



**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.

(ID # 17450)
MEETING DATE:
Wednesday, November 17, 2021

SUBJECT: TENTATIVE TRACT MAP NO. 38016 and TENTATIVE TRACT MAP NO. 38025 – Not a Project under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c) or Exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) – CEQ210014 – Applicant: Foremost Center Street, LLC – Second Supervisorial District – University District Zoning Area – Highgrove Area Plan: Community Development: Mixed Use Area (CD-MUA) (Highest Density Residential – 20+ du/ac) – Location: Center Street/Spring Street near Garfield Avenue – 58.99 Acres – Zoning: Mixed Use (MU) – REQUEST: To authorize schedule “A” land divisions to create 14 lots for finance and conveyance and 10 lots for 846 condominium dwellings, private recreation, public Springbrook Community Park, a portion of a public regional trail, public streets and private access, and water quality basin lots. APNs: 255-060-014, 255-060-022, 255-060-028, 255-060-030, 255-110-003, 255-110-004, 255-110-005, 255-110-006, 255-110-015, 255-110-019, and 255-110-029. Project Planner: Steven Jones at (951) 955-0314 or email at sjones@rivco.org.

| PROPOSED PROJECT | |
|-------------------------|---|
| Case Number(s): | TTM38016 TTM38025 |
| Environmental Type: | Exemption |
| Area Plan No. | Highgrove |
| Zoning Area/District: | University District |
| Supervisorial District: | Second District |
| Project Planner: | Steven Jones |
| Project APN(s): | 255-060-014, 255-060-022, 255-060-028, 255-060-030, 255-110-003, 255-110-004, 255-110-005, 255-110-006, 255-110-015, 255-110-019, and 255-110-029 |
| Continued From: | |



John Hildebrand, Planning Director 11/2/2021

STAFF RECOMMENDATIONS:

THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:

FIND that the project is **NOT A PROJECT** under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines 15060(c), or is **EXEMPT** from CEQA, pursuant to

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State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), based on the findings and conclusions in the staff report; and,

APPROVE TENTATIVE TRACT MAP NO. 38016, subject to the attached advisory notification document and conditions of approval, and based upon the findings and conclusions provided in this staff report; and,

APPROVE TENTATIVE TRACT MAP NO. 38025, subject to the attached advisory notification document and conditions of approval and based upon the findings and conclusions provided in this staff report.

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| PROJECT DATA |
|---------------------|

Land Use and Zoning:

| | |
|---|--|
| Specific Plan: | N/A. |
| Specific Plan Land Use: | N/A. |
| | |
| Existing General Plan Foundation Component: | Community Development. |
| Proposed General Plan Foundation Component: | N/A. |
| Existing General Plan Land Use Designation: | Mixed-Use Area (MUA). |
| Proposed General Plan Land Use Designation: | N/A. |
| Policy / Overlay Area: | Highgrove Community Highgrove Community Policy Area. |
| Surrounding General Plan Land Uses | |
| North: | Mixed Use Area (MUA). |
| East: | Medium Density Residential (MDR). |
| South: | MDR and City of Riverside. |
| West: | MDR. |
| | |
| Existing Zoning Classification: | Mixed Use (MU). |
| Proposed Zoning Classification: | N/A. |
| | |
| Surrounding Zoning Classifications | |
| North: | MU. |
| East: | One-Family Dwellings (R-1 and R-1-20,000). |
| South: | Manufacturing – Service Commercial (M-SC) and City of Riverside. |
| West: | MU and R-1. |

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|------------------|---|
| Existing Use: | Vacant land. |
| Surrounding Uses | |
| North: | Vacant land, one-family dwelling and pest control business. |
| East: | Highgrove Elementary School and one-family dwellings. |
| South: | Spring Brook and the City of Riverside. |
| West: | Spring Brook, vacant land, and Union Pacific Railroad. |

TTM 38016 Project Details:

| <i>Item</i> | <i>Value</i> | <i>Min./Max. Development Standard</i> |
|------------------------------------|--------------|---------------------------------------|
| TTM38016 Project Site (Acres): | 58.99. | N/A. |
| Proposed Minimum Lot Size (sq ft): | 1,742.4. | There is no minimum lot size. |
| Total Proposed Number of Lots: | 14. | N/A. |
| Map Schedule: | A. | |

