



Utility Services/Land Use/ Energy Development Committee

City of Arts & Innovation

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

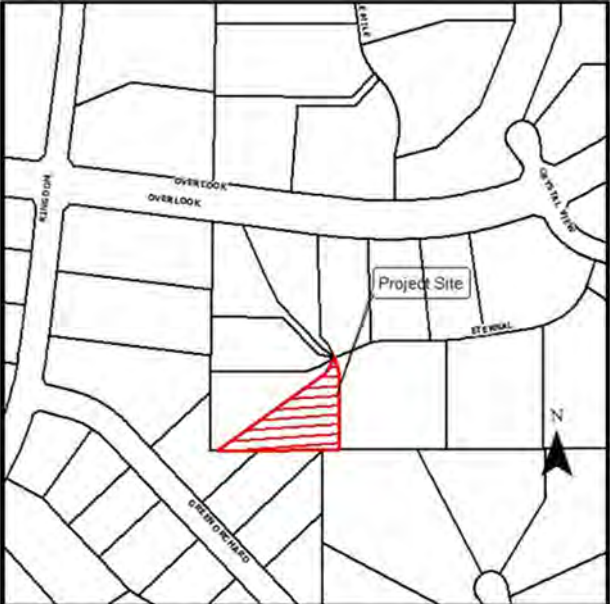
Attachments:

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

Attachment 1 - Land Use Committee Report and Attachments - November 26, 2018



PROPOSED PROJECT

<i>Case Numbers</i>	P18-0504 (Plot Plan Review), P18-0574 (Variance), P18-0609 (Variance)	
<i>Request</i>	Appeal of an approval by the Development Review Committee for the following entitlements: 1) a Design 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.	
<i>Applicant</i>	Michael Hunting	
<i>Appellant</i>	Mike Sadeghian	
<i>Project Location</i>	376 Eternal Way, located south of Overlook Parkway, at the terminus of Eternal Way	
<i>APN</i>	243-590-009	
<i>Project area</i>	1.03 acres	
<i>Ward</i>	4	
<i>Neighborhood</i>	Alessandro Heights	
<i>General Plan Designation</i>	HR – Hillside Residential	
<i>Zoning Designation</i>	RC – Residential Conservation Zone	
<i>Staff Planner</i>	Jack Cartledge, Planning Technician 951-826-5592 jcartledge@riversideca.gov	

RECOMMENDATIONS

That the City Planning Commission:

1. **DETERMINE** that the proposed case is exempt from the California Environmental Quality Act (CEQA) subject to Section 15303(a) (New Construction of a single-family residence), as this project will not have a significant effect on the environment; and
2. **DENY THE APPEAL, UPHOLD** the decision of the Development Review Committee and **APPROVE** 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.

PROJECT DESCRIPTION/ BACKGROUND

The subject 1.03-acre project site is located at the western terminus of Eternal Way, a private residential street in the Alessandro Heights Neighborhood within the community of Hawarden Meadows. The property is within the Residential Conservation (RC) Zone. The site is listed as Lot 10 within Tract Map 29628, initially approved as a 34-lot subdivision in November 2005. An Environmental Impact Report was prepared for the Tract Map and certified in February 2006. Legal action was taken by the Friends of Riverside's Hills on the project, which concluded with a settlement agreement being reached. The agreed terms allow a maximum building height of 30-feet for certain lots within the development, including the subject property, subject to City approval.

The applicant is requesting a Design Review of a plot plan and building elevations for the construction of a 4,397 square foot two-story residence with driveway access from Eternal Way. The RC Zone allows for 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. Variance findings are included within the attached Development Review Committee (DRC) staff report (Exhibit 5).

The proposed home includes a 440 square foot detached casita, 1,318 square feet of covered porch area, a 966 square foot, a three-car garage, and an additional 385 square foot garage. The project site has been rough-graded, and limited vegetation exists on-site. Grading plans identify a project-specific Water Quality Management Plan with on-site water flow directed toward a bio-retention basin along the southern property line.

APPEAL - FINDINGS

On September 5, 2018, the Development Review Committee (DRC) approved the project and initiated a 10-day appeal period. On September 6, 2018, the DRC's decision was appealed by Mike Sadeghian. The following are responses to the concerns listed in letters submitted to the Planning Division:

Concern: Views from adjacent properties will be negatively impacted should the proposal be constructed.

Response: An Environmental Impact Report (EIR) for Tract 29628 and technical studies were prepared in accordance with CEQA laws, and the report was adopted by City Council in 2006 prior to grading. As part of the assessment, each individual lot was examined for classification as a Visual Receptor or determined to be located atop a prominent ridgeline. Lot 10 (376 Eternal Way) was not determined to be classified as either a visual receptor nor located atop a prominent ridgeline.

There are two properties adjoining the south property line of the project site that would potentially be impacted. However, the graded pad of the project site is situated 13 feet and 22 feet lower than the graded pads of the two southern-adjointing parcels, resulting in limited visual impacts to those properties.

The 826 square feet second story portion of the proposed dwelling makes up approximately 21% of the building footprint and is concentrated within the northernmost portion of the residence. The second story portion is 108 feet from the southern parcel line, providing separation and reduced visual impact to the residences to the south.

Based upon the determination made in the Tract Map Final EIR and the pad sizes of both the subject site and surrounding properties, Staff concludes that limited impacts to sightlines will occur with the granting of the proposed variances.

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

Concern: The proposal is in conflict 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 proposal is consistent with the density allowances for the HR designation. The development will be limited to the 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 required variance findings can be made. The findings to support the variances were reviewed and subsequently approved by the Development Review Committee.

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.

As proposed, the single-family dwelling matches surrounding land uses, and Staff concludes that the entitlements do not conflict with the intent of Proposition R and Measure C.

ENVIRONMENTAL REVIEW

Staff determined the proposed project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15303(a) (New Construction of a single-family residence), as this project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public Hearing Notices were mailed to property owners within 300 feet of the subject site. As of the writing of this report, Planning Division staff received a total of three comment letters in opposition to the proposal. Staff has reviewed submitted comments where residents expressed concerns with impacts to views of surrounding natural features and of the project's conformance with the Residential Conservation Zone.

No additional analysis is needed. Comments received have been addressed within this staff report and the EIR associated with the previously approved Tract Map.

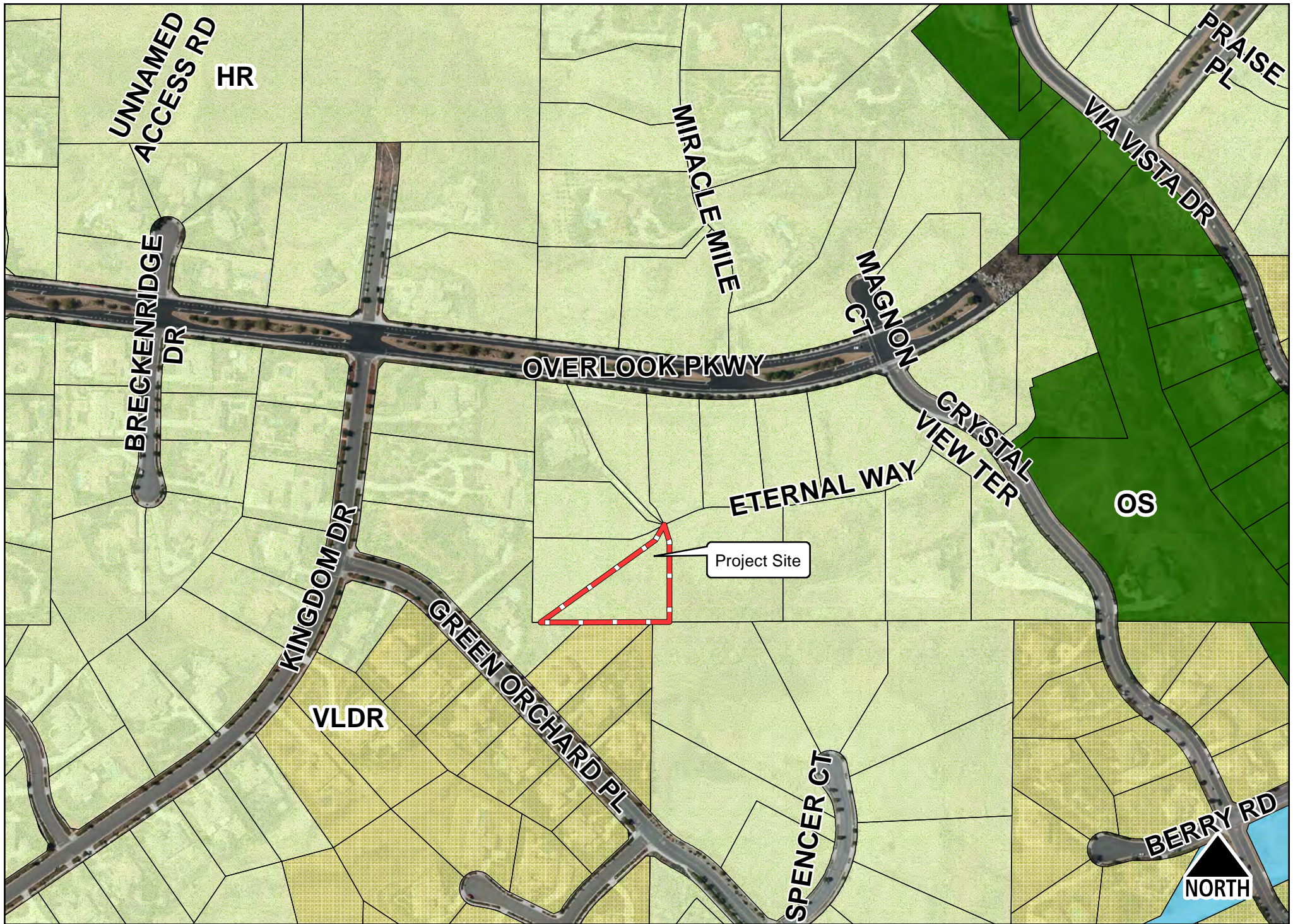
APPEAL INFORMATION

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 front counter, 3rd Floor, City Hall.

EXHIBITS LIST

1. Location Map
2. General Plan Map
3. Zoning Map
4. Site Plan, Floor Plans, Elevations
5. Development Review Committee Staff Report
6. Development Review Committee appeal letter
7. Comment Letters





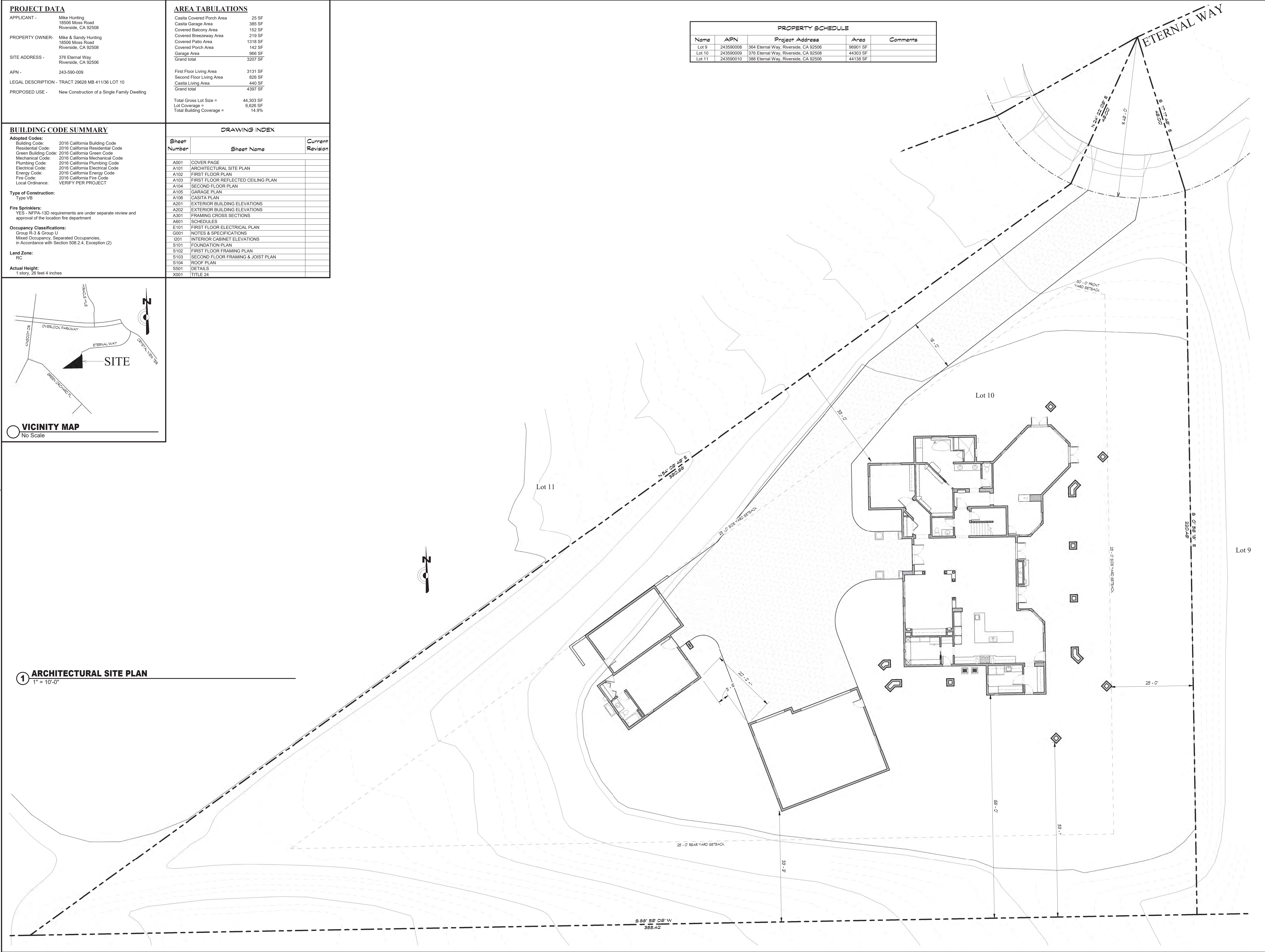


<u>PROJECT DATA</u>		<u>AREA TABULATIONS</u>	
APPLICANT -	Mike Hunting 18506 Moss Road Riverside, CA 92508	Casita Covered Porch Area	25 SF
		Casita Garage Area	388 SF
PROPERTY OWNER-	Mike & Sandy Hunting 18506 Moss Road Riverside, CA 92508	Covered Balcony Area	152 SF
		Covered breezeway Area	219 SF
		Covered Patio Area	1318 SF
		Covered Porch Area	142 SF
SITE ADDRESS -	376 Eternal Way Riverside, CA 92506	Garage Area	966 SF
		Grand total	3207 SF
APN -	243-590-009	First Floor Living Area	3131 SF
		Second Floor Living Area	826 SF
LEGAL DESCRIPTION -	TRACT 29828 MB 41/36 LOT 10	Casita Living Area	440 SF
		Grand total	4397 SF
PROPOSED USE -	New Construction of a Single Family Dwelling	Total Gross Lot Size =	44,303 SF
		Lot Coverage =	6,626 SF
		Total Building Coverage =	14.9%

