

PROJECT DESCRIPTION

PW14-0685 is a proposal to construct a 216-unit apartment complex on 30.9 acres of land at the northwest corner of Central Avenue and Quail Run Court. The project will consist of 13 apartment buildings and approximately 9.9 acres of open space (7.1 ac. scenic open space and 2.8 ac. of common open space). The balance of the 30.9 ac. will be undisturbed or restored natural open space.

VARIANCES

RMC Table 19.100.040.B stipulates that 35 foot fully landscaped front yards are required along all arterial streets, 88 feet wide or greater as shown on the Circulation Map of the City's General Plan. This setback may be reduced to 25 feet for single story multiple family, along arterial streets. A single structure (Building 11) near the corner of Central Avenue and Quail Run Court is proposed to provide a 15 foot setback from Central Avenue where a front setback of 35 feet is required.

REQUIRED FINDINGS

Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code?

- 1) Yes. The existing property has restricted options for developable area due to the existing flood control facilities that cause water, from time to time, to back up into the property. The developable project area is further decreased due to the project's avoidance of existing jurisdictional areas. These factors make the site area very defined, leaving little room for re-configuration.
 - a. The low lying area of the property has been historically used as an inundation area behind the Box Springs Dam. The density has been moved to the edge of the property to minimize the project "footprint" so that the storage behind the Box Springs Dam will not be negatively affected, and the westerly boundary adjacent to the fire station will be raised to its ultimately designed height to allow the existing Box Springs Dam to function as intended to provide protection for the downstream properties.
 - b. Prior to proposing the site design a comprehensive jurisdictional delineation was performed to define the areas of sensitivity. Segmented walls will be used to eliminate slopes into the sensitive areas of the site and clustering of the building areas will allow for the preservation of existing open space and avoidance of existing riparian and riverine areas on site.
 - c. The existing electrical sub-station facility has an existing setback to the front wall of 20' and the existing multi family project to the west has a setback of approximately 10' from the Central Avenue right-of-way. The project endeavors to minimize the visual impacts by blending in with the existing setbacks along Central Avenue.

Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not generally apply to other property in the vicinity and under the identical zoning classification?

- 2) Yes. Special circumstances such as the existence of the Box Spring Dam and the presence of the jurisdictional area that is being protected leaves a limited area available for development.
 - a. Through several iterations of the design, biological studies and calculations performed to assess the existing hydrology, the buildable area was found to be limited to less than 30% of the existing site.
 - b. The existing electrical sub-station facility has an existing setback to the front wall of 20' and the existing multi family project to the west has a setback of approximately 10' from the Central Avenue right-of-way. These existing structures have created the character of the setbacks along this portion of Central Avenue that may not be present elsewhere.

Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located?

- 3) No. The granting of the variances will provide for a project design that will minimize the impact to the environmentally sensitive areas of the site while blending in with the setbacks existing on the neighboring properties.
 - a. The proposed site design allows for the project density to be clustered along the south and southwesterly boundaries of the site adjacent to existing high density residential and institutional (fire station and electrical sub-station) uses. This design clusters the proposed 3 story buildings approximately 500-600 feet from the existing medium density residential development to the north.
 - b. To the contrary, the proposed pad grading will be approximately 4' above the Box Springs Dam spillway which will protect the existing Fire Station and downstream multi-family residential units which are currently at risk while still blending in with the existing setbacks that exist along this portion of Central Avenue.

Will the granting of such a variance be contrary to the objectives of any part of the General Plan?

- 4) No. The variance requested for the number of 3 story buildings will allow the appropriate “limited footprint” design necessary to minimize the projects impact on the environmentally sensitive areas within the boundary of the site. The (less than) 7 dwelling units per acre project density remains well below the 14.5 dwelling units per acre maximum density for the proposed Medium High Density Residential (MHDR) land use. The majority of the buildings will be situated well below the street view Central Avenue and Quail Run as well as the multi family project to the east. The General Plan Policy LU-89.1 mentions the “transfer between land use designations within the same single family residential development to provide for superior development” which encourages the clustering of units where it is most logical (in this case the higher area of the site closest to existing multi family and institutional uses) to provide superior development. Further, the general Plan stresses neighborhood compatibility which is what this variance requests.

