



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: FEBRUARY 27, 2024

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 4
DEPARTMENT

SUBJECT: **PLANNING CASE PR-2022-001293 PARCEL MAP AND GRADING EXCEPTION – A REFERRAL BY COUNCILMEMBER CERVANTES OF AN APPROVAL BY THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT DIRECTOR FOR A TENTATIVE PARCEL MAP (NO. 38174) AND GRADING EXCEPTION TO ALLOW GRADING WITHIN THE PRENDA ARROYO AND 50-FOOT ARROYO SETBACK – LOCATED AT 841 ALPINE MEADOWS LANE, SITUATED ON THE SOUTH SIDE OF ALPINE MEADOWS LANE, BETWEEN HARBART DRIVE AND KINGDOM DRIVE**

ISSUE:

Referral by Councilmember Cervantes of an approval by the Community & Economic Development Department Director of a proposal by Jerardo Reyes and Ryan Willaims for a Parcel Map (No. 38174) and Grading Exception to subdivide a 5.74-acre parcel into four parcels for residential purposes and allow grading within the Prenda Arroyo and the 50-foot arroyo setback, on a 5.74-acre parcel partially developed with an existing single family residence, detached garage, and freestanding barn, located at 841 Alpine Meadows Lane, situated on the south side of Alpine Meadows Lane between Harbart Drive and Kingdom Drive.

RECOMMENDATIONS:

That the City Council:

1. **UPHOLD** the decision of the Community & Economic Development Department Director 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 adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), pursuant to Sections 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and
2. **APPROVE** Planning Case PR-2022-001293 (Parcel Map and Grading Exception) based on the findings outlined in the staff report and subject to the conditions of approval.

BACKGROUND:

The 5.74-acre project site is located at 841 Alpine Meadows Lane, situated on the south side of Alpine Meadows Lane between Harbart and Kingdom Drives. The site is partially developed with an existing 2,829 square foot single family residence, a 968 square foot detached garage, and a

freestanding 662 square foot barn. The single-family residence, detached garage and barn were constructed in the 1970's. The barn is proposed to be demolished as part of this project.

Surrounding land uses consist of single-family residences to the north (across Alpine Meadows Lane), south, east (across Kingdom Drive), and west.

Project Description

The applicant is requesting approval of the following entitlements: 1) Tentative Parcel Map (No. 38174) to subdivide a 5.74-acre parcel into four parcels for residential purposes; and 2) Grading Exception to allow grading within the Prenda Arroyo and the 50-foot arroyo setback. Parcels 2, 3, and 4 are proposed to each be developed with a 4,222 square foot residence, including a, 822 square foot garage. The existing single-family residence and detached garage will remain on Parcel 1. The project site is accessed from Alpine Meadows Lane.

Community & Economic Development Department Director Decision

On October 6, 2023, the Community & Economic Development Department (CEDD) Director approved the proposed project, subject to the conditions of approval (Attachment 1).

Actions by the CEDD Director, including any environmental finding, may be referred to City Council by a City Councilmember within ten calendar days after the decision.

As a matter of information, the CEDD Director staff report incorrectly described the Tentative Parcel Map as No. 39174, whereas the correct map number is 38174.

City Council Meeting – January 16, 2024

The project was scheduled for the January 16, 2024 City Council meeting; however, prior to the meeting the applicant requested a continuance. The continuance allowed time for the project documents to further clarify the inclusion of project design features related to fire protection, as the project site is located within a Very High Fire Severity Zone (Attachments 7 and 8). Additionally, the Staff Recommended Conditions of Approval were revised to include requirements of the Fire Protection Plan (Attachment 9).

Analysis

The project site is zoned R-1-1/2 Acre – Single Family Residential Zone, consistent with the VLDR – Very Low Density Residential General Plan land use designation. The proposed subdivision complies with the development standards of the R-1-1/2 Acre – Single Family Residential Zone, and all standards of Title 18 – Subdivision Code.

The proposed project is subject to Section 17.28.020 - Hillside/Arroyo Grading provisions of the Grading Code and meets the development standards for Hillside Grading with the exception of the request for a Grading Exception to allow grading within the Prenda Arroyo and the 50-foot arroyo setback.