<u>BUILDING CODE SUMMARY</u>		<u>DRAWING INDEX</u>	
Adopted Codes:		Sheet	Current
Building Code:	2016 California Building Code	Number	Revision
Residential Code:	2016 California Residential Code		
Green Building Code:	2016 California Green Code		
Mechanical Code:	2016 California Mechanical Code		
Plumbing Code:	2016 California Plumbing Code	A001	COVER PAGE
Electrical Code:	2016 California Electrical Code	A101	ARCHITECTURAL SITE PLAN
Energy Code:	2016 California Energy Code	A102	FIRST FLOOR PLAN
Fire Code:	2016 California Fire Code	A103	FIRST FLOOR REFLECTED CEILING PLAN
Local Ordinance:	VERIFY PER PROJECT	A104	SECOND FLOOR PLAN
		A105	GARAGE PLAN
Type of Construction:		A106	CASITA PLAN
Type VB		A201	EXTERIOR BUILDING ELEVATIONS
Fire Sprinklers:		A202	EXTERIOR BUILDING ELEVATIONS
YES - NFPA-13D requirements are under separate review and approval of the location fire department		A301	FRAMING CROSS SECTIONS
		A601	SCHEDULES
Occupancy Classifications:		E101	FIRST FLOOR ELECTRICAL PLAN
Group R-3 & Group U		G001	NOTES & SPECIFICATIONS
Mixed Occupancy, Separated Occupancies, In Accordance with Section 508.2.4, Exception (2)		I201	INTERIOR CABINET ELEVATIONS
		S101	FOUNDATION PLAN
Land Zone:		S102	FIRST FLOOR FRAMING PLAN
RC		S103	SECOND FLOOR FRAMING & JOIST PLAN
		S104	ROOF PLAN
Actual Height:		S501	DETAILS
1 story, 26 feet 4 inches		X001	TITLE 24


1 ARCHITECTURAL SITE PLAN

PROPERTY SCHEDULE				
Name	APN	Project Address	Area	Comments
Lot 9	243590008	364 Eternal Way, Riverside, CA 92506	96901 SF	
Lot 10	243590009	376 Eternal Way, Riverside, CA 92508	44303 SF	
Lot 11	243590010	388 Eternal Way, Riverside, CA 92506	44138 SF	



REV. #	DATE	COMMENTS

376 ETERNAL WAY
RIVERSIDE, CA 92506



Gulizia

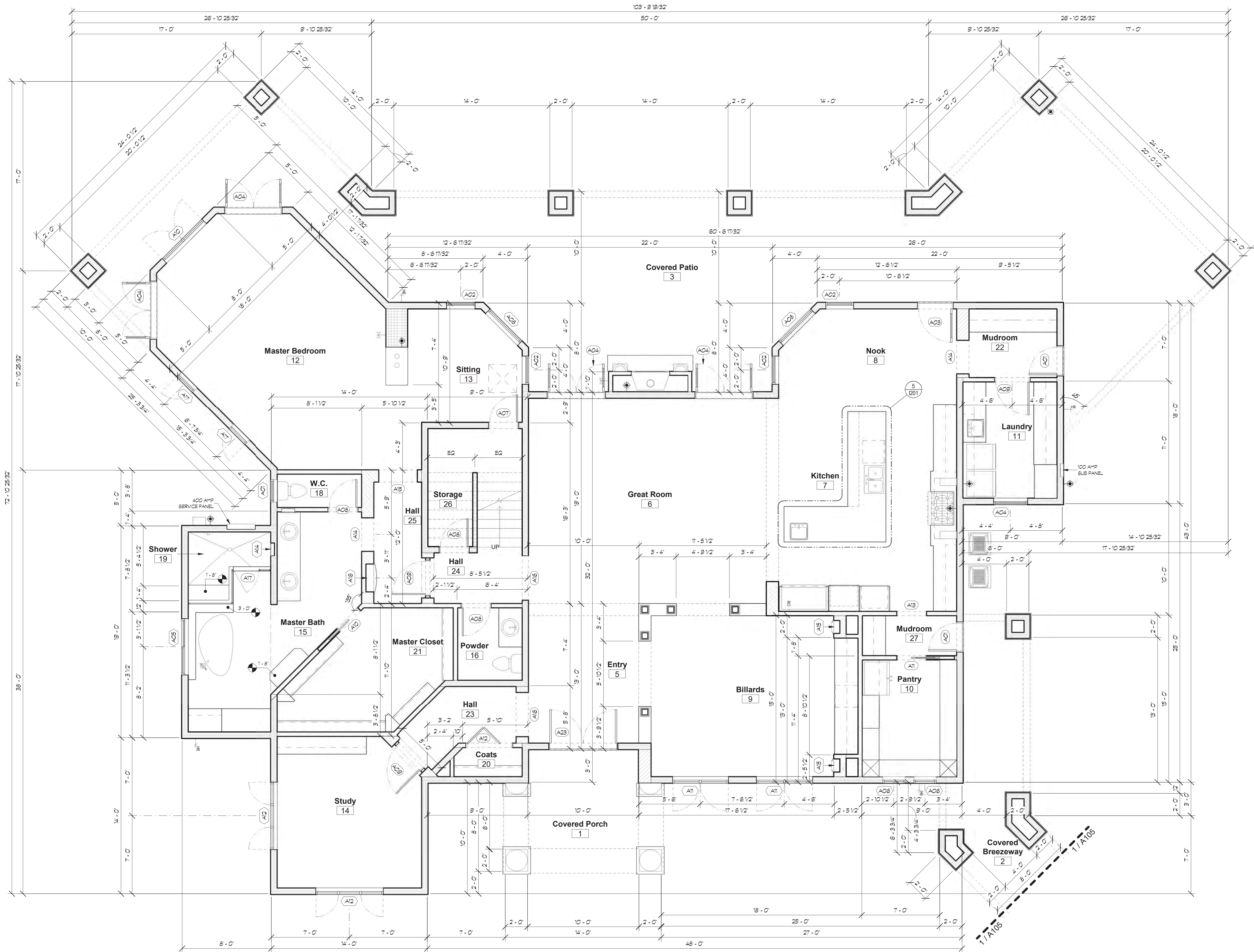
 graphics

 3355 PLEASANT KNOLL LANE

 YORBA VALLEY, CA 92553

 (951) 242-5000 • www.guliziagraphics.com

Hunting Family Residence		Mark Gutliza
DATE: 7/3/2018	AS INDICATED	Mark Gutliza
ARCHITECTURAL SITE PLAN		
A101		



1 FIRST FLOOR PLAN
1/4" = 1'-0"

Areas (Gross Building)		WALL LEGEND
Name	Area	
Castia Covered Porch Area	25 SF	= 2x4 STUD WALL @ 16' O.C.
Castia Garage Area	385 SF	
Covered Balcony Area	152 SF	= 12" THICK, 2x6 STUD WALL @ 16' O.C.
Covered Breezeway Area	219 SF	
Covered Patio Area	1318 SF	= 12" THICK, 2x6 STUD WALL @ 16' O.C.
Covered Porch Area	142 SF	
Garage Area	966 SF	= 22.75" THICK, 2x4 STUD WALL @ 16' O.C.
Grand total	3207 SF	
First Floor Living Area	3131 SF	= 24" THICK, 2x6 STUD WALL @ 16' O.C.
Second Floor Living Area	826 SF	
Castia Living Area	440 SF	
Grand total	4397 SF	

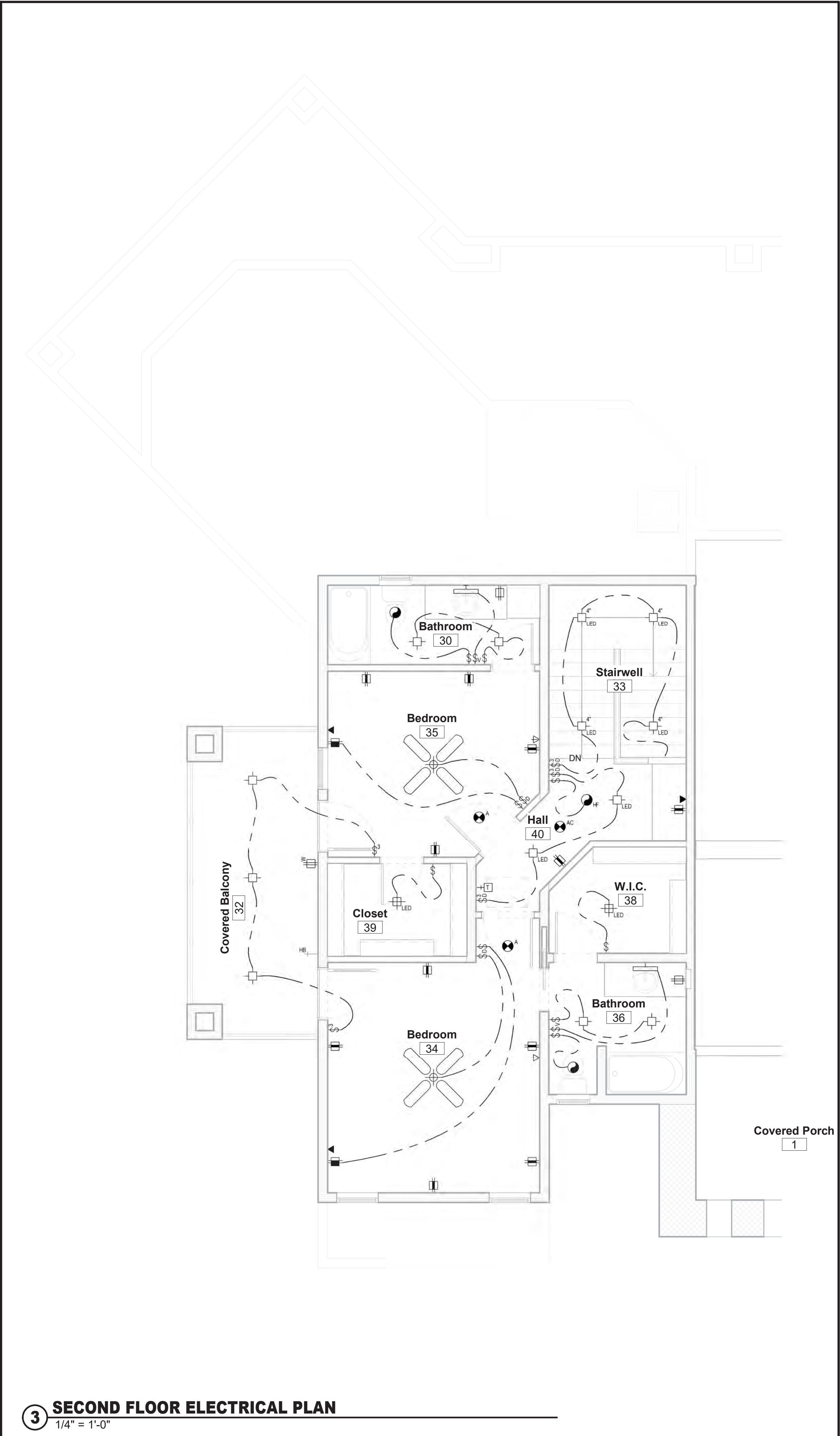
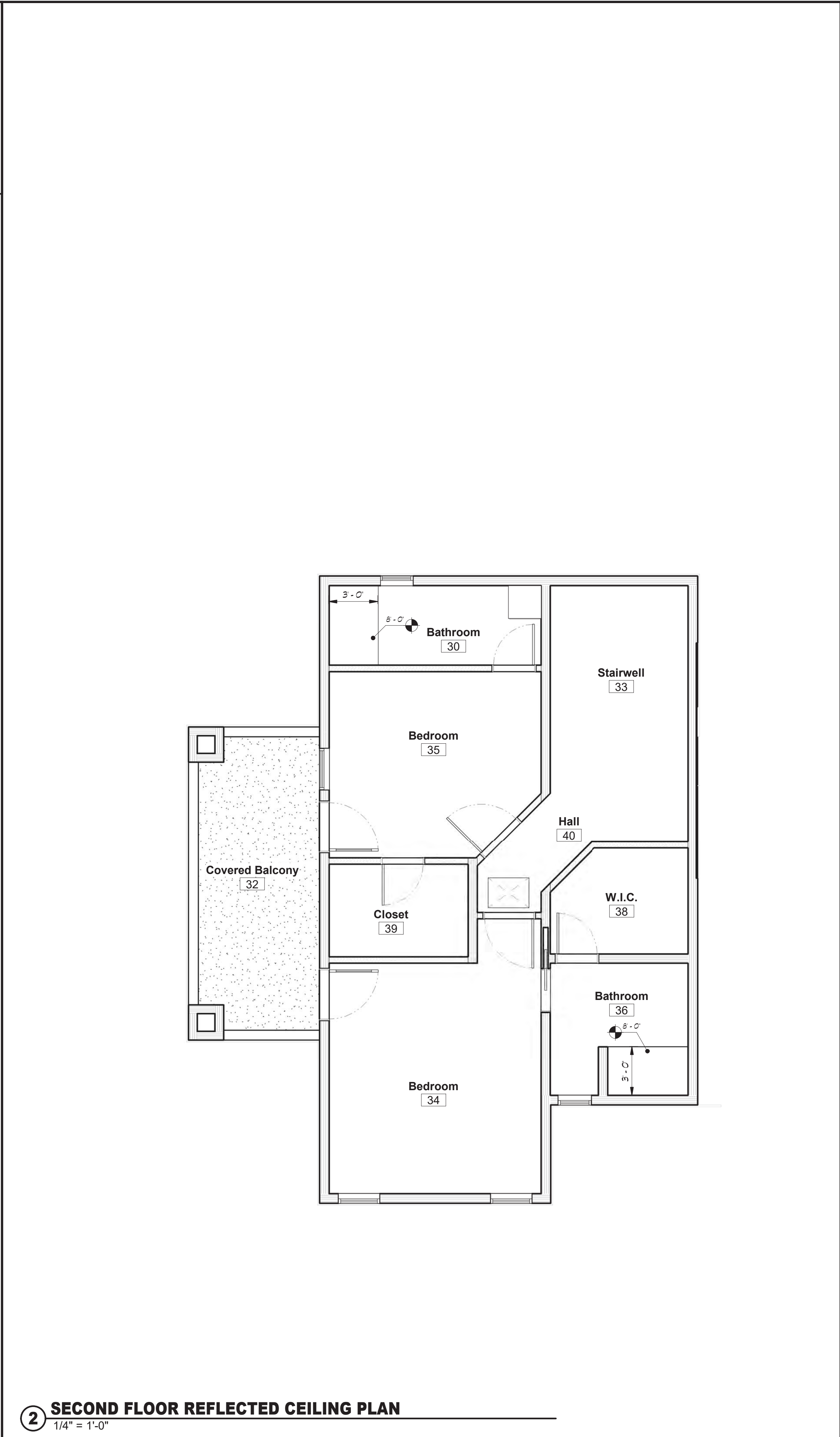
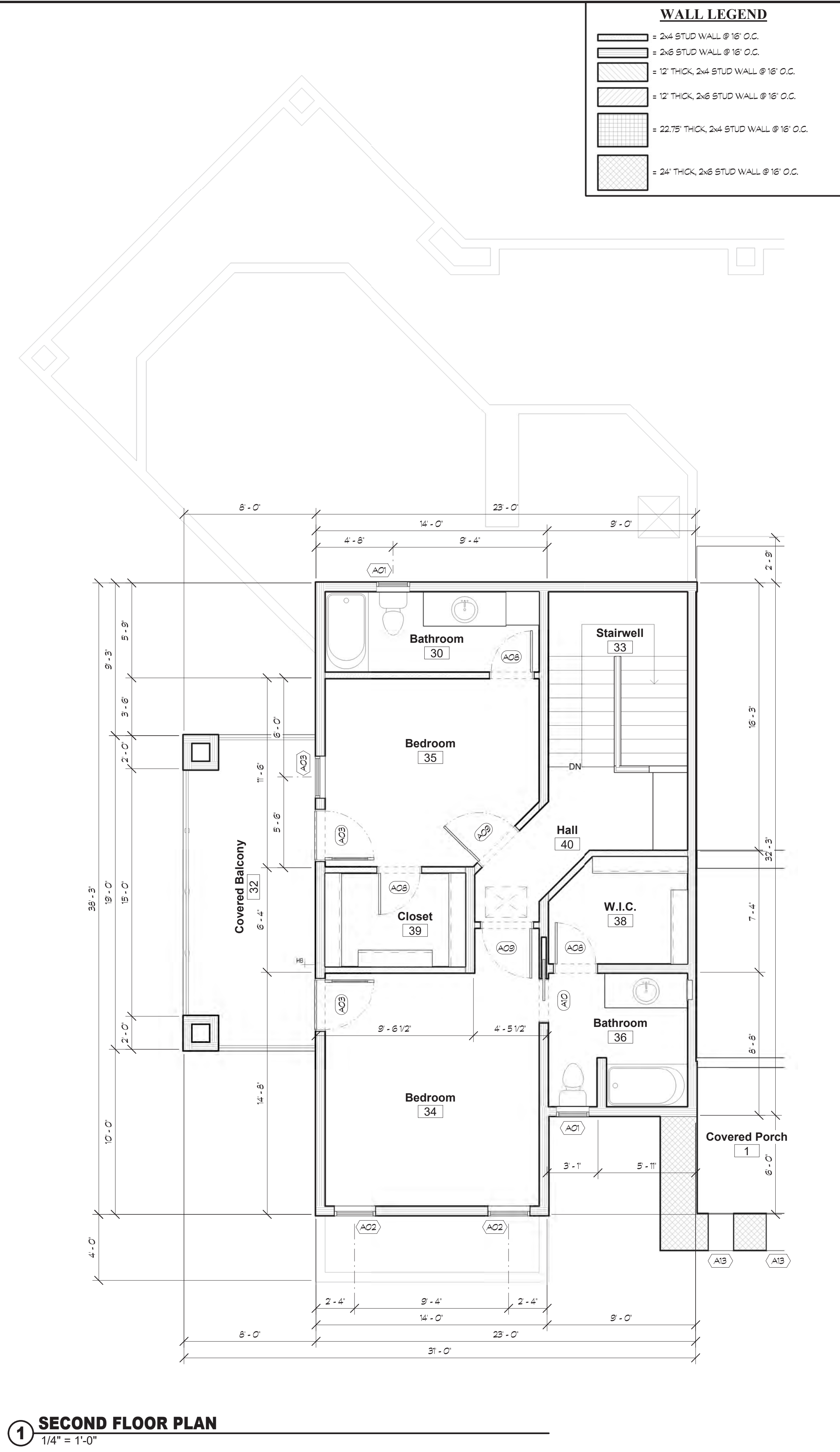
REV. #	DATE	COMMENTS

