




Community & Economic Development Department

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

Planning Division

**SPANNING COMMISSION HEARING DATE: APRIL 25, 2024
AGENDA ITEM NO.: 5**

PROPOSED PROJECT

Case Numbers	DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review), SD-2022-00002 (Tentative Parcel Map) and DP-2022-00048 (Environmental Impact Report)	
Request	To consider the following entitlements for the construction of a mixed-use development consisting of 388 multifamily residential units and 25,320 square feet of commercial/retail space: <ol style="list-style-type: none">1. General Plan Amendment to amend the land use designation of the project site from C – Commercial to MU-V – Mixed Use-Village;2. Zoning Code Amendment to rezone the project site from CG – Commercial General Zone to MU-V – Mixed Use-Village Zone;3. Site Plan Review for site design and building elevations;4. Tentative Parcel Map (No. 38638) to subdivide the 17.37-acre project site into 2 parcels, ranging in size from 2.93-acres to 14.44-acres; and5. Environmental Impact Report.	
Applicant	Jamie Chapman of Riverside Property Owner, LLC	
Project Location	Located at 5261 Arlington Avenue, generally situated northeast of the intersection of Arlington and Streeter Avenues	
APN	226-180-015	
Project Area	17.37-acres	
Ward	3	
Neighborhood	Magnolia Center	
General Plan Designation	C - Commercial	
Zoning Designation	CG – Commercial General	
Staff Planner	Brian Norton, Principal Planner 951-826-2308 bnorton@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND** to approve (or in the alternative deny) the following entitlements, DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review) and SD-2022-00002 (Tentative Parcel Map)

If the Planning Commission recommends the project, then:

2. **RECOMMEND** that the City Council find:
 - a. The Draft Environmental Impact Report (DP-2022-00048) has been completed in compliance with the California Environmental Quality Act (CEQA);
 - b. The project will have a significant effect on the environment; but
 - c. There are no feasible alternatives to the project or mitigation measures that will avoid or substantially lessen the significant environmental effects as identified in the Draft EIR for project-specific significant and unavoidable impacts to greenhouses gases, hazards/hazardous materials, land use/planning, and transportation; and
3. **RECOMMEND TO APPROVE** DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review) and SD-2022-00002 (Tentative Parcel Map) based on the facts for findings outlined and summarized in the staff report, and subject to the recommended conditions and mitigation measures(Exhibits 1 and 2).

SITE BACKGROUND

The project site consists of a single 17.37-acre parcel, developed with a vacant 192,139 square foot former department store (Sears), constructed in 1964. The Sears buildings consisted of a 87,900 square foot ground level retail area, a 90,526 square foot basement and 13,713 square foot automotive center. Additionally, the site contained a vehicle fueling station, along the Streeter Avenue frontage. The fuel station ceased operation around 1985 when underground storage tanks were removed. The remainder of the fueling station island, canopy and distribution lines were completely removed in 1994. Subsequently Sears ceased business operations at the site in 2019. While the vacant main building and automotive center remain, the rest of the site is developed with a large asphalt surface parking lot and sparse landscaping. (Exhibit 4).

Development in the surrounding area consists of a medical office, community center and single and multifamily development to the north, commercial development to the south (across Arlington Avenue), single-family residential and medical office development to the west (across Streeter Avenue), and single-family residential development to the east (Exhibit 4).

The existing Bank of America building on the northeast corner of the intersection of Arlington and Streeter Avenues is on a separate parcel and is not part of this project.

On January 12, 2023 the project was heard by the Riverside County Airport Land Use Commission (ALUC). The project was found to be inconsistent with the Airport Land Use Compatibility Plan, as discussed in the Riverside Airport Land Use Compatibility Plan section of the report below. Although found to be inconsistent, the General Plan and Zoning Code allow the City to overrule the Airport Land Use Commission inconsistency determinations consistent with California Utilities Code § 21670.

As a matter of information, the Cultural Heritage Board (CHB) will make a recommendation to City Council on both the requested Certificate of Appropriateness (COA) and Cultural Resources override request as part of the EIR on April 17, 2024.

PROPOSAL

The applicant requests approval of the following entitlements to construct a mixed use development: 1) General Plan Amendment to amend the General Plan land use designation from C – Commercial to MU-V – Mixed Use - Village; 2) Zoning Code Amendment to change the zone from CG – Commercial General Zone to MU-V – Mixed Use - Village; 3) A Site Plan Review to analyze site and architectural design; and 4) Tentative Parcel Map (No. 38638) to subdivide 17.37 acres into two parcels ranging in size from 2.93 acres to 14.44 acres.

Multi-Family Residential

The multifamily residential is located on the northern portion of the development on 14.44 acres (parcel 1). A total of 388 units are proposed in 13 three-story stacked unit buildings and 12 two-story townhome buildings. The complex includes 18 studios, 152 one-bedroom, 158 two-bedroom and 60 three-bedroom units. Units range in size from 597 to 1,307 square feet. Private balconies or patios are attached to each unit and range in size from 51 to 243 square feet.

Common useable open space totals 57,071 square feet and includes a recreational pool area, a promenade (playground, bar-b-que stations, outdoor games, picnic areas, multi-use lawn areas), clubhouse/ fitness center and a dog park open to the residence of the community and the public.

A total of 683 parking spaces are provided for the residential component of the project with over 75 percent in either fully enclosed garages or under covered carports. The remaining spaces will be uncovered.

Commercial

The commercial component of the project is located on the southern portion of the development, adjacent to Arlington Avenue on 2.93 acres (parcel 2). A total of 25,320 square feet of retail commercial uses are proposed, including a 20,320 square foot ALDI grocery store, and a 5,000 square foot multi-tenant commercial building. ALDI is anticipated to operate from 9:00am to 9:00 pm, seven days a week. No tenants have been identified for the multi-tenant building; however, the building has been designed to accommodate a number of uses ranging from restaurant, medical/dental, retail and/or office. A total of 132 parking spaces are provided for the commercial component of the project.

Vehicular and Pedestrian Site Access

Primary vehicular entrance to the residential portion of the site is proposed from Streeter Avenue, with additional secondary access points on Streeter and Arlington Avenues. Primary vehicle access to the commercial component of the project will be from the existing signalized intersection on Arlington Avenue. ALDI delivery trucks will access the loading dock on the west side of the ALDI building with direct access from both Arlington and Streeter Avenues. Delivery trucks will not impact any primary vehicular entrances to either the residential or commercial components of the project and will not impact any pedestrian connectivity throughout the project.

The proposal includes an extensive pedestrian network of walkways, paseos, and protected and shaded walkways throughout the project. Residences within the development have multiple pedestrian connections with the commercial component of the site and to the signalized intersection for additional commercial amenities and conveniences to the south of the project

site. Surrounding residences in the adjacent neighborhoods can access the extensive pedestrian walkways that lead to the proposed commercial development and those amenities and gathering areas available to the public, including the proposed dog park, access to future art installation and commercial gathering /outdoor patio eating areas.

Construction Phasing

Construction is anticipated to take approximately 23 months and will be built in two phases with the first phase being the commercial component of the project, and the second phase being the residential component. Phases will overlap as construction of the residential portion would begin as construction of the commercial component nears completion.

