

Date: 10-5-21  
Item No.: 20

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**From:** Edna Driskill <[ednadriskill@yahoo.com](mailto:ednadriskill@yahoo.com)>  
**Sent:** Tuesday, September 28, 2021 1:49 PM  
**To:** Andrade, Frances <[FANDRADE@riversideca.gov](mailto:FANDRADE@riversideca.gov)>  
**Subject:** [External] Vote on Sites 111, 112, 208

Mayor Lock Dawson and City Council Members:

Please support the Planning Commissioners and the over 700 residents of Victoria by leaving sites 111, 112, 208 **OUT OF the Housing Element.**

**NEIGHBORHOODS MATTER.**

Thank you Edna Driskill

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
C&ED Director

Date: 10-5-21  
Item No.: 20

**From:** Enn Magi <[ennmagi@sbcglobal.net](mailto:ennmagi@sbcglobal.net)>

**Sent:** Tuesday, September 28, 2021 3:36:37 PM

**To:** 2Mayor <[2MAYOR@riversideca.gov](mailto:2MAYOR@riversideca.gov)>; Edwards, Erin <[EEwards@riversideca.gov](mailto:EEwards@riversideca.gov)>; Cervantes, Clarissa <[ClCervantes@riversideca.gov](mailto:ClCervantes@riversideca.gov)>; Conder, Chuck <[CConder@riversideca.gov](mailto:CConder@riversideca.gov)>; Fierro, Ronaldo <[RFierro@riversideca.gov](mailto:RFierro@riversideca.gov)>; Plascencia, Gaby <[GPlascencia@riversideca.gov](mailto:GPlascencia@riversideca.gov)>; Perry, Jim <[JPerry@riversideca.gov](mailto:JPerry@riversideca.gov)>; Hemenway, Steve <[SHemenway@riversideca.gov](mailto:SHemenway@riversideca.gov)>

**Subject:** [External] Planning Commission's recommendations for the Housing Element and draft EIR

Greetings fellow Council Members,

Attached is an email we sent our Ward 3 Council Member Fierro regarding our several concerns for Opportunity Sites 111, 112 and 208 that had been proposed for our Victoria neighborhood's Alessandro/Central corridor. This letter and concerns were also shared with the Planning Commission prior to their formal review of the Housing Element rewrite and its draft EIR on September 9, 2021. As a result of that meeting, Planning Commission voted to accept and pass on recommendations that (along with other Sites of concern in the City) Sites 111, 112 and 208 with their zoning changes should be excluded, and they also accepted Planning Division's recommendation to remove the use of an MCUP process for Senior Housing in R-1 zoning. These decisions were welcomed results for our over 700 members in our NO ON 44 and VANA (Victoria Area Neighborhood Alliance) groups. We solicit your review of our concerns and consideration for joining Council Member Fierro in formal acceptance of the Planning Commission's positive recommendations. Thank You.

Regards,

Enn Magi

No on 44 Condos  
Victoria Area Neighborhood Alliance

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
C&ED Director

Greetings Ronaldo,

While we at No on 44 remain committed to our concerns specific to the proposal at 2201 Fairview, we wish to express our opposition to the three Opportunity Sites along Alessandro/Central (that include 2201 Fairview) and their zoning changes proposed by Planning in the Housing Element rewrite. This proposal could result in a ten fold increase in housing units compared to the 2201 Fairview proposal already in consideration with potentially greater serious consequences for our community and already impacted commuter corridor with its increasing traffic load. Please consider the following points:

> City Planning has identified and published their "realistic" estimate that the three sites would total an increase of 443 housing units, the equivalent of a 443 housing development directly located on Alessandro/Central.

> At a conservative estimate of just two persons per household, this would result in adding nearly 900 residents facing the corridor and their multiple vehicles directly on to the corridor.