376 ETERNAL WAY RIVERSIDE, CA 92506
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Guilizia

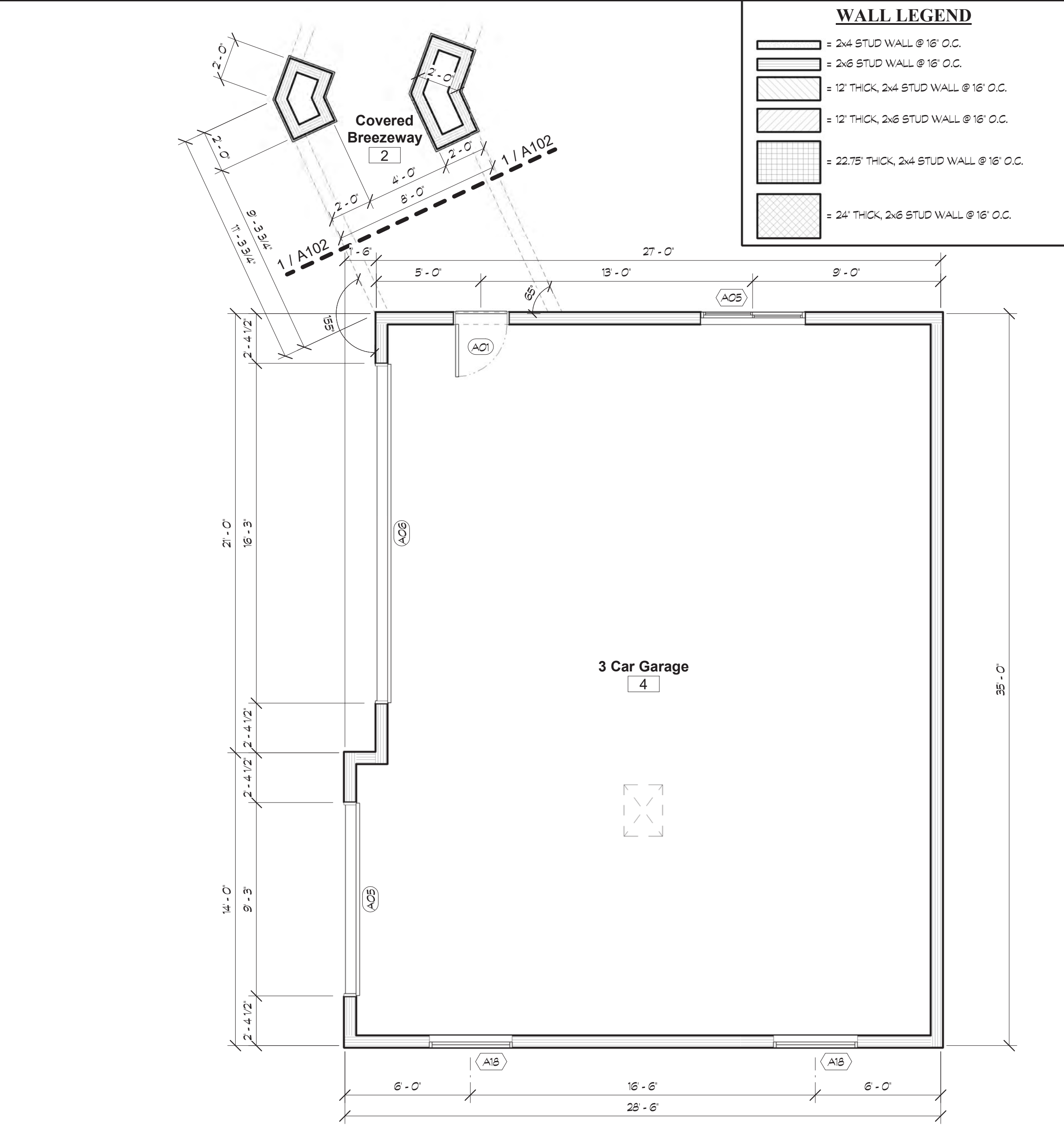
6000 DUBLIN BLVD., SUITE 100
DUBLIN, CA 94568
(925) 242-6000 www.guilizia.com

Hunting Family Residence		Mark Guilizia
1/4" = 1'-0"	7/13/2018	Mark Guilizia
FIRST FLOOR PLAN		
A102		

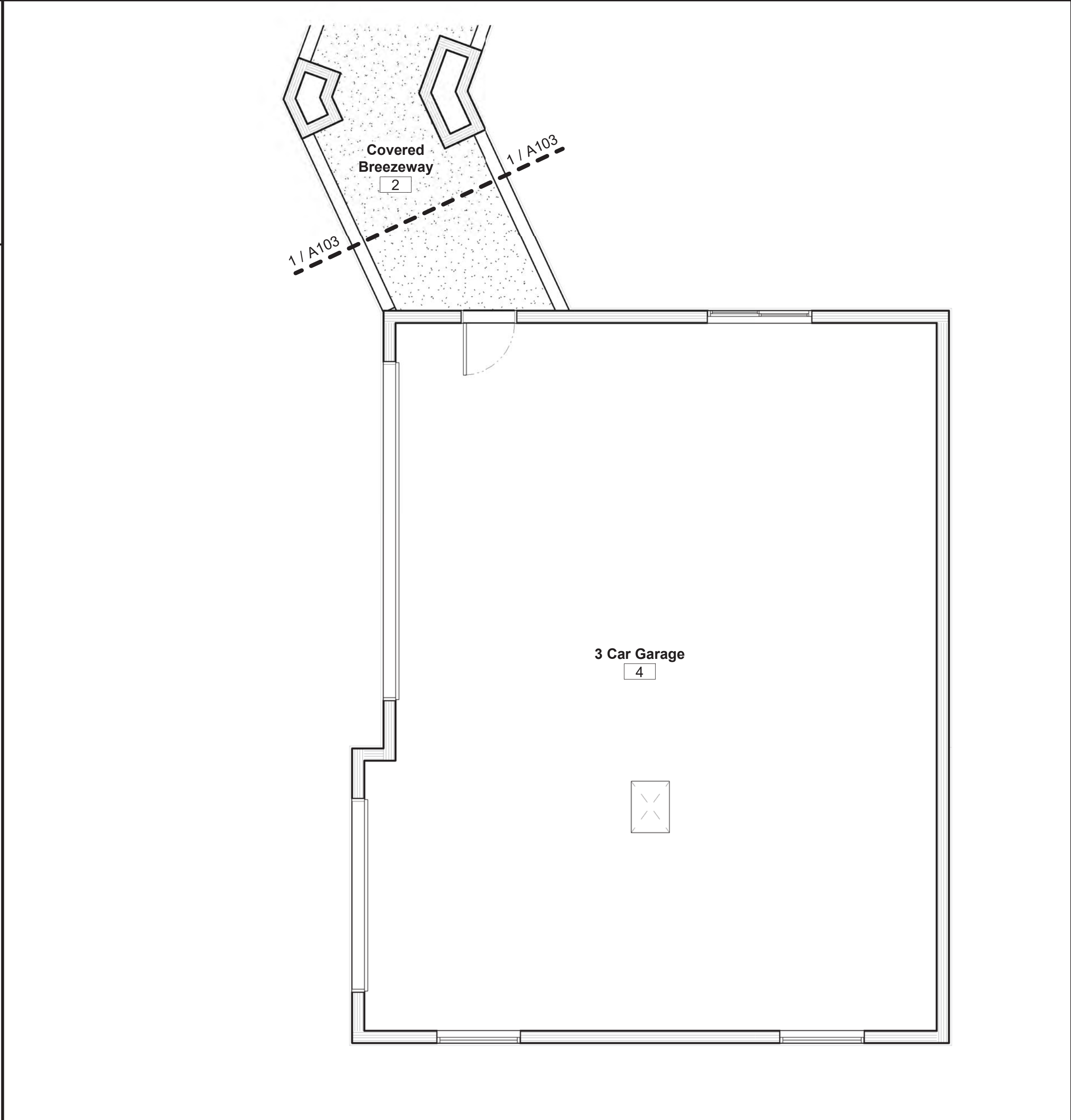


Hunting Family Residence		Mark Gulizia	
DATE	7/13/2018	DESIGNED BY	Mark Gulizia
1/4" = 1'-0"		PROJECT NO.	18086
SECOND FLOOR PLAN		Gulizia	
376 ETERNAL WAY RIVERSIDE, CA 92506		Gulizia 10000 DUBLIN BLVD SUITE 200 DUBLIN, CA 94568 (925) 242-6020 www.gulizia.com	
REV. #	DATE	COMMENTS	

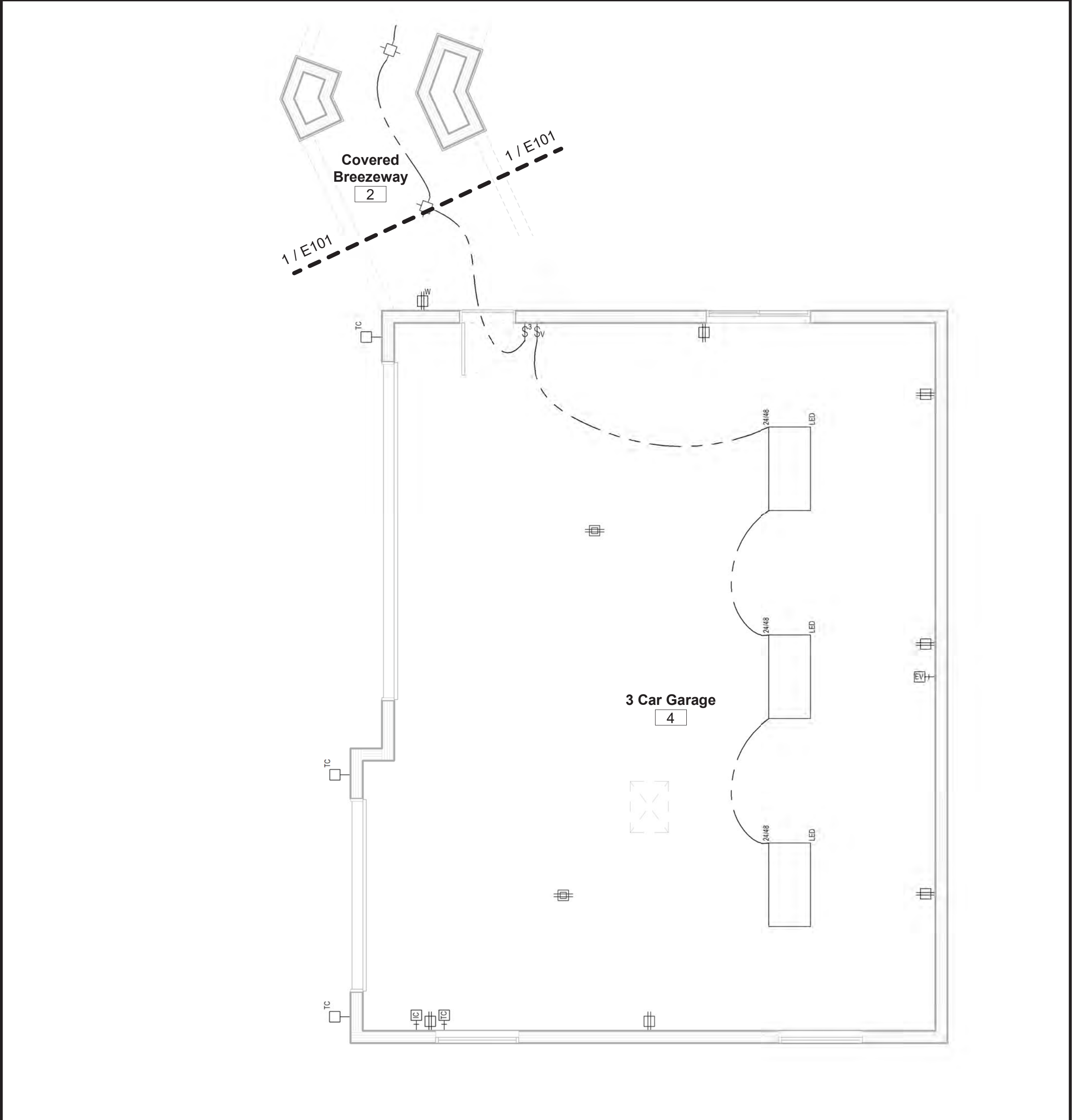
ATTACHMENT 1 - Land Use Committee Report and Attachments - November 26, 2018