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PW14-0685 is a proposal to construct a 216-unit apartment complex on 30.9 acres of land at the northwest corner of Central Avenue and Quail Run Court. The project will consist of 13 apartment buildings and approximately 9.9 acres of open space (7.1 ac. scenic open space and 2.8 ac. of common open space). The balance of the 30.9 ac. will be undisturbed or restored natural open space.

VARIANCES

RMC Table 19.100.040.B allows for a development of three acres or greater, up to 60 percent of the units may be in buildings up to 3 stories, 40 feet maximum height subject Planning Commission approval. Approximately 90 percent of the buildings within this development are proposed to be 3 story.

REQUIRED FINDINGS

Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code?

- 1) Yes. The existing property has restricted options for developable area due to the existing flood control facilities that cause water, from time to time, to back up into the property. The developable project area is further decreased due to the project's avoidance of existing jurisdictional areas.
 - a. The low lying area of the property has historically been used as an inundation area behind the Box Springs Dam. The developed area has been moved to the edge of the property to minimize the project "footprint" so that the storage behind the Box Springs Dam will not be negatively affected, and the westerly boundary adjacent to the fire station will be raised to its ultimately designed height to allow the existing Box Springs Dam to function as intended to provide protection for the downstream properties.
 - b. Prior to proposing the site design, a comprehensive jurisdictional delineation was performed to define the areas of sensitivity. Segmented walls will be used to eliminate slopes into the sensitive areas of the site and clustering of the building areas will allow for the preservation of existing open space and avoidance of existing riparian and riverine areas on site.
 - c. The project as designed has a density of fewer than 7 units per acre and sets aside 22.1 acres for perpetual open space. The developed area (including streets, parking, buildings, common open space and recreational common area) is reduced to 29% of the site through the use of building clustering.

Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not generally apply to other property in the vicinity and under the identical zoning classification?

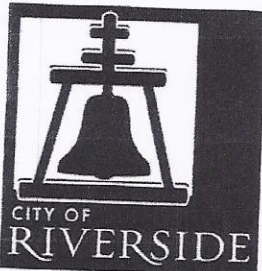
- 2) Yes. Special circumstances such as the existence of the Box Spring Dam and the presence of the jurisdictional area that is being protected leaves a limited area available for development.
 - a. Through several iterations of the design, biological studies and calculations performed to assess the existing hydrology, the buildable area was found to be limited to less than 30% of the existing site.
 - b. Whereas the use of 3 story buildings is limited without Planning Commission approval, due to potential concerns regarding their height relative to the existing streets or adjacent structures, the project design only has 1 building at grade adjacent to the existing streets (Central Avenue and Quail Run). The balance of the 3 story buildings are well below the adjacent streets and adjacent structures. The proposed pad elevations are approximately 30 feet below the elevation at the Central Avenue and Quail Run intersection, effectively “hiding” the buildings from the street view and neighboring structures.

Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located?

- 3) No. The granting of the variances will provide for a project design that will minimize the impact to the environmentally sensitive areas of the site while also minimizing the impact to the views from the neighboring properties.
 - a. The proposed site design allows for the project density to be clustered along the south and southwesterly boundaries of the site adjacent to existing high density residential and institutional (fire station and electrical sub-station) uses. This design clusters the proposed 3 story buildings approximately 500-600 feet from the existing medium density residential development to the north. Additionally, the majority of the proposed buildings will be well below the existing structures to the east.
 - b. To the contrary, the proposed pad grading will be approximately 4’ above the Box Springs Dam spillway which will protect the existing Fire Station and downstream multi-family residential units which are currently at risk.

Will the granting of such a variance be contrary to the objectives of any part of the General Plan?

