

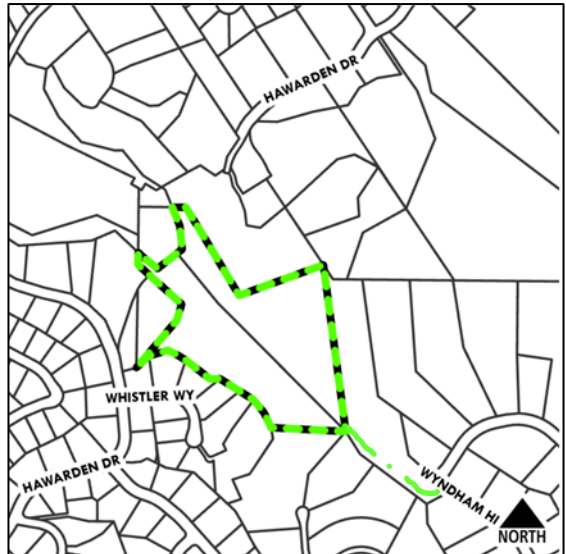


**Community & Economic Development Department**

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | [RiversideCA.gov](http://RiversideCA.gov)

**Planning Division**

**GRADING EXCEPTION**

<b>Case Number</b>	<b>PR-2021-00119</b> (Grading Exception)	
<b>Request</b>	A Grading Exception to allow grading within the mapped Alessandro Arroyo and 50-foot arroyo setback to facilitate development of a building pad for the future construction of a single-family residence.	
<b>Applicant</b>	Jim Guthrie	
<b>Project Location</b>	6500 Hawarden Drive and 6869 Wyndham Hill Drive, located northerly of the intersection of Wyndham Hill Drive and Chartwell Drive	
<b>APN</b>	241-210-011, 241-210-013 on-site and 241-220-021 off-site	
<b>Project Area</b>	17.59-acres on-site, 0.28-acres off-site	
<b>Ward</b>	4	
<b>Neighborhood</b>	Hawarden Hills and Alessandro Heights	
<b>General Plan Designation</b>	VLDR – Very Low Density Residential, HR – Hillside Residential and OS – Open Space/Natural Resources	
<b>Zoning Designation</b>	R-1-1/2 Acre – Single Family Residential, RC – Residential Conservation and R-1-13000 – Single Family Residential Zones	
<b>Staff Planner</b>	Brian Norton, Principal Planner 951-826-2308 BNorton@riversideca.gov	

## SITE BACKGROUND AND PROJECT DESCRIPTION

The subject property consists of two vacant parcels totaling 17.59-acres, located north of the intersection of Wyndham Hill Drive and Chartwell Drive. The applicant's property has largely remained vacant since the 1990's, when citrus groves were removed that had occupied the site since the early 1930's.

The property has an overall average natural slope of 12.4 percent and roughly 14.62-acres is located at a lower mean sea level (MSL) elevation (MSL 1022-1038) generally equal to or slightly elevated with the existing blue line stream that flows across the north portion of the property from east-to-west and the existing tributary that runs along the south-southwest portion of the property. The remainder of the properties 2.97-acres is elevated (MSL 1040-1105) and generally equal to or slightly below the elevation of existing properties to the south and east. Additionally, approximately 98.55 percent (755,086 square feet) of the 17.59-acre (766,220 square feet) property is located within the mapped Alessandro Arroyo and 50-foot Arroyo setback.

Surrounding land uses include similar development patterns with single family residences on graded building pads to the north, east, west and south. Parcels developed with single family residences, along both Wyndham Hill Drive and Chartwell Drive, were generally approved/developed in the late 1980's to early 1990's. Those properties are developed with graded building pads, manufactured slopes, retaining walls, level yard areas and single-family residences similar in nature to the proposal, noted below.

