

From: [Fariba Jafary](#)
To: [Norton, Brian](#)
Cc: [Lilley, Jennifer](#); [Tinio, Maribeth](#); [Richard Block](#)
Subject: [EXTERNAL] Opposition to Case Number- PR-2021-00119- Grading Exception
Date: Wednesday, December 18, 2024 3:02:08 PM

CAUTION: This email originated from outside the City of Riverside. It was not sent by any City official or staff. Use caution when opening attachments or links.

Dear Mr. Norton,

My husband, Mark Nickson, and I reside at 6869 Wyndham Hill Dr. We are adjacent property owners to 6500 Hawarden and per the deed of 6500 Hawarden there is a 20ft easement that runs over our property. At this juncture, let me note that we have not come across the said easement on our deed or any deeds that reference our address as far back as 2006. A search with the City has also not shown an easement on our deed predating 2006. Furthermore, until more recently, there has never been any maintenance of the said easement; in short, it had been left abandoned. Oddly enough, Jim Guthrie's response letter attempts to utilize our home address as his own property and site of the construction. Regardless of the easement dispute and Guthrie's confusion about what his address is, we are submitting our opposition to the above referenced grading exception and all construction in its entirety as follows:

1. Below, I am re-submitting my prior opposition letter sent on February 9th, 2024 in order to avoid redundancy since my prior concerns remain the same.

2. We note that Guthrie has now submitted Environmental and Air Quality reports. As we were given less than 10 days time to respond, we are unable to have the reports reviewed and obtain rebuttal reporting. Throughout the year, I had repeatedly emailed yourself and asked if there had been any updates on Guthrie's plans and you had advised nothing additional had been submitted. My last email was sent to you in August. At some point Guthrie submitted additional information, yet we were not provided with a courtesy email to let us know the plans were back up for review. We were never even advised what additional information was requested and therefore, never had any reasonable timeline to obtain our own documentation.

3. Regarding the easement as denoted in Guthrie's deed, the entire easement is 20 feet wide (no narrower part), 10 feet on either side of the line described in the easement. However, part of the easement that is proposed to be hardened (so suitable for fire trucks) is only 12 feet wide (6 feet on each side of the centerline), as is the first part of the driveway on the Guthrie property. I have been in touch with the Fire Department that approves submitted plans and was told that a dead-end access road over 150ft has to be at minimum 20ft wide with no exception and that DG is not sufficient for the type of road that's required. Therefore, the portion of the road that is only 12ft wide is an insufficient width per the Riverside Fire Department. You have also advised me that the width for the access road for the fire department has to be a minimum of 20ft wide. Therefore, how are the plans being approved with this significant discrepancy?

4. As to the silt fencing, portions of it are clearly intended to reduce erosion from the bare soil easement part and to be more permanent. These portions of the silt fencing will be on our private property. Based on the plans submitted, Guthrie is intending on utilizing the silt fencing at the edge of the 20ft easement to prevent erosion and soil surfaced parts. Such fencing would reduce wildlife crossing, and require the use of our land to reach beyond the silt fence with mowers, tractors, etc. You have advised that the silt fencing was only for usage during construction however, that is not how it appears on the maps that have been submitted. As we have previously advised, the City does NOT have permission to approve work and/or usage of our private property for another property owner's construction. Has Guthrie provided a mitigation plan to prevent construction equipment and other work crossing onto our private property? The City's approval of work that will clearly allow trespass on our property is overreaching and outside their purview.

5. Finally, I have notified the residents of Wyndham Hill and Chartwell of the multitude of dump trucks that will be going up and down Overlook and our neighborhood for several weeks solely to create a home for one couple in the middle of the Arroyo. This construction will cause excessive traffic, noise and air pollution and destroy portions of the Arroyo. It seems outrageous that you are willing to allow the destruction of the Arroyo and disrupt an entire neighborhood for one man's grandiose plans.

We herein incorporate all comments and objections raised and submitted by the Friends of Riverside's Hills as part of our opposition to the above referenced project and reserve our right to appeal.