- > Our corridor is already essentially built out and is dedicated to serving single family homes, places of worship and several schools.
- > Along the course of one mile including the proposed Sites, we have four places of worship, two with preschools and one with an elementary campus, and Alcott Elementary and Poly High School, all concentrated in close proximity.
- > All of our homes and our abundant public community resource locations are almost entirely automobile dependent, and so would be the proposed higher density Opportunity Sites.
- > Our Corridor is NOT a public transit rich artery but rather increasingly functions as an alternate shortcut to freeway use not only for single vehicle commuters but also more recent large warehouse commercial vehicles, and many of these vehicles originate from outside of our community and beyond our city to coalesce with local traffic into jams at our schools, serial traffic lights and our I-91 freeway exchange during day-long hours of commuting for work, business and school attendance.
- > The Church on the Hill and 2201 Fairview Avenue proposed sites (potential 243 units) bracket the intersection of Fairview with Alessandro/Central at its most narrowed, concentrated section at the bottom of one of its most dangerous, curved downhill runs, notorious for frequent accidents and numerous fatalities. (We continue our repeated requests to the City for this data.) The sites are directly across from the Lutheran Elementary campus, less than one block from Alcott Elementary and its access and traffic light, and the next light down Central is for the main entrance to Poly High School, just before the main traffic intersection of Central and Victoria.
- > The proposed site on Central adjacent to Olivewood Cemetery ( potential 200 units) is close to both the Cemetery stoplight and multiple freeway exchange stoplights just beyond, the source of chronic jams during commuting and school and business hours. This site would directly add to the jams and would be compromised by its one way access on and off central that would require a U-turn for access to and from the opposite direction.
- > The development of these proposed sites would require the removal of two established places of worship and three established low density single residence homesites, replacing their minimal impact on commuting with that from high density housing.
- > If these proposed Opportunity Sites and their zoning changes are passed, it will result in a by-right mandate for high density development with lessened discretionary oversight for community impacts in the future. There would be little chance for turning back that page.

The City has used established planning protocols in its Housing Element rewrite for suggesting the Opportunity Sites but in an almost purely formulaic and procedural process unable to consider the on-the-ground, site specific community impacts or concerns. They have clearly stated that this is for the Planning Commission and the City Council to address and is beyond their responsibility. For all of the site and community specific points listed above, we feel these site choices are ill advised and potentially harmful to our community, its health and safety and quality of life, and we oppose these choices and zoning changes. We solicit your firm representation on our behalf and look forward to sharing these concerns with the rest of Council Members and the Planning Commissioners for their serious consideration and hopeful support of our community.

Thank you and regards,

Enn

Date: 10-5-21  
Item No.: 20

**From:** Nancy Magi <[troutquilt@sbcglobal.net](mailto:troutquilt@sbcglobal.net)>  
**Sent:** Tuesday, September 28, 2021 1:14:26 PM  
**To:** Plascencia, Gaby <[GPlascencia@riversideca.gov](mailto:GPlascencia@riversideca.gov)>  
**Subject:** [External] No to 44 Condos

Ms. Plascencia-

Our greatest fear as you prepare to vote October 5 is that intense lobbying- counter to our neighborhood interests- is putting pressure on you with which we cannot compete.

Please support the Planning Commissioners and the over 700 residents of Victoria by leaving sites 111, 112, 208 OUT OF the Housing Element.

Neighborhoods matter. We are not opposed to development. We are opposed to density.

Nancy Magi  
No to 44 Condos  
Victoria Area Neighborhood Alliance  
No to 44 Condos Email Group

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
C&ED Director



## Chatten-Brown, Carstens & Minter LLP

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September 30, 2021

Date: 10-5-21  
Item No.: 20

*Via Email (city\_clerk@riversideca.gov)*

Honorable City Council  
City of Riverside  
City Hall - Art Pick Council Chamber  
3900 Main Street  
Riverside, CA 92522

Re: Comments on Riverside 2021-2029 Housing Element; Case No. PR-  
2021-001058; SCH 2021040089

Honorable Councilmembers:

On behalf of the Victoria Avenue Neighborhood Alliance (VANA), we write in support of the Planning Commission's recommendations to remove several opportunity sites from the 2021-2029 Housing Element. VANA is a coalition of more than 650 community members in the Victoria neighborhood of the City of Riverside that seek to stay informed on events and city business affecting our neighborhood, our quality of life, and community safety. VANA includes particular focus on land/property development, infrastructure, traffic issues, and crime and safety.