The applicant is requesting approval of a Grading Exception to allow grading for a 26,220 square-foot building pad, portions of which would encroach into the mapped Alessandro Arroyo and 50-foot Arroyo setback. The building pad would facilitate development of a future single-family residence, yard, garage and adequate maneuvering area for vehicles. Grading plans reflect a net export of 9,000 cubic yards of soil from the site, lowering the finished graded building pad area to an MSL elevation of 1090 and the yard area MSL elevation to 1087. Due to the site's topography, plans reflect the building pad would be lowered by up to 15-feet along the eastern portion of the pad and daylight with existing contours on the west side of the pad. The limited yard elevation is proposed to be 3 feet lower than the primary portion of the building pad. All manufactured slope ratios are proposed to be 2:1, with the exception of the slope between the building and yard areas, proposed at a 4:1 slope ratio.

The project proposes off-site improvements along an access easement over the adjoining property to the south-southeast located at 6869 Wyndham Hill Drive. A portion of the 0.28-acre easement area is proposed to be improved with a driveway to accommodate vehicle, pedestrian and utility access to the site.

The project also includes a lot line adjustment. The adjustment would maintain 2 parcels, with parcel 1, on the northern portion of the project site proposed to be 6.19-acres and parcel 2 located on the south portion of the project site to be 11.39-acres. No development or land disturbance is proposed for parcel 1 as part of this proposal.

The project does not propose to change, alter, reconfigure or modify the adopted boundaries of the Alessandro Arroyo or the 50-foot arroyo setback.

## PROJECT ANALYSIS

### Authorization and Compliance Summary

	Consistent	Inconsistent
<p><b>General Plan 2025</b></p> <p>The portion of the project site proposed for development is consistent with the underlying General Plan 2025 Land Use designation of VLDR – Very Low Density Residential. The VLDR land use designation allows for low density residential development, such as single-family houses.</p> <p>The project is consistent with the following Objectives and Policies:</p> <ul style="list-style-type: none"> <li>Objective LU-54 – Preserve the low-density, hillside character of the Hawarden Hills neighborhood.</li> <li>Policy LU-54.2 – Minimize the visual impact of new development, particularly along ridgelines or on hillsides.</li> <li>Policy LU-54.3 Structures shall be below the Hawarden Hills Ridgeline.</li> <li>Objective LU-33 - Protect and preserve the natural features of Alessandro Heights while continuing to provide opportunities for residential development compatible with the natural environmental features of the area.</li> <li>Policy LU-33.2 - Maintain the low-density, large-lot character of the neighborhood through appropriate zoning.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The portion of the project site proposed for development is within the R-1-1/2-Acre – Single Family Residential Zone, consistent with the VLDR – Very Low-Density Residential land use designation. The R-1-1/2-Acre Zone allows for single family residential uses. The proposed project including the lot line adjustment is consistent with the applicable development standards of the underlying zones.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Grading Code Consistency (Title 17)</b></p> <p>The project site is subject to Section 17.28.020 - Hillside/Arroyo Grading development standards of the Grading Code, due to the mapped boundaries of the Alessandro Arroyo and Average Natural Slope of the site. The proposal is generally consistent with the grading standards and requirements established in the Grading Code with the exception of the following:</p> <p>1) Grading within the 50-foot Alessandro arroyo setback and defined arroyo.</p> <p>The applicant is requesting a Grading Exception to facilitate implementation of the proposed project. Section 17.32.010 of the Grading Code allows the submittal of Grading Exceptions for a waiver of development standards. .</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.100.040 - Residential Development Standards</b>					
<b>Standard (Minimum Lot Size)</b>		<b>Existing Parcel Area</b>	<b>Proposed Parcel Area</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Parcel 1</b>	<b>½-acre</b>	9.20 acres	6.19 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parcel 2</b>	<b>½-acre</b>	8.39 acres	11.39 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Total</b>		17.59 acres	17.59 acres		