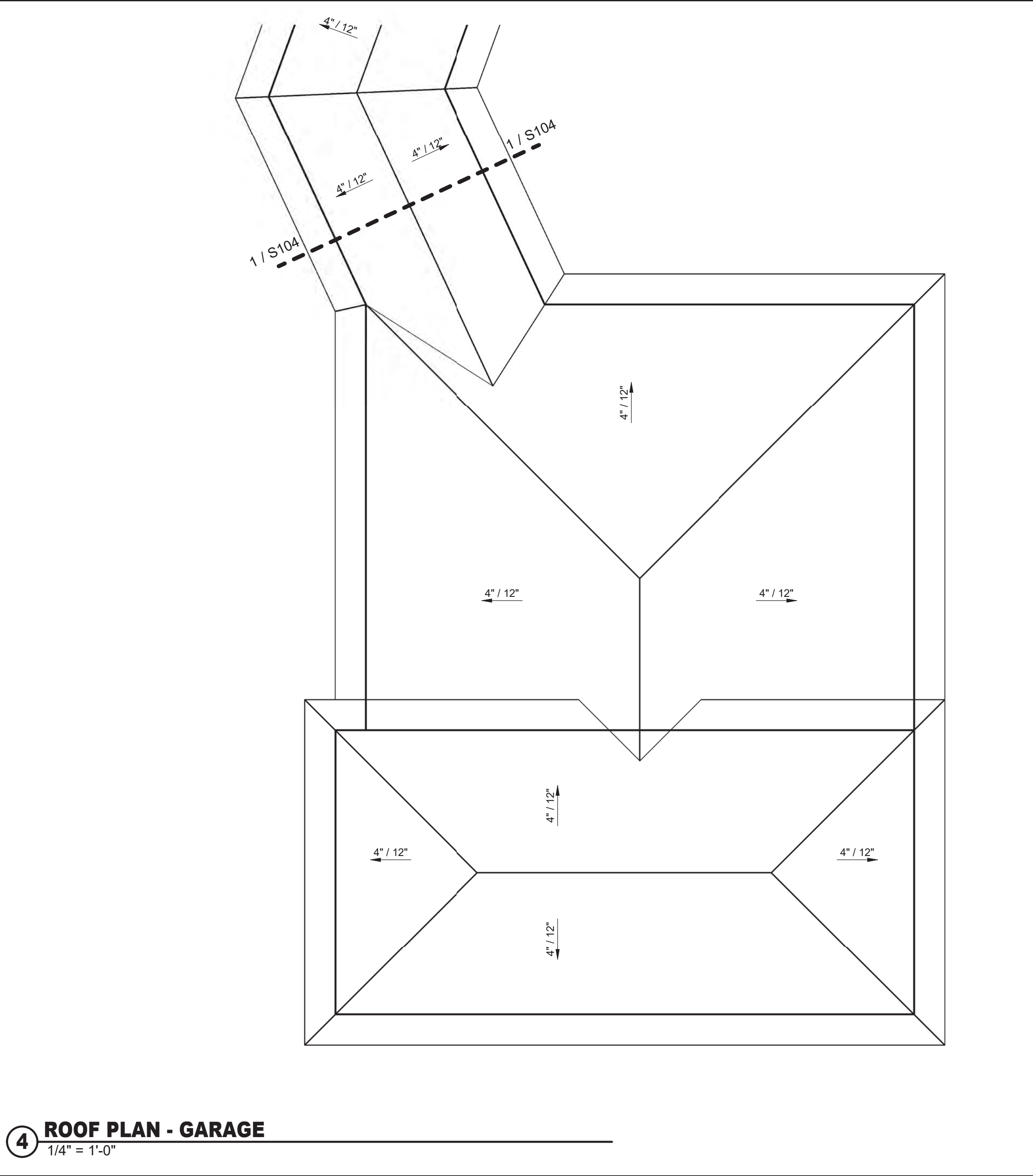
1 FIRST FLOOR PLAN - GARAGE
1/4" = 1'-0"



2 FIRST FLOOR REFLECTED CEILING PLAN - GARAGE
1/4" = 1'-0"

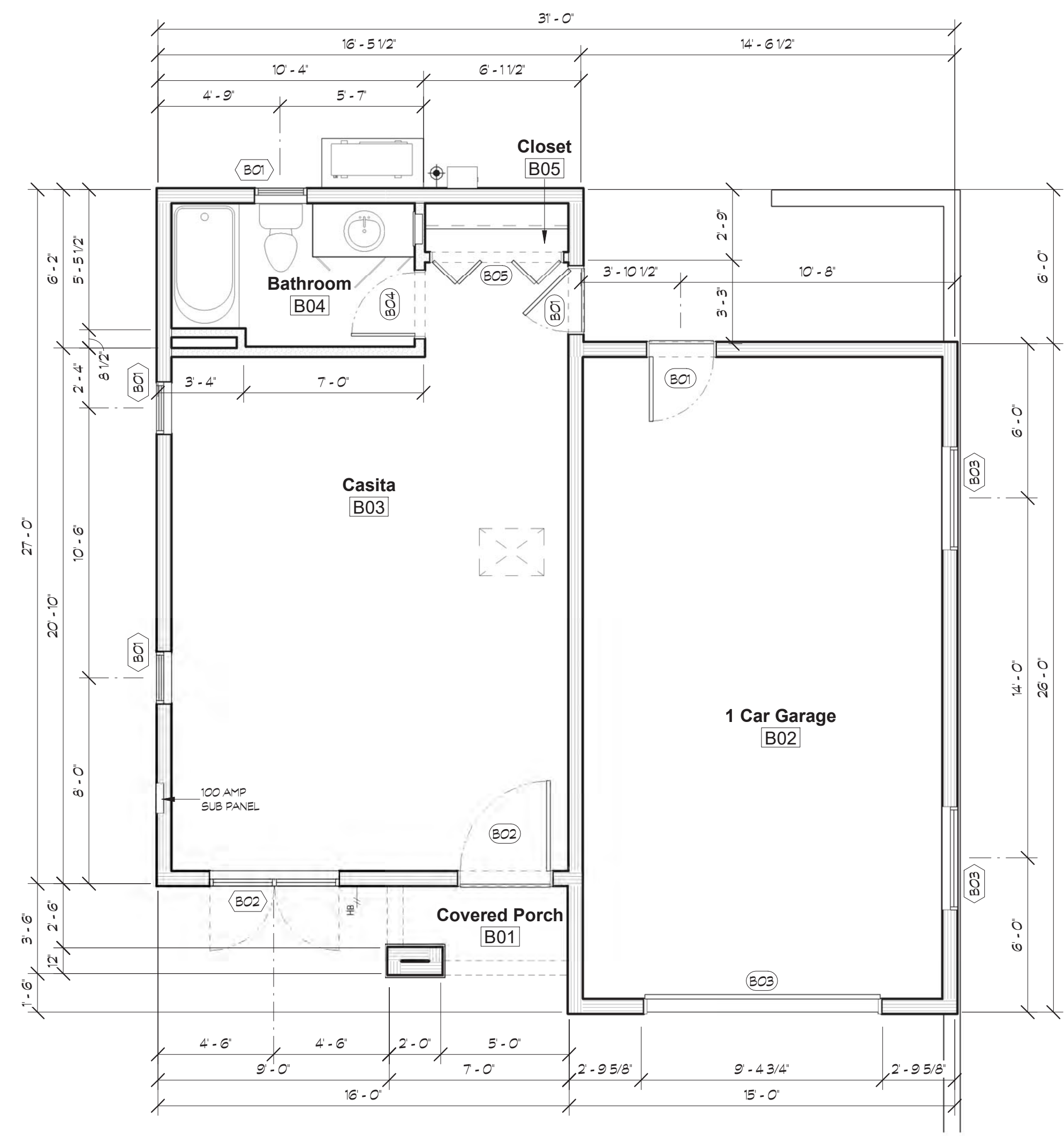


3 FIRST FLOOR ELECTRICAL PLAN - GARAGE
1/4" = 1'-0"









4 ROOF PLAN - GARAGE
1/4" = 1'-0"

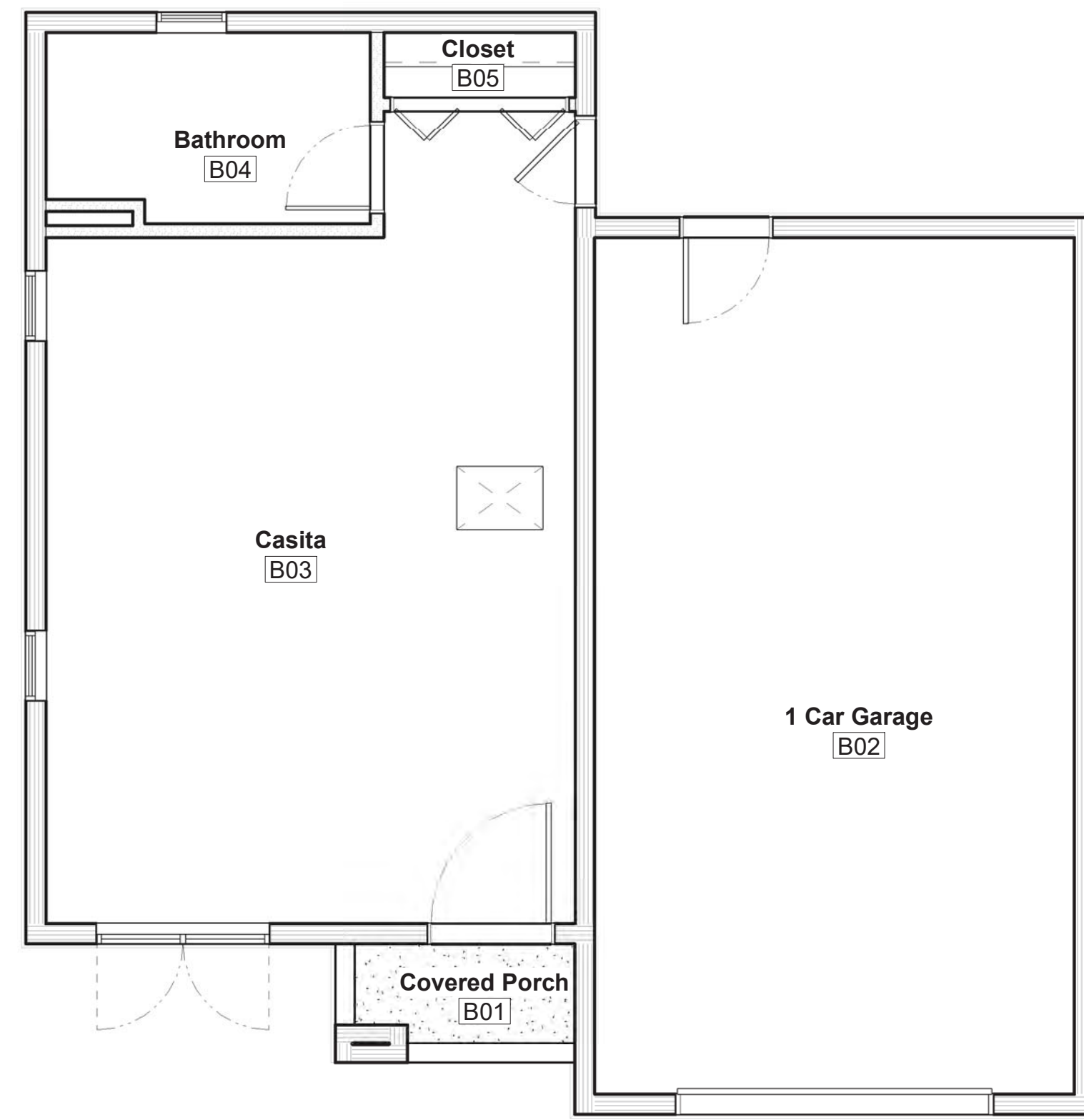
Hunting Family Residence 1/4" = 1'-0" 7/3/2018 Mark Gulizia Mark Gulizia		Gulizia GARY B. GULIZIA 18555 PREASANT NOCLANE RIVERSIDE, CA 92506 (951) 242-6020 www.guliziadesign.com		376 ETERNAL WAY RIVERSIDE, CA 92506	REV. # DATE COMMENTS
A105					



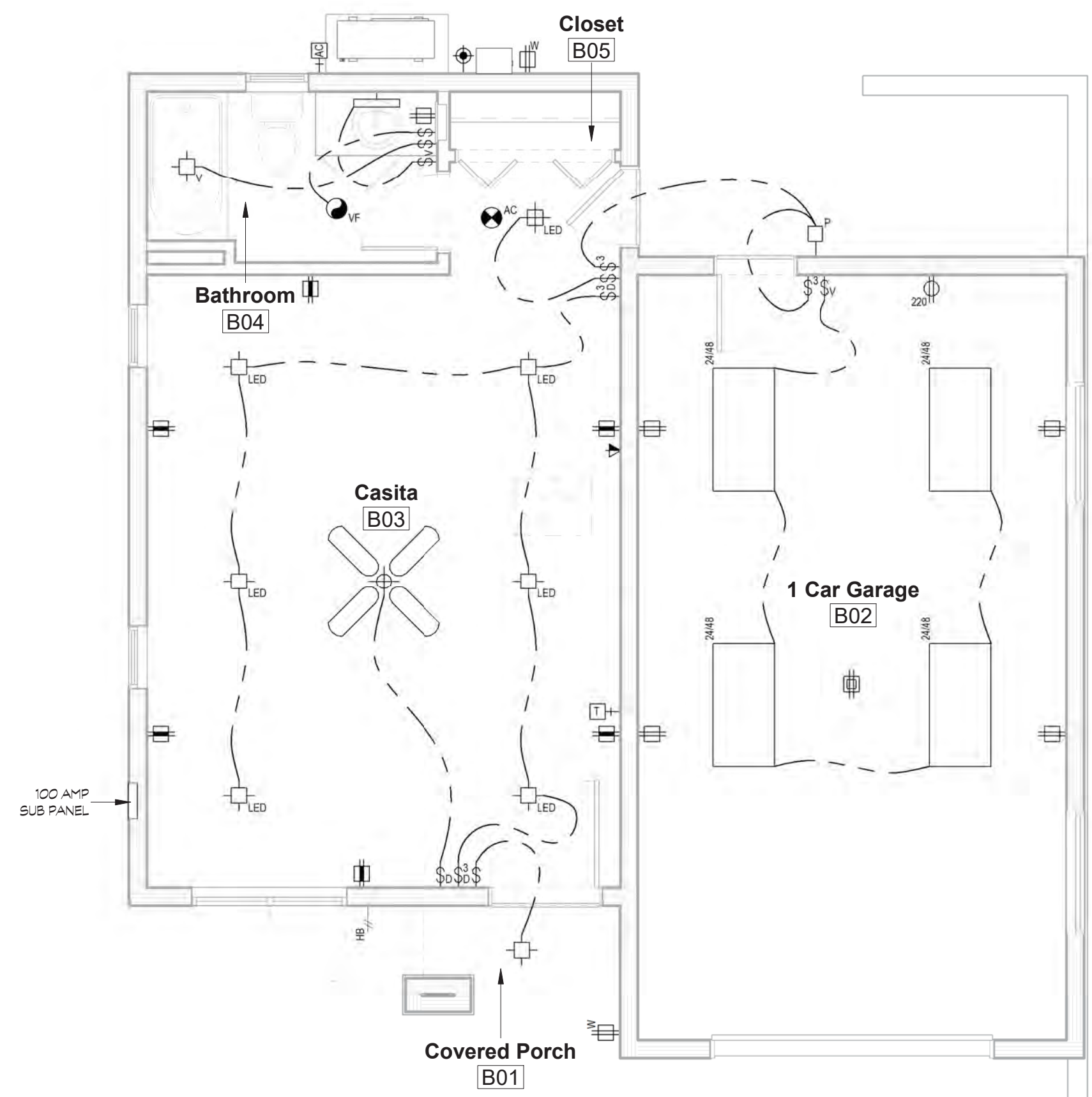
WALL LEGEND

-  = 2x4 STUD WALL @ 16" O.C.
 = 2x6 STUD WALL @ 16" O.C.
 = 12" THICK 2x4 STUD WALL @ 16" O.C.
 = 12" THICK 2x6 STUD WALL @ 16" O.C.
 = 22.75" THICK 2x4 STUD WALL @ 16" O.C.
 = 24" THICK 2x6 STUD WALL @ 16" O.C.