Approximately 98 percent of the 5.74-acre parcel is located within the mapped Prenda Arroyo and 50-foot Arroyo setback, including the existing home. It is estimated that more than 50 percent of the project site has been previously disturbed, dating back to 2007 and associated with the improvement of Alpine Meadows Lane. The Conceptual Grading Plan indicates that limited grading is proposed on Parcels 2, 3, and 4. The existing slope on Parcel 4 will be recontoured to a 2:1 slope, to preserve the maximum amount of open space area. The boundaries of the arroyo,

the 50-foot arroyo setback, the right-of-way dedication along Alpine Meadows Lane, and the required building setbacks of the R-1-1/2 Acre Zone result in a buildable area of approximately 520 square feet (0.1-acre). The buildable area is ill-shaped and of an impractical configuration which results in practical difficulties to construct single-family residences, as permitted in the zone. Based on the mapped boundaries of the Prenda Arroyo and 50-foot Arroyo setback, without the granting of a Grading Exception the buildable area is impractical, would result in building sizes substantially less than others in the immediate area, and would make the proposed subdivision infeasible.

Furthermore, a site-specific Biological Resources Assessment was prepared for the project; the qualified Biologist delineated a 50-foot setback buffer, from the delineated arroyo-related biology and topography, which maintains protection of the Prenda Arroyo. With the conditions of approval, no adverse impacts to the arroyo would occur, as the proposed development is outside of the 50-foot setback buffer, which serves to maintain the environmental protection between the existing disturbed unvegetated area and the Prenda Arroyo.

DISCUSSION:

Referral

On October 11, 2023, Staff received a request from Councilmember Cervantes to refer the project for consideration by City Council (Attachment 2).

Public Comments

After publication of the City Council Memorandum for the January 16, 2024 meeting, staff received two additional comment letters (Attachment 6). The letters made reference to the following concerns:

1. **Concern:** City staff is attempting to change what constitutes the City's named arroyos, as defined in the Grading Code, and is relying on the project biologist to define the arroyo boundaries.

Response: City staff is not attempting to change what constitutes the City's named arroyos, as detailed in Title 17 – Grading Code. As detailed in the CEDD Director staff report, there is no request or recommendation to amend the City's Municipal Code related to the arroyo boundaries. The staff report explains that arroyo boundaries are defined in Title 17 – Grading Code. Staff recognized and applied the Title 17 mapped arroyo boundaries without modification; notably, the title of the action includes “grading exception to allow grading within the Prenda arroyo and 50-foot arroyo setback.” Appropriately, when considering a grading exception within an arroyo or the 50-foot arroyo setback, a qualified biologist was retained to determine the physical and scientific features for the purposes of analyzing environmental impact. The project biologist studied both the mapped and physical boundaries of the Prenda arroyo and determined that the project would not result in any environmental impacts to the arroyo. The comments believe that the City is changing or modifying the defined boundaries of the arroyo, which is mistaken. The boundaries remain unchanged. Instead, the project properly examines the potential impacts from development within proximity to those defined boundaries.

2. **Concern:** The CEDD Director does not have authority to administratively allow grading on the project site.

Response: The request is not for the CEDD Director to administratively allow grading, per

Section 17.28.020.A.14.a of the Riverside Municipal Code, as cited in the comment letter. The findings to support the grading exception, as allowed under Section 17.32.020 of the Riverside Municipal Code, are included in the CEDD Director staff report, and satisfy all legal requirements. As set forth in the staff report, the findings justify: 1) The strict application of the provisions of Title 17 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Title 17; 2) There are exceptional 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 same zone or neighborhood; and 3) The granting of a waiver 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 findings are supported by substantial evidence in the record.

3. **Concern:** The project biologist failed to recognize that the arroyo boundaries were never based on the presence of riparian vegetation, but on the landform bordering the arroyo.

Response: Per Section 4.6.3 – Current Conditions the *Revised Biological Resources Assessment and Breeding Season Burrowing Owl Survey* (Appendix A of the Initial Study/Mitigated Negative Declaration), Figure 14a shows the topography of the parcel. Based on the topographic map, the slopes adjacent to the boundaries of the arroyo reach a maximum of approximately 24 percent at the eastern end of the parcel and decrease to about 10.5 percent at the western end of the parcel. There are no slopes outside of the boundaries of the arroyo within the parcel (as shown on Figures 12a, 12b, and 14) that have an average natural slope of 30 percent or greater. A slope analysis (Figure 14b) found that slopes adjacent to the boundaries of the arroyo are less than 30 percent with the exception of two small areas (about 760 square feet total) in the southeastern corner of the parcel, which is not proposed for development.

