



Community & Economic Development Department

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

Planning Division

RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: MAY 02, 2019
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0189 (Lot Line Adjustment), P19-0215 (Grading Exception)	
<i>Request</i>	To consider: 1) a Lot Line Adjustment to merge two lots into one lot, totaling 2.95 acres; and 2) a Grading Exception to allow the combination of two existing building pads into a single building pad, totaling 43,640 square feet	
<i>Applicant</i>	Marwan Alabbasi	
<i>Project Location</i>	7215 and 7237 Alabbasi Way, situated on the southwest corner of Alabbasi Way and Talcey Terrace, at the terminus of Talcey Terrace	
<i>Project area</i>	2.95 acres	
<i>Ward</i>	4	
<i>Neighborhood</i>	Alessandro Heights	
<i>General Plan Designation</i>	VLDR – Very Low Density Residential	
<i>Zoning Designation</i>	RC – Residential Conservation	
<i>Staff Planner</i>	Brian Norton, Senior Planner 951-826-2308, bnorton@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and

2. **APPROVE** Planning Cases P19-0189 (Lot Line Adjustment), and P19-0215 (Grading Exception), based on the findings outlined in the Staff Report and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The project site is part of Tract Map No. 37392 (Map), approved in June 2018, situated on the southwest corner of Alabbasi Way and Talcey Terrace, at the terminus of Talcey Terrace (Exhibit 3). The Map subdivided two vacant parcels totaling 16.79 acres into eight residential lots, ranging in size from 1.01 to 3.79 acres and a private street. Concurrent with the Map, an Open Space Easement was recorded along the southeastern portion of the site preserving 2.77 acres. As part of the project, a grading plan was approved with building pads ranging in size from 18,650 to 21,925 square feet to allow future development of a single family residence on each lot.

In March 2019, after recordation of the Map, the building pads were approved to be increased in size by 25 percent, pursuant to Section 17.28.020(A)(9) of the Grading Code. As a result the building pads for Lots 1 through 7 increased in size from 24,050 to 33,700 square feet, while Lot 8 decreased in size to 19,590 square feet. Subsequently, the site was rough graded for building pads and the private street.

PROPOSAL

The Applicant is requesting approval of a Lot Line Adjustment to merge Lots 7 and 8 of Tract Map No. 37392 into a single 2.95 acre lot, and a Grading Exception to combine the building pads on those two lots into a single 43,640 square foot building pad for the future construction of a single family residence. No further grading is proposed as part of this proposal.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<i>General Plan 2025</i> The proposed project is consistent with the underlying General Plan 2025 Land Use Designation of HR – Hillside Residential, which is intended to limit development of the City’s hillsides and to preserve these ecologically and aesthetically sensitive natural areas. The project is consistent with the residential density of 0.5 dwelling units per acre established for the HR designation (Exhibit 4). The project is further consistent with Objective LU-33 for the Alessandro Heights Neighborhood, which emphasizes a balance of residential development opportunities with the preservation of the open space and natural environmental features that characterize the area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The proposed project is consistent with the purpose of the RC – Residential Conservation Zone, which is intended to minimize the adverse effects of development of hillside terrain and to protect prominent ridges, arroyos and other features, in keeping with the objectives of Proposition R and Measure C (Exhibit 5). The proposed lot merger is consistent with the minimum lot size, dimensions and overall residential density of the RC – Residential Conservation Zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Hillside and Arroyo Grading Ordinance Consistency (Title 17)</i></p> <p>No grading is proposed under this proposal. Grading plans were approved in conjunction with Tract Map No. 37392 in June 2018. Subsequent modifications were approved in March 2019 consistent with the provisions of the Hillside and Arroyo Grading Ordinance. Rough grading of the site commenced in March 2019 consistent with the approved Grading Plans and concluded in April 2019 (Exhibits 6 and 7).</p> <p>The applicant is requesting a Grading Exception to allow two existing building pads on Lots 7 and 8 to be combined into one building pad, exceeding the maximum building pad area.</p> <p>Staff supports the request as no additional grading is proposed, and the combination of building pads will not result in additional grading related impacts beyond those previously assessed under the Map.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Subdivision Code (Title 18)</i></p> <p>The proposed Lot Line Consolidation to merge Lots 7 and 8 into a single 2.95-acre lot will reduce the overall density of the previously approved Map. The parcel resulting from the proposed Lot Line Consolidation will comply with the minimum development standards of the Subdivision Code and the underlying RC Zone (Exhibit 8). Staff supports the proposed Lot Line Consolidation.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Zoning Code (Title 19) Chapter 19.100 – Residential Zones					
Standards	Existing		Proposed	Consistent	Inconsistent
	Lot 7	Lot 8	Combined Lot		
Average Natural Slope (ANS) Percent	17.66	16.10	16.69	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Zoning Code (Title 19) Chapter 19.100 – Residential Zones						
Standards		Existing		Proposed	Consistent	Inconsistent
		Lot 7	Lot 8	Combined Lot		
Lot Area (≤30 AN.S.)	2.0 acres	1.38 acres	1.54 acres	2.95 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Width	130 feet	150 feet	169 feet	306.64 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Depth	100 feet	391 feet	377 feet	392.82 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Grading (Title 17) Chapter 17.28.020 – Hillside/Arroyo Grading					
Standard		Lots 7 & 8 ANS	Proposed Pad Size	Consistent	Inconsistent
Maximum Pad Size -15-30% Average Natural Slope (ANS)	26,250 square feet (21,000 square feet + 25% increase ¹)	17.24%	43,640 square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
¹ Grading Ordinance – 17.28.020(A)(9) - The Community & Economic Development Director shall have the authority to increase or decrease the pad size category by up to 25 percent without a grading exception.					