PROJECT ANALYSIS

Authorization and Compliance Summary

General Plan 2025

The project proposes to amend the General Plan Land Use designation from C – Commercial to MU-V – Mixed Use-Village (Exhibit 5). The MU-V land use designation provides opportunities for high-density residential development with commercial, office, institutional and business uses, with an emphasis on retail and entertainment activities. Such development is intended to facilitate the grouping of housing with employment uses, entertainment activities and public gathering spaces, and other community amenities.

The project as designed integrates design features to be consistent with the following Land Use policies, goals and objects:

Consistent

- *Objective LU-8* Emphasize smart growth principles through all steps of the land development process (mix land uses; take advantage of compact building design; create a range of housing opportunities and choices; create walkable neighborhoods; foster distinctive, attractive communities with a strong sense of place).
- *Policy LU-8.2* Avoid density increases or intrusion of nonresidential uses that are incompatible with existing neighborhoods.
- *Policy LU-8.3* Allow for mixed-use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.
- *Objective LU-9* Provide for continuing growth within the General Plan Area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.
- *Policy LU-9.3* Designate areas for urban land uses where adequate urban levels of public facilities and services exist or are planned, in accordance with the public facilities and service provisions policies of this General Plan.

- *Policy LU-9.4* Promote future patterns of urban development and land use that reduce infrastructure construction costs and make better use of existing and planned public facilities when considering amendments to the Land Use Policy Map.
- *Policy LU-9.7* Protect residentially designated areas from encroachment by incompatible uses and from the effects of incompatible uses in adjacent areas. Uses adjacent to planned residential areas should be compatible with the planned residential uses and should employ appropriate site design, landscaping and building design to buffer the non-residential uses.
- *Objective LU-28* Preserve and enhance the quality and character of Riverside by ensuring compliance with all relevant codes and regulations.
- *Policy LU-28.2* Encourage the rehabilitation or replacement of dilapidated housing units and buildings, discouraging further deterioration. Where necessary, seek to remove unsafe structures.
- *Objective LU-32* Preserve existing residential areas within the Airport Neighborhood.
- *Objective LU-35* Maintain Arlington's sense of community through careful and coordinated planning that builds upon the neighborhood's key assets and reinforces its historic development patterns.
- *Policy LU-35.1* Focus commercial development at major intersections, discouraging "strip" commercial development

Potentially Inconsistent

- *Objective LU-22* Avoid land use/transportation decisions that would adversely impact the long-term viability of the March Air Reserve Base/March Inland Port, Riverside Municipal and Flabob Airports.
- *Policy LU-22.3* Work to limit the encroachment of uses that potentially pose a threat to continued airport operations, including intensification of residential and/or commercial facilities within identified airport safety zones and areas already impacted by current or projected airport noise.
- *Policy LU-22.7* Prior to the adoption or amendment of the General Plan or any specific plan, zoning ordinance or building regulation affecting land within the airport influence areas of the airport land use compatibility plan for Riverside Municipal Airport, Flabob Airport or March Air Reserve Base/Inland Port Airport, refer such proposed actions for determination and processing by the ALUC as provided by Public Utilities Code Section 21670.

While, the project is consistent with a number of policies, objectives and goals, the development is also inconsistent with the following objectives and policies:

- *Policy LU-22.2* Work cooperatively with the Riverside County Airport Land Use Commission in developing, defining, implementing, and protecting airport influence zones around the MARB/MIP, Riverside Municipal and Flabob Airports and in implementing the new Airport Land Use Compatibility Plan.
- *Policy CCM-11.2:* Limit building heights and land use intensities beneath airport approaches and departure paths to protect public safety consistent with the Riverside County Airport Land Use Compatibility Plan, the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and all other applicable State and Federal regulations.
- *Policy PSE-3:* Protect the community from hazards related to air and ground transportation.

As noted above the project is both consistent and inconsistent with policies, goals and objectives within the General Plan. In this case, inconsistencies are primarily related to those policies related to the Riverside Municipal Airport and Airport Land Use Compatibility standards. The General Plan and Zoning Code grants local agencies the ability to overrule ALUC inconsistency determinations consistent with California Utilities Code § 21670 the following should also be taken into consideration:

- The project would increase the diversity in housing types in the Magnolia Center, Airport and Ramona neighborhoods by providing multifamily residences within a mixed-use development, promoting the overall objectives of the housing element.
- The site is located within a dense urban area, with little to no undeveloped land within proximity to the project site.
- The site is currently developed with a large multi-story department store, with a building height of approximately 36-feet.
- The project would redevelop an underutilized, vacant site with a well-planned, infill development in a strategic location.
- The project would add more community services (grocery store) and commercial services to serve residences and increase revenue for the City.
- The area surrounding the project site is substantially developed with residential and commercial uses, including; 304 single family residences, 188 multifamily units and 113,800 square feet of commercial within Airport Zone B1; and 844 single family residences, 27 multifamily units and 200,500 square feet of commercial development in Airport Zone C.
- During hours associated with tower operations at Riverside Municipal Airport (7:00am – 8:00pm), the existing permitted commercial use would bring a greater number of people to the site, than the proposed mixed-use development as outlined in the figure below:

Calculation Based on California Building Code			
Use	Min. Sq. Ft. per Occupant	Sq. Ft.	Total People
Existing			
Retail	60	192,139	3,202
Proposed			
Apartments	200	380,150	1,901
Swimming Pool	50	2,240	45
Pool Deck	15	8,069	538
Clubhouse/Fitness	15	2,655	177
Leasing Office	200	1,748	9
Grocery	100	20,320	203
Retail	60	5,000	83
Total			2,956

Calculation Based on Parking Space Requirements			
Use	Metric	Parking Spaces	Total People
Existing			
Retail	1.5ppt/space	978	1467
Proposed			
Mixed-Use	1.5ppt/space	815	1223

Calculations per ALUCP Appendix C

- The proposed project would transform a blighted site into a high quality project, with a new residential community, community serving commercial uses, amenities and gathering spaces.
- The project would provide 388 residential units that would be credited towards the City's RHNA requirement of 18,415 housing units.

Zoning Code Land Use Consistency (Title 19)

The project proposes to rezone the project site from CG – Commercial General to MU-V – Mixed Use-Village (Exhibit 6). The project as designed is consistent with the proposed MU-V – Mixed-Use-Village Zone, as the zone will be consistent with the proposed MU-V – Mixed Use-Village General Plan Land Use designation. The MU-V Zone provides for medium to high-density residential development with retail, office and service uses primarily at street level to facilitate a pedestrian environment. It is intended to encourage new housing opportunities that are nearby to commercial services. Plazas, courtyards, outdoor dining, transit stops and other public gathering spaces and community amenities, such as art in public spaces, are strongly encouraged. The focus of the development and design standards is to provide buffering techniques for transitions from developed commercial areas to lower density residential neighborhoods.

