



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JANUARY 8, 2019**

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

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

ISSUE:

An appeal of City Planning Commission approval, on behalf of Dalip Singh Sethi, of a proposal by Michael Hunting for the following entitlements: 1) a Plot Plan Review for the construction of a 4,397 square foot single family residence in the RC – Residential Conservation Zone; 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, located at 376 Eternal Way in the RC Zone.

RECOMMENDATIONS:

Staff recommends that the City Council:

1. Determine that Planning Cases P18-0504 (Plot Plan Review), P18-0574 (Variance), and P18-0609 (Variance) will not have a significant effect on the environment based on the findings set forth in the case record; and
2. Deny the appeal by Dalip Sing Sethi and uphold the City Planning Commission's 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.

DEVELOPMENT REVIEW COMMITTEE DETERMINATION

On September 5, 2018, the Development Review Committee (DRC) approved Planning Cases P18-0504 (Plot Plan Review), P18-0574 (Variance), and P18-0609 (Variance) and determined the project is exempt from the California Environmental Quality Act (CEQA) subject to Section 15303(a) (New Construction of a single-family residence). The DRC's approval was appealed to the City Planning Commission on September 6, 2018 by Mike Sadeghian (Appellant 1).

PLANNING COMMISSION DETERMINATION:

On October 18, 2018, the City Planning Commission upheld the September 5, 2018 decision of the Development Review Committee; determined that Planning Case P18-0504 (Plot Plan Review), P18-0574 (Variance), and P18-0609 (Variance) is exempt from the California Environmental Quality Act (CEQA) subject to Section 15303(a) (New Construction of a single-family residence); and denied the appeal by a vote of 4 ayes, 3 noes, and 1 abstention. This decision was appealed on October 22, 2018 by Dalip Singh Sethi (Appellant 2).

LAND USE COMMITTEE RECOMMENDATION:

On November 26, 2018, the Utility Services/Land Use/Energy Development Committee (Land Use Committee) considered the appeal of Planning Commission approval of Planning Cases P18-0504 (Plot Plan Review), P18-0574 (Variance), and P18-0609 (Variance) (Attachment 1). The Applicant and Appellant 2 were provided an opportunity to present their comments and rebuttals to the Staff Report and Presentation. Following deliberations, the Land Use Committee forwarded the appeal to the City Council without a specific recommendation.

BACKGROUND:

The 1.03-acre site is located at 376 Eternal Way and is rough-graded. Surrounding land uses include one and two-story single-family residences to the south and west, and a mix of vacant residential parcels to the north and east. The site is listed as Lot 10 within Tract Map 29628, a 34-lot subdivision approved in 2005. Site grading and improvements began in 2006.

Following a legal dispute between the tract's developer and the Friends of Riverside's Hills (Friends), a settlement agreement between the two parties included agreed upon modifications and concessions to the tract development. All lots within Tract 29628 were given individual height exceptions within this agreement, contingent on City approval, and the Friends agreed "not to challenge, administratively or legally, any of these variances" (Attachment 2).

DISCUSSION:

Project Description:

The proposed project involves a Plot Plan Review of the site plan and building elevations for the construction of a 4,397 square-foot two-story residence; and two Variances to the RC - Residential Conservation Zone development standards: 1) allowing a maximum building height of 26 feet where 20 feet is required; and 2) allowing a maximum of two building stories where one building story is required. The Planning Commission made the required findings in support of the requested Variances.

Neighbor 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:** The granting of a Variance allowing for an increased maximum building height will negatively impact views from surrounding properties.

Response: The proposed project site was previously rough graded as part of Tract 29628 (Tract). The Tract was designed to include varying topography and slopes. Building pads are terraced to allow for visual breaks between structures. The Environmental Impact Report (EIR) prepared for the Tract analyzed that the lots should be classified as Visual Receptors and that the lots that are located atop prominent ridgelines. The EIR determined that the proposed project site was neither a visual receptor or located atop a prominent ridgeline.

The proposed Variance will allow for a maximum building height of 26 feet where 20 feet is required in the RC – Residential Conservation Zone. The requested variance applies to the 826 square foot second story portion of the residence on the northern portion of the building to reduce any visual impacts. The second story is approximately 118 feet from Appellant 2's property. It should be noted that eleven of the twelve homes constructed within the Tract have received variances, allowing for an increase in the maximum building height.

- 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 and a Zoning designation of RC – Residential Conservation Zone. The General Plan Land Use and Zoning designations, consistent with Proposition R and Measure C, limit development of Riverside's ecologically sensitive and visually prominent hillside areas.

The proposed project complies with the development standards and design guidelines for the RC – Residential Conservations Zone, with the exception of the requested variances. Grading and ridgeline sensitivity were assessed as part of the EIR for the Tract.

The proposed project has been designed to be consistent with existing development patterns within the Tract and the Alessandro Heights Neighborhood. The proposed residence is consistent with the surrounding area and does not conflict with the intent of Proposition R and Measure C.

FISCAL IMPACT:

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

Prepared by: David Welch, Interim Community & Economic Development Deputy Director

Certified as to availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

Concurs with;

A handwritten signature in black ink, reading "Chris MacArthur". The signature is written in a cursive, flowing style. The first name "Chris" is written in a larger, more prominent script, and "MacArthur" follows in a similar but slightly smaller script. The signature is positioned above a horizontal line.

Chris MacArthur, Chair

Utility Services/Land Use/Energy Development Committee

Attachments:

1. Utility Services/Land Use/Energy Development Committee Report and Attachments – November 26, 2018
2. Settlement Agreement and Memorandum of Understanding for Tract 29628, June 22, 2006
3. Presentation