Regards,

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Opposition Letter- February 9th, 2024

Dear Mr. Norton,

My husband, Mark Nickson, and I reside at 6869 Wyndham Hill Drive. As adjacent property owners and owners of the property which the ingress egress easement is provided to 6500 Hawarden, we are submitting our opposition to the above referenced grading exception and all construction in its entirety as follows:

1. Prior to the purchase of our property we contacted The Planning Division in order to find out the exact type of construction that could take place on the property noted as 6500 Hawarden. We were advised that based on the Arroyo setbacks and property lines that the pad was approximately 8500 sq ft and no more than an approximately 2500 sq ft home would be permitted to be built on that property. The Planning Division advised us that a grading ordinance under Title 17 was adopted by the City and in effect as it applied to the property in question. The ordinance and environmental restrictions to date, remain the same. We subsequently followed up with the Planning Division on multiple occasions to reconfirm what was initially represented to us and each time we were told of the setbacks and ordinance restrictions. Fast forward, Jim Guthrie purchases the property and contacts us to let us know he was also aware of the setbacks and restrictions, but that he will simply request a grading exception and build a large home. Guthrie knowingly purchased the property with the intent to disregard the setbacks and ordinances. Clearly as a builder he knew what type of property he was purchasing. Because of the shape of the property and the limitations of square footage of what could be built he was able to obtain the land for a very reasonable price. Now Guthrie wants to disregard the setbacks and ordinances to build a 5800+ sq foot and increase the lot size to 26,000+ sq feet. We take issue with the said representation in so far as:

A. The Planning Division either misrepresented or provided inaccurate information to myself and my husband which we used as a factor to determine the purchase and reasonable price of our home.

B. The Planning Division is intentionally disregarding the exact setbacks and ordinances they advised us to accommodate Guthrie.

C. Guthrie purchased the property with the knowledge of the build restrictions and with the intent to request grading exceptions to develop a pad in excess of 3x its current state. He knew of the odd shape of the property and size. He was neither gifted nor did he inherit the property and therefore, this is an attempt to increase the value of a property he purchased knowing the limitations of what could be built. In his circumstance, no hardships have arisen from the zoning and ordinance since he was aware of the size of the home he would be able to build prior to purchasing the property and the fact that he can still build an approximately 2500 sq ft home on the property.

2. Pursuant to *Berkeley Hillside Preservation vs. City Of Berkeley*, the California Supreme Court states, "A party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance."

The unusual circumstances in this project is both the extensive grading to build into the Alessandro Arroyo and the exporting of an exorbitant amount of soil discussed below.

3. To date we have not been provided with a completed **Grading Standards Exception Justification**. If in fact one has been provided, we request a copy of it for review. The Grading Exception will be detrimental to the public welfare and adjacent properties in so far as the grading plans show Earthwork Quantity Estimates of 10,500 CY cut and 1,500 CY fill which would equate to approximately 800 15 ton dump trucks going back and forth on the easement on our property, shared driveway and immediately next to our home. In addition, our neighborhood and Overlook would be subjected to 1600 trips of dump trucks going back and forth for one single family home. Furthermore, we take exception to Guthrie's grading of the

easement based on the current plans he's submitted as he is pushing into our property line for various portions of the grading and build. There will be physical and environmental damage to the easement from both the 800 dump trucks going back and forth and the extensive grading and pad that's noted. We do NOT give permission for any grading that will impact the easement and our property. Nor will we permit a silt fence to be added to the easement and create not only an eyesore, but prevent movement of wildlife. The Planning Division does not have the authority to permit grading and or construction on an easement without confirmation/documentation to ensure the requested project is within the contractual agreement between the land owner and land user. We request confirmation that Guthrie has provided the appropriate documentation and that we be provided with a copy of the documentation for review.

4. The Request for Public Comment was prematurely issued to the adjacent property owners and a new time period should be provided once additional requested information has been provided to the public. As we discussed, you indicated that even though a categorical exemption was applied an environmental report will be required. We requested a copy of an environmental review with no response. As I have not received a copy of the environmental review, I assume one has not been provided to the Planning Division? We have also to date not been provided with a copy of the Grading Standards Exception Justification. Additionally, you indicated that you had requested some information from Guthrie, but did not indicate what was requested. Please advise what information is pending and/ or documents have been provided to the City subsequent to the start of the Public Comment.

We are being asked to respond in two weeks time to a project that's either incomplete in its documentation or the public is not being provided information that has been requested. This creates an undue hardship to provide a response with only partial information and therefore, once the documentation for the project is complete a new Request for Public Comment should be issued.

5. We herein incorporate all comments and objections raised and submitted by the Friends of Riverside's Hills as part of our opposition to the above referenced project and reserve our right to appeal.

Regards,

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