The project has been designed to be consistent with the purpose of the Mixed Use Zones:

- To encourage a mixture of compatible and synergistic land uses, such as residential with compatible nonresidential uses including office, retail, personal services, public spaces and other community amenities;
- To strengthen the interaction between residential, commercial and employment uses in order to reduce dependency on automobiles, improve air quality, decrease urban sprawl, facilitate use of transit and encourage conservation of land resources;
- To revitalize deteriorating commercial areas by integrating residential uses into the commercial fabric to create an active street life and enhance the vitality of businesses;
- To foster pedestrian-oriented activity nodes by providing a mix of uses in compact, walkable areas;

<ul style="list-style-type: none"> • To increase the area available for residential development and provide alternative types of housing; • To encourage medium- and high-density residential development to occur in close proximity to employment and services; and • To allow for a greater variety of land uses and structures, including flexibility in site planning. <p>As designed, the project strengthens the interaction between the proposed mix of uses, creating a pedestrian-oriented environment while ensuring the overall design and proposed uses are compatible with uses in the surrounding neighborhoods by incorporating specific site design practices, which reduce massing and height and increase setbacks along edges with existing single-family residential. As proposed the project is consistent with the purpose and all applicable development standards of the Zoning Code.</p>
<p>Subdivision (Title 18)</p> <p>The project proposes a Parcel Map (No. 38638) to subdivide the 17.37-acre parcel into 2 parcels. As proposed, the Parcel Map meets the minimum standards of the Subdivision Code and lot standards of the MU-V – Mixed Use-Village Zone.</p>
<p>Grading Code (Title 17)</p> <p>The subject site is relatively flat and currently slopes from the southeast to the northwest. Project plans propose 18,376 cubic yards of cut and 18,127 cubic yards of fill, with 249 cubic yards of soil exported from the site. The site will remain flat and is proposed to be sloped from the southeast to the northwest. The project is consistent with all development standards of the Grading Code, including those for retaining walls and manufactured slopes.</p>
<p>Riverside Airport Land Use Compatibility Plan</p> <p>The proposed project is located within Airport Compatibility Zones B1 (Inner Approach/Departure Zone), C (Extended Approach / Departure Zone) and D (Primary Traffic Patterns and Runway Buffer Areas) of the Riverside Municipal Airport Influence Area (Exhibit 7). Each Airport Land Use Compatibility Zone contains specific development standards. Due to the projects request for a General Plan Amendment and Rezone the project was required to be reviewed by the Airport Land Use Commission (ALUC)(Case Number ZAP1107RI22). On January 12, 2023, the Airport Land Use Commission (ALUC) deemed the project inconsistent as follows:</p> <ul style="list-style-type: none"> • The project's <u>residential density of 28.0 dwelling units per acre in Zone B1</u> and 1.0 dwelling unit per acre in Zone C are inconsistent with the Zone B1 maximum residential density criteria of 0.05 dwelling units per acre and Zone C maximum residential density criteria of 0.2 dwelling units per acre. • The project's <u>non-residential intensity for the multifamily amenity facility</u> results in an average intensity 49 people per acre and a single acre intensity of 769 people, both of which are inconsistent with Zone B1 average intensity criterion of 25 people per acre, and maximum single acre intensity of 50 people. • The project's <u>non-residential intensity for the grocery store building in Zone B1</u> results in an average intensity of 81 people per acre and a single acre intensity of 203 people, both of which are inconsistent with Zone B1 average intensity criterion of 25 people per acre, and maximum single acre intensity of 50 people. • The project's <u>non-residential intensity for the retail store building in Zone C</u> results in an average intensity of 134 people per acre, which is inconsistent with Zone C average intensity criterion of 75 people per acre. • The project's proposed <u>three-story buildings are inconsistent with Zone B1</u> criteria prohibiting buildings with more than two aboveground habitable floors.

- The project does not provide the required 4.99 acres of ALUC qualified open area and is therefore inconsistent with the Zone B1, C, and D open area criteria.
- The project's proposed general plan amending the site's general plan land use designation from C - Commercial to MU-V - Mixed Use-Village, and rezoning the site from CG - Commercial General Zone to MU-V - Mixed Use-Village Zone, are inconsistent with the airport land use compatibility criteria for the reasons indicated above.

As noted above the project is inconsistent with standards set forth by ALUC for the Riverside Municipal Airport. While the inconsistencies exist, the General Plan, Zoning Code and California Government Code § 21676 grants local agencies (City Council) the ability to overrule inconsistency determinations, with that the following should also be taken into consideration:

- The Project will not affect the orderly expansion of the Riverside Municipal Airport (RMA)
 - The Project is consistent with residential development surrounding RMA, specifically in Zone B1. The Project involves the redevelopment of an underutilized commercial parcel with multifamily residential and commercial development. The Project's proposed General Plan designation and zoning designation of Mixed Use-Village, is consistent with surrounding development, and would assist in transitioning land use between commercial and single-family residential uses.
 - The Project site is located north of the Heritage Plaza commercial shopping center, the Arlington Square Shopping Center and multiple multifamily developments, which have General Plan Land Use Designations of C – Commercial and HDR – High Density Residential and zoned CR – Commercial Retail, CG – Commercial General, O – Office, R-3-1500 Multifamily residential and R-3-2000 – Multifamily residential. Directly west of the Project is additional single-family residential, office, and commercial uses, which have a General Plan Land Use Designation of MDR – Medium Density Residential, O – Office, C – Commercial, and PF – Public Facilities and is zoned CG – Commercial General, O – Office, and R-1-7000 – Single Family Residential. Directly north, the Project site is bordered by more single-family residential, office and vacant uses with a General Plan Land Use Designation of O – Office, PF – Public Facilities, and C – Commercial and is zoned CG – Commercial General and R-1-7000 – Single Family Residential. And lastly, the Project is bordered on the east with single-family residential and office uses with a General Plan Land Use Designation of MDR – Medium Density Residential and O – Office and is zoned R-1-7000 Single Family Residential and O – Office.
 - The surrounding residential uses exceeds the 0.05 dwelling units per acre requirement of Zone B1 and the 0.2 dwelling units per acre requirement of Zone C. Of note, several multifamily residential and commercial uses are located in Zone B1, near the Project. Apartment complexes, Phoenix Gardens Apartments, located at 6930 Phoenix Avenue, and Concord Place, located at 5657 Arlington Avenue, are within proximity to the Project Site, closer to the airport. Additionally, large neighborhoods of single residential houses are directly east of the Project

site in Zone C. The Heritage Plaza and Arlington Square Shopping Center, directly across the street from the Project site, host over fifteen commercial businesses, such as Ross Dress for Less, Big Lots, and Smart & Final Extra. Lastly, the total number of people concentrated on the site does not increase with the proposed project. In fact, given the nature of residential living, there are less people on the site during daytime hours as residents go to work, school, etc., which coincides with regular airport operational hours. The existing commercial permitted use would bring more people to the site during airport operational hours.

