



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 28, 2023

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 2
DEPARTMENT

SUBJECT: PLANNING CASE PR-2021-001108 DESIGN REVIEW AND GRADING EXCEPTION – A REFERRAL BY COUNCIL MEMBER CERVANTES OF AN APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE FOR THE CONSTRUCTION OF A 3,154 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND A 971 SQUARE FOOT ACCESSORY DWELLING UNIT – SITUATED EAST OF MT. VERNON AVENUE, BETWEEN MASSACHUSETTS AND MARLBOROUGH AVENUES (APN: 257-160-003)

ISSUE:

Referral by Councilmember Cervantes of an approval by the Development Review Committee (DRC) of a proposal by Guillermo Landeros for a Design Review and Grading Exception to permit the construction of a 3,154 square foot single-family residence and a 971 square foot accessory dwelling unit on a 2.47-acre vacant parcel, situated east of Mt. Vernon Avenue between Massachusetts and Marlborough Avenues (APN: 257-160-003).

RECOMMENDATIONS:

That the City Council:

1. **UPHOLD** the decision of the Development Review Committee and determine that the proposed project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15303 (New Construction or Conversion of Small Structures) as it will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2021-001108 (Design Review and Grading Exception) based on the findings outlined in the staff report and subject to the conditions of approval.

BACKGROUND:

The project site is zoned RC – Residential Conservation Zone and consists of a vacant 2.47-acre parcel with an average natural slope of 39.36 percent. Surrounding land uses include single-family residences and vacant land to the north, south and west and Box Springs Mountain Reserve Park to the east.

The RC – Residential Conservation Zone was established to be consistent with General Plan objectives and voter approved initiatives (Proposition R and Measure C) to protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development

practices. All new structures in the RC Zone, including single family residences, are subject to design review procedures with the approval authority body being the Development Review Committee. Single family residences in any other residential zones do not require any a Design Review process and may proceed directly to Building & Safety to obtain permits.

Project Description

The applicant is requesting approval of a Design Review to construct a 3,154 square foot single-story, single-family residence and a 971 square foot single story accessory dwelling unit (ADU) on a portion of the parcel with an average natural slope of 14.7% percent.

A Grading Exception is also requested to permit a 20-foot-wide driveway where the Grading Code limits the driveway width to 15-feet wide. The 20-foot-wide driveway is a requirement of the Riverside Fire Department as the project site is located within a Very High Fire Severity zone.

The proposed residence will feature 4 bedrooms, 3 bathrooms, a kitchen, living room, dining room, and an attached garage. The proposed detached ADU will have 2 bedrooms, 2 bathrooms, a family room, kitchen and dining room.

The project site is accessed from Mt. Vernon Avenue via a shared road easement.

Development Review Committee Decision

On February 22, 2023, the Development Review Committee concurred that the project is consistent with all applicable development codes and approved the proposed project subject to the conditions of approval.

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

Upon learning that the project was referred, the applicant was allotted additional time to explore other avenues to move the project forward and to consult with relevant parties regarding the project. Staff corresponded with the applicant on a number of occasions and met with the applicant on February 28, 2023 and on May 26, 2023 to discuss the different options and to provide guidance on next steps. Staff has been awaiting applicant direction on the project. On October 9, 2023, the applicant inquired about City Council hearing dates and Staff scheduled the project for the next available City Council meeting.

Analysis

The proposed project is consistent with the HR - Hillside Residential land use designation, which provides for development of residential homes in biologically and culturally sensitive areas, facilitating limited development of Riverside's ecologically sensitive and visually prominent hillside areas. The proposed single-family residence and ADU complies with all the applicable development standards of the RC - Residential Conservation Zone and meets the objectives of the Citywide Design Guidelines for single-family residential development.

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 for a 20-foot-wide driveway where the Grading Code requires a maximum 15-foot-wide driveway.

