



# Utility Services/Land Use/ Energy Development Committee

*City of Arts & Innovation*

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**TO: UTILITY SERVICES / LAND USE / ENERGY DEVELOPMENT COMMITTEE MEMBERS**      **DATE: NOVEMBER 26, 2018**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**      **WARD: 4**

**SUBJECT: P18-0504 PLOT PLAN REVIEW, P18-0574 VARIANCE AND P18-0609 VARIANCE – AN APPEAL, ON BEHALF OF DALIP SINGH SETHI, OF AN APPROVAL BY THE CITY PLANNING COMMISSION FOR THE CONSTRUCTION OF A 4,397 SQUARE FOOT SINGLE FAMILY RESIDENCE - LOCATED AT 376 ETERNAL WAY - DIRECT SUBMITTAL**

## **ISSUE:**

Appeal, on behalf of Dalip Singh Sethi, of the City Planning Commission approval of a proposed project on property located at 376 Eternal Way in the RC Zone by Michael Hunting for the following entitlements: 1) a Plot Plan Review for the construction of a 4,397 square foot single family residence; 2) a Variance to allow for two stories where the Zoning Code allows for a maximum of one story; and 3) a Variance to allow a building height of 26-feet where the Zoning Code allows for a maximum height of 20-feet.

## **RECOMMENDATION:**

Staff recommends that the Utility Services/Land Use/Energy Development Committee:

1. **RECOMMEND that the City Council UPHOLD** the decision of the City Planning Commission and determine that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record; and
2. **RECOMMEND DENIAL OF THE APPEAL** and uphold the City Planning Commission **APPROVAL** of Planning Cases P18-0504 (Plot Plan Review), P18-0574 (Variance) and P18-0609 (Variance), based on the findings outlined in the staff report and subject to the conditions of approval.

## **PLANNING COMMISSION DETERMINATION:**

On October 18, 2018, the City Planning Commission:

1. Upheld a September 5, 2018 decision of the Development Review Committee (DRC) for the Plot Plan Review and Variances;
2. Determined that the proposed project is exempt from the California Environmental Quality

Act (CEQA) subject to Section 15303(a) (New Construction of a single-family residence); and

3. Denied the appeal made by Mike Sadeghian by a vote of 4 ayes, 3 noes, and 1 abstention.

## **BACKGROUND:**

The 1.03-acre site is located at 376 Eternal Way and, with the exception of rough-grading, is undeveloped. Surrounding land uses include one and two-story single-family residences to the south and west, and a mix of vacant parcels and residential to the north and east. The site is listed as Lot 10 within Tract Map 29628 that was initially approved as a 34-lot subdivision in 2005.

## **DISCUSSION:**

### **Project Description:**

The applicant is requesting a Plot Plan and building elevation Design Review for the construction of a 4,397 square-foot two-story residence with access from Eternal Way. The property is located in the RC Zone which single-family dwellings of no more than one story and 20 feet in height. Because of development restrictions imposed by the RC Zone, the applicant has requested Variances to allow for the second story and a height increase to 26 feet. Staff are able to make the required findings in support of the requested Variances (Attachment 3 – Page 18).

### **Community Concerns:**

The following summarizes the concerns submitted to the Planning Division by the community and interested parties during the Planning Commission hearing. A response for each concern is provided:

- a. **Concern:** Views from surrounding properties will be negatively impacted if the proposed project is constructed.

**Response:** An Environmental Impact Report (EIR) and supporting technical studies were prepared for Tract 29628 and adopted by City Council in 2006 with the original entitlement prior to grading. As part of the EIR, each individual lot was examined to determine if: 1) it should be classified as a Visual Receptor; or 2) if it was located atop a prominent ridgeline. The EIR determined that Lot 10 (376 Eternal Way) was neither a visual receptor or located atop a prominent ridgeline. Based upon the determination made in the Tract Map Final EIR, and reaffirmed by the findings Staff have made to support the Variances, there are limited visual impacts with granting the proposed height and story variances as described below.

The area includes varying topography and slopes. Building pads have been terraced to allow for large visual breaks between structures. There are two properties adjoining the south property line that could potentially be impacted by the additional six feet in height requested by the proposed project. However, the project's graded pad is situated lower than the graded pads of the two southern-adjointing parcels. In addition, the 826 square foot second story portion of the proposed project makes up approximately 21% of the building footprint and is concentrated within the northernmost portion of the residence. The second story portion is approximately 118 feet from the appellant's southern parcel line, providing separation and reduced visual impacts.

Finally, the development of this site with a single-family dwelling is consistent with the adjacent development and within the surrounding area of the Alessandro Heights Neighborhood and the community of Hawarden Meadows.

b. **Concern:** The proposed project conflicts with the intent of Proposition R and Measure C.

**Response:** The subject site has a General Plan Land Use designation of HR – Hillside Residential. This designation limits development of Riverside’s ecologically sensitive and visually prominent hillside areas for parcels with RC zoning, consistent with Proposition R and Measure C.

The proposed project is consistent with the density allowances for the HR designation. Development will be limited to the previously approved and existing graded pad and comply with Section 17.28.020 of the Grading Code for hillside grading.

Per the Zoning Code, development standards within the RC Zone may be modified subject to the granting of a Variance, provided the findings can be made. The findings were reviewed and subsequently approved by the Development Review Committee and upheld by the action of the Planning Commission.

The development is also consistent with the Land Use and Urban Design Element of the City’s General Plan, and is consistent with the following policies:

*Policy LU-4.1:* Adhere to the protections for hillside development set forth in Proposition R and Measure C.

*Policy LU-4.2:* Enforce hillside grading provisions of the City’s Grading Code (Title 17) to minimize ground disturbance associated with hillside development; respect existing land contours to maximum feasible extent.

The proposed project, a single-family dwelling, is similar to the surrounding land uses, and the entitlements do not conflict with the intent of Proposition R and Measure C.

### **FISCAL IMPACT:**

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: David Welch, Interim Community & Economic Development Director  
Certified as to  
availability of funds: Edward Enriquez, Interim Chief Financial Officer/City Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

### **Attachments:**

1. Planning Commission Appeal Letter
2. City Planning Commission Minutes – October 18, 2018
3. City Planning Commission Report and Exhibits – October 18, 2018
4. Presentation