- Additionally, the Project consists of infill development of an underutilized commercial site. The vast majority of properties within the Zone B1 Zone have been built out, largely by residences and commercial uses. Few infill sites, such as the Project, are available for development. As such, the Project would not encourage other developments to exceed Zone B1 density standards or encroach upon RMA operations.
- The project minimizes the public's exposure to excessive noise and safety hazards within areas around the RMA.
 - The Project is consistent with the aircraft noise standards of the ALUCP and the requirements of PUC Section 21670.
 - The RMA ALUCP provides the CNEL considered normally acceptable for new residential uses in the vicinity of RMA is 65 dBA. (ALUCP, § RI.2(2.1).) The Project site is approximately one mile from the end of the RMA Runway 9/27. The RMA ALUCP depicts the site as being below the 60 CNEL range from aircraft noise. Therefore, ALUC found no special measures were required to mitigate aircraft-generated noise. Because the Project is consistent with the noise standards in the RMA ALUCP, the Project also complies with the noise standards in the City of Riverside General Plan. (General Plan Noise Element, Figure N-10.) While multifamily or mixed uses are not defined in the City's General Plan Noise Element, the "normally acceptable" noise level for an infill single family residential use is between 55 and 65 dBA CNEL. Accordingly, noise exposure from RMA would not exceed normally acceptable levels for the Project site.
 - The Project will comply with Riverside Municipal Code requirements regarding construction noise and will not compound noise related to RMA operations. All construction would take place between 7:00 a.m. and 7:00 p.m. on weekdays, 8:00 a.m. and 5:00 p.m. on Saturdays, and would not take place at any time on Sunday or a federal holiday. (RMC, § 7.35.020.)

- The Project will also comply with ALUC noticing conditions and will provide a "Notice of Airport in Vicinity" to all prospective purchasers and occupants of the property.
 - The Project does not propose any uses specifically prohibited or discouraged in Compatibility Zone B1 (highly noise-sensitive outdoor nonresidential uses), such as major spectator-oriented sports stadiums, amphitheaters, concert halls and drive-in theaters. The Project also does not propose noise sensitive uses such as children's schools, day care centers, libraries, hospitals, or nursing homes.
- The Project will have no impact on Federal Aviation Administration Federal Aviation Regulations (FAA FAR) Part 77.
 - The FAA FAR Part 77 Surface Map is a map used by the FAA and the ALUC to identify potential obstructions and hazards to aviation traffic. The ALUC uses the map as a height restriction boundary for purposes of making consistency determinations with its ALUCP. The elevation of Runway 9/27 at its northerly terminus is 815.8 feet above mean sea level ("MSL"). At a distance of approximately 5,151 feet from the project to the nearest point on the runway, FAA review would be required for any structures with top of roof exceeding 867 feet MSL. The site's highest finished floor elevation is approximately 791 feet MSL with the highest proposed building height at 39-feet 11-inches, resulting in a top point elevation of roughly 831 feet MSL. Therefore, review of the building for height/elevation reasons by the FAA Obstruction Evaluation Service ("FAAOES") is not required.
- The Project will not impose a safety hazard due to height.
 - The Project proposes to develop 27 residential apartment buildings consisting of 2 and 3-story structures and two commercial buildings. Of the thirteen 3-story residential buildings only one building tops out at 39-feet, 11 inches and the remainder are 38-feet, 1-inch. The fourteen 2-story residential buildings have a maximum height of 28-feet, 8-inches. Both the grocery store and multi-tenant commercial building both have maximum height just short of 31-feet. Zone B1 criteria prohibit buildings with more than two aboveground habitable floors, however, the maximum height of these buildings is well below City standards and FAA standards. Project height is below the proposed MU-V - Mixed Use - Village zone maximum height of 45 feet (RMC § 19.120.050), and well below the current CR - Commercial Retail Zone maximum height of 75 feet (RMC § 19.110.030). Development of the Project, as well as the proposed General Plan Amendment and change of zone, will result in a maximum height similar to what currently exists for the site and less than any project that could potentially be developed onsite if the current zoning is maintained. Thus, the Project will not create an obstruction or hazard to air navigation within the meaning of 14 C.F.R. Part 77 nor does it create a safety hazard pursuant to PUC Section 21670.

- The Project will not utilize equipment that would interfere with aircraft communications.
 - There are no radar transmission or receiving facilities within the site. The Project's solar panels are low profile, oriented to limit glare, and present little risk of interfering with radar transmission. In addition, solar panels do not emit electromagnetic waves over distances that could interfere with radar signal transmissions, and any electrical facilities that do carry concentrated current will be buried beneath the ground and away from any signal transmission.
- The Project cannot comply with the ALUC Open Area requirement. A 4.99-acre open area, 300 feet x 75 feet, with objects no greater than 4 feet in height with a diameter of 4 inches is not conducive to a multifamily development in an urban area. Alternatively, options exist for emergency landing locations, including: Arlington Avenue, Central Avenue, the SR-91 freeway, and parks to the north of the airport. (See Exhibit D in Applicants response to ALUC)
- While ALUC deemed the project inconsistent with the ALUC Compatibility Plan, Conditions of Approval were provided in the event the City Council approved the project and overrule request. The Project will comply with all feasible recommended ALUC conditions, as outlined below:
 - The Project will comply with a majority of recommended ALUC conditions of approval, including restrictions on maximum building height, noise attenuation measures, and notices and informational brochures for prospective purchasers and tenants. The Project also will comply with recommended conditions related to land uses with minor modifications, to continue to ensure safety, but allow for the best available use of the Project site.
 - Condition 10 Open Space - cannot be met based on the current size of the Project site. Similar to the surrounding uses such as the Heritage Plaza Shopping Center and Arlington Square Shopping Center, neighboring residential areas, and adjacent offices, there is no available acreage that could adhere to this requirement.
 - Condition 2(e) Habitable Floors – The applicant is seeking to modify this condition by allowing habitable third floors to residential buildings. Based upon the discussion above the condition would be amended allowing habitable floors not to exceed the proposed MU-V Zone maximum height of 45 feet. As demonstrated above and through project plans the site's tallest building is 39-feet, 11-inches, roughly 3-feet taller than the existing Sears building. Additionally, the height is consistent with both the Zoning Code and FAA regulations based upon glide slope from runway 9/27.

As a matter of information, the applicant appealed ALUC's determination, which includes the inconsistency determinations and recommended conditions of approval, in the event Council overrules ALUC'S determination. While information pertaining to the appeal has been included

to provide additional information about the inconsistencies and justifications, City Council is the acting and determining body on the appeal request.

Compliance with Citywide Design & Sign Guidelines

The proposed project substantially meets the design development standards for Mixed Use developments and the objectives of the Citywide Design Guidelines for new commercial and residential development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, and landscaping.

A key component of the overall site design is the placement of the residential buildings and the key design features that have been implemented for compatibility with adjacent single-family residences. Specifically;

- Placing the thirteen 3-story residential buildings, generally along Streeter Avenue and the center of the site, further from surrounding single family residences;
- Locating the fourteen 2 –story residential, townhome, buildings along the northern and eastern edges of the site;
- Designing the 2-story buildings for the side elevation to face the north and east boundaries of the site, minimizing overall massing as it relates to the adjacent single family residential; and
- The 2-story buildings have been setback 25-feet from property lines allowing for a greater degree of separation and increased landscaping to further provide additional privacy.

Enhanced pedestrian walkways through the development connecting residences with centrally located project amenities and community services, including a grocery store and commercial/retail services. The proposed truck bay for the grocery store was strategically placed on the west side of the building, to avoid any conflicts with pedestrian access and vehicular circulation throughout the development. The truck bay will be further screened from the rights-of-way by a landscape green wall and the existing Bank of America building.

