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Subject: [EXTERNAL] Comment on PR-2021-00119 (Grading Exception)
Date: Friday, December 6, 2024 3:41:38 PM

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To: City of Riverside Planning Division via Brian Norton

From: Richard Block for Friends of Riverside's Hills

Re: Planning Case PR-2021-00119 (Guthrie)

FRH is very concerned about development intruding into the City's named and mapped Arroyos. We have commented extensively about this case, and ended our 1/30/24 critical letter with "Please keep us informed about consideration of the project." And project site neighbor Fariba Jafary, over whose land the project's access is only by easement, has frequently asked for updates. And yet now, instead of timely information about consideration and supplying us with crucial requested documents, in a card mailed to me on Dec. 4, we are informed of a public comment period from Dec. 4 to Dec. 18, so beginning before any mailed notice could possibly be received, which is itself objectionable.

Have any changes been made in the project since we received plans for it in late January? If so, please let us know ASAP. Have any further documents been received from the applicant or on his behalf? If so, please forward copies of them. I do see that "The proposal does not propose to modify the mapped boundaries of the arroyo or arroyo buffer", which takes care of one of our earlier questions, but further indicates project intrusion into the actual arroyo and its setback.

Please include copies of our previous letters from January and February 2024 as responses to the current comment period.

Our 2/1/24 letter on the project states that "according to Grading Code section 17.32.020, consideration of a Grading Exception is required to have substantiation (i.e., Justifications) of three required findings ... Per the code, such justification are to be provided by the applicant. In our previous emails, we asked for a copy of such justifications and other consideration of the proposed Grading Exception." If staff now has such documents, please email a copy of such crucial information so that we may comment on it. If staff does not yet have such documents, this project is being improperly handled, and a new public comment period is required to be established after the relevant information is available.

The Request for Public Comment notice states that "this project falls under the class of Infill Development and is therefore categorically exempt" from CEQA. That is erroneous – Infill Development projects must be less than 5 acres, which this is not. The relevant

exemption category, Class 3, is different (single family residence) but CEQA contains Exceptions which overrule the Exemption. Those include

“(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located--a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

Here the intrusion of the project’s grading into the Alessandro arroyo (and previously by some other projects, so cumulative) shows that not just one but all three of the Exceptions apply, and a CEQA analysis needs to be done.

As noted in previous emails, keeping road access construction within the recorded easement over Ms. Jafary’s land is problematic. The City needs to have a copy of that easement provided by the applicant. We have asked for, and ask again, for a copy of the recorded document showing such an easement and its conditions, including conditions on construction on or near it.

Thank you for your consideration and prompt answers.

Richard Block for Friends of Riverside’s Hills (FRH)