1 CASITA FLOOR PLAN

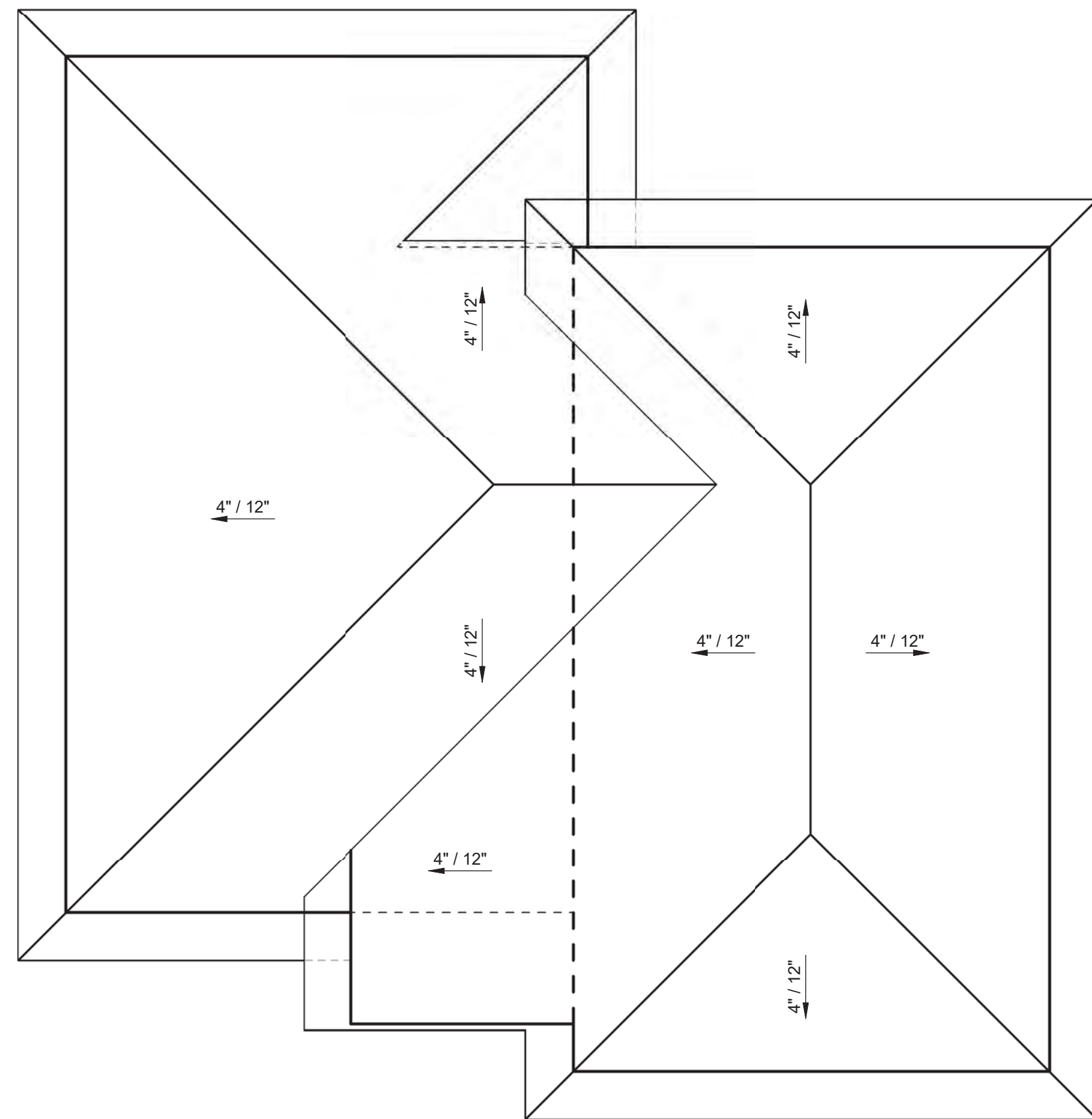


2 CASITA REFLECTED CEILING PLAN



3 CASITA ELECTRICAL PLAN
1/4" = 1'-0"

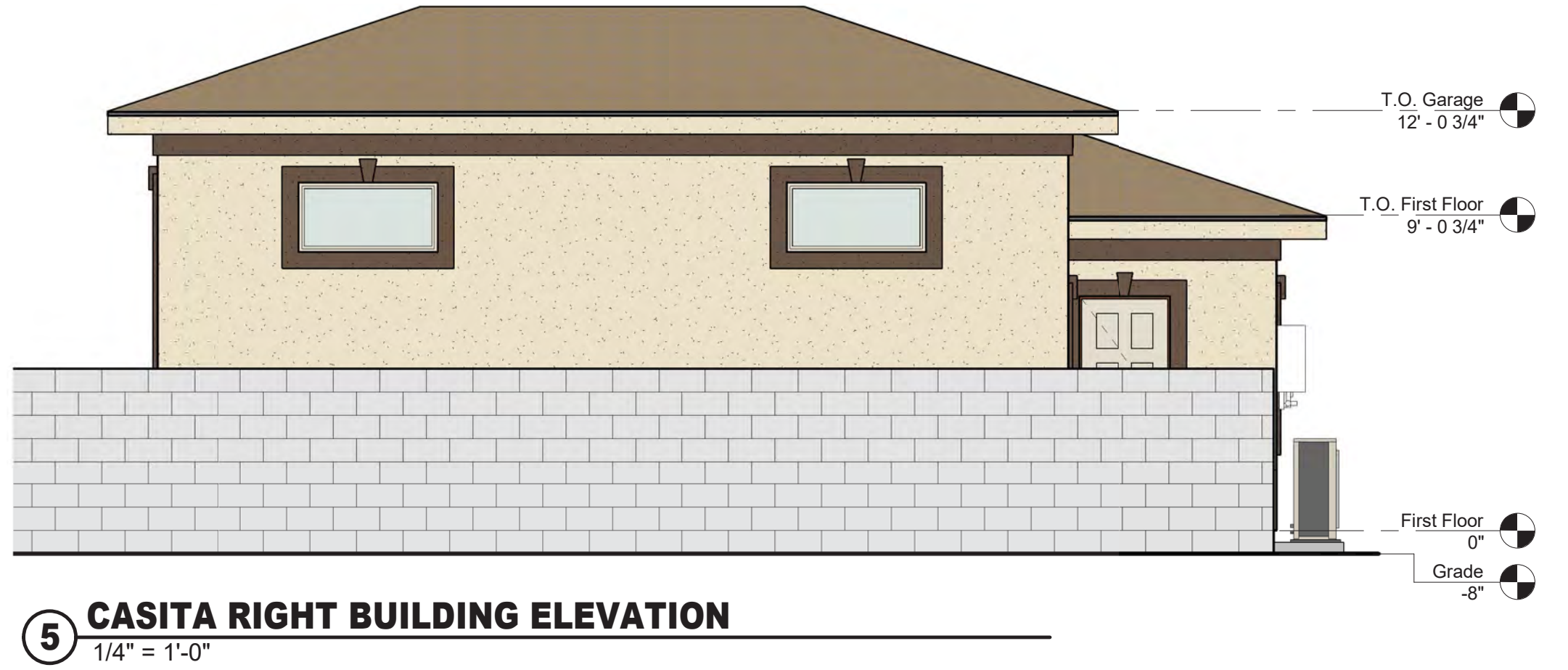
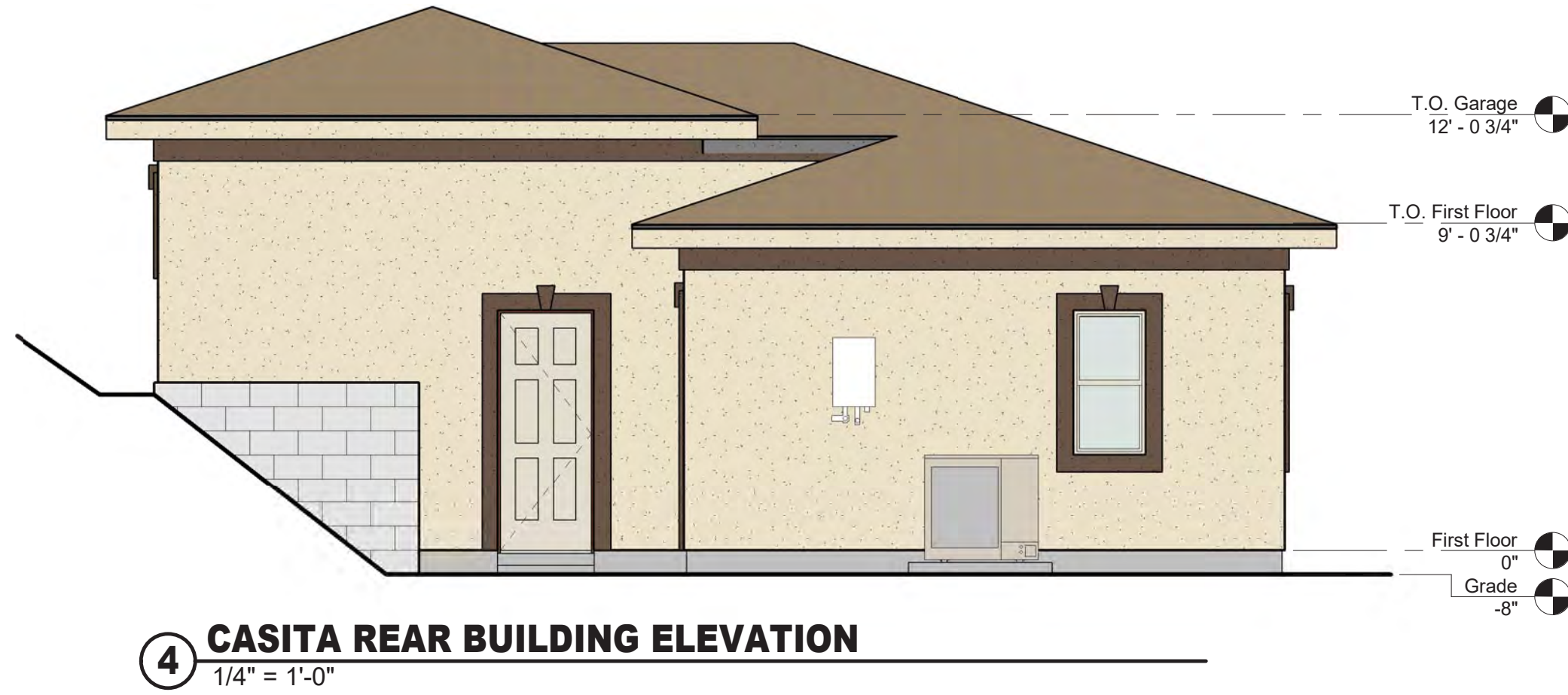
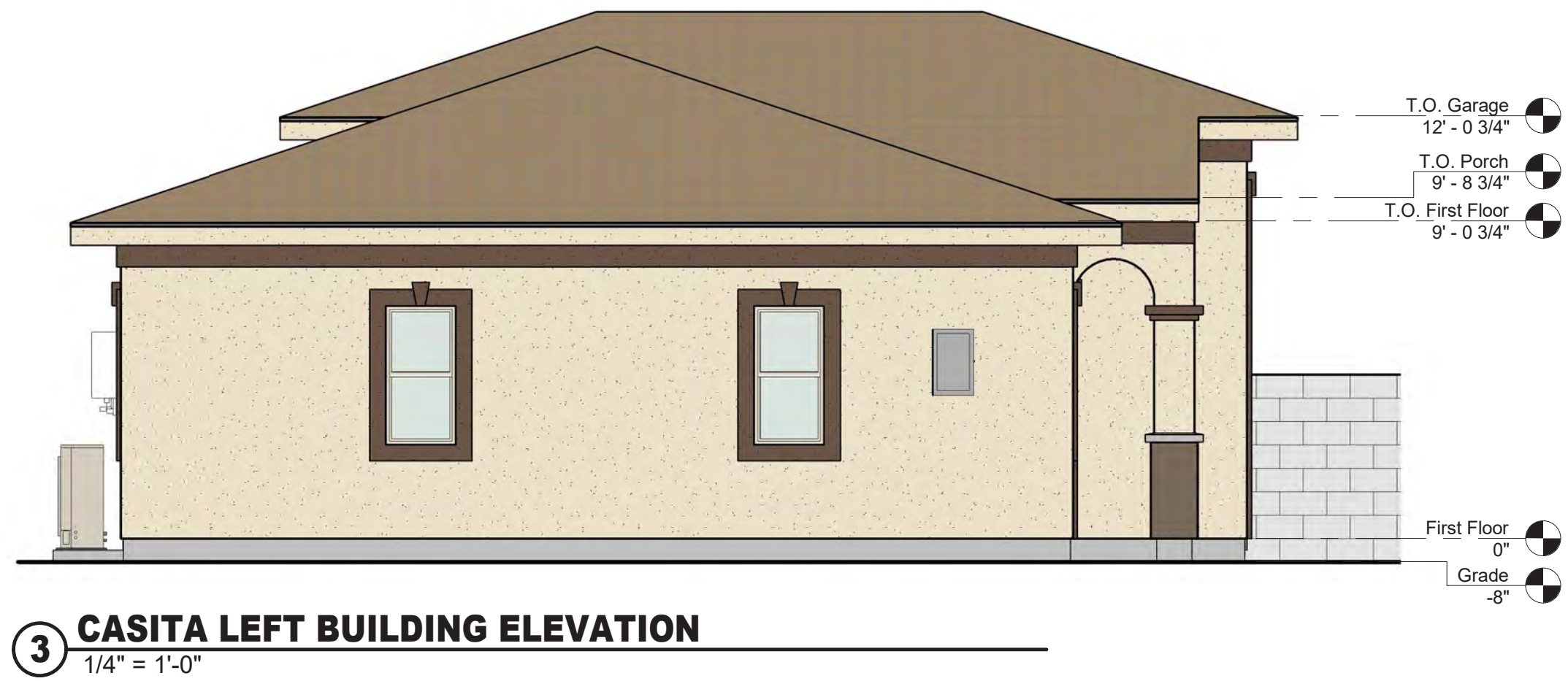
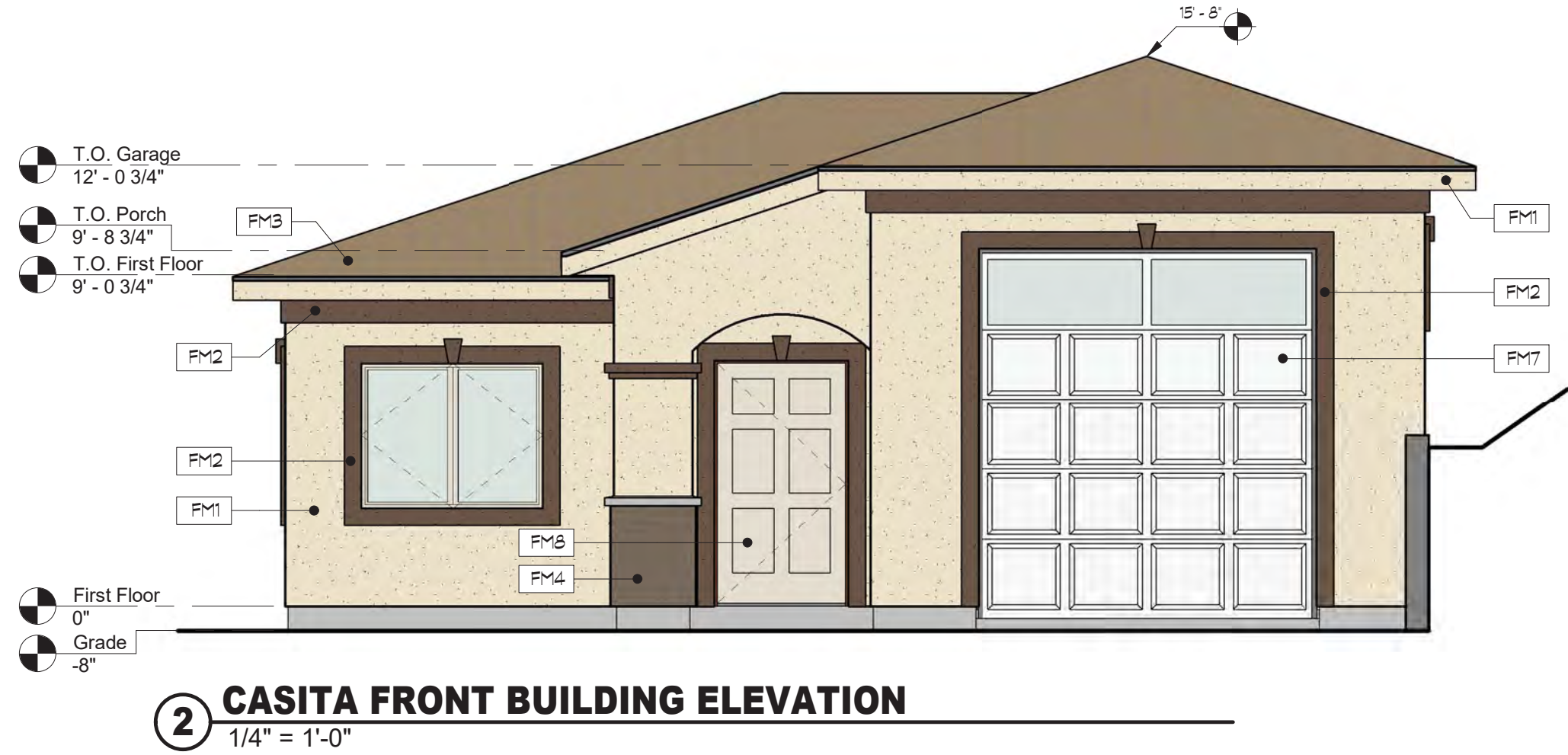
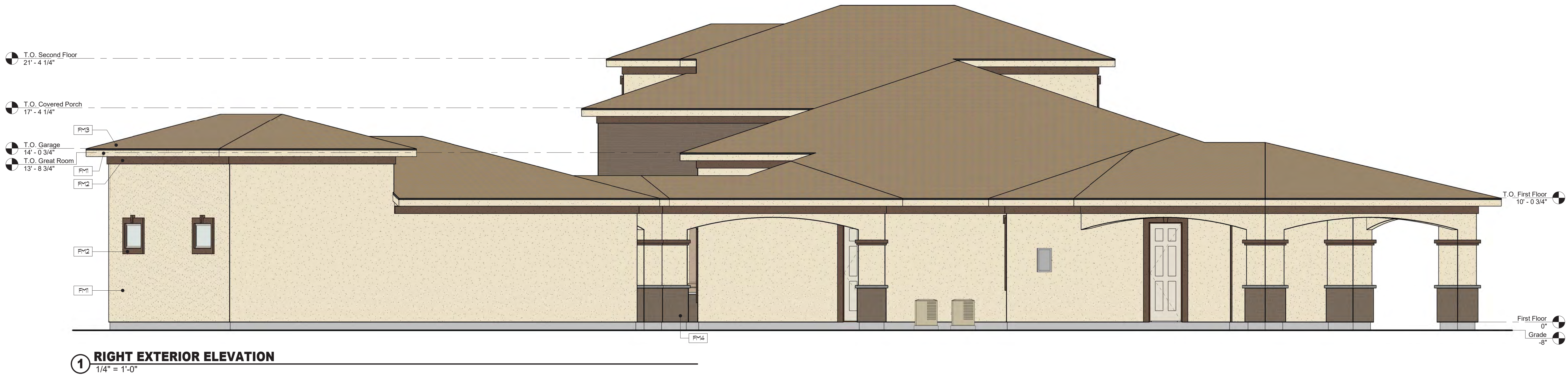
ELECTRICAL SYMBOL LEGEND