TTM38025 Project Details:

| <i>Item</i> | <i>Value</i> | <i>Min./Max. Development Standard</i> |
|--|--------------|---|
| TTM38025 Project Site (Acres): | 51.42. | N/A. |
| Proposed Minimum Lot Size (sq ft): | 16,552.8. | There is no minimum lot size. |
| Total Proposed Number of Residential Lots: | 846. | Highgrove Community Highest Density Residential (HHDR), or 20+ dwelling units / acre pursuant to Highgrove Area Plan Policy 5.15. |
| Map Schedule: | A. | |

Located Within:

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|--|---|
| City's Sphere of Influence: | Yes, City of Riverside. |
| Community Service Area (CSA): | Yes, CSA 126. |
| Special Flood Hazard Zone: | No. |
| Agricultural Preserve: | No. |
| Liquefaction Area: | Yes, partially within low susceptibility. |
| Subsidence Area: | Yes, partially within susceptible area. |
| Fault Zone: | No. |
| Fire Zone: | No. |
| Mount Palomar Observatory Lighting Zone: | No. |
| WRCMSHCP Criteria Cell: | No. |
| CVMSHCP Conservation Boundary: | No. |
| Stephens Kangaroo Rat (SKR) Fee Area: | Yes. |
| Airport Influence Area (AIA): | Yes, March Air Reserve Base, Zone E. |

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PROJECT LOCATION MAP

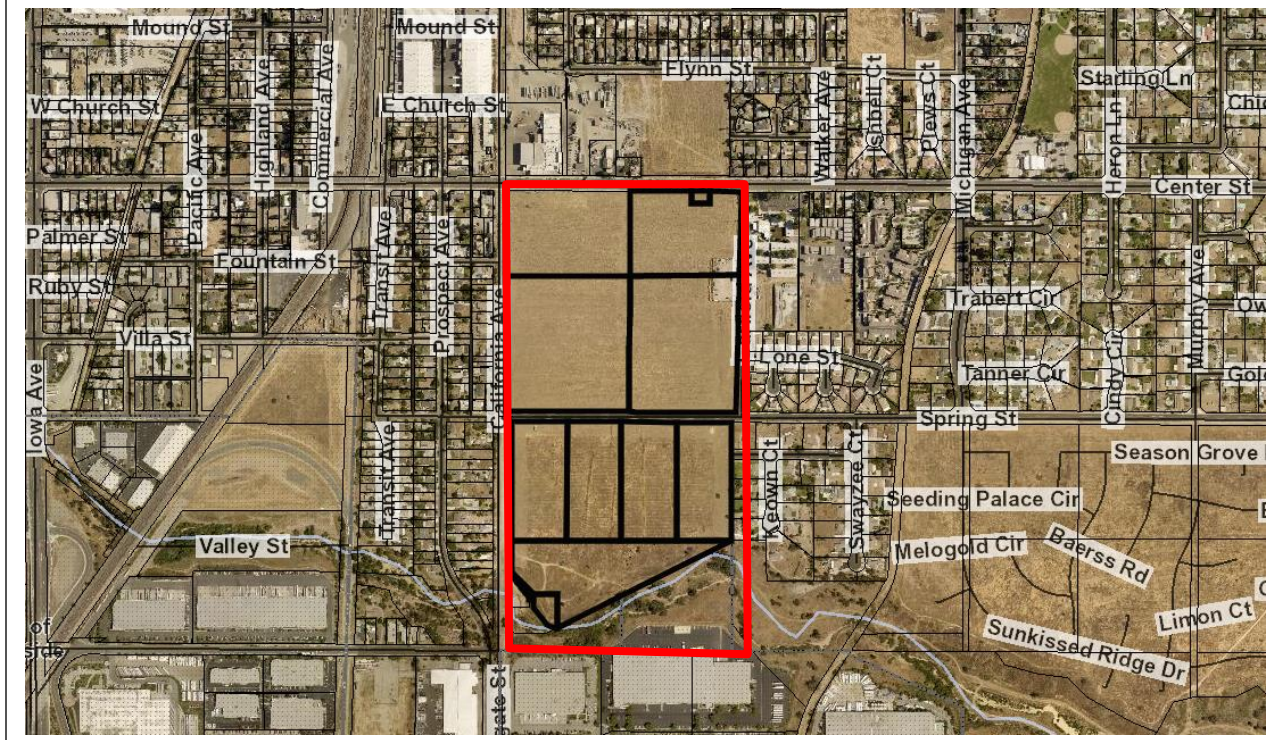


Figure 1: On-site Project Location Map

PROJECT BACKGROUND AND ANALYSIS

Background:

Foremost Center Street, LLC (Foremost) filed requests for County review of a proposal to develop special multiple family dwellings that only include a residential use on property zoned Mixed-Use located within the Highgrove area of the unincorporated Riverside.