It should be noted, building elevations have been modified from those that were included in the Initial Study and Draft EIR packet. The applicant compiled public comments regarding the overall architectural design and has made a concerted effort to incorporate character-defining architectural features of the existing Sears building into both the residential and commercial buildings. The design reflects, showcases and celebrates the history of the existing mid-century modern design of the Sears building by including the following mid-century architectural design features:

- Strong horizontal design presence;
- Asymmetrical block like massing;
- Overhanging rectangular roof forms;
- Long flat horizontal canopies extending past the edges of the building;
- Folded plant freestanding canopies;
- Concrete screen blocks, stucco cladding
- Use of metal screening in freestanding trellis features in the commercial component of the project;
- Use of brick and horizontal canopies on the grocery store; and

- Building signage on the clubhouse/leasing office and multitenant commercial building to reflect the historic "Sears" script font.

Further, the project intends to incorporate public art in the area adjacent to the publicly accessible dog park and will also include an interpretive history display within the leasing office/clubhouse as a nod to the mid-century modern design of the Sears building and its architect Charles Luckman.

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.120 – Development Standards for the MU Zone					
Parcel 1 - Residential					
Standard		Proposed	Consistent	Inconsistent	
Residential Density	30 du/ac	22.3 du/ac	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Minimum Lot Size	20,000 square feet	628,135 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lot Width	75 feet	666.34 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lot Depth	100 feet	766.5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Maximum Building Height	45 feet	3-Story Stacked Flats 39 feet, 11 inches 2-Story Townhomes 28 feet 8 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Minimum Building Setbacks	Front	Streeter Avenue 0-foot building setback	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Rear	25-foot building setback	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Side Yard (North)	15-foot building setback	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Side Yard (South)	0-foot building setback	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Private Open Space	50 square feet/dwelling unit	51-243 square feet per unit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Minimum 5-foot width and depth	Minimum 5-foot width and depth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Common Open Space	50 square feet /dwelling unit – 19,400 square feet	57,071 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Minimum Parking Setbacks	Street Frontage – 15 feet	17-feet, 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Chapter 19.120 – Development Standards for the MU Zone

Parcel 2 - Commercial					
Standard			Proposed	Consistent	Inconsistent
Floor Area Ratio	2.5		0.19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Lot Size	20,000 square feet		127,434 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Width	75 feet		486.06 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Depth	100 feet		277 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Building Height	45 feet		Grocery Store (ALDI) 30 feet, 11 inches Multi-Tenant Commercial 30 feet 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Building Setbacks	Front	Arlington Avenue 0-foot building setback	Grocery Store (ALDI) 36-feet, 9 inches Multi-Tenant Commercial 5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	25-foot building setback	Grocery Store (ALDI) 25 feet, 3 inches Multi-Tenant Commercial 208 feet, 6 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard (East)	0-foot building setback	Multi-Tenant Commercial 25-feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard (West)	0-foot building setback	Grocery Store (ALDI) 45-feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial Building Frontage	40 percent of lineal frontage – Arlington Avenue		46.3 percent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Parking Setbacks	Street Frontage – 15 feet		18-feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 – Parking and Loading					
Standard			Proposed	Consistent	Inconsistent
Minimum Parking	Residential				
	1 space for studio	18 units – 18 stalls	18 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	1.5 space per unit 1 bedroom	152 units – 228 stalls	228 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2 spaces per unit 2 bedrooms	158 units – 316 stalls	316 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	2 spaces per unit -3 bedrooms	60 units – 120 stalls	120	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	75 percent of stalls to be in a fully enclosed garage or carport.	512 stalls/ 75 percent	349 garage 173 carport 522 total covered spaces or 76.4 percent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Commercial				
	Retail (grocery) 1 space/250 sq. ft.	20,320 sq. ft. 82 stalls	82 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Restaurant 1 space/100 sq. ft.	5,000 sq. ft. – 50 stalls	50 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total Project Parking		814 stalls	815 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDINGS SUMMARY

Site Plan Review

The proposed project has been designed as an integrated development, compatible with surrounding uses, specifically with adjacent development to the north and east of the project site.

The project has also been designed consistent with development standards of the Mixed Use – Village Zone and implements well thought out design features through site and architectural design to be sensitive to surrounding development, increase pedestrian connectivity internal and external to the site, provides connectivity to the surrounding streetscape, providing for increased 'eyes on' for security, provides enhanced architecture that takes inspiration from the mid-century modern Sears building and provides multiple uses proving a greater degree of options to reduce the number of vehicle trips for residences.

The proposed mixed-use development is appropriate for the site and neighborhood, as it is located proximate to major job centers, educational facilities, local and regional commercial, recreational opportunities, and community services, contributing to a synergistic relationship between uses in the area. The site is adjacent to two bus lines (12 and 15) operated by Riverside Transit Authority (RTA).

For these reasons, the proposed project will not have substantial adverse effects on the surrounding properties or uses.

Zoning Code Map Amendment

The proposal to apply the MU-V-Village to the site would allow for a mixed-use development. Although the project meets the purpose of the MU Zones and the Zoning is consistent with the MU Land Use designation, the zoning is not fully consistent with the goals, policies and objectives of the General Plan with respect and specific to those related to the Riverside Municipal Airport. It should be noted and as indicated above the General Plan, and Zoning Code allow for overrules of ALUC determination consistent with California Public Utilities Code§ 21670 grants local agencies

the ability to overrule inconsistency determinations. Specific to Zoning, the following should be taken into consideration:

- To encourage a mixture of compatible and synergistic land uses, such as residential with compatible nonresidential uses including office, retail, personal services, public spaces and other community amenities;
- To strengthen the interaction between residential, commercial and employment uses in order to reduce dependency on automobiles, improve air quality, decrease urban sprawl, facilitate use of transit and encourage conservation of land resources;
- To revitalize deteriorating commercial areas by integrating residential uses into the commercial fabric to create an active street life and enhance the vitality of businesses;
- To foster pedestrian-oriented activity nodes by providing a mix of uses in compact, walkable areas;
- To increase the area available for residential development and provide alternative types of housing;
- To encourage medium- and high-density residential development to occur in close proximity to employment and services; and
- To allow for a greater variety of land uses and structures, including flexibility in site planning.
- During hours associated with tower operations at Riverside Municipal Airport (7:00am – 8:00pm), the existing permitted commercial use would bring a greater number of people to the site, than the proposed mixed-use development as outlined in the figure below:

Calculation Based on California Building Code			
Use	Min. Sq. Ft. per Occupant	Sq. Ft.	Total People
Existing			
Retail	60	192,139	3,202
Proposed			
Apartments	200	380,150	1,901
Swimming Pool	50	2,240	45
Pool Deck	15	8,069	538
Clubhouse/Fitness	15	2,655	177
Leasing Office	200	1,748	9
Grocery	100	20,320	203
Retail	60	5,000	83
Total			2,956
Calculation Based on Parking Space Requirements			
Use	Metric	Parking Spaces	Total People
Existing			
Retail	1.5ppt/space	978	1467
Proposed			
Mixed-Use	1.5ppt/space	815	1223
Calculations per ALUCP Appendix C			

Based upon the above, the project would be consistent with the General Plan policies, goals and objectives if an overrule is granted. Further, the high-quality design of the site, building elevations and community gathering area will promote public health, safety and general welfare and will not adversely affect surrounding properties.