VANA supports the Planning Commission's recommendation to remove Opportunity Sites 111, 112 and 208 from the sites inventory in the 2021-2029 Housing Element. The removal of these sites is fully supported by the findings made by the Planning Commission and by the attached letter submitted by VANA on the draft environmental impact report (EIR).

Significant adverse land use, geotechnical and traffic safety impacts could result from the development of these sites. The EIR for the 2021-2029 Housing Element does not analyze these impacts, and the responses to comments on the EIR claim impacts would be addressed as part of future development. However, if these sites were upzoned pursuant to the 2021-2029 Housing Element, future development may be exempt from environmental review, evading analysis and mitigation of impacts at these sites. Removing these sites from the 2021-2029 Housing Element sites inventory helps ensure

the impacts associated with development are analyzed and mitigated as part of future projects.

For these reasons, as well as those set forth in the attached letter, we urge the City Council to uphold the Planning Commission's recommendation to remove Opportunity Sites 111, 112 and 208 from the sites inventory for the Housing Element.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minteer

Enclosure: September 1, 2021 VANA Comments on DEIR

Cc:

Al Zelinka, City Manager ([AZelinka@riversideca.gov](mailto:AZelinka@riversideca.gov))  
Phaedra Norton, Riverside City Attorney ([PNorton@riversideca.gov](mailto:PNorton@riversideca.gov))  
Donesia Gause, City Clerk ([DGause@riversideca.gov](mailto:DGause@riversideca.gov))  
Mary Kopaskie Brown, City Planner ([MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov))  
Matthew Taylor: Senior Planner ([MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov))

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
C&ED Director

**ENCLOSURE**



## Chatten-Brown, Carstens & Minter LLP

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310-798-2409

September 1, 2021

*Via Email ([mtaylor@riversideca.gov](mailto:mtaylor@riversideca.gov))*

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

Re: Comments on Draft EIR for Riverside 2021-2029 Housing Element;  
Case No. PR-2021-001058; SCH 2021040089

Dear Mr. Taylor:

On behalf of the Victoria Avenue Neighborhood Alliance (VANA), we submit these comments on the Draft 2021-2029 Housing Element and the draft environmental impact report (DEIR) prepared to analyze the Housing Element Update. VANA is a coalition of more than 650 community members in the Victoria neighborhood of the City of Riverside, that seek to stay informed on events and city business that affects our neighborhood, our quality of life, and community safety. VANA includes particular focus on land/property development, infrastructure, traffic issues, and crime and safety.

Our comments focus on the area identified as Opportunity Site 208 in the Housing Element Update, located at 2201 Fairview Avenue. The Housing Element Update proposes to significantly upzone this site to allow for a 44-unit condo development in the middle of a large lot single family home neighborhood. Development of this constrained site with such dense housing would result in adverse land use, geotechnical and traffic safety impacts not analyzed in the DEIR. Upzoning of this site would also result in illegal spot zoning. There are several additional opportunity sites located in the Victoria Neighborhood along Central Avenue/Alessandro Boulevard that would also result in significant traffic hazard and land use impacts. However, VANA has chosen to focus on Site 208 in these comments because there is already a project proposed for this site. The intent of including Site 208 as an Opportunity Site in the Housing Element is to provide an end-run around the detailed environmental review that would otherwise be required



for this project, which fails to provide the necessary protections for the surrounding community and the public disclosure required by the California Environmental Quality Act (CEQA).

The 2021-2029 Housing Element is intended to provide adequate opportunity sites to address the City's Regional Housing Needs Assessment (RHNA) obligation of 18,458 dwelling units. Implementation of the Housing Element could result in a 31,175 dwelling unit increase—a nearly 60 percent increase above the City's RHNA obligation. Thus, in addition to resulting in significant unanalyzed impacts, inclusion of Opportunity Site 208 is completely unnecessary to achieve the City's RHNA obligation.