The project proposes to divide the land for financing, project infrastructure lots and conveyance lots for public parks and a water well site as depicted with Tentative Tract Map 38016.

The implementation of Tentative Tract Map 38025 for the property development proposes four different phases proposed to be associated with tentative tract map associated with the condominium project. Phase 1A is proposed to be located in the northeast area of the site with 266 dwelling units. Phase 1B is proposed in the northwest corner of the site with 223 dwelling

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units. Phase 2A is proposed in the southwest corner of the site with 194 dwelling units. Phase 2B is proposed in the southeast corner of the site with 163 dwelling units.

A park is proposed on a 3.80-acre lot within the southerly portion of the development. Amenities for the park are anticipated to be a picnic grove, bench and terraced overlook seating areas, and parking lot. The park is anticipated to be owned and maintained by Valley-Wide Recreation and Parks District following construction of the park. Smaller park/paseo areas under private ownership are also proposed at certain locations throughout the development known as Highgrove Town Center to provide pedestrian connections and amenities within the park/paseo areas.

Access to the development would be provided via the two surrounding streets. Center Street would provide access to the northern portion of the site and Spring Street would provide access to the southern portion of the site. The land division is proposed to be divided into four (4) phases. Each phase is proposed to provide the necessary primary and secondary means of access and all required infrastructure regardless of which phase develops first.

The surrounding streets would be improved along the frontage of the project with full improvements to applicable roads.

The grading proposed for the land division area would result in a need for 186,389 cubic yards of cut, and 97,976 cubic yards of fill. 88,413 cubic yards of export is proposed.

Application Submittal

The Tentative Tract Maps No. 38016 and 38025 were submitted to the County of Riverside on February 2, 2021. An associated design review (SMF210001) was previously processed and approved by the Planning Director on August 10, 2021.

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

The proposed activity would not constitute a “project” for the purposes of CEQA pursuant to State CEQA Guidelines sections 15060, subd. (c)(1)-(3), 15378 subd. (a). The intent of the MU Zone is to implement MUA land use designation of the Riverside County General Plan, which assists the County in accommodating its share of the regional housing needs assessment (RHNA) allocation pursuant to the Riverside County Housing Element. The proposed tentative tract maps would facilitate the multiple family dwellings that only include a residential use that are permitted by right within the MU Zone. Moreover, the project is additionally not subject to CEQA under Government Code section 65583.2, subdivision (i), which provides that the local government’s review of owner-occupied or multifamily residential use may not require a

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conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a 'project' for purposes of [CEQA]." (Gov. Code, § 65583.2, subd. (i)). The MU Zone provides that multiple family dwellings that only include a residential use is a use permitted and expressly not subject to CEQA. The processing of the land division proposed by the tentative tract maps entail no physical change and results in the division of unimproved land for the purpose of sale, lease, gift, or financing resulting in neither a direct nor reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (c)(1)-(3), 15378, subd. (a).)

Even if the land division pursuant to Ordinance No. 460 would be considered a project under CEQA, the proposed tentative tract maps are exempt from the California Environmental Quality Act (CEQA) under the "common sense" exemption, which exempts activity from CEQA where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." (State CEQA Guidelines, § 15061, subd. (b)(3).) A "significant effect on the environment" is defined to mean "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." (State CEQA Guidelines, § 15382.) This "common sense" exemption applies to the proposed tentative tract maps as Government Code Section 65583.2 specifically exempts the use of the site (a multiple family dwelling residential use) as a project pursuant to CEQA. Therefore, the project also meets the requirements for CEQA exemption per Section 15061(b)(3) as there is no potential that the Project as proposed would have a significant physical impact on the environment.