<b>Chapter 17.28.020 – Hillside/Arroyo Grading Development Standards</b>					
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>	<b>Conditioned</b>
<b>Grading within the Arroyo and 50-foot Arroyo setback</b>		Portions of the graded pad encroach into the Arroyo and 50-foot Arroyo setback	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Grading and structures shall be designed to fit with the contours of the hillside and natural terrain</b>		Grading is designed to fit with the contours of the hillside and natural terrain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ungraded area to be retained as natural open space</b>		Ungraded area will be retained as natural open space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Maximum Pad Size – 15% to 30% Average Natural Slope of the Area to be Graded</b>	<b>21,000 square feet + 25%* = 26,250 square feet</b>	26,220 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Slopes having a ratio of 3.9:1 shall not exceed 20-feet in vertical height</b>		Slopes do not exceed 20-feet in vertical height	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Slopes requiring benches shall not be permitted</b>		No benches proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Driveway shall not exceed 15% finished grade</b>		9.5%	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Driveways maximum width 15-feet</b>		12 feet	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\*Grading Ordinance – 17.28.020(A)(9) - The Community & Economic Development Director shall have the authority to increase or decrease the pad size category by up to 25 percent without a grading exception.

## **FINDINGS SUMMARY**

### **Grading Exception**

The subject property has an average natural slope of over 10 percent and the Alessandro Arroyo bisects a significant portion of the property; therefore per Title 17 – Grading Code of the Riverside Municipal Code, development of the project site is subject to the development standards of the Hillside/Arroyo Grading Ordinance.

As previously outlined, the proposal includes portions of a graded building pad that encroaches into the defined arroyo and 50-foot setback limit, therefore the applicant is requesting a Grading Exception to grade within a portion of the Alessandro Arroyo and the 50-foot Arroyo setback. Roughly 98.55 percent (755,086 square feet) of the 17.59-acre (766,220 square feet) site is located within the mapped Alessandro Arroyo and 50-foot Arroyo setback. The boundaries of the arroyo, the 50-foot arroyo setback, and the required building setbacks of the R-1-1/2 Acre Zone result in a buildable area of approximately 10,121 square feet (0.23-acres). The buildable area is ill-shaped and of an impractical configuration/shape which results in practical difficulties in facilitating a graded building pad to construct a single-family residence, as permitted in the zone. Based on the mapped boundaries of the Alessandro Arroyo, the 50-foot Arroyo setback and the shape of the buildable area, without the granting of a Grading Exception the buildable area is impractical and would result in challenges associated with other development standards, such as, contour and bench grading, retaining walls and site access in order to develop the property similar in nature to others in the immediate area.

A Biological Assessment (Habitat Assessment and MSCHP Consistency Analysis prepared by Glen Lukos Associates) was prepared to determine if the proposed project would impact biological, topographical or geographical resources as a result of the proposed development. As discussed in the Habitat Assessment, no adverse effects would arise as a result of the project proposal. Specifically, no special-status plant species were detected on the project site, nor do the soils and conditions of the project site have the potential to support special status plants (Habitat Assessment - Page 41). Additionally, no special-status animal species were detected on the project site during biological surveys (Habitat Assessment Page 41), including burrowing owls. The site is within the Western Riverside County MSHCP, 'Given the low likelihood of the project impacting species, and the minimal areas of disturbance of the Alessandro Arroyo and 50-foot arroyo setback, the project would not make a cumulatively considerable contribution to the regional decline of these species (Habitat Assessment Page 43). Lastly, no impacts were identified to riparian/riverine resources, rock outcroppings or other unique geological features.

With conditions of approval, the assessment determined, less than significant impacts to no adverse impacts to the arroyo would occur and that the project as proposed is consistent with all applicable policies of the Multi Species Habitat Conservation Plan (MSHCP) and would have no impacts or cumulative impacts on the state and federal waters, and wetlands, riparian/riverine or vernal pool resources, wildlife linkage/corridors or wildlife nurseries or special-status animal species.

The project proposes 9,000 cubic yards of soil export. To quantify any impacts associated with soil hauling, an Air Quality Analysis was prepared for the project. The air quality analysis evaluated 75 truck trips per day over a 15-day grading period, consistent with the methodology prepared by the South Coast Air Quality Management District (SCAQMD). The analysis from the California Emissions Estimator Model (CalEEMod) indicated that hauling activities from the proposed Project will not exceed criteria pollutant thresholds established by SCAQMD.