**I. The DEIR's Analysis of Impacts Resulting From Inclusion of Opportunity Site 208 Is Inadequate.**

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.)

"In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project **and reasonably foreseeable indirect physical changes** in the environment which may be caused by the project." (CEQA Guidelines § 15064, subd. (d), emphasis added.) The development of areas identified as opportunity sites within the Housing Element, including Site 208, is a reasonably foreseeable consequence of the adoption of this plan. The Housing Element includes policies encouraging by-right development of opportunity sites or reliance on a categorical exemption to CEQA review for housing development at these sites. Thus, by failing to adequately disclose and analyze the significant adverse impacts associated with development of Site 208 at this time, the DEIR fails to meet either of CEQA's important functions.

**A. The DEIR Fails to Disclose Land Use Impacts Associated with Illegal Spot Zoning.**

Opportunity Site 208 is currently zoned R-1-13000 with a land use designation of low density residential, which would allow for the development of 7 housing units on the site. Site 208 is surrounded by more than a half mile in each direction by sites also zoned R-1-13000 with only low-density residential development.

(See [www.riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/Zoning-Map.pdf](http://www.riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/Zoning-Map.pdf), incorporated by reference.) In fact, there are no commercial, retail, apartments or condo developments within miles of the Victoria neighborhood where this site is located.

The Housing Element proposes to upzone Site 208 to R-3-2000, to allow for a more than sixfold increase in development to 44 units. Program 5-1 plans for this upzoning to occur within the 2021-2029 Housing Element cycle, making the upzoning a reasonably foreseeable consequence of the project. Upzoning Site 208 would create an island of dense development within the surrounding community, resulting in illegal spot zoning. “A spot zone results when a small parcel of land is subject to more or less restrictive zoning than surrounding properties.” (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1312.) Here, with the upzoning, Site 208 would be subject to less restrictive zoning than the surrounding properties and is clearly spot zoning.

Spot zoning is illegal when it would be inconsistent with the existing General Plan and would adversely impact surrounding property owners. Site 208 has an existing General Plan designation of low density residential and zoning the site for 44 units would be inconsistent with this designation. It would also be inconsistent with several existing Land Use Element policies:

- Policy LU 89.1 provides for transfer of density away from steep hillsides and to flatter areas with less visually sensitive properties and where significantly less grading will result. Site 208 has slopes greater than 10% and would require significant grading to develop, making it a site that should have density transferred away from it, not to it.
- Objective LU-4 provides for the minimization of urban development in hillsides and Policy 4.2 requires compliance with the hillside grading provisions. Development of Site 208 with 44 condo units would require extensive grading, urbanization of this hillside site and would also necessitate variances from the hillside grading ordinance.
- Policy LU-8.2: “Avoid density increases or intrusion of nonresidential uses that are incompatible with existing neighborhoods.” Upzoning of Site 208 would be incompatible with the existing low-density neighborhood.
- Policy LU-30.3: “Ensure that the distinct character of each of Riverside’s neighborhoods is respected and reflected in all new development, especially infill development.” Significantly higher density development of Site 208 would not respect the distinct character of the surrounding neighborhood.

Moreover, as discussed below, rezoning of Site 208 to allow for a sixfold increase in development would have significant adverse impacts to surrounding community. Thus, rezoning of Site 208 to allow for development of 44 condo units would result in illegal spot zoning.

**B. The DEIR Fails to Disclose Geotechnical Impacts Associated with Development of Site 208.**

Site 208 is a steep hillside underlain with granite. Significant excavation of this hillside would be required to develop 44 condo units on the site. The City's Municipal Code requires hillside development to fit the natural terrain, but the high-density development of Site 208 would conflict with this requirement, instead including significant grading of the hillside. This would necessitate noisy excavation of the hard granite on the site, resulting in vibrations that could damage the surrounding homes built in the 1930s. Development of the site after rezoning would also require a 250 foot long and 19-foot-high retaining wall due to the steepness of the site. The impacts on surrounding properties associated with constructing such a massive retaining wall were not disclosed in the DEIR. The geotechnical impacts associated with upzoned development of Site 208 must be analyzed now, or this site should be removed as an opportunity site so it is not allowed to elude review of these impacts through the reliance on a future categorical exemption.