ENVIRONMENTAL REVIEW

Pursuant to Section 15060(d) of the CEQA Guidelines, an Initial Study (IS) was prepared for the proposed project to determine if the proposed project would have a significant effect on the environment. The IS and Notice of Preparation (NOP) were circulated on June 15, 2023, with the review period ending July 14, 2023. The analysis in the IS concluded that no impacts would occur to Agriculture & Forestry Resources, Biological Resources, Geology/Soils, Hydrology and Water Quality, Mineral Resources and Wildfire.

The remaining sections in the IS checklist were identified as having a potentially significant impact requiring the preparation of an Environmental Impact Report (EIR), consistent with Sections 15161 and 15126.6 of the CEQA Guidelines and City of Riverside Resolution No. 21106. The EIR included analysis of potential effects associated with Aesthetics, Air Quality, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Land Use & Planning, Noise, Population & Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities & Service Systems (Exhibit 12).

CEQA Guidelines indicate a Project EIR should focus primarily on the changes in the environment that would result from the project. The EIR should describe a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.

The Draft EIR includes four alternatives to the project:

- Alternative 1 – No Development/Keep Existing Commercial Zoning;
- Alternative 2 – Adaptive Reuse of the existing commercial building to Residential;
- Alternative 3 – ALUC Consistency; and
- Alternative 4 – Reduced Density/Intensity

The EIR concludes that none of the Alternatives would meet any or all of the Project objectives or would result in greater impacts than the proposed project and that with the exception of Cultural Resources, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Land Use & Planning and Transportation, all impacts related to the proposed project have been identified as less than significant or have been reduced to below the level of significance with mitigation. The following impacts would remain significant and unavoidable and a Statement of Overriding Considerations is required to be adopted by the City Council:

- Cultural Resources
As outlined in Section 5.3 – Cultural Resources and Section 7.1.5 – Cultural Resources of the Draft EIR, implementation of the Project will result in significant and unavoidable impacts to a potential historic resource because it involves demolition of a potential historic resource.
- Greenhouse Gas
As outlined in Section 5.5 – Greenhouse Gas Emissions and Section 7.1.7 – Greenhouse Gas Emissions of the Draft EIR, implementation of the Project will result in significant and unavoidable impacts to greenhouse gas emissions as the project's greenhouse gas emissions would be 7,374.37 (MT CO₂e per year), exceeding the threshold of 3,000 (MT CO₂e per year).

Although the Project does not conflict with an applicable plan, policy or regulation adopted to reduce GHG, the Project's GHG emissions exceed the SCAQMD draft threshold of 3,000 MTCO₂e/yr which is being utilized as the City's threshold for this Project. Implementation of local, state, and federal regulations as outlined in the Draft EIR in Section 5.5.2, Project design features, and mitigation measures listed will reduce the Project's GHG emissions from mobile sources. However, there are no additional feasible

mitigation measures that would reduce the Project's overall GHG emissions to a less than significant level. Therefore, the Project's cumulative GHG impacts will be significant and unavoidable and a statement of overriding considerations will be required prior to Project approval. It should be noted, projects of this size, which include a commercial component typically incur similar mobile source (vehicles) Greenhouse Gas impacts. Further, it's important to note that mobile source emissions are regulated at the state and federal level and do not account for future reductions that will occur through implementation of regulations such as Advanced Clean Cars II program that requires 100 percent of new light-duty vehicle sales be zero emission by 2035.

- Hazards & Hazardous Materials

As outlined in Section 5.6 – Hazards and Hazardous Materials and Section 7.1.8 – Hazards and Hazardous Materials of the Draft EIR, implementation of the Project will result in an inconsistency with Riverside County Airport Land Use Commission policies, such as density of units, intensity of persons, number of above ground habitable floors, and Open Space the inconsistencies result in significant and unavoidable impacts.

- Land Use/Planning

As outlined in Section 5.7 – Land Use and Planning and Section 7.1.9 – Land Use and Planning of the Draft EIR, implementation of the Project will result in an inconsistency with the general plan policies related to airport land use due the projects inconsistency with Riverside County Airport Land Use Compatibility Plan policies will result in significant and unavoidable impacts.

- Transportation/Traffic

As outlined in Section 7.1.14 – Transportation, the Project will result in cumulative transportation impacts. The priority and timing of these road improvements cannot be determined at this time, nor are they under the sole control of the project proponent and in case of other jurisdictions, the City, to implement. Hence, it is possible that the required improvements will not be constructed in time to mitigate the Project's cumulative impacts upon off-site intersections and roads to below the level of significance. Further, the dedicated eastbound connector lane from California Avenue to Arlington Avenue currently operates and will continue to operate at an unacceptable LOS in the buildout condition. Therefore, the Project will result in significant and unavoidable impacts in the cumulative condition.

As part of the Final Environmental Impact Report a Statement of Overriding considerations will be prepared for City Council's review and determination detailing the projects benefits that would override and outweigh the identified unavoidable impacts.

PUBLIC NOTICE, COMMUNITY MEETINGS, AND COMMENTS

On July 12, 2023, staff held a virtual scoping meeting to inform the community an Environmental Impact Report (EIR) was being prepared for the proposed project, solicit input on the Scope of the EIR, provide information on the CEQA/EIR process, share an overview of the proposed project, and inform the community of all future opportunities for input.

Pursuant to CEQA, a 45-day review and comment period was provided from February 6, 2024, to March 22, 2024. A Notice of Availability was mailed to property owners within 600 feet of the project's sites and to various Federal, State, regional, and local government agencies, and other interested parties, including the agencies/interest groups that commented on the Notice of Preparation. The Notice of Availability was also published in the Press Enterprise.

During the 45-day comment period, staff received five comment letter (Exhibit 10):

1. Agua Caliente Band of Cahuilla Indians – Is requesting full time archaeological and monitoring.
2. Paula Horychuk – Asserts that the project is inappropriate due to significant and unavoidable impact and is inconsistent with the City's General Plan Historic Preservation Element and Title 20 of the RMC.
3. Department of Toxic Control (DTSC) – Asserts toxic substances are present on-site from the former fueling station.
4. Krystal Hacker – Concerns related to many units, architectural design, signalized intersection, placement of ALDI loading dock, grocer choice. The letter also indicates if other uses were contemplated for the site.
5. Riverside Airport Land Use Commission Staff – Letter indicating a cleanup item in relation to verbiage for the ALUC determination.

A Notice of Public Hearing was mailed to property owners within 600 feet of the project sites after the 45-day comment period. As of the writing of this report, Staff received one comment letter (Exhibit 11):

1. Paula Horychuk – Email stating that the project is not right for Riverside and stating that the EIR overlooks significant and adverse impacts.

Clarification on concerns expressed on the letters will be addressed in the Final EIR.

STRATEGIC PLAN ALIGNMENT

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 mixed-use development requires public hearings by the Cultural Heritage Board, Planning Commission and City Council. Additionally, public comment is and was encouraged throughout the process; including through the Notice of Preparation, the project scoping meeting, the 45-day DEIR review period and at public meeting such as Riverside County Airport Land Use Commission, Cultural Heritage Board, Planning Commission and City Council.
2. Equity: The proposed mixed-use 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 mixed-use development meets the growing community's needs for increased housing opportunities while situating residents adjacent to community services and reducing vehicles miles traveled.
5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes. The proposed development is designed to meet the current and future needs of the community.
- 6.

