

Grading Exception Justification
Attachment "A"

Exception requested

A grading exception, if necessary, is requested from Section 17.28.020.A.9 of the Riverside Municipal Code ("RMC"), which generally limits pad sizes for any development in single family residential zones. A pad where there is a "fifteen percent to 30 percent average natural slope within the area to be graded" is generally limited to 21,000 square feet. (RMC, § 17.28.020.A.9, emphasis added.) Here, the average natural slope of 7530 Spencer Court is 24.18 percent, and the average natural slope of 7540 Spencer Court is 25.25 percent.

The proposed residence at 7530 and 7540 Spencer Court, however, does not require any additional grading above what has already been approved and graded. The proposed pad area (exclusive of concrete driveway and walkways) is only 44,887 square feet—less than the pad size already approved. Accordingly, no grading exception is necessary for the proposed project.

Required Findings

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)?

Yes. The purpose of Title 17 "is to protect life, limb, property, the public welfare, and the physical environment by regulating grading on private property," and to further "regulate hillside and arroyo grading in a manner which minimizes the adverse effects of grading on natural landforms, soil erosion, dust control, water runoff, and construction equipment emissions."

The strict application of limiting 7530 and 7540 Spencer Court to a single 21,000 square foot pad would impose a considerable and unnecessary hardship because the property has already been approved for a 46,127 square foot pad. The proposed project seeks merely to combine the already approved pads at 7530 and 7540 Spencer Court. The project applicant would experience unnecessary hardship if limited to a 21,000 square foot pad at the 4.84-acre project site at 7530 and 7540 Spencer Court, when a pad more than twice that size has already been approved and graded.

Moreover, the combining of the approved pads at 7530 and 7540 Spencer Court will not result in any additional grading beyond what has

already been approved. As illustrated below, the project site has already been graded:



Accordingly, the combination of the approved pads at 7530 and 7540 Spencer Court is fully consistent with Title 17 of the RMC.

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?

Yes. The proposed project does not seek to increase grading beyond what has already been approved. 7530 Spencer Court has an already-approved pad of 21,110 square feet, and 7540 Spencer Court has an already-approved pad of 25,027 square feet. The proposed project seeks to combine these two already-approved pads.

The project site is unique in that it consists of two separate properties, each with an already approved pad that has already been graded.

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?

No. 7530 Spencer Court has an already- approved pad of 21,110 square feet, and 7540 Spencer Court has an already-approved pad of 25,027 square feet. The proposed project simply seeks a grading exception, if necessary, to combine these two already-approved pads. The granting of a grading exception will not result in increased grading of the property, and it will not result in any activity that could injure the property of others.

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A grading exception is requested for the proposed residence at 7530 and 7540 Spencer Court (the "Project"). Section 17.28.020.A.13 of the Riverside Municipal Code ("RMC") provides that driveway grading shall not exceed 15 feet in width absent a grading exception.

A grading exception is necessary here because the 2022 California Fire Code ("Fire Code") requires the driveway for the Project to have a width of 20 feet. (See RMC, § 16.32.020 [City's adoption of Fire Code].) The Fire Department has confirmed that the Project requires a driveway with a width of 20 feet in order to comply with the Fire Code.

The requested grading exception is thus warranted here so that the Project may comply with the Fire Code, as further discussed below.

Required Findings

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)?

Yes. Title 17 was enacted "to protect life, limb, property, the public welfare, and the physical environment by regulating grading on private property." (RMC, § 17.04.010.)

The strict application of Section 17.28.020.A.13, however, would undermine this purpose and would require the Property to be inconsistent with the requirements of the Fire Code.

The Fire Code requires "approved fire apparatus access roads" for every building in the City of Riverside. (Fire Code, § 503.1.1.) The fire apparatus access road must "extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building." (*Ibid.*) Critically, the fire apparatus access road "shall have an unobstructed width of not less than 20 feet." (Fire Code, § 503.2.1, *emph. added.*)

The fire department has confirmed that the driveway for the Project must serve as a fire apparatus access road for the Project. This is because the nearest existing fire apparatus access road, Spencer Court, does not extend to within 150 feet of all portions of the Project. As a result, the Fire

Code requires that the Project's driveway (1) serve as a fire apparatus access road that extends to within 150 feet of all portions of the Project; and (2) be at least 20 feet in width. (Fire Code, §§ 503.1.1 & 503.2.1.) The Fire Department has confirmed these requirements for the Project.

The strict application of RMC section 17.28.020.A.13 would result in practical difficulties or unnecessary hardships because it would deprive the Project of adequate fire protection and result in non-compliance with the City's approved Fire Code. Non-compliance with the Fire Code would be inconsistent with Title 17 (Grading) of the RMC's general purpose and intent, which is to protect life, limb, and property.

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?

Yes. The pads of other properties in the neighborhood are generally within 150 feet an existing fire apparatus access road. In contrast, exceptional circumstances and conditions apply to the Project because the already-approved and graded pad for the Project is significantly set back from Spencer Court. As a result, Spencer Court cannot serve as a fire apparatus access road that extends to within 150 feet of all portions of the Project, as required by the Fire Code. (Fire Code, § 503.1.1.)

Accordingly, as discussed above and confirmed by the Fire Department, the Project's driveway must serve as a fire apparatus access road for the Project, and the fire apparatus access road must have a width of least 20 feet. (Fire Code, §§ 503.1.1 & 503.2.1.)

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?

No. The granting of the exception will allow the Project to be properly served by the Fire Department. On the other hand, denial of the exception would endanger the neighborhood as the property would not be able to comply with the Fire Code, and that would put both the Project and surrounding properties at risk of fire.

For the foregoing reasons, a grading exception to allow the Project to have a driveway with a width of 20 feet is appropriate and justified.