GRADING EXCEPTION

Pursuant to Section 17.28.020 (A)(9) of the Grading Code, a lot with an ANS between 15 and 30 percent would be allowed a pad size of up to 21,000 square feet . An administrative approval may be granted to increase the pad size up to 25 percent depending on the sensitivity of the area for a maximum pad size of 26,250 square feet. The proposed consolidation of Lots 7 and 8 will result in a 43,640 square foot building pad exceeding the maximum allowable building pad size of 26,250 square feet. The Applicant is requesting a Grading Exception to deviate from this requirement and provided justification findings supporting this request (Exhibits 8 and 9).

Staff is able to make the necessary findings in support of the requested Grading Exception to allow a 43,640 square foot building pad, as this pad would be created by consolidating two existing pads, no further grading to expand the existing pads is proposed, and the consolidation of pads will not result in additional grading related impacts beyond those previously assessed under the original Map.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, as the proposal consists of the consolidation of two existing lots and building pads into one, on parcels that do not exceed average slopes of greater than 20 percent and do not create additional density or parcels.

PUBLIC NOTICE AND COMMENTS

Staff mailed public hearing notices to property owners adjacent to the site and interested parties informing them of the proposal and inviting them to comment. As of the writing of the Staff Report, Staff received one letter from an adjacent property owner in support of the proposal (Exhibit 10).

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 Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Findings
2. Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Zoning Map
6. Tract Map 37392 (Reference Only)
7. Grading Plans (Reference Only)
8. Project Plans (Lot 7 and 8 Consolidation)
9. Applicant-Provided Grading Exception Justifications
10. Comment Letters
11. Existing Site Photos

Prepared by:	Brian Norton, Senior Planner
Reviewed by:	Patricia Brenes, Principal Planner
Approved by:	Mary Kopaskie-Brown, City Planner



EXHIBIT 1 –STAFF RECOMMENDED FINDINGS

PLANNING CASE: P19-0215 (Grading Exception)

Grading Exception Findings pursuant to Chapter 17.32

Request: To permit a building pad greater than 21,000 square feet on a lot with an average natural slope of 17.24 percent.

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)?

The proposal complies with this finding. Strict application of the Grading Code would require that the combination of the existing graded pads be reduced and remediated to 26,250 square feet upon consolidation of Lots 7 and 8. As this proposal does not involve additional grading beyond the limits of the already graded pads on Lots 7 and 8, there will be no impacts to the arroyo tributary on the eastern portion of the site. A stated purpose of the Hillside/Arroyo Grading Code is to 'create significant areas of contiguous open space and not create small isolated areas of open space'; therefore, strict application of the provisions of the Grading Code would constitute practical difficulties and unnecessary hardships.

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?

The proposal complies with this finding. Previously approved Grading Plans of Lots 7 and 8 were found to be consistent with the standards of the Hillside/Arroyo Codes as they relate to pad size based on average natural slope of the area to be graded. Thus, Lots 7 and 8 were graded consistent with the approved plans. The proposed consolidation of pads on Lots 7 and 8 will not result in additional grading; therefore, there will be no additional impacts that have not already been assessed under the original Map. These are exceptional circumstances that do not apply to other properties in the same neighborhood.

3. Will the granting of a waiver 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. The granting of a waiver will not be detrimental or injurious to the property or neighborhood. The existing building pads have been designed to be consistent with the development standards set forth in the Grading Code. The combination of these pads into a single pad does not propose additional grading beyond the already approved grading on Lots 7 and 8. Notices were sent to the adjacent property owners regarding this proposal, and Staff received one letter in support.



EXHIBIT 2 – RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: P19-0189 (Lot Line Adjustment)

P19-0215 (Grading Exception)

Case Specific

- Planning Division

1. No additional grading shall be allowed on the resulting consolidated lot.

Standard Conditions

2. There shall be a one-year time limit in which to satisfy the approved conditions and finalize this action.
3. The Grading Exception may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of two one-year time extensions beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.
4. Within 30 days of approval of this case by the City, the Applicant shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the Applicant of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.
5. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
6. 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.
7. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in

operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.

- Public Works

Contact Eswin Vega at 951-826-5671 or evega@riversideca.gov with questions regarding the following Public Works conditions:

8. There shall be a one-year time limit in which to satisfy the conditions and finalize this action.
9. All necessary parcel descriptions and plats shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California. Descriptions and plats are required to be on 8 1/2 inch by 11 inch format.
10. Applicant shall provide a Lot Book Report or Preliminary Title Report and a copy of the vesting deed(s) for each parcel.
11. Prior to finalization of the case, the applicant shall provide the appropriate documentation that the lender(s) / trustee(s) have (have) agreed to modify any Trust Deed(s) to reflect the reconfigured parcel(s).
12. Property transfers to the final proposed parcel configurations must be accomplished concurrently with the finalization of this case. Ownership of the property shall remain undivided prior to recordation of the Certificate of Compliance for Lot Line Adjustment.
13. Applicant shall prepare Grant Deeds that have each owner grant to themselves each of the parcels in their final configuration. This requirement is necessary to insure that the final parcel configurations and ownership's are clearly identified in the Land Title History.
14. Conveyance of additional street right-of-way on Arch Way to complete cul-de-sac to Public Works specifications. Applicant shall insure that the right-of-way being conveyed to the City is not subordinate to any existing monetary encumbrance of record.
15. Grading Exception approval for both lots by Planning Commission or City Council shall be in effect prior to issuance of Certificate of Compliance for Lot Merger.