## **LOT LINE ADJUSTMENT**

The project proposes a lot line adjustment. The project site currently has 2 parcels, bisected by a lot line that generally runs from the southeast to the northwest. Currently, both parcels are

accessed from a shared access easement over the adjacent parcel (6869 Wyndham Hill Drive). The proposal shifts the location of the lot line to a north-south configuration creating a northerly parcel of 6.19-acres and a southerly parcel of 11.39-acres. The lot line adjustment is permitted under the subdivision code. While the configuration meets the minimum lot size, the northern parcel has limited site access and utilities, including water, electric and wastewater. To ensure the site would remain accessible prior to any type of future improvement, a lot tie has been conditioned and would not be released until which time proof of easement to the northern parcel, consisting of access/ingress/egress easements, waterlines and water facilities easements, public utility - electric easements and wastewater treatment plan or easements can be provided to the satisfaction of the Planning Division, Public Works and the City Attorney's Office. Should any project be proposed for the site in the future, the project would need to be developed to the standards of the underlying zone and all applicable environmental measures at the time of entitlement submittal with the city.

#### Grading

- The project proposes 9,000 cubic yards of soil export. To quantify any impacts associated with soil hauling, an Air Quality Analysis was prepared for the project. The air quality analysis evaluated 75 truck trips per day over a 15-day grading period, consistent with the methodology prepared by the South Coast Air Quality Management District (SCAQMD). The analysis from the California Emissions Estimator Model (CalEEMod) indicated that hauling activities from the proposed Project will not exceed criteria pollutant thresholds established by SCAQMD.

### ENVIRONMENTAL DETERMINATION

The project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15303 (New Construction or Conversion of Small Structures). Additional technical studies were prepared for the project with respect to Air Quality and Biological Assessment. Both studies concluded no significant impacts would occur with respect to pollutant thresholds or biological and wildlife resources.

### PUBLIC NOTICE AND COMMENTS

Public notices were mailed to property owners adjacent to the boundaries of the project site and interested parties. As of the writing of this report, six letters in opposition, one in support and one neutral to the project have been received. The following provides comments and responses to the issues raised:

**Comment:** Preservation of and construction within the City's Arroyos

**Response:** The project will be preserving areas outside the graded area, consistent with the provisions of the Hillside Grading Code. Additionally, the applicant prepared a Biological Habitat Assessment to analyze the impact of the project on the arroyo biological and wildlife system. The Assessment did not identify impacts to the Arroyo or Arroyo tributary which bisect a majority of the project site. It should be noted, the project does not propose to relocate, adjust or redefine the mapped arroyo boundary or arroyo setback boundary. As noted above, the project has been conditioned to place areas outside the graded area within an open space easement to protect biological resources.

**Comment:** The project plans and technical documents do not indicate the correct property address.

**Response:** Although the project plans are labeled on the 'title box' as 6869 Wyndham Hills Drive, Sheet 1 of the Civil plans includes an accurate legal description, accurate Assessor Parcel Numbers (APN) and the Vicinity Map identifies and highlights the correct parcels. Additionally, a small segment of the project (off-site) does occur on the parcel addressed 6869 Wyndham Hill Drive. The technical studies include correct APNs and all accompanying exhibits provided are of the correct parcels. Additionally, due to the property's general location, the applicant takes vehicular, pedestrian and utility access over an existing easement located on a portion of the adjoining neighbor's property addressed 6869 Wyndham Hill Drive, located at the terminus/intersection of Wyndham Hill Drive and Chartwell Drive.

**Comment:** Grading Code Defines Arroyos and Area to be Preserved

**Response:** The comment provides the 'Arroyo' definition as provided by the Grading Code and provisions for Grading within the mapped arroyos and arroyo setbacks. As previously indicated 98.55 percent of the project site is overlaid by the mapped Alessandro Arroyo and Arroyo setback. Additionally, section 17.32.010 of the Grading Code allows Grading Exceptions to be granted allowing the Grading waiver of development standards, as long as the required findings can be made. The applicant is requesting a Grading Exception to facilitate implementation of the proposed project consistent and similar to the existing development pattern in the immediate area.