Solar Energy:

Riverside County Climate Action Plan, as revised in 2019, includes Measure R2-CE1 which requires renewable energy generation by projects of a certain size. This measure is applicable to residential projects of 75 units or more to provide a minimum of 30 percent of their energy demand via renewable energy. The project is conditioned to comply with this provision and dwelling units require solar energy use plans/depictions at building permit issuance.

FINDINGS AND CONCLUSIONS

For the County to approve the proposed project, the following findings are required to be made:

Entitlement Findings:

Tentative Tract Maps

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Tentative Tract Map No. 38016 proposes a Schedule "A" land division that would subdivide 58.99 gross acres for financing, project infrastructure lots and conveyance lots for public parks and a water well site and Tentative Tract Map No. 38025 is a Schedule "A" land division that proposes to divide 51.42 acres into 10 mixed use lots for multiple family dwellings that only include a residential use, private recreation and open space, utility and water quality basin lots and private street lots to be developed in four (4) phases. The findings required to approve the Map, pursuant to the provisions of the Riverside County Ordinance No. 460, are followed below:

1. The proposed maps, land division design and improvements are consistent with the General Plan. Specifically, General Plan Principle IV.A.1 which provides that the intent of the General Plan is to foster variety and choice in community development. The General Plan Principle IV.4, states that communities should range in location and type from urban to suburban to rural, and in intensity from dense urban centers to small cities and towns to rural country villages to ranches and farms. The MUA land use designation has no set density as the predominant use or standard by which desirability is determined. The General Plan IV.B.1, also states the General Plan should promote development of a "unique community identity" in which each community exhibits a special sense of place by retaining distinct edges and sufficient open space between scattered urbanized areas. This will facilitate the buildout of existing communities, as well as the creation of new towns, each of which have distinct boundary and edge conditions. The proposed tentative tract maps for a Schedule "A" subdivision pursuant to Ordinance No. 460 will comply with the General Plan by providing a variety of housing type in single-family residential community, by promoting community with the open space recreational areas and connecting to adjacent communities.

The project site has a General Plan Land Use Designation of Community Development: Mixed Use Area (CD:MUA) which allows a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses. This project is consistent with the land use policies for the Mixed-Use Area land use designation, which requires development in accordance with applicable community-level policy areas described in each area plan. (Land Use Policy 33.1 and 33.2.)

Highgrove Area Plan: Highgrove Community Policy Area: Highgrove Town Center: Center/Spring Streets Neighborhood

The project is located within the Highgrove Area Plan, Highgrove Community Policy Area, Highgrove Town Center, and, more specifically, within the Center/Spring Streets Neighborhood. The Highgrove Community Plan was adopted, after an extensive period of outreach and preparation, in December 1999. The goals and policies of the Riverside

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Community Implementation Plan (RCIP) are incorporated into the Highgrove Area Plan (HAP) and applies to 2,454 acres of unincorporated land, which includes the project site.

The Center/Spring Streets Neighborhood is in the “heart of Highgrove” since the area is adjacent to Highgrove’s main east-west thoroughfare that provides convenient connections between the neighborhood and the community’s commercial services and the I-215 and other area attractions. The Center/Spring Streets Neighborhood contains about 71 gross acres (about 66 net acres), and is designated as a Mixed-Use Area, with a required 75% HHDR component. The remainder of the neighborhood may be developed primarily with a combination of retail commercial, office commercial, recreational, and other uses, with small amounts of other residential uses of varying densities. Pursuant to HAP 5.15, the area is designated to have a 75 percent HHDR component requirement, which has a density range of 20 or greater dwelling units per acre. The net project area of 42 developable acres at this maximum density rate would allow up to 852 dwelling units. The project proposes a maximum of 846 dwelling units to be consistent with HAP policies. It is appropriate to incorporate the infrastructure in the figure for density since the HAP specifically analyzes other supportive uses in the context of a resultant “vibrant neighborhood.” Pursuant to HAP 5.16, the remaining 25% of the neighborhood would see the proposed public and private recreation areas and commercial uses. The proposed land division and vertical development design would be consistent with the policy area. Additionally, the environmental analysis associated with the HAP considered the impacts of the density associated with the neighborhood.

