



**EXHIBIT 1 – FINDINGS**

**PLANNING CASES:** **P17-0506** (Design Review)

**P17-0507** (Grading Exception)

**P17-0748** (Grading Exception)

**P17-0749** (Variance)

***Grading Exception Findings pursuant to Section 17.32.020***

Requested Grading Exceptions: A) To permit retaining walls higher than permitted by Code along the east and west property lines; and

B) To permit slope heights higher than permitted by Code.

a. That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent Title 17.

**Grading Exception A:** The proposal complies with this finding. The stated purpose of Title 17 – Grading Ordinance is to “regulate hillside and arroyo grading in a manner which minimizes the adverse effects of grading on natural landforms, soil erosion, dust control, water runoff and construction equipment emissions.” Section 17.28.010.C(1) of the Grading Ordinance provides that “retaining walls constructed of materials architecturally consistent with the development may be permitted in lieu, or in combination with cut or fill slopes. Retaining or crib walls in an area not open to public view are permitted up to six feet in height unless a higher wall is approved administratively. Retaining or crib walls exposed to public view shall not exceed three feet in height unless approved administratively and shall be included as part of the permitted height of the slope.”

The Project site has an average natural slope of 11.62 percent. Due to the elevation difference in the existing property line grades along the westerly property line and the grades along the easterly property line, adjacent to Box Springs Mountain Reserve Park, there is an approximate 100-foot elevation difference. The site is also constrained uniquely by the proximity of the historic Gage Canal and a multi-use recreational trail. Due to the significant elevation difference, retaining walls ranging from 3-feet 1-inch to 24-feet 10-inches in height along the north and west property lines are proposed. Additionally, retaining walls ranging in from 5-feet 9-inches to 22-feet 10-inches in height are proposed east and west of the proposed building. The proposed retaining walls assist in creating a natural transition from the Project site to the surrounding properties, including the Box Springs Mountain Reserve Park, by maintaining the rolling hills aspect of the existing terrain. The retaining walls could be reduced in height if the property was reconfigured and developed as two different parcels, but the less-efficient use of space would require a greater percentage of the site to be occupied. The current proposal only occupies 35 percent of the site, instead of the 50 percent allowed. The gross elevation change across two parcels, instead of one parcel, would not change. Given that the larger parcel allows

for more efficient, less-dense development, the project is consistent with RMC section 17.04.010, including but not limited to:

- a. Ensure that significant natural characteristics such as land form, vegetation, wildlife communities, scenic qualities, and open space can substantially be maintained; to preserve unique and significant geologic; biologic and hydrologic features of public value; to encourage alternative approaches to conventional hillside construction practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hill areas such as slope, landform vegetation, and scenic quality.
- b. Preserve and enhance existing community character, as defined by such factors as visual appearance, density, road widths and vegetation.
- c. Preserve prominent landforms within the community, including, but not limited to ridgelines, knolls, valleys, creeks, rock outcroppings or other unique topographic features or viewscapes.

Limiting the retaining walls to 3-feet in height when visible from the public right-of-way and 6-feet in height when not visible from the public right-of-way would result in practical difficulties and unnecessary hardships that are inconsistent with the general purpose and intent of the City of Riverside's Grading Ordinance (Title 17).

**Grading Exception B:** The proposal complies with this finding. The stated purpose of Title 17 – Grading Ordinance is to “regulate hillside and arroyo grading in a manner which minimizes the adverse effects of grading on natural landforms, soil erosion, dust control, water runoff and construction equipment emissions.”

The Grading Ordinance includes regulations to, in part, minimize the visual impact of grading; ensure that significant natural characteristics such as land form, vegetation, wildlife communities, scenic qualities, and open space can substantially be maintained; to preserve unique and significant geologic; biologic and hydrologic features of public value; to encourage alternative approaches to conventional hillside construction practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hill areas such as slope, landform vegetation, and scenic quality; preserve and enhance existing community character, as defined by such factors as visual appearance, density, road widths and vegetation; and preserve major hillsides viewscapes visible from points within the city so that they are not detrimentally altered by the intrusion of highly visible cut and/or fill slopes, building lines and/or road surfaces.