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 Planning Division Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Conditions of Approval
3. Existing Site Photos
4. Location Map
5. Existing and Proposed General Plan Map
6. Existing and Proposed Zoning Map
7. Airport Land Use Compatibility Zones
8. Project Plans (Site Plan, Vehicular Circulation, Pedestrian Circulation, Floor Plans, Building Elevations, Project Renderings, Material Board, Preliminary Grading Plans, existing site plan, cross sections, Tentative Parcel Map, Conceptual Landscape Plans, Wall and Fence Plans, Site Photometric)
9. Airport – Riverside Airport Land Use Commission (ALUC) Report, Riverside Airport Land Use Commission Letters to Planning Commission, Applicant Rebuttal to ALUC, Riverside Airport Manager Letter
10. Public Comment Letters – 45-day Comment Period DEIR
11. Public Comment Letter - Project Notice
12. Draft Environmental Impact Report – City's Website
<https://riversideca.gov/cedd/planning/development-projects-and-ceqa-documents>

Draft EIR – Also on File at

- City's Community & Economic Development Department, 3900 Main Street, Riverside, CA 92522;
- Main Riverside Public Library, 3900 Mission Inn Avenue, Riverside, CA 92501; and
- Marcy Library, 6927 Magnolia Avenue Riverside, CA 92506.

Prepared by: Brian Norton, Principal Planner

Approved by: Maribeth Tinio, City Planner



EXHIBIT 1 – FINDINGS

PLANNING CASES: DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review), SD-2022-00002 (Tentative Parcel Map) and DP-2022-00048 (Environmental Impact Report)

Site Plan Review Permit Findings Pursuant to 19.120.040

- a) The proposed Arlington Mixed Use development is consistent with the General Plan, any applicable specific plans and the intent and purpose of the mixed-use zones;
- b) The proposed Arlington Mixed Use development, as conditioned, will not have substantial adverse effects on the surrounding property or uses, and will be compatible with the existing and planned land use character of the surrounding area;
- c) The proposed Arlington Mixed Use development is appropriate for the site and location by fostering a mixture and variety of land uses within the zone and the general vicinity and contributing to a synergistic relationship between uses; and
- d) As designed the site design, building design, pedestrian and vehicle connectivity within the mixed-use development is substantially compatible with each other and has been designed as an integrated, unified project.

Zoning Code Map Amendment (Rezoning) Findings Pursuant to 19.810.040

- a) The proposed Zoning Code Map Amendment (Rezoning) is consistent with the goals, policies, and objectives of the General Plan;
- b) The proposed Zoning Code Map Amendment (Rezoning) will not adversely affect surrounding properties; and
- c) The proposed Zoning Code Map Amendment (Rezoning) will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.



EXHIBIT 2 – CONDITIONS OF APPROVAL

PLANNING CASES: DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review), SD-2022-00002 (Tentative Parcel Map) and DP-2022-00048 (Environmental Impact Report)

Planning Division

1. All applicable conditions of related Planning Case DP-2022-00047 (Certificate of Appropriateness) shall apply.
2. All mitigation measures, as outlined in the Mitigation, Monitoring and Reporting Plan in the FEIR, shall be completed in accordance with the designated schedule.
3. All applicable conditions of approval from the Airport Land Use Commission staff report (Case Number ZAP1107RI22) shall apply, with the exception of those modified by the City Council.
4. Approval of this project is contingent upon the Certification of the Environmental Impact Report associated with this project.
5. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The Applicant is advised that additional development applications and fees may be required.
6. **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:

7. A declaration of Covenants, Conditions and Restrictions (CC&R's) shall be prepared with the final map establishing a Master Property Owner Association subject to the City's Planning Division and City Attorney's Office review and approval. Such declaration shall set forth provisions for maintenance of all common open space areas, and all other privileges and responsibilities of the common ownership. The CC&Rs shall contain the following conditions and restrictions:
 - a. A covenant shall be recorded requiring a commercial component be part of the cohesive mixed-use development to qualify for the mixed use common open space requirements.
 - b. Establish a Master Property Owners Association (MPA);
 - c. The MPA shall be responsible for common maintenance of all open space, maintenance of landscaping, any private drainage easements, and well as the implementation of water quality management facilities on each lot;
 - d. Reciprocal access agreements shall be provided between all lots within this map; and

- e. Outdoor storage shall be prohibited where visible from the public right-of-way, and adjoining properties unless fully screened pursuant to the standards of the Zoning Code. Outdoor storage areas shall not displace required parking or circulation areas.

Prior to Issuance of Grading Permit:

- 8. The Zoning Code Amendment (DP-2021-00036) shall be finalized and/or adopted.
- 9. A 40-scale precise grading plan shall be submitted to the Planning Division and include:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;
 - e. Identification of location, exposed height, material, and finish of any proposed retaining walls.

During Grading and Construction Activities:

- 10. 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.
- 11. 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.
- 12. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project sites.
- 13. 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.
- 14. 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. Streets shall be swept 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.
- 15. The applicant shall be responsible for erosion and dust control during construction phases of the project.
- 16. 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.
- 17. If human remains are discovered/uncovered/encountered during Project construction activities, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified by the City of Riverside of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains.

Prior to Building Permit Issuance:

- 18. The Parcel map shall be recorded.
- 19. **Plot Plan:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. Decorative paving shall be added at the signalized vehicle entrance from Arlington Avenue; and
 - b. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it.
- 20. **Building Elevations:** Revise the submitted building elevations such that the plans provided for building permit plan check incorporate the following changes:
 - a. The internal design of the truck loading dock area for the grocery store shall be designed consistent with the materials used for the primary grocery store building.
- 21. **Fences/Walls and Retaining Walls:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. All walls and pilasters shall be finished with a decorative cap.
 - b. Terminating wall segments shall include decorative columns finished with a decorative cap.
- 22. **Photometric/Lighting Plan:** A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas, parking lots and pedestrian paths shall be submitted.
 - a. 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);

- b. The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways;
 - c. If lights are proposed to be mounted on buildings, down-lights shall be utilized;
 - d. Light poles shall not exceed 14 feet in height, including the height of any concrete or other base material when adjacent to residentially zoned property or use; and
 - e. For safety, all pedestrian paths shall be adequately lighted throughout the project.
23. **Landscaping and Irrigation:** Plans shall be submitted to the Planning Division for review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
- a. Landscape plans shall incorporate an evergreen tree consistent with ALUC planting plans along the east side of building 22 to provide screening to adjacent properties;
 - b. A hedge shrub shall be used between building 9 and 10, to adequately screen on-site parking;
 - c. On-site tree species shall be consistent with ALUC planting plans and shall include deciduous canopy trees along major pedestrian pathways;
 - d. Where possible deciduous trees, consistent with ALUC planting plans shall be used on the south side of buildings to reduce solar heat gain; and
 - e. Landscaping shall be designed to incorporate a tiered planting design with taller plants towards the back of planting areas and lower ground cover closer to walkways.