[illegible]

4 CASITA ROOF PLAN



Finish Material Schedule					
Type Mark	Description	Manufacturer	Model	URL	Comments
FM1	Stucco Siding	Omega Stucco	237 Rock Green	omega-products.com	
FM2	Stucco, Painted	Dunn Edwards	DEA-161, Wild Mustang	www.dunnedwards.com	
FM3	Roof "S" Tile	Eagle Roofing Products	Capistrano, #3549 "Santa Paula"	eagleroofting.com	
FM4	Stone Veneer	El Dorado Stone	Cliffstone, Manzina	www.eldoradostone.com/products/cliffstone/	
FM5	Metal Painted		Black		
FM6	Vinyl Finish	Andersen	Sandstone	www.andersenwindows.com	
FM7	Aluminum - White				Factory Applied Color
FM8	Douglas Fir, Painted		Tan Factory Finish		
FM9	Precast Concrete Trim	Concrete Designs Inc.	CDI M13 (7-1/2"), W030 (color)	www.concrete-designs.com	



REV. #		DATE	COMMENTS

376 ETERNAL WAY RIVERSIDE, CA 92506	
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Gulizia GARY D. GULIZIA 10000 VALLEY BLVD., SUITE 100 RIVERSIDE, CA 92506 (951) 242-6020 www.guliziadesign.com	
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Hunting Family Residence	
1/4" = 1'-0"	7/3/2018
DESIGNED BY: Mark Gulizia	PROJECT NO: 170186
DRAWN BY: Mark Gulizia	
EXTERIOR BUILDING ELEVATIONS	
A202	



PLOT PLAN REVIEW

PROJECT DETAILS

CASE NUMBERS:	P18-0504, Plot Plan Review P18-0574, Variance P18-0609, Variance
CONTACT PLANNER:	Jack Cartledge, Planning Technician 951-826-5592; jcartledge@riversideca.gov
APPLICANT:	Michael Hunting
PROPERTY ADDRESS:	376 Eternal Way
ZONE:	RC – Residential Conservation
NEIGHBORHOOD AREA:	Alessandro Heights
GENERAL PLAN:	HR – Hillside Residential

PROJECT DESCRIPTION

The subject 1.03-acre project site is located at the western terminus of Eternal Way, a private residential street in the Alessandro Heights neighborhood and within the community of Hawarden Meadows. The parcel is listed as Lot 10 within Tract Map 29628 and was initially approved as a 34-lot subdivision in November of 2005. An Environmental Impact Report was prepared for this Tract Map and was certified in February of 2006. The site has been previously rough-graded, and limited vegetation currently exists on-site.

The applicant is requesting a design review of plot plan and building elevations for the construction of a 4,397 square foot two-story residence with driveway access from Eternal Way. Due to development restrictions imposed by the Residential Conservation Zone, the applicant has requested variances for building height and second story to analyze in conjunction with the design review. Submitted variance justifications will be examined further in subsequent sections of this report.

The proposed home includes a 440 square foot detached casita, 1,318 square feet of covered porch area, a 966 square foot, three-car garage, and an additional 385 square foot garage. Grading plans identify a project-specific Water Quality Management Plan with on-site water flow directed toward a bio-retention basin along the southern property line.

PROJECT ANALYSIS

The project site is located within the RC – Residential Conservation Zone, which permits single-family residences subject to the development standards established in Chapter 19.100 of the Zoning Code and outlined below:

Residential Conservation Standard			Proposed	Consistent	Inconsistent
<i>Min. Setbacks</i>	Front	30'	78'	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side	25'	Left=25' Right=33'	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	25'	68'-0"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Parking</i>	2 Car Garage		4 Car Garage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Max. Number of Stories</i>	1		2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Max. Height</i>	20'		26'4"	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The site also lies within both the boundary and setback area of the Alessandro Arroyo, and this was identified with the Environmental Impact Report published with the Tract Map in February of 2006. Grading of the site occurred after approval of the report, and the tract was assessed for native and endangered wildlife subject to the Multiple Species Habitat Conservation Plan of Western Riverside County.

The proposed project meets the objectives of the City's Grading Code (Title 17), Zoning Code (Title 19), and Citywide Design Guidelines, subject to the justifications provided and the recommended conditions of approval detailed below.

NEIGHBORHOOD COMPATIBILITY

Planning Staff received two written responses to public notices opposing the requested variances. The given reasons, along with Staff responses, are outlined below:

1. Views from adjacent properties would be negatively impacted with the construction of a two-story, 26-foot high residence at the subject property.
 - a. The site's graded pad area is situated below adjacent properties on three sides by several feet, and the Final Environmental Impact Report for the related tract map determined this lot as not being located atop either a prominent ridgeline or visual receptor. The second story area is less than 19 percent of the home's

total square footage and is concentrated on one side of the structure to minimize visual impact.

2. The RC-Residential Conservation Zone requires only one-story, 20-foot high structures, and this proposal runs in conflict with the intent of Proposition R and Measure C.
 - a. The Zoning Code allows for variances to development standards subject to approval by the Development Review Committee. The applicant has provided justifications to allow for the additional height, and in addition the Friends of Riverside's Hills has certified that two-story homes on this specific lot within Tract Map 29628 meet the intentions of the RC Zone and are in conformance with both Proposition R and Measure C.

ENVIRONMENTAL DETERMINATION

The project represents New Construction, which is categorically exempt per the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines.

DEVELOPMENT **REVIEW COMMITTEE'S** DECISION

The Development Review Committee **APPROVES** Planning Cases P18-0504 (Plot Plan Review), P18-0574 (Variance), and P18-0609 (Variance) subject to the attached conditions.



VARIANCE FINDINGS

Variance Findings pursuant to Chapter 19.720.040

- a. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.*

The proposal complies with this finding. The property is an irregular pie-shaped lot with 40 feet of grade change, and allowing the construction of a home that meets building setbacks, provides septic and bioretention systems, and allows for usable yard space results in practical difficulties for the landowner.

- b. *There are special 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 vicinity and under the identical zoning classification.*

The proposal complies with this finding. The irregular parcel shape makes development of the site difficult. Additionally, the Riverside Municipal Code limits hillside construction to a single graded pad area, rendering a significant portion of the lot unbuildable. The Covenants, Conditions and Restrictions (CC&Rs) for the homeowner's association require a minimum 4,000 square feet of living space, and the applicant is compelled to build upward to meet this standard.

- c. *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.*

The proposal complies with this finding. Following the resolution of arbitration related to the tract map, a settlement agreement was entered between the developer and petitioner to allow the exceeding of height and story standards for particular lots pending variance. 376 Eternal Way was included in this agreement, and a further 12 additional lots within the same tract have submitted for and were approved for height and story variances since 2007. The granting of such variance will not prove detrimental to the area.

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

The proposal complies with this finding. The tract map's Final Environmental Impact Report did not list the subject site as being situated atop a prominent ridgeline or visual receptor, and the structure will respect the sightlines of surrounding properties while still permitting its development. In addition, the Friends of Riverside's Hills has certified that a two-story home on this specific lot conforms with the intent of both Proposition R and Measure C. The granting of the height and story variances will not be contrary to the objectives of any part of the General Plan.

CONDITIONS OF APPROVAL

- **Planning**

Prior to Building Permit Issuance

1. Construction plans submitted to the Building and Safety Division shall reflect all materials and colors utilized on the plans submitted to planning.

GENERAL INFORMATION CONDITIONS:

2. This approval is for design concept only, and does not indicate the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
3. There is a one-year time limit on this approval.
4. 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.

APPEAL INFORMATION

The applicant or any interested person can appeal the Development Review Committee decision or any conditions of approval to the Planning Commission within ten days of this action. To appeal this decision, submit a letter stating what you wish to appeal and why, along with the General Application form and fee made payable to the City of Riverside. The Planning Division's address is:

City of Riverside
Community & Economic Development Department
Planning Division
3900 Main Street, 3rd Floor
Riverside, CA 92522

cw: Jack Cartledge, Planning Technician

Mike Sadeghian

3595 Van Buren Blvd. Suite 212
Riverside CA 92503
(951)359-5359

Thursday, September 06, 2018

Re: P18-0504, Plot Plan Review
P18-0574, Variance
P18-0609, Variance

Mr. Jack Cartledge,

We would like to appeal the staff's decision on the above cases since we are directly behind this property and would be effected significantly with the height of this residence.

Please be advice that we need this to be reviewed by the planning commission.

We are the owners of the APN No. 243-220-061 and 243-220-060.

I would appreciate your comments and your written response back to us with the date of the hearing.

Thank you

Mike Sadeghian

A handwritten signature in black ink, appearing to be 'Mike Sadeghian', written in a cursive style.

From: Mike Sadeghian
To: [Cartledge, Jack](#)
Subject: [External] p-18-0504, p18-0574, p18-0609
Date: Wednesday, September 05, 2018 11:39:12 AM

Jack,

We own the two properties directly behind this parcel APN 243220061, APN 243220062 and we have paid a very large premium for the view on these parcels knowing that there is a height restriction.

This 24' high residence will be blocking most of our view, please reject the extra variance on the Hight on this parcel.

Best regards,

Mike Sadeghian I (President)

Van Buren Land & Investment Inc.
3595 Van Buren Blvd. Suite 212
Riverside CA 92503

p. (951)359-5359

c. (951)660-1035

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From: Rhonda Strout-Garcia
To: [Cartledge, Jack](#)
Subject: [External] Response to Request for Public Comment - 376 Eternal Way Project Location
Date: Saturday, August 25, 2018 7:49:51 PM
Attachments: [CCF08252018.cleaned.pdf](#)

This email's attachments were cleaned of potential threats by The City of Riverside's Security Gateway.

Click [here](#) if the original attachments are required (justification needed).

Dear Mr. Cartledge:

Please find attached a response to the request for public comment related to the property at 376 Eternal Way.

We would appreciate your acknowledgement of receipt of the enclosed response, if you would kindly reply to this email. Additionally, please keep us informed of any hearings in this matter, as we wish to be present.

Thank you,

Rhonda & Henry Garcia

Rhonda D. Strout-Garcia, MSHR

Principal Consultant

HR Dynamics & Performance Management, Inc.

rhonda@hrdpm.com

(951) 905-0025



August 25, 2018

Henry & Rhonda Garcia
461 Green Orchard Place
Riverside, CA 92506
(951) 999-1617 or (951) 905-0025

City of Riverside
Attn: Jack Cartledge
Community Development Department, Planning Division
3900 Main Street
Riverside, CA 92522

Subject: **Request for Public Comment – Project Location 376 Eternal Way – Case Numbers: P18-0504 (PP-MIN), P18-0574 (VR), P18-0609 (VR)**

Dear Mr. Cartledge:

This letter is in response to the City's notice requesting public comment concerning a variance to allow for a two-story home to be built on a vacant lot behind our property.

