillside grading provision of the City's Grading Code (Title 17) to minimize ground disturbance associated with hillside development; respect existing land contours to maximum feasible extent.  <u>Objective UNP 5:</u> Recognize and preserve existing rural lifestyles within the University Neighborhood by recognizing topographical constraints to conventional urban development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Zoning Code Land Use Consistency (Title 19)</b>  The project site is zoned RC – Residential Conservation Zone, consistent with the HR – Hillside Residential General Plan land use designation. The RC Zone allows for single-family residential uses subject to the approval of Design Review. The proposed project is consistent with the applicable development standards for the RC Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p><b>Compliance with Citywide Design &amp; Sign Guidelines</b></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for single-family residential development. The proposed residence reflects ranch style architecture that includes design features such as an asymmetrical shape, a low pitch roof line, a metal roof, and a tan stucco finish.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Grading Code 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 30 percent average existing slope. As proposed, the subdivision meets the development standards of the Grading Code, except for the request for a Grading Exception for a 20-foot-wide driveway where the Grading Code requires a maximum 15-foot-wide driveway. Grading Exceptions to the regulations of the Grading Code are allowed where special circumstances apply to the property. The applicant is requesting Grading Exceptions to facilitate implementation of the proposed project.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.100 – RC – Residential Conservation Zone Development Standards					
Standard			Proposed	Consistent	Inconsistent
Minimum Setbacks	Front	30 feet	179 feet, 10 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (east)	25 feet	71 feet, 5 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (west)		110 feet, 3 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	25 feet	146 feet, 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Building Stories	1-story		1-story	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Building Height	20 feet		19 feet, 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 17.28.020 – Hillside/Arroyo Grading				
Standard		Proposed	Consistent	Inconsistent
Grading and structures shall be designed to fit with the contours of the hillside and natural terrain		Grading and structures are designed to fit with the contours of the hillside and natural terrain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ungraded area to be retained as natural open space		Ungraded area will be retained as natural open space	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Pad Size – 10% to 15% Average Natural Slope	27,000 square feet	8,000 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Slopes having a ratio of 3.9:1 shall not exceed 20-feet in vertical height		Slopes do not exceed 20-feet in vertical height	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Slopes requiring benches shall not be permitted		No benches proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Driveway shall not exceed 15-feet in width		20-foot-wide driveway	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Driveway shall not exceed 15% finished grade		15%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Driveway grading shall be designed to fit with the contours of the hillside and natural terrain		Driveway grading is designed to fit with the contours of the hillside and natural terrain	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## FINDINGS SUMMARY

### Grading Exception

#### Driveway Width

The applicant is requesting a Grading Exception to permit a 20-foot-wide driveway where the Grading Code limits the driveway width to a maximum of 15-feet-wide. The proposed driveway is necessary for Fire apparatus access and is required by the Fire Department as the project site is located within a Very High Fire Severity Zone. The location within a Very High Fire Severity Zone constitutes an exceptional circumstance or condition applicable to the property that do not generally apply to other properties in the RC Zone. The proposed 20-foot-wide driveway 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. Therefore, staff can support the Grading Exception for a 20-foot-wide driveway.

## ENVIRONMENTAL DETERMINATION

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 notices were mailed to property owners within adjacent to the site. As of the writing of this report, two letters in opposition (Attachment 1) have been received by Planning Staff from the following interested parties:

1. Brian Williams – dated February 10, 2023 – concerned about excessive grading, location of pad site.
2. Richard Block for Friends of Riverside's Hills – dated February 10, 2023 – concerns about not complying with Title 17 – Grading Code, compliance with CEQA, compliance with the Multiple Species Habitat Conservation Plan (MSHCP), impacts to the adjacent Box Springs Mountain, and fire hazards.