Prior to Release of Utilities and/or Occupancy:

- 24. 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, at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.

Standard Conditions:

- 25. There is a 36-month time limit in which to satisfy the conditions and record this map. 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. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
- 27. The Zoning Code Map Amendment, and Site Plan Reviews may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a

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

Please be advised that the applicant will not be notified by the planning division about the pending expiration of the subject entitlements.

28. 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.
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. 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.
31. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
32. 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.
33. 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

34. Developer shall pay all applicable Fire Department Impact Fees (including the \$169,606.00 fire station development fee).
35. An automatic fire sprinkler system is required by City Ordinance 16.32.080. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

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

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

- a. The tower is required to have a voice Evacuation Fire alarm system because of 12 occupancy.

- b. The tower is required to have a standpipe system as it is more than 30 feet higher than the Fire Department access route.
 - c. A private fire hydrant is required within 100 feet of tower standpipe.
 - d. NFPA 13 fire sprinkler system is required for both tower and parking structure.
- 36. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System in:
 - a. New buildings greater than fifty thousand (50,000) square feet.
 - b. In existing buildings greater than fifty thousand (50,000) square feet when modifications or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%)
 - c. All basements where the occupant load is greater than fifty (50), regardless of the occupancy, or sub-level parking structures over ten thousand (10,000) square feet.
- 37. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
- 38. Construction plans shall be submitted and permitted prior to construction.
- 39. Fire Department access shall be maintained during all phases of construction.
- 40. Public fire hydrants shall be installed on the project side of Arlington Ave and Streeter Ave with a maximum spacing of 350 feet.
- 41. All required hydrants shall be in service and fire flow available prior to building permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.
- 42. Fire access roads shall comply with specifications contained in City of Riverside Fire Department information bulletins, "2022-001: Access Requirements" and "2022-002: Fire Apparatus at Gates".

Parks, Recreation & Community Services – Park Planning

Prior to Issuance of Building Permit:

- 43. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve, and trail fees) for privately developed areas per RMC Chapters 16.60, 16.44 and 16.76.

Public Utilities – Electric

- 44. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing spare conduits, streetlights, stub and cap along property frontage.
- 45. Plot existing electrical distribution facilities on the original site plan.
- 46. Show location of the PJC, Transformer location, and switchgear.
- 47. To serve the project additional circuits are required, the project includes trenching 1.5 miles to the Mountain View substation from the project site. In addition to street crossing off Arlington Avenue to loop the underground system. Project will have two points of connections one off Streeter Avenue and the second off Arlington Avenue.

48. If original electric load increases, RPU will need to re-evaluate proposed electric service and provide revised solutions to serve project.
49. If a photovoltaic system were installed as part of the project, a Generation Interconnection Application must be completed for any system above 30KW to undergo the Generator Interconnection Initial Review Screening process. This screening only evaluates the impact on RPU's system and does not take into consideration the photovoltaic size limitation imposed by RPU's Self generation program. A photovoltaic plan check review of the proposed photovoltaic system is provided separately.

Public Utilities – Water

Prior to Issuance of Building Permit:

50. 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.
51. 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.

Public Works – Land Development

Prior to permit issuance, unless otherwise noted:

52. Storm Drain construction will be contingent on engineer's drainage study.
53. Deed for widening Arlington Avenue along project frontage to 60 feet from monument centerline to Public Works specifications. Additional right of way required for commercial driveway approaches to Public Works standards and specifications.
54. Installation of curb and gutter at 50 feet from monument centerline, parkway sidewalk and matching paving on Arlington Avenue to Public Works specifications.
55. Remove existing curb, gutter and sidewalk on Streeter Avenue and replace with new curb, gutter and parkway sidewalk along project frontage to Public Works specifications.
56. Rehabilitation of existing asphalt pavement on Streeter Avenue and Arlington Avenue along project frontage to street centerline to Public Works specifications. 0.12' grind and overlay minimum or as directed by public works inspector.
57. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Sewer main on site will be private all the way to main line connection.
58. Off-site improvement plans to be approved by Public Works prior to issuance of construction permit.
59. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to construction permit issuance.
60. Size, number, and location of driveways to Public Works specifications.
61. Closure of unused driveways to Public Works specifications.
62. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works and Fire Department specifications.
63. Street trees shall be removed and replaced with those required by the Street Trees Division. Street trees shall be 24" box size trees to Tree Inspector's specifications. Planting, staking, irrigation, root barriers, trunk protectors, to Landscape & Forestry specifications.

64. Double trash enclosures required per Public Works specifications.
65. 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.

66. 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.
67. 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.
68. 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.
69. 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.

Public Works - Traffic

- 70. 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.
- 71. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete following improvements as included in the traffic study dated 09/26/2023:
 - a. Construct a stop sign (R1-1), stop bar, stop legend, at the Project Driveways 1,2 & 3. Stop signs must conform to City Standard 664 and the markings must conform to the California Manual on Uniform Traffic Control Devices, Part 2A and 2B.
 - b. Install a Class II bike lane striping and signage for both northbound and southbound directions along Streeter Avenue from Central Avenue to Arlington Avenue.
 - c. Furnish and install a Marathon Battery Backup System (BBS) (or equivalent) at the following intersection:
 - Madison Street/Palomar Way at Arlington Avenue
- 72. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct the following improvements at the signalized intersection of Streeter Avenue and Arlington Avenue as included in the traffic study dated 09/26/2023:
 - a. 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 INS with 5" x 7" R10-3 face plates.
 - b. Reconstruct the existing median nose on north, east and west legs to remove the median portion encroaching into the existing crosswalks to provide a clear path of travel for pedestrians.
 - c. Upgrade the existing three crosswalks to high visibility crosswalks at all approaches.
 - d. Modify the existing raised median to extend westbound left turn pocket from 125 feet to 250 feet storage capacity plus transition length.
 - e. Modify the traffic signal to implement optimized timing plans with a 130-second cycle.
 - f. Install a new McCain 2070 traffic signal controller with 2033 software (or equivalent).
- 73. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct the following improvements as included in the traffic study dated 09/26/2023:
 - a. Intersection of Streeter Avenue and El Molino Avenue/ Driveway 2:

- Modify the existing median to extend the southbound left turn pocket from 145 feet to 225 feet storage capacity plus transition length.
 - b. Intersection of Streeter Avenue at Central Avenue:
 - Install a new McCain 2070 traffic signal controller with 2033 software (or equivalent)
 - c. Intersection of California Avenue/Driveway 3 at Arlington Avenue:
 - i. Project is proposing to widen Arlington Avenue along project frontage from Driveway 3 to Driveway 4. Project shall construct an exclusive westbound right turn lane.
 - ii. Install southbound right turn out signage and striping.
 - d. Intersection of Driveway 4 at Arlington Avenue:
 - i. Project is proposing to widen Arlington Avenue along project frontage from the project's eastern boundary to Project Driveway 4. Project shall construct an exclusive westbound right turn lane.
 - ii. 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 INS with 5" x 7" R10-3 face plates.
 - iii. Provide a traffic signal modification plan.
 - iv. Modify the existing raised median to extend eastbound left turn pocket from 80' to 150 feet storage capacity plus transition length.
74. 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.
75. Signing and 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.