**Comment:** Remapping of the Arroyo and Grading within the Arroyo

**Response:** The comment indicates the biological consultant is redefining the mapped boundaries of the arroyo and arroyo setback as depicted in the Grading Code. There is no entitlement that has been filled with the City of Riverside Planning Division that is requesting to remap the arroyo and arroyo setback as shown in the General Plan and Grading Code. The Habitat Assessment and project plans reflect dashed lines to indicate where biological resources are located on-site that contribute directly to the physical arroyo and tributary that bisect the project site. This information was collected and assessed by a qualified biologist through delineation of riparian/riverine areas and vernal pools subject to MSHCP; assessment of vegetation mapping for the project site; and habitat assessment, and site-specific biological surveys, to evaluate the presence/absence of special status-species.

The comment also indicates the Code prohibition of a 1-acre graded area within the arroyo. The project site is subject to Grading Code Section 17.28.020 - Hillside/Arroyo Grading, due to the mapped boundaries of the Alessandro Arroyo. The proposal is consistent with the grading standards and general requirements established in the Grading Code, with the exception of the following: Grading within a portion of the arroyo and the 50-foot setback of the Alessandro Arroyo. Section 17.32.010 of the Grading Code allows Grading Exceptions to be granted allowing the waiver of development standards, as long as the required findings can be made. The applicant is requesting a Grading Exception to facilitate implementation of the proposed project. Findings for the Grading Exception are provided in Exhibit 1. Further the Grading Code specifically allows for a specific 'building pad' size. The Grading Code defines "Building Pad" as:

*The level padded yard area created through grading for a building site and other ancillary uses. Areas with slopes of five to one or flatter are considered level padded yard areas. Driveways providing access to the building pad are not included as part of the total permitted level pad area.*

The size of the building pad is consistent with the Grading Code. It is also common for building pads, particularly in varied terrain to include manufactured slopes. Graded



slopes provide a number of benefits, such as structurally supporting the pad area, creating vertical and horizontal contours and varied slope ratios to blend and tie into natural contours. The building pad and its slopes have been designed, consistent with the many standards of the hillside grading for contouring, maximum slope heights, rounded slopes and slopes consistent with the standard set forth in the Hillside/Arroyo Grading Section of the Grading Code.

**Comment:** The building pad is excessive for its location.

**Response:** The proposed building pad size of 26,220 square feet is consistent with the provisions of the Grading Code. The Grading Code allows for a graded pad area of 21,000 square feet where site grading has an average natural slope of 18.6 percent. The Code also allows for an increase in overall size, up to 25 percent, without a Grading Exception, where sensitivity is determined by the pad's visibility from the public right-of-way, location on a ridgeline, the presence of habitat for sensitive species or presence of unique topographical features.

The proposed building pad has been situated on the property such that it is not visible from the public right-of-way; is not located on a prominent ridgeline, designed to be lower than surrounding pads to the south and east; does not impact sensitive species as indicated in the Habitat Assessment; and the project does not impact unique topographical features such as rock outcroppings. Additionally, by proposing to place the building pad at the location indicated on project plans, it avoids significant rock outcroppings located on the southwest portion of the site. Although the proposed building pad is located generally on a 'point of land', that portion of land, of the entire 17.59-acre site is the only location that is partially not located within the mapped arroyo and 50-foot setback limit, avoids rock outcroppings, avoids impacts to biological resources and although the proposal calls for lowering the pad by up to 15-feet in some locations to reduce visual impacts to the immediate area, it remains outside the flood zone.

It should be noted that while surrounding building pads vary in size, there are a number of building pads that are of equal or greater size with existing single-family residences that exist within the mapped arroyo and 50-foot setback limit.

The proposed building pad is of consistent and comparable size of surrounding properties. In this instance, the building pad would contain an area for a single-family residence, limited level yard and driveway turn around area due to the site's location, all permitted within the Hillside Grading Ordinance of Title 17 – Grading Code.

**Comment:** Lack of Adequate Justification for Grading Exception Findings

**Response:** The commentor generally states the Findings provided by the applicant are not legally justifiable as the findings address just that of the tributary to the west of the proposed graded pad. The commentor highlights the Directors authority to administratively allow grading within designated arroyo tributaries depending on the sensitivity of the area. While the commentor is correct in stating the Director has the ability to allow grading within the tributary, an applicant can also grade within the mapped arroyo and arroyo setback contingent