The applicant has provided responses and documents in response to the comments (Attachment 2). Staff has supplemented responses to address the public comments as follows:

Concern: Compliance with Title 17 – Grading Code

Response: The project site has an average natural slope of 39.6 percent and is subject to the regulations established for Hillside Grading. Staff reviewed the proposed project and determined that it complies with the standards of the Hillside Grading Code, with the exception of the driveway width. The site has been designed to blend with the natural hillside by rounding and blending manufactured slopes with the natural contours. The proposal does not include manufactured slopes exceeding 20-feet in vertical height. The proposed pad site is proposed to be on the flattest portion of the site, which is located near the top of the hillside. Based on the average natural slope of the area to be graded, the maximum pad size can be up to 27,000 square feet. The applicant is proposing a pad size of 8,000 square feet. A large portion of the site will be preserved under an open space easement. Except for the requested Grading Exemption to permit a 20-foot-wide driveway, where the Grading Code requires a maximum 15-foot driveway, the proposed project complies with the standards of the Grading Code.

Concern: Compliance with California Environmental Quality Act (CEQA) and the Multi Species Habitat Conservation Plan (MSHCP)

Response: Staff determined that the project exempt from CEQA under a Class 3 (Section 15303 – New Construction or Conversion of Small Structures) exemption as the single-family residence and ADU will not pose a significant impact to the environment. While the site is within the boundaries of the MSHCP, the site is not located within a Criteria Cell identifying sensitive habitat. Additionally, ministerial projects, such single-family residences, are exempt from MSHCP policies, with the exception of payment of development fees.

Concern: Impacts to Box Spring Mountain Reserve Park (lighting, noise, construction)

Response: The site borders Box Spring Mountain Reserve Park to the south. The nearest structure to Box Springs Mountain is the proposed ADU, located 146-feet, 9-inches away. The project will need to comply with the Lighting Standards of Zoning Code which is identified as Lighting Zone 0 (zero) which is the most restrictive. A condition of approval requiring compliance with the Zoning Code for Lighting has been included. With regards to Noise, the project will need to comply with Title 7 - Noise Control. Construction noise is exempt as long as a permit has been obtained and construction does not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday.

Concern: Fire Hazards

Response: The applicant has prepared a Fire Protection Plan (FPP) (Attachment 3) that has been reviewed and approved by the Fire Department. The site is designed in a manner that is consistent with the FPP, allowing for defensible space and adequate access as required by the Fire Department.

## APPEAL INFORMATION

Actions by the Development Review Committee, 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 Department Public Information Section, 3rd Floor, City Hall.

## ATTACHMENTS

1. Public Comment Letters
2. Applicant prepared responses
3. Approved Fire Protection Plan
4. Applicant prepared Grading Exception Justifications



*FINDINGS*

**PLANNING CASES:** PR-2021-001108 (Design Review and Grading Exception)

**Finding:** To permit a 20-foot-wide driveway where the Grading Code limits the driveway width to 15-feet wide.

Grading Exception Findings pursuant to Chapter 17.32.020		Complies	
		YES	NO
1.	<b>The strict application of the provisions of Title 17 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Title 17.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Justification:</b> The strict application of the Grading Code would limit the driveway width to 15-feet wide. However, due to the site's location within a Very High Fire Severity Zone, the Fire Department requires a 20-foot-wide "fire access road" in accordance with the California Fire Code (Chapter 5, Section 503.2.1). Title 17 indicates that its intent is to scrutinize development in areas to exposure to high fire risk and develop reasonable mitigation measures to reduce such risk. The applicant has coordinated with the Fire Department to ensure that all required safety measures as it relates to fire protection is adhered. A 15-foot-wide driveway does not provide adequate width for a fire apparatus to maneuver. The Fire Department requirement for a 20-foot-wide driveway (serving as a fire access road) is considered a life safety issue that would negatively impact public safety and welfare if reduced in width. Strict application of the Grading Code would result in practical difficulties or unnecessary hardships inconsistent with the intent of the Code.</p>			
2.	<b>There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Justification:</b> The project site is located in a Very High Fire Severity Zone which is established by the office of the California State Fire Marshal and adopted by the City. As a result, proposed development on this site is required to adhere to several State and local regulations to minimize any projected fire hazard and risks related to fire protection, including the preparation and approval of a Fire Protection Plan (FPP). The FPP determined that the site shall be accessed by a Fire Access Road, which is defined by the California Fire Code as an unobstructed 20-foot-wide road. This constitutes an exceptional circumstance or condition applicable to the property that do not generally apply to other properties in the RC Zone.</p>			