The 8,000 square foot pad site is proposed to be located on the flattest portion of the site which contains an average natural slope of 14.7%. The proposed disturbed area consists of 0.92 acres and has been designed to fit with the natural terrain, minimizing the amount of grading and reducing manufactured slopes. The non-graded portion will remain in its natural form and the south and southwest portion of the site will be preserved through an open space easement.

The proposed driveway has also been designed to avoid and relocate boulders, while adhering to Fire Department standards for required access in Very High Fire Severity Zones. The Fire Department requires a 20-foot-wide driveway for a Fire Access Road, necessitating the request for a Grading Exception. Grading Exceptions to the regulations of the Grading Code are allowed where special circumstances apply to the property. The proposed 20-foot-wide driveway is necessary for Fire apparatus access and is required by the Fire Department as the project site is located within a Very High Fire Severity Zone.

DISCUSSION:

Referral

On February 23, 2023, Staff received a request from Councilmember Cervantes to refer the project for consideration by City Council (Attachment 2). The letter made reference to the following concerns:

1. **Concern:** The project will export over 5,500 cubic yards of soil and the excessive grading will create noise and air quality impacts to the surrounding neighborhood.

Response: Project grading plans show 4,200 cubic yards of dirt will be exported. The proposed grading will not include any blasting. Grading operations will need to comply with the City's Noise ordinance as well as other local and State requirements to reduce construction related particulate matter air quality impacts. Proposed grading is consistent with the requirements of the Grading Code to create a limited level pad to construct a single-family residence and ADU.

2. **Concern:** The DRC Staff report had an error about the distance of the proposed single-family residence and ADU in relation to Box Springs Mountain Reserve Park. Further, the letter states that the proximity of the single-family residence and ADU will impact Box Spring Mountain Reserve Park as it relates to light and noise and violates the provisions of the Western Riverside County Multi Species Habitat Conservation Plan (MSHCP).

Response: The report did inadvertently note the rear setback of 146-feet, 9-inches, rather than the distance of the single-family residence and ADU to Box Spring Mountain Reserve Park, which is 71-feet, 1-inch. The oversight does not change the analysis and the proposed single-family residence and ADU will need to comply with the conditions of approval related to Lighting Standards of the Zoning Code and the Noise Code. The Municipal Code does not have specific setback requirements for single-family residences to the Box Spring Mountain Reserve Park. With regards to the MSHCP, while the site is within the boundaries of the MSHCP, the site is not located within a Criteria Cell identifying sensitive habitat. Additionally, ministerial projects, such single-family residences, are exempt from MSHCP policies, with the exception of payment of development fees.

3. **Concern:** The proposed project is located in a Very High Fire Hazard Zone.

Response: The applicant prepared and submitted a Fire Protection Plan (FPP), which was reviewed and approved by the Riverside Fire Department. The site is designed in a manner that is consistent with the FPP, allowing for defensible space around proposed structures and providing a 20-foot-wide driveway for adequate access as required by the Fire Department.

4. **Concern:** Staff ignored expert testimony from an architect that the building could be located farther west down the hill with less grading, less fire hazard, and farther from the Box Spring Mountain Reserve Park. The project appears to violate the Grading Code.

Response: The applicants licensed engineer submitted project specific grading plans to the City's development departments for review. Staff reviewed the project plans against the Municipal Code to ensure that the project meets all development standards while being sensitive to the topography and the natural features of the site. Except for the requested Grading Exemption to permit a 20-foot-wide driveway, where the Grading Code requires a maximum 15-foot driveway, the proposed project complies with the standards of the Grading Code. The site has been designed to blend with the natural hillside by rounding and blending manufactured slopes with the natural contours. The proposal does not include manufactured slopes exceeding 20-feet in vertical height. The pad site for proposed single-family residence and ADU is located on the flattest portion of the site, which is located near the top of the hillside.

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:	Judy Eguez, Sr. 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. Development Review Committee Report, Findings, and Conditions of Approval – February 22, 2023
2. Referral Request from Councilmember Cervantes – February 23, 2023
3. Location Map
4. General Plan Map
5. Zoning Map
6. Project Plans
7. Presentation