**C. The DEIR Fails to Disclose Traffic Safety Impacts Associated with Development of Site 208.**

Development of Site 208 after the significant upzoning proposed by the Housing Element would result in significant traffic safety impacts that the DEIR fails to address. The 44 condo unit project proposed for Site 208, with up to 150 residents, would generate a significant number of new daily trips. This is an area of the City without transit and located miles from commercial and office uses, requiring residents to rely on their own vehicles to access workplaces and shopping needs. The DEIR fails to assess the traffic impacts of placing a densely packed development in a car-dependent area of the City, despite proposed Housing Element policy 4.2 encouraging development that can rely on public transit.

The adjacent roadway, Central Avenue into Alessandro Boulevard, is a heavily traveled, winding street. A traffic report prepared by the Riverside Police Department found that this roadway corridor has one of the highest accident rates in the City with an average of 114 accidents per year at a rate of an accident every 3.2. The significant addition of cars at Site 208 would need to access Central Avenue from Fairview Street at an unsignalized intersection, adding to the existing traffic hazards along this roadway.

These traffic safety impacts must be analyzed in the DEIR if Site 208 is not removed as an opportunity site.

## **II. Site 208 is Not Necessary to Meet the City's RHNA or HCD's Recommendations.**

The most recent RHNA obligation for the City requires the City to identify opportunity sites for the 18,458 housing units it was allocated. (Gov. Code § 65583.) Instead of focusing on the RHNA requirement, the updated Housing Element provides for a maximum net increase of 31,175 dwelling units, a 60% increase above the RHNA. (DEIR p. 2-12.) This is also a significant increase above the recommendations of the California Department of Housing and Community Development (HCD). To ensure sufficient capacity to accommodate the RHNA, HCD recommends jurisdictions create a buffer of 15 to 30 percent more capacity than required. (<https://hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf>, incorporated by reference.) The City proposes to more than double this recommendation, demonstrating that inclusion of Site 208 is wholly unnecessary to achieve the RHNA or to follow the recommendations of HCD. Even without the 44 units at Site 208, the Housing Element would far exceed a 30 percent buffer for the RHNA.

Moreover, the HCD recommendations identify the need to focus on capacity for low-income housing. Site 208 is proposed for moderate housing, making it of less importance than the sites identified for low-income housing. Additionally, the overwhelming majority of opportunity sites identified for the Housing Element are for moderate income housing, again making the 44 units at Site 208 unnecessary. (Housing Element Appendix A.) Further, while the Housing Element identifies Site 208 for moderate income housing, as discussed above there are numerous site constraints that will significantly increase construction costs at the site. The significant construction costs will be passed along to the residents, making it unlikely this site will be able to provide any type of housing other than market rate.

As set forth in comments submitted by others, including CURE, the City also has a significantly inadequate water supply available to serve this level of new housing development. The Housing Element acknowledges that the production of housing in Riverside is directly impacted by the available water supply. As such, the Housing Element should eliminate sites such as Site 208 to ensure there is adequate water supply for the City's planned and existing development.

## **Conclusion**

As set forth herein, rezoning of Site 208 would result in significant adverse land use, geotechnical, traffic safety and water supply impacts that were not addressed in the

Mathew Taylor  
September 1, 2021  
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DEIR for the Housing Element. Additionally, inclusion of Site 208 as an opportunity site in the Housing Element is unnecessary to achieve the City's RHNA obligations or the inventory allotment recommended by the HCD. Thus, we urge the City remove this unnecessary and impactful site from consideration in the Housing Element.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'jllt'.

Amy Minter

cc: Riverside Planning Commission