- 4) No. The variance requested for the number of 3 story buildings will allow the appropriate “limited footprint” design necessary to minimize the project’s impact on the environmentally sensitive areas within the boundary of the site. The project density of less than 7 dwelling units per acre remains well below the 14.5 dwelling units per acre maximum density allowed for the proposed Medium High Density Residential (MHDR) land use. The majority of the buildings will be situated well below the street view from Central Avenue and Quail Run, as well as the multi-family project to the east. The 2025 General Plan Policy LU-89.1 states “Permit the transfer between land use designations within the same single family residential development as necessary to provide for superior development.” which encourages the clustering of units where it is most logical (in this case the higher area of the site closest to existing multi family and institutional uses) to provide superior development.



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

GRADING EXCEPTIONS JUSTIFICATION FORM

Conditional exceptions to the regulations contained in Title 17 of the Riverside Municipal Code (Grading) shall be permitted, subject to Chapter 17.32, upon a determination by the Zoning Administrator that exceptional or special circumstances apply to the property. Such exceptional or special circumstances shall include such characteristics as unusual lot size, shape, or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason or prior existing recorded subdivisions or other characteristics of contiguous properties.

An application for the waiver of any requirement of Title 17 of the Riverside Municipal Code (Grading) shall be filed with the Planning Division prior to the approval of a grading plan. The application shall contain information which demonstrates that there are exceptional or special circumstances that apply to the property that would prevent full compliance with this title. The application shall demonstrate the existence of exceptional or special circumstances by making the findings listed on the second page of this form.

PLEASE NOTE: If at any time the Zoning Administrator believes that sufficient controversy or public interest may exist regarding an application, the application may be referred to the City Planning Commission for consideration. The City Planning Commission may set the action for review at a public hearing if they so determine that it would be appropriate.

PLEASE TYPE OR PRINT CLEARLY

LEGAL OWNER/APPLICANT/REPRESENTATIVE

Printed Name: ALFA LIMITED % STEVE SOMMERS @ SDH ASSOC., INC.
Address: 5225 CANYON CREST DR. # 21-439
City: RIVERSIDE State: CA Zip: 92507
Daytime Telephone: (951) 683-3691 Facsimile: ()
E-Mail Address: steve@sdhinc.net

PROJECT/PROPERTY INFORMATION

Assessor's Parcel Number(s): 253-240-028, 020 & 253-260-020
Address: CENTRAL AVE @ QUAIL RUN
Project Description/Location: CENTRAL AVE @ QUAIL RUN (N/W CORNER)
Size of Subject Property (Square Feet/Acres): 30.9 AC.

GRADING EXCEPTIONS JUSTIFICATION FORM

EXCEPTIONS REQUESTED

Describe the exceptions requested in detail; attach a separate sheet if necessary.

SEE ATTACHED

REQUIRED FINDINGS

Answer each of the following questions "yes" or "no" and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and question 3 "no" to justify granting an exception. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for an exception from Title 17 of the Riverside Municipal Code (Grading).

1. Will the strict application of the provisions of this title result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Title 17 of the Riverside Municipal Code (Grading)? Explain in detail.

SEE ATTACHED

2. Are there exceptional circumstances or conditions applicable to the property involved or the intended use or development of the property that do not apply generally to other properties in the same zone or neighborhood? Explain in detail.

SEE ATTACHED

3. Will the granting of a waiver be materially detrimental to the public welfare or injurious to the property or improvements in the some of neighborhood in which the property is located? Explain in detail.

SEE ATTACHED

3900 Main Street – Third Floor, Riverside, CA 92522
Phone: (951) 826-5371 / Fax: (951) 826-5981
www.riversideca.gov/planning

Exceptions Requested:

The Hillside/Arroyo grading provisions of the city's grading ordinance (Title 17) applies to all excavation and grading of any land if any one of the following criteria apply:

- A. The property is in the RC- Residential Conservation Zone. This property is not in the RC Zone.
- B. The property has an average natural slope ten per cent or greater. This property has an average natural slope of 12 percent.
- C. The property is within or is adjacent to the boundaries of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, and Springbrook Arroyos. This property is not within or adjacent to those named arroyos. However the ordinance also states that blue line streams identified on the United States Geological Survey (USGS) maps or other significant arroyos **may** (emphasis added) also be included.

The 30.9 acre property extends across the entire width of a reach of the Box Springs Arroyo that has been heavily impacted by human activities for many years. As a result the arroyo's natural and biological values have been severely compromised. Nonetheless, we have evaluated the applicable grading ordinance provisions as they relate to existing topographical features and biological values as discussed below.