Grading Exception Findings pursuant to Chapter 17.32.020		Complies	
		YES	NO
3.	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.	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
<p><b>Justification:</b> The proposed 20-foot-wide driveway (Fire Access Road) will be wholly on the project site and will not impact any surrounding properties. As previously mentioned, a FPP was prepared and approved by the Fire Department requiring a 20-foot-wide driveway (serving as a fire access road) to minimize projected fire hazard and risks related to fire protection. 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 in which the property is located.</p>			





# CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

## CONDITIONS OF APPROVAL

**PLANNING CASES:** PR-2021-001108 (Design Review and Grading Exception)

- **Planning**

1. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan and floor plan 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. An open space easement shall be recorded to preserve the visual characteristics of the hillside. All ungraded portions of the site shall be placed in an open space easement and no grading or construction of structures will be permitted in this area.
4. Submit a 30-day Pre-Construction Burrowing Owl Survey Report.
5. 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 all recommendations of the required Project specific Water Quality Management Plan;
  - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems; and
  - e. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.

*During grading and construction activities:*

6. Blasting activities shall not be permitted.
7. 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.

8. To reduce construction related particulate matter air quality impacts of projects 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. Wash off trucks and other equipment leaving the site;
  - f. Keep disturbed/loose soil moist at all times;
  - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
  - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
9. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
10. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
11. 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.
12. The Contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
13. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.

*Prior to Building Permit Issuance*

14. 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.
15. **Staff Required Landscape and Irrigation Condition:** 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. Landscape and irrigation plans shall include the following:

- a. In accordance with MSHCP Section 6.1.4, no species listed in Table 6-2, Plants that Should Be Avoided Adjacent to the MSHCP Conservation Area, shall be used in the project landscape plans (including hydroseed mix used for interim erosion control).
  - b. Manufactured slopes shall be hydroseeded with non-invasive hydroseed mix and soil stabilizer.
- 16. 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.
- 17. Ground mounted utility and mechanical equipment shall be fully screened from the public right-of-way.
- 18. **Staff Required Photometric Plan Condition:** Plans submitted for plan check review shall include an exterior lighting plan. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas shall be submitted with the exterior lighting plan. All on-site lighting shall comply with Lighting Zone 0 (Zero) pursuant to RMC Chapter 19.556.080.

#### *During Construction*

- 19. 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.
- 20. 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:*

- 21. 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.

#### **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 **February 22, 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 Development Review Committee, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Development Review Committee 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**

30. A 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. Plans shall be submitted to and approved by the Fire Department prior to installation. 2013 California Residential Code, Section R313, 2013 California Fire Code, Section 903.2.8 or Riverside Municipal Code, Section 16.32.080.
31. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments. Note: 2016 Edition
32. Construction plans shall be submitted and permitted prior to construction.
33. Fire Department access shall be maintained during all phases of construction.
34. The approved Fire Protection Plan and Alternate Mean and Method application shall accompany the formal building plan submittal.

- **Parks and Recreation**

35. 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**

36. Easements & any associated fees will be acquired during the design process.
37. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained, and location of the equipment is approved by the Utility.
38. Plot existing electrical distribution facilities on the original site plan.
39. This project will require (2) new power poles, extension of the primary, & a transformer to serve this home. Secondary service needs to be 150' from power pole.

- **Public Works**

40. 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.
41. 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.

42. 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:

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;

Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and

Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.

43. 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.

44. 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.

45. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;

Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and

Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.