4. **Concern:** That the attachments provided with Arlee Montalvo's comment letter was not included in the exhibits to the CEDD Director staff report.

Response: Attachment 1h (CEDD Director Staff Report, Findings, Conditions of Approval, and Exhibits – October 6, 2023) was revised to include the following attachments provided by Arlee Montalvo: 1) Land Use Committee Memorandum, dated May 10, 2007; 2) County/City Arroyo-Watershed Committee (CCAC) cover letter, dated November 15, 2006; and 3) CCAC Riverside Arroyo Watershed Policy Study Recommendations, dated November 15, 2006.

Other comments express opinions regarding policy, past activities, and what the site might look like at some future date, none of which are legally or practically relevant to the current project application.

The balance of the comments recited the project opponent's opinions, and provide no factual substantial evidence.

After publication of the CEDD Director staff report, staff received an additional comment letter (Attachment 6). The letter made reference to the following concerns:

1. **Concern:** The project proposes too many residences for the size of the parcel.

Response: The project site is zoned R-1-1/2 Acre – Single Family Residential Zone, which allows for a maximum of 2 dwelling units per acre. The project proposes a density of 1.44 dwelling units per acre and is therefore consistent with the allowable density of the R-1-1/2

Acre Zone.

2. **Concern**: The project is not consistent with the development pattern of the neighborhood.

Response: The project site is zoned R-1-1/2 Acre – Single Family Residential Zone. The project site is surrounded by parcels to the south and west which are zoned R-1-1/2 Acre Zone; and parcels to the north (across Alpine Meadows Lane) and to the east that are zoned RC – Residential Conservation Zone. The R-1-1/2 Acre Zone allows for parcels to be subdivided as long as they meet the minimum lot area of 21,780 square feet (one-half acre). Parcels 1, 2, and 3 are proposed to exceed one acre in area, whereas Parcel 4 is proposed to exceed two acres in area and is therefore consistent with the development standards of the R-1-1/2 Acre Zone.

3. **Concern**: The project will impact open space areas.

Response: The Tentative Parcel Map includes an open space easement on all ungraded portions of Parcels 2, 3, and 4, which will require these areas to be maintained in its natural state and prohibit any further development.

4. **Concern**: The anticipated traffic and noise will affect the neighborhood and wildlife.

Response: The project proposes the addition of three single family residences, which is within the range for the typical buildout densities analyzed in the General Plan 2025. The project noise is not expected to generate a substantial increase, as the project will comply with the City's noise standards set forth in Title 7 of the Riverside Municipal Code. A project specific Biological Resources Study was prepared; grading plans for the project include a 300-foot buffer of the riparian habitat in the Prenda Creek, to the south of the project site. The buffer serves to limit any impacts to riparian birds from noise and habitat disturbance. Furthermore, an Initial Study was prepared for the project and the analysis determined there would be less than significant impacts related to traffic and noise.

STRATEGIC PLAN ALIGNMENT:

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 5 – High Performing Government (Goal 5.3 – Enhance communication and collaboration with community members to improve transparency, build public trust and encourage shared decision-making).

This item aligns with the following Cross-Cutting Threads:

1. **Community Trust** – The City's transparent entitlement process encourages public participation.
2. **Equity** – The referral process allows for community input.
3. **Fiscal Responsibility** – All project costs are borne by the applicant.
4. **Innovation** –The development has been designed to be sensitive to the surrounding habitat, while incorporating features to provide increased protection in a fire zone.
5. **Sustainability & Resiliency** – All new construction will meet the current Building Codes in place at the time construction documents are submitted to the Building & Safety Division.

FISCAL IMPACT:

There is no fiscal impact associated with this action since all project costs are borne by the applicant.

Prepared by: Candice Assadzadeh, Senior Planner
Approved by: Jennifer A. Lilley, Community & Economic Development Director
Certified as to availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. CEDD Director Staff Report, Findings, Conditions of Approval, and Exhibits – October 6, 2023
2. Referral Request from Councilmember Cervantes – October 11, 2023
3. Location Map
4. General Plan Map
5. Zoning Map
6. Public Comment Letters
7. Revised Project Plans (Tentative Parcel Map No. 38174, Site Plan, Grading Plans, and Wall and Fence Plan)
8. Revised CEQA Documents (Draft Mitigated Negative Declaration, Fire Protection Plan, and Applicant Response to Comments)
9. Revised Staff Recommended Conditions of Approval
10. Presentation