Section 17.28.020.A(10) of the Grading Ordinance provides that “Slopes having a ratio of 3.9:1 or steeper shall not exceed 20-feet in vertical height. Slopes having a 4:1 or flatter ratio may be up to 25-feet in vertical height.” The Project proposes slopes with a ratio of 3.9:1 or steeper, ranging from 20-feet 6-inches to 31-feet 10-inches in vertical height along the southern and eastern boundaries of the Project site, generally located behind the proposed industrial building, immediately adjacent to the proposed multi-use recreational trail. The multi-use recreational trail will be constructed in a 23 to 55 foot wide easement area to be dedicated to the City. The trail is required to have a 2 percent maximum cross slope pursuant to Parks, Recreation & Community Services – Trails specifications and development standards. A 2:1 slope between 20-feet 6-inches to 31-feet 10-inches in height, as well as a 1.5:1 slope 30-feet 6-inches in height located at the southeast boundary of the project site, is required to support the multi-use recreational trail. The proposed

slopes in this location help to create a natural transition from the Project site to the surrounding Box Springs Mountain Reserve Park by maintaining the rolling hills aspect of the existing terrain.

Additionally, as depicted on the Grading Exception Exhibit, the Project proposes slopes with a ratio of 3.9:1 or steeper, ranging from 22-feet to 26-feet in vertical height along the western boundaries of the Project site, located immediately adjacent to the Gage Canal. The slope heights are a result of revising the existing right-of-way to accommodate an offset cul-de-sac at the terminus of Marlborough Avenue; the roadway is proposed to be constructed over the Gage Canal. All of the proposed slopes are not visible from the public right-of-way.

Strict compliance with the Title 17 – Grading Ordinance in this instance would cause practical difficulties and unnecessary hardships inconsistent with general purpose and intent of the Grading Ordinance, as it would preclude the development of the multi-use recreational trail.

- b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

**Grading Exceptions A and B:** The proposal complies with this finding. The exceptional circumstances and conditions applicable to the property and its intended development that do not apply generally to other properties in the area include: the site's location adjacent to the Box Springs Mountain Reserve Park; the site's location adjacent to the Gage Canal; and the requirement to provide for a multi-use recreational trail easement and associated improvements. The site is uniquely constrained.

The Project site is immediately adjacent to the Box Springs Mountain Reserve Park, located on the southern and eastern boundaries of the Project site, and is immediately adjacent to the Gage Canal, located on the western boundary of the Project site. The Project site has an average natural slope of 11.62 percent. Due to the elevation difference in the existing property line grades along the westerly property line and the grades along the easterly property line, adjacent to Box Springs Mountain Reserve Park, there is an approximate 100-foot elevation difference. The significant elevation difference requires retaining walls ranging from 3-feet 1-inch to 24-feet 10-inches in height along the north and west property lines. Additionally, retaining walls ranging in from 5-feet 9-inches to 22-feet 10-inches in height are proposed east and west of the proposed building. The proposed retaining walls assist in creating a natural transition from the Project site to the surrounding properties, including the Box Springs Mountain Reserve Park, by maintaining the rolling hills aspect of the existing terrain. Severing the parcel into two smaller developments could lower the ultimate height of the retaining walls and slopes, at the countervailing expense of more walls and slopes, and higher site density. The overall site elevation would not change, but the degree and density of development would increase.

Additionally, the Project requires a multi-use recreational trail to be constructed on site per the City's Trail Master Plan. The multi-use recreational trail will provide linkages to trails within the City, will provide recreational access to the Box Springs Mountain Reserve Park, and will also serve as a fire access road for fire apparatus. The multi-use recreational trail will be constructed in a 23 to 55 foot wide easement area to be dedicated to the City. The trail is required to have a 2 percent maximum cross slope pursuant to City's trail development standards. A 2:1 slope between 20-feet and 32-feet in height is required to

support the trail. Furthermore, a 1.5:1 slope 30-feet 6-inches in height is proposed at the southeast boundary of the project site, between the property line and the proposed multi-use recreational trail. The multi-use trail easement and associated improvements is required as a condition of approval; as such, grading must be done in order to accommodate and stabilize the proposed trail to protect the general public.

For these reasons, there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

- c. That the granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

**Grading Exceptions A and B:** The proposal complies with this finding. The Project proposes slopes with a ratio of 3.9:1 or steeper, ranging from 20-feet 6-inches to 31-feet 10-inches in vertical height along the southern and eastern boundaries of the Project site, generally located behind the proposed industrial building, immediately adjacent to the proposed multi-use recreational trail. Additionally, the Project proposes slopes with a ratio of 3.9:1 or steeper, ranging from 22-feet to 26-feet in vertical height along the western boundaries of the Project site, located immediately adjacent to the historic Gage Canal. The proposed slopes are not visible from the public right-of-ways. The slope along the western boundary of the Project site, would be visible by members of the public utilizing the multi-use recreational trail; however, the slope has been designed to be gradual and serves a public benefit by stabilizing the site to permit the multi-use recreational trail.