Please note that we strongly object to the request for a variance of a two story home to be constructed at the project location. The existing homes in the Pulte development, ours included, as well as surrounding vacant lots within other developments, come at a premium price. This is not only due to the size of the lots, and larger square footage of the homes, but largely attributable to the view of the City below. The lots alone in many cases are currently selling for in excess of \$300,000, and sold for much more – in some cases double - at the peak of the real estate market.

Any potential obstruction of our view, and that of our neighbors, impacts our home values, and our expectation of enjoyment of our view. Our expectation comes from the existing zoning rules which clearly states a maximum of one story homes, and a maximum height of 20-feet. We purchased our home in 2009, having done our research, and were comfortable in our investment, knowing that the lots behind us would not impact our view, nor have the ability to look down upon our property and impede our privacy.

It is our opinion that Mr. Michael Hunting purchased his lot, very well knowing the existing rules and restrictions, yet proceeded with plans for a two-story home structure that will have a negative impact on existing neighbors including view, privacy, and home values. It is inconceivable that his request could possibly be granted by the City, at an impact to those of us who were here first; who understood that the zoning rules would not allow for a loss of view, privacy and home value; and who had/have an expectation of enjoyment of the view for which a premium price was paid.

Our property at 461 Green Orchard is a unique shaped lot, and shares two vacant lots behind us, with Mr. Hunting's lot being one of the two. Our grave concern would be that the approval of his request would open the door to allow for other future variances to be granted. The second vacant lot behind us

(next to Mr. Hunting's lot) which sits higher than our lot, would have a direct view upon our property, if a second story home were to be approved in the future, and significantly block our view and impact our privacy. Therefore, it is most critical that the existing standards remain in place. We are well aware that one exception leads to another, and this must be stopped now.

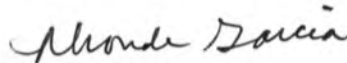
In closing, we strongly object to the request for a variance at 376 Eternal Way, due to loss of view for our homes in the Pulte development; expectation of enjoyment of our view due to existing zoning rules; privacy concerns; impact on home values; and the potential impact of one variance approval leading to another, where future two-story homes could be built on remaining vacant lots which would have an even greater detrimental effect on our property value, privacy, view and enjoyment.

Please keep us informed on the progress of this case, and we will make every attempt to attend any public meetings or hearing on this matter to express our concerns. We hereby request to receive a copy of your report and analysis to be completed on September 5th, 2018.

Sincerely,



Henry Garcia – Owner
461 Green Orchard Place



Rhonda Garcia – Owner
461 Green Orchard Place

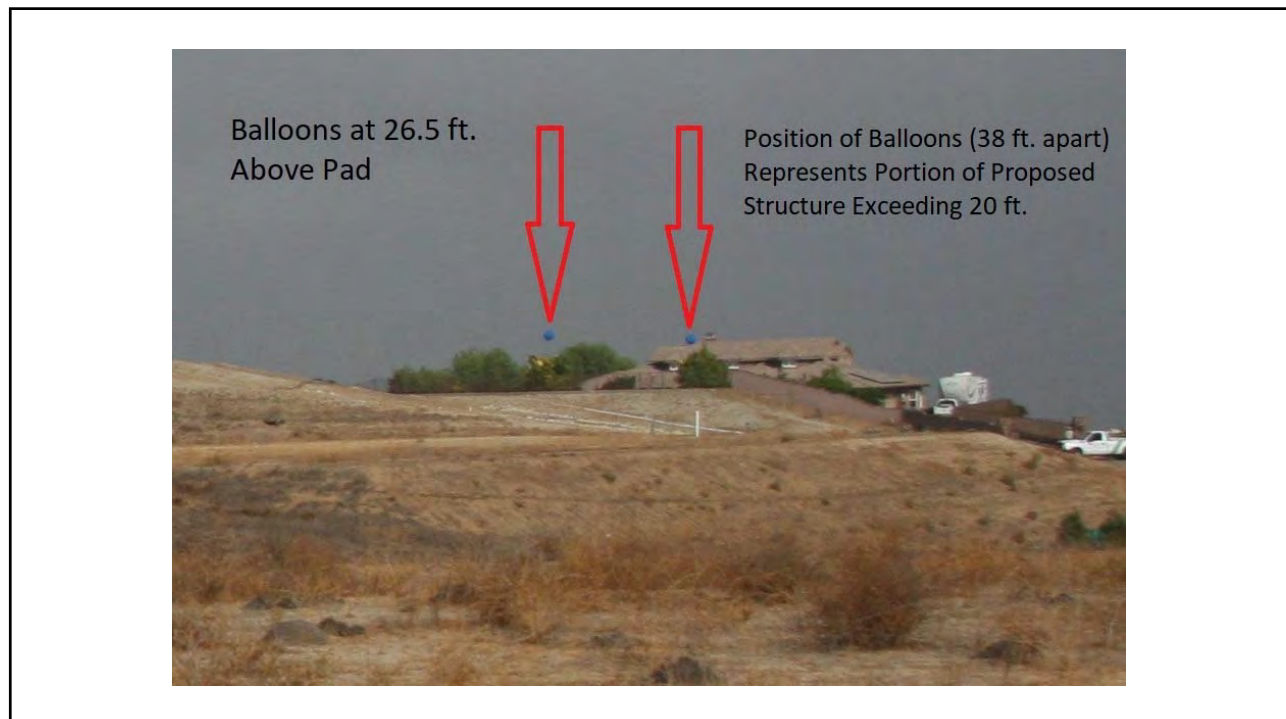
From: DALIP SETHI
To: [Cartledge, Jack](#)
Cc: [Dalip Sethi](#); [Rupina Mann](#)
Subject: [External] PROJECT LOCATION -- 376 ETERNAL WAY ---- Request for Public Comments---- OBJECTION LETTER
8/23/18
Date: Thursday, August 23, 2018 9:04:53 PM

Hello Mr Jack Cartledge,
My name is DALIP SINGH SETHI and I live in 427 GREEN ORCHARD PLACE . I and my wife Dr Rupina Mann bought this property 6-8 years ago and Paid Premium for it as I knew that there will NOT BODY WILL BE BUILDING a DOUBLE STORY behind my house to BLOCK MY CITY view of the property as Single story are only will be allowed. I STRONGLY OBJECT to give a Variance to this person to build a double story house as it will BLOCK MY VIEW COMPLETELY .

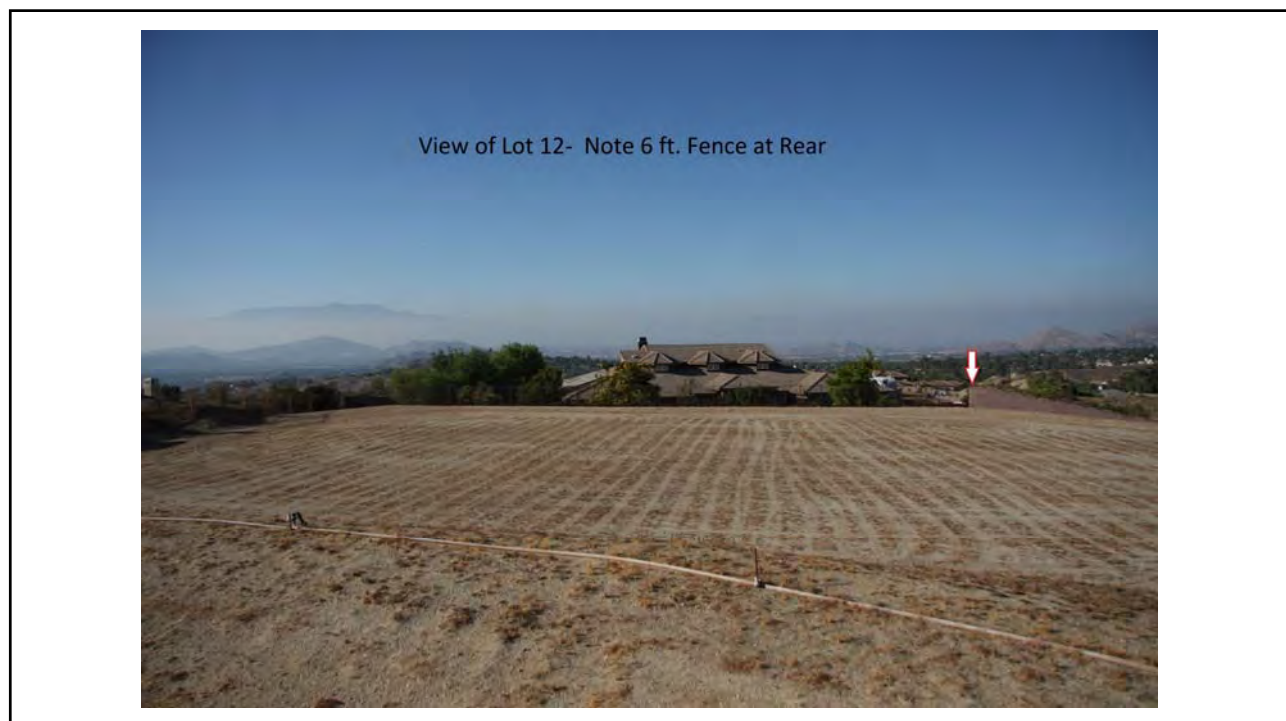
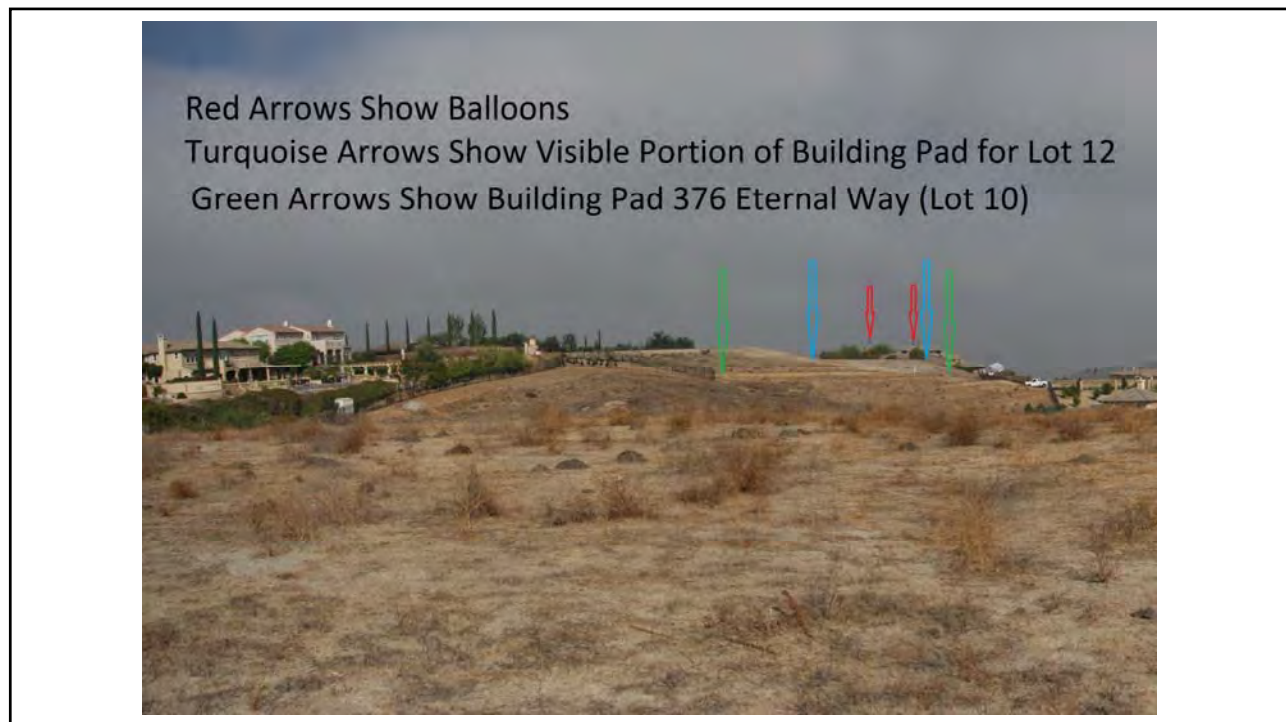
My property is all ready about 15' below the street level . I only get View from my Master bedroom and balcony upstairs. Applicant making a double story and increase HEIGHT to 24' will Completely BLOCK MY VIEW. Hence I am Humbly requesting NOT TO ISSUE any Variance in 376 ETERNAL WAY house project.
Thank you very much in Advance for this consideration.

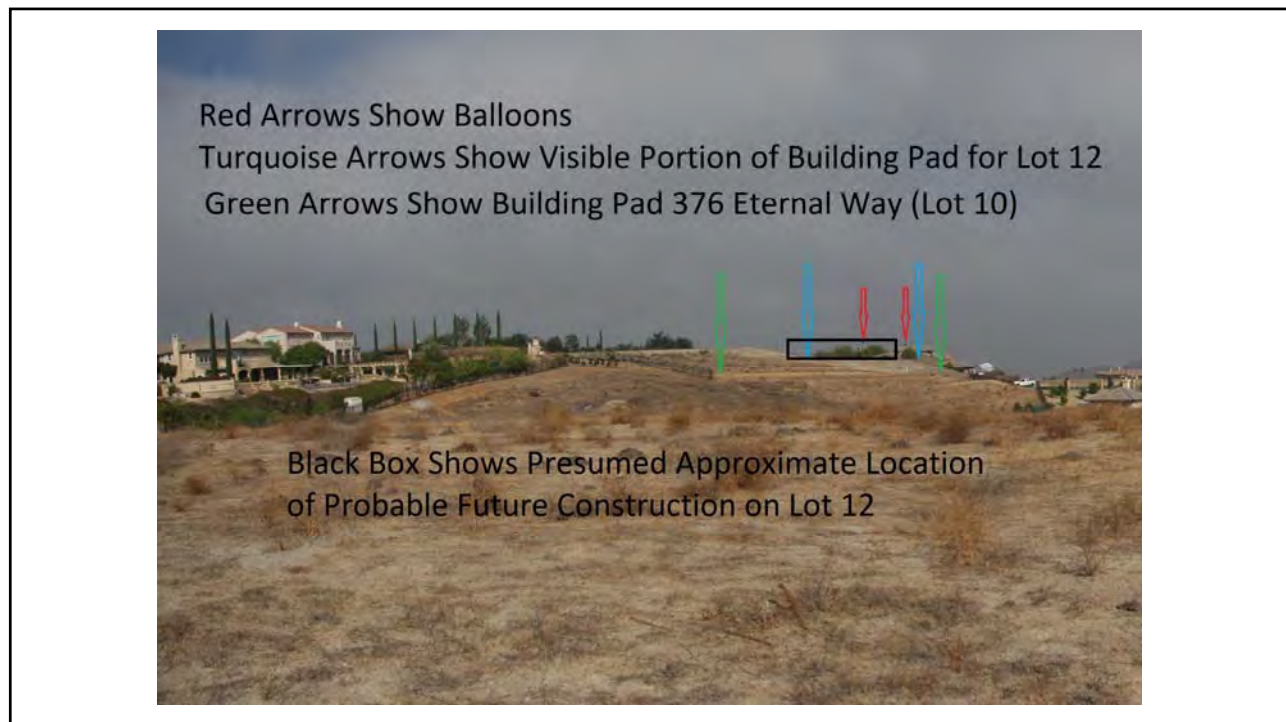
Dalip Singh Sethi
owner
427 GREEN ORCHARD PLACE
Riverside , California 92506
951-334-9924
dalip_sethi@yahoo.com