Required Findings:

1. Will the strict application of the provisions of this title result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Title 17 of the Riverside Municipal Code (Grading) ?

Yes. As written, the detailed grading standards of the ordinance are geared primarily, if not exclusively, to new development of large lot single family residential homes proposed in undeveloped or partially developed rural hillside neighborhoods of the city. Although this project does not represent that typical case in any way it does incorporate many of the stated objectives of the grading ordinance outlined in Section 17.04.010. which emphasizes that the totality of the natural landscape is to be recognized and efforts made to protect and preserve unique qualities including geology, biology, hydrology, riparian vegetation, open space, and scenic amenities. The property's primary function today is to serve as the retention of flood waters behind the dam while also providing an important biological and hydrological feature of significance in terms of open space and public safety. About 26 acres of the property include the existing floor of the arroyo while existing undeveloped slope areas along the east and south property lines contain about 7.4 acres. Topographically, the property falls about 60 feet from the existing elevation of Central Avenue to the arroyo floor. Proposed grading, utilizing flatter slopes than currently exist, will result in the construction of ten of the eleven proposed three story apartment buildings at elevations 25 to 35 feet below the existing elevation of the Central Avenue and Quail Run Road intersection and slope areas remaining the same. This results in the completed project only marginally open to any public view in the worst case situation. Quail Run Road, a short cul-de-sac street,

currently serving the adjoining apartment project to the east, provides the only full access to the project.

The remaining three story building is to be located about five feet below the Central/Quail Run intersection and a two story building will be visible from the property's 200 feet of frontage between the fire station and the electric substation on Central Avenue. This limited frontage will also serve as right turn only ingress and egress. Both proposed buildings will be visually in scale with existing 2 story apartment buildings on the east side of Quail Run Road which are at an elevation 15 to 20 feet above the existing street grade.

2. Are there exceptional circumstances or conditions applicable to the property involved or the intended use or development of the property that do not apply generally to other properties in the same zone or neighborhood?

Yes. About 26.3 acres of the property is included in a blanket easement in favor of the Riverside County Flood Control and Water Control District for a "temporary easement for borrow and a perpetual easement and right to flood and inundate at any and all times." This easement was recorded in 1959 when the entire surrounding area was totally undeveloped. Shortly thereafter the Box Springs Dam was constructed immediately to the west using, in part, material from the floor of the arroyo and the 26.3 acres was set aside for the long term retention of food waters. The planned removal of about 130,000 yards of material from the floor of the arroyo on both sides of the blue line stream, along with re-contouring the floor of the arroyo, would allow for water from the stream to spread out and create high biological value where none exists today. Extensive focused biological studies have been undertaken and have concluded that retention and protection of an existing 1.4 acre riparian/riverine area in the southwest portion of the property and re-contouring the floor of the arroyo will provide much enhanced biological value. According to the biology studies, and concurrence by representatives from the federal, state and county regulatory agencies, project impacts can be mitigated on site.

It should also be noted that removed material from the arroyo floor needed to create building pads for the apartment buildings in existing hillier areas of the property would allow the dam to retain flood waters to its designed capacity up to elevation 1136.

The physical location of the dam and its required retention basin demonstrate exceptional circumstances applicable to the property that do not apply generally to other properties in the same zone or neighborhood.

3. Will the granting of a waiver be materially detrimental to the public welfare or injurious to the property or improvements in the same neighborhood in which the property is located?

No. This reach of the Box Springs Arroyo and its setting has been significantly altered since the dam itself was constructed to include periodic inundation from major storms over many years and dumping of vegetative materials. A single family subdivision was constructed along the northerly property line several decades ago with 40 foot high fill slopes extending into the property and onto the floor of the arroyo. More recently, portions of two large apartment projects have been constructed immediately to

the east of the property flanking both sides of the designated blue line stream and within the arroyo boundary. In addition, existing apartment projects are located immediately to the southwest while a city fire station and electric substation are located immediately to the south and fronting Central Avenue.