The existing zoning is Mixed Use (MU), which allows for a use by right of multiple family dwellings that only include a residential use. The proposed Tentative Tract Maps are consistent with the zoning for multiple family dwellings that only include a residential use, which has already been processed and approved (SMF210001) by the Planning Director on August 10, 2021. Additionally, the proposed Tentative Tract Maps are consistent with the development standards of the zone, which is detailed below in the Development Standards Findings.

The project specifically complies with the Schedule “A” requirements of Ordinance No. 460 as described throughout the remaining staff report. There is no applicable specific plan or community plan for this property. The proposal is consistent with the MUA land use designation and all other requirements of the General Plan and the project is consistent with all applicable requirements of State law and the ordinances of Riverside County. Therefore, the proposed project is consistent with this finding.

2. The site of the proposed map is physically suitable for the type of development and density because the site is relatively flat which lends itself well to the type and density of

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development proposed. Infrastructure to serve the residential development including water, sewer, and roads are readily available to the site with the improvements proposed by the overall project. Additionally, this development is consistent with the MUA land use designation of the General Plan, as discussed above.

3. The design of the proposed map or proposed improvements are unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat since Government Code Section 65583.2 deems the multifamily residential use a “use by right” and does not constitute a “project” under CEQA. Moreover, the project is in an urbanized area so there would be minimal impact, if any, of the kind described in this finding. Additionally, the project’s required Conditions of Approval further support this determination.
4. The design of the proposed map or the type of improvements are unlikely to cause serious public health problems since Government Code Section 65583.2 deems the multifamily residential use a “use by right” and does not constitute a “project” under CEQA. Moreover, the project is in an urbanized area so there would be minimal impact, if any, of the kind described in this finding. Additionally, the project’s required Conditions of Approval further support this determination.
5. As indicated in the included project Conditions of Approval, the proposed Tentative Tract Maps includes the improvements as required by Riverside County Ordinance No. 460 for a Schedule “A” Map. Ordinance No. 460 requires all land divisions to conform to the County’s General Plan, with applicable specific plans, Ordinance No. 348 and with the requirements of Ordinance No. 460.

Tentative Tract Maps No. 38016 and 38025 would comply with the Schedule ‘A’ improvement requirements provided in Section 10.5 of Ordinance No. 460 as listed below.

a. Schedule “A” Findings:

- i. Streets. Streets are shown on the Tentative Maps, which include all internal street improvements and a least two points of connection, one each to the two surrounding roads (Center Street and Spring Street), for primary and secondary access as well as applicable improvements to each of the surrounding roads along the project’s frontages as well as improvements for signalizations and lane striping. The proposed tentative tract maps have been reviewed and conditioned by the County of Riverside Transportation Department to comply with applicable street

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- design standards. (050 – Transportation. 10 RCTD – Dedication & Improvement)
- ii. Domestic Water. Domestic water service will be supplied by Riverside Highland Water Company via underground pipes consistent with the requirements set forth in California Administrative Code Title 22, Chapter 16. (080 – E Health. 1 First Commitment Letter Required)
 - iii. Fire Protection. Implementation of the project will provide for appropriate fire hydrant spacing and adequate water pressure and flow to meet Fire Department standards. The project is designed with primary and secondary points of access and each phase of the subdivision would be required to provide adequate access consistent with the provisions of Ordinance No. 460. Other fire protection measures shall be determined based on specific interior building designs, building code (Ordinance No. 457), and fire code (Ordinance No. 787) requirements. (050 – Fire. 1 Prior to recordation)
 - iv. Sewage Disposal. Sewer service will be supplied and will meet the requirements identified within Ordinance No. 460 related to sewage disposal since sewage disposal is proposed to be provided by connection to an existing collection system capable of accepting the waste load. (080- E Health. 1 First Commitment Letter Required)
 - v. Fences. At minimum the project is required to provide six-foot high fencing along any canal, drain, expressway, or other feature deemed hazardous. The project proposes basins that would require fencing be erected. The project proposes walls or fencing along the sides of the basins only opening to areas where access is gated for maintenance. At various points along the southern border of the site, the project fronts Spring Brook and would develop a public park and a portion of a regional trail adjacent to the brook. Beyond the proposed walls and fencing along the basins and residential dwelling units adjacent to the proposed park and trail, walls and fencing are proposed along the outer boundaries of the project site.
 - vi. Electrical and Communication Facilities. The project will provide all overhead electrical power below 34 kilovolts, telephone, street lighting and cable television service with lines along the project frontage and all offsite overhead lines in each direction of the project site to the nearest