dalip Singh sethi











Single Family Residence

376 Eternal Way

P18-0504, P18-0574, P18-0609

Community & Economic Development Department

Planning Commission

Agenda Item: 2

October 18, 2018

RiversideCA.gov

LOCATION



2

RiversideCA.gov

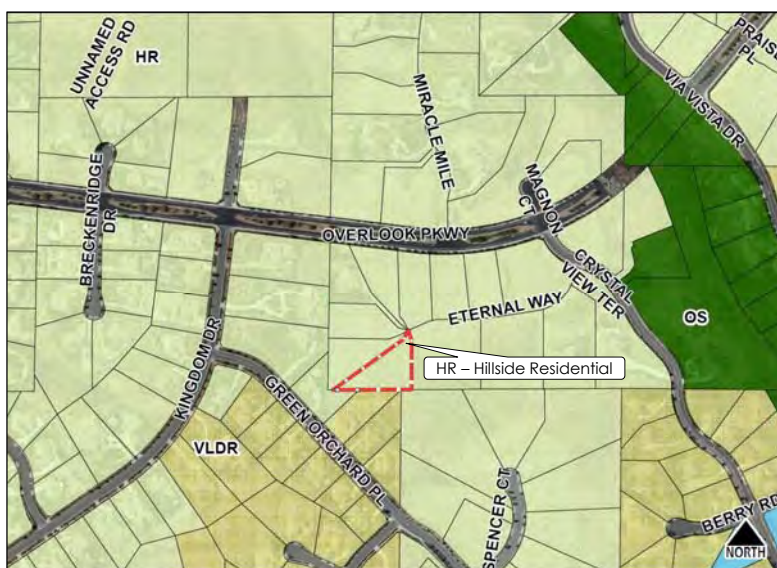
EXISTING SITE PHOTOS



3

RiversideCA.gov

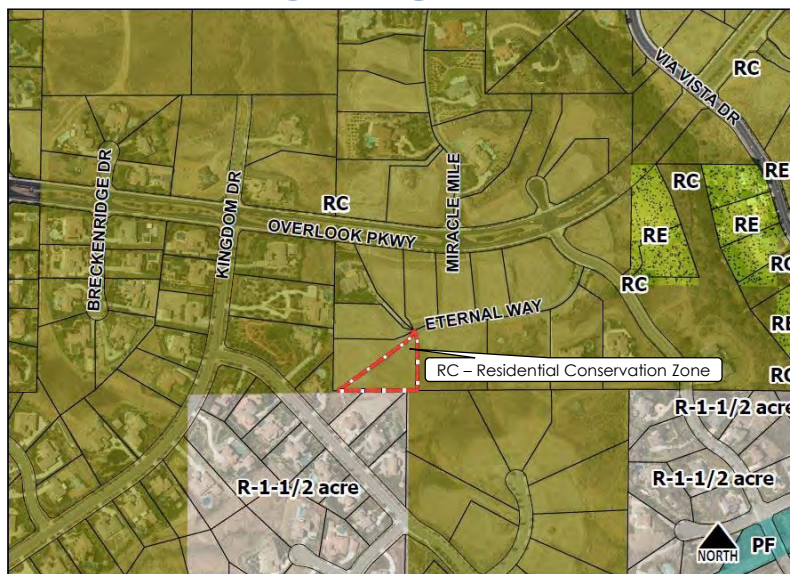
GENERAL PLAN MAP



4

RiversideCA.gov

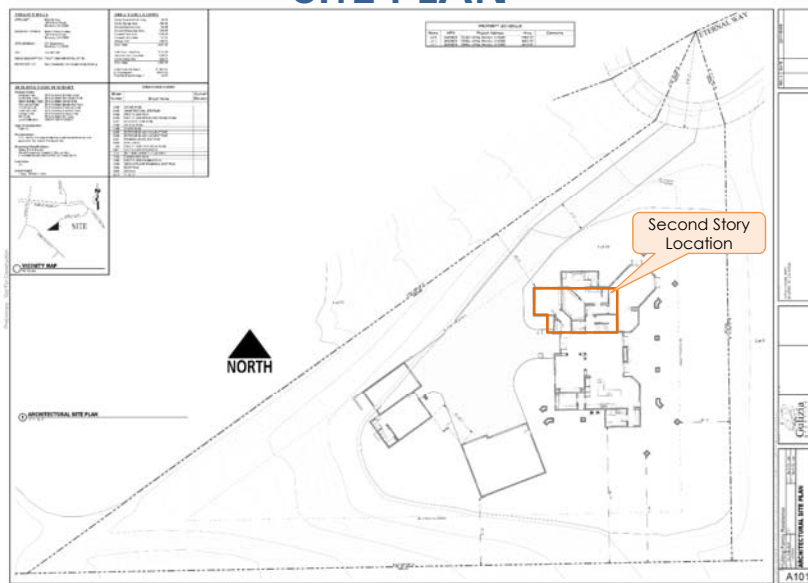
ZONING MAP



5

RiversideCA.gov

SITE PLAN



6

RiversideCA.gov

BUILDING ELEVATIONS



7

RiversideCA.gov

Development Review Committee

- September 5, 2018
 - DRC Approval
 - 10-day appeal period commenced
- September 6, 2018
 - Appeal received on behalf of Mike Sadeghian
- Three comment letters received



8

RiversideCA.gov

RECOMMENDATIONS

That the City Planning Commission:

1. **DETERMINE** that the proposed case is exempt from the California Environmental Quality Act (CEQA) subject to Section 15303(a) (New Construction of a single-family residence), as this project will not have a significant effect on the environment; and
1. **DENY THE APPEAL, UPHOLD** the decision of the Development Review Committee and **APPROVE** 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.

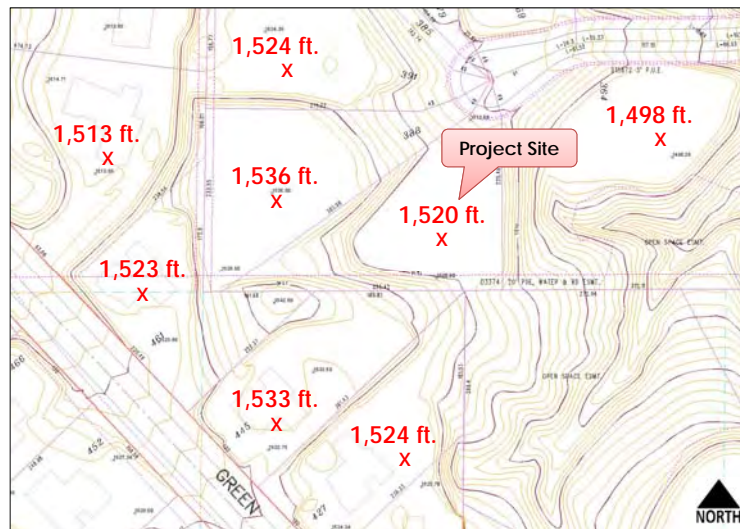


9

RiversideCA.gov

CONTOUR LINES

REFERENCE



10

RiversideCA.gov

HEIGHT VARIANCES IN TM 32698

REFERENCE

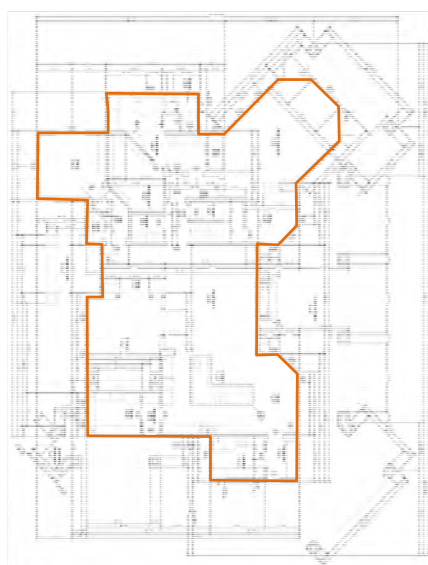


11

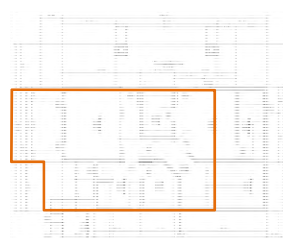
RiversideCA.gov

FLOOR PLAN

First Floor



Second Floor



12



RiversideCA.gov

MATERIALS LEGEND

REFERENCE

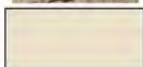
Hunting New Home Project Color Scheme

376 Eternal Way, Riverside, CA 92506



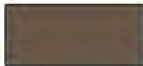
Roof Tile

Make: Eagle Roof Tile
Model: 3549
Style/Color: Capistrano / Santa Paula



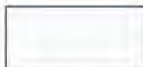
Wall Stucco

Make: Omega Stucco
Model: 237 Rock Green



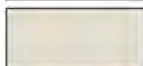
Wall Stucco Accent

Make: Dunn Edwards
Model: DEA-161, Wild Mustang



Garage Doors

Color: Factory Finished, White



Exterior of Sliding Doors & Windows

Color: Andersen Sandstone



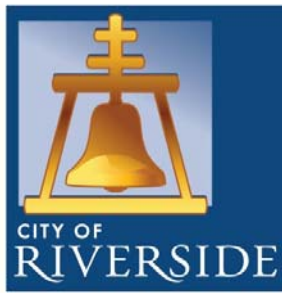
Stone Veneer

Make: El Dorado Stone
Model: Cliffstone, Manzinita



13

RiversideCA.gov



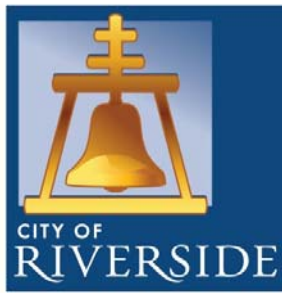
City of Arts & Innovation

CITY PLANNING COMMISSION MINUTES

THURSDAY, OCTOBER 18, 2018, 9:00 A.M.
ART PICK COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

PLANNING COMMISSIONERS

		K I R B Y	S T O S E L	R U B I O	P A R K E R	M I L L	V A C A N T	R O S S O U W	T E U N I S S E N	Z A K I
	WARDS	1	2	3	4	5	6	7	C W 3	C W 3
Roll Call:	Present	X	X	X	X	X		X	X	X
Chair Rossouw called the meeting to order at 9:00 a.m. with all members present except.										
The Pledge of Allegiance was given to the flag.										
PLANNING/ZONING MATTERS FROM THE AUDIENCE There were no oral comments at this time.										
<u>PUBLIC HEARINGS</u>										
Commissioner Parker recused himself from the following as he owns property nearby and left the dais.										
<u>PLANNING CASES P18-0504, P18-0574 and P18-0609 – APPEAL - Review and Variances for Single-Family Residence – 376 Eternal Way, Ward 4</u>										
An appeal, on behalf of Mike Sadeghian, of an approval by the Development Review Committee for the following entitlements: 1) Design Review for the construction of a 4,397 square foot single-family residence; 2) a Variance to allow for two stories where a maximum of one story is permitted by the Code; and 3) a Variance to allow a building height of 26 feet, where a maximum building height of 20 feet is permitted by the Code. Jack Cartledge, Planning Technician, presented the staff report. Michael Hunting, project applicant, presented his project and addressed the neighbors' concerns regarding their view. Comments from the audience: Dalip Sethi, Sergio Abucejo, and Nazem Skaf spoke in opposition to the proposal and expressed their concerns regarding their view. Andy Bodewin, HOA President and original developer of the subdivision. He indicated that this tract was subject to litigation for two years and was settled through appeals court and many meetings with the Friends of Riverside's Hills. The pad location, pad heights, street heights and future building heights were established at that time. As part of the negotiation through the subdivision EIR, all the view sites were studied as well as impacts to the surrounding neighborhood. The EIR was finalized in June 2006. Following discussion the Planning Commission:										
1) Determined that the proposed case is exempt from the California Environmental Quality Act (CEQA) subject to Section 15303(a) (New Construction of a single-family residence), as this project will not have a significant effect on the environment; 2) Denied the Appeal, Upheld the decision of the Development Review Committee and Approved Planning Cases P18-0504 (Design Review), P18-0574 (Variance), and P18-0609	Motion Second Ayes Noes	X		X		X		X		X



City of Arts & Innovation

CITY PLANNING COMMISSION MINUTES

THURSDAY, OCTOBER 18, 2018, 9:00 A.M.
ART PICK COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

PLANNING COMMISSIONERS

		K I R B Y	S T O S E L	R U B I O	P A R K E R	M I L L	V A C A N T	R O S S O U W	T E U N I S S E N	Z A K I
	WARDS	1	2	3	4	5	6	7	C W 3	C W 3
(Variance), based on the findings outlined in the staff report and subject to the recommended.										
Motion carried.										
Commissioner Parker returned to the dais at this time.					X					
<u>DISCUSSION CALENDAR</u>										
PLANNING COMMISSION ANNUAL REPORT TO CITY COUNCIL - Patricia Brenes, Principal Planner asked the Commission to review the report and email any comments to herself or Frances Andrade by tomorrow so that their comments can be included in the report to Council.										
<u>CONSENT CALENDAR</u>										
The following items were approved by one motion affirming the actions appropriate to each item.	All Ayes	X	X	X	X	X		X	X	X
PLANNING COMMISSION ABSENCES – That the Planning Commission excuse the absence of Richard Rubio due to vacation; and excuse the absence of Judy Teunissen due to illness from the regular meeting of the Planning Commission for September 20, 2018.										
MINUTES										
The minutes of the Planning Commission of September 20, 2018, were approved as presented.										
<u>COMMUNICATIONS</u>										
ITEMS FOR FUTURE AGENDAS AND UPDATE FROM CITY PLANNER Mary Kopaskie-Brown, City Planner, reported on upcoming planning cases. She noted that										
Commissioner Zaki noted that he would have to recuse himself due to financial conflict on the CBU case scheduled for the one of the upcoming meetings.										
Commissioner Parker stated he is checking to see if his company is still under contract with CBU and will let staff know.										

RECEIVED

OCT 22 2018

Community & Economic
Development Department

To

JACK CARTLEDGE

PLANNING TECHNICIAN PLANNING DIVISION

3900 - MAIN ST (CITY HALL)

RIVERSIDE, CA - 92501

SUB → 376 - ETERNAL WAY, Riverside, CA 92506

MR. JACK CARTLEDGE

My name is DALIP SINGH SETHI 427 - GREEN
ORCHARD PLACE, Riverside, CA - 92506

I was at public hearing on Sept 21, 2018 for
CASE # P18-0504 (PP-MIN) P18-574 (VR) P18-0609 (VR)
That hearing got approved that day with 4 YES
and 3 NO.

I am appealing that decision and
requesting another hearing possibly after
Dec 17th 2018 as I am going to be out of
country from Nov 11 to Dec 16, 2018.
I will come up with the proof that
approval on Sept 21, 2018 was a WRONG
decision of planning commission.

Thanks You for listening -

Yours Truly



DALIP SINGH SETHI

SEPT 22, 2018

427 - GREEN ORCHARD PLACE

RIVERSIDE, CA 92506

951-334-4924, dalip_sethi@yahoo.com.

HAND DELIVERED TO JACK