Due to the significant elevation difference of the existing property line, retaining walls ranging from 3-feet 1-inch to 24-feet 10-inches in height along the north and west property lines. Additionally, retaining walls ranging in from 5-feet 9-inches to 22-feet 10-inches in height are proposed east and west of the proposed building. The retaining walls are proposed to be constructed of decorative concrete block, and will be planted with Bougainvillea, Lantana, and Prostrate Rosemary. Furthermore, the proposed retaining walls will assist in creating a natural transition from the Project site to the surrounding properties, including the Box Springs Mountain Reserve Park, by maintaining the rolling hills aspect of the existing terrain.

In addition, the Project proposes to revise the existing right-of-way to accommodate an off-set cul-de-sac at the terminus of Marlborough Avenue. The roadway is proposed to be constructed over the Gage Canal. The proposed grading exceptions are necessary to accommodate the proposed cul-de-sac, while holding the grade of the existing Gage Canal, and providing a multi-use recreational trail easement and associated improvements consistent with the City's trail development standards. The proposed improvements to Marlborough Avenue and the multi-use recreational trails will benefit the public; thus, the proposed grading exception will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located. Severing the parcel into two smaller developments could lower the ultimate height of the retaining walls and slopes, at the countervailing expense of more walls and slopes, and higher site density. The overall site elevation would not change, but the degree and density of development would increase. That result would be more detrimental than the proposed project.

### **Variance Findings pursuant to Chapter 19.720.040**

Requested Variance: To allow a 15-foot front yard landscape setback, where a 20-foot landscape setback is required by the Zoning Code.

- a. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships in the development of this property.*

The proposal complies with this finding. Strict application of the provisions of the Zoning Code would require a minimum 20-foot front yard landscape setback, adjacent to Marlborough Avenue. The reduced landscape setback is necessary to accommodate the cul-de-sac radius, wider than the right-of-way for a through street, and the proposed terraced planted retaining wall, located at the terminus of Marlborough Avenue. The proposed terraced retaining wall will be planted with Bougainvillea, Lantana, and Prostrate Rosemary, providing additional landscaping adjacent to Marlborough Avenue. Compliance with the provisions of the Zoning Code would impede the construction of the terraced planted retaining wall. The wider cul-de-sac right-of-way on one side, and the constraining historic Gage Canal and multi-use recreational trail on another side, would result in practical difficulties and unnecessary hardships if the Zoning Code were strictly applied. Therefore, the strict application of the provisions of the Zoning Code would result in a practical difficulty or unnecessary hardship in the development of this property.

- b. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

The proposal complies with this finding. The project site is unique in that it is irregularly shaped, includes a multi-purpose trail beginning at the southwest corner of the site extending to the south and east sides of the site, is located at the terminus of Marlborough Avenue, adjacent to the Gage Canal, and adjacent to the Box Springs Mountain Reserve Park. Additionally, the project site has an average natural slope of 11.62 percent. As a result of the existing topography and the site constraints of the elevation of the Gage Canal along the north property line and the multi-purpose trail along the south and east property line retaining walls are required to be constructed at the terminus of Marlborough Avenue; the reduced landscape setback is necessary to accommodate the proposed terraced planted retaining wall. Therefore, there are exceptional circumstances applicable to the project site that warrant a reduced front yard landscape setback that do not generally apply to other properties in the same zone or neighborhood.

- c. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The proposal complies with this finding. The proposed front yard landscape setback, although less than required by the Zoning Code, will not be detrimental to the property or improvements in the neighborhood, as the project site has been designed to provide enhanced landscaping along the street frontage to soften the view from Marlborough Avenue. The proposed project will provide a material benefit to the surrounding properties and improvements by providing aesthetic improvement to the neighborhood. Therefore, the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

- d. *The granting of this request will not be contrary to the objectives of any part of the General Plan.*

The proposal complies with this finding. Based on the scope of the requested Variance, the granting of this request will not be contrary to the objectives of the General Plan 2025 and the Hunter Business Park Specific Plan.