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offsite pole being placed underground. (050- Transportation. 14 RCTD – UTILITY COORDINATION)

6. There is no conflict of the design of the proposed land division or the type of improvements with easements, acquired by the public at large, for access through, or use of, property within the proposed land division. No easements have been identified on the project site, so no impacts to easements would occur. The project will provide for the payment of parks and recreation fees and/or dedication of land. Therefore, the project is consistent with this finding. (050 Planning. 1 Map – Quimby Fees (1))
7. The Tentative Tract Maps propose to be consistent with the minimum size allowed by the project site's MU Zoning Classification. This is detailed further in the Development Standards findings.

Development Standards Findings:

1. The proposed mixed use lots comply with the development standards for the MU Zone and all other applicable provisions of Ordinance No. 348, specifically: Sections 9.87 as detailed below:
 - a. **LOT SIZE. There is no minimum lot size.** The minimum lot size is met since there is no requirement in the zone.
 - b. **LOT WIDTH. There is no minimum lot width.** The minimum lot width is met since there is no requirement in the zone.
 - c. **LOT DEPTH. There is no minimum lot depth.** The minimum lot depth is met since there is no requirement in the zone.
 - d. **FRONTAGE. There is no minimum lot frontage.** The minimum lot frontage is met since there is no requirement in this zone.

Other Findings:

1. This project site is located outside of any Criteria Cell of the MSHCP. Accordingly, this project fulfills the Conservation Area requirements of the MSHCP and is consistent with the MSHCP.
2. The project site is located within the City of Riverside's sphere of influence. The project was transmitted to the City and no comment has been received.

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3. The project site is located within the March Air Reserve Base Airport Influence Area (AIA) boundary. The project was transmitted to the March Air Reserve Base command and no comment has been received.
4. In compliance with Assembly Bill 52 (AB52), the Agua Caliente Band of Cahuilla Indians, Pechanga Cultural Resources Department, the Rincon, and Soboba Bands of Luiseño Indians were notified of a proposed project on the project site. No responses were received, however, recommendations that there be monitoring and reporting during grading and further tribal cultural consultation should any unanticipated resources be identified during ground disturbing activities were made by the County archaeologist. Consultation, pursuant to AB52, has been completed.
5. The project site is located outside the boundaries of the Mount Palomar Observatory Lighting Zone boundary, as identified by Ordinance No. 655 (Mt. Palomar).
6. The project site is located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Per County Ordinance No. 663 and the SKRHCP, all applicants who submit for development permits, including maps, within the boundaries of the Fee Assessment Area who cannot satisfy mitigation requirements through on-site mitigation, as determined through the environmental review process, shall pay a Mitigation Fee of \$500.00 per gross acre of the parcels proposed for development. Payment of the SKRHCP Mitigation Fee for this Project, instead of onsite mitigation, will not jeopardize the implementation of the SKRHCP as all core reserves required for permanent Stephen's Kangaroo Rat habitat have been acquired and no new land or habitat is required to be conserved under the SKRHCP.

Fire Findings:

1. The project is not located within a CAL FIRE state responsibility area or any fire hazard severity zone.
2. Fire protection and suppression services will be available for the subdivision through Riverside County Fire Department.

Conclusion:

Based on the findings provided in this staff report, advisory notification document and conditions of approval, the proposed project conforms to all the requirements of the General Plan and any applicable specific plan, complies with the development standards of the MU zoning

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classification, complies with the Subdivision Map Act and Ordinance No. 460 and with all applicable requirements of State law and the ordinances of Riverside County. The proposed project will not be detrimental to the health, safety, or general welfare of the community.

PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH

This project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 600 feet of the project site. As of the writing of this report, Planning Staff has received written communication requesting a traffic study, CEQA review and a public hearing for the proposed project.

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APPEAL INFORMATION

The Planning Commission's decision may be appealed to the Board of Supervisors. Such appeals shall be submitted in writing to the Clerk of the Board, with the required fee as set forth in Ordinance No. 671 (Consolidated Fees for Land Use and Related Functions), within 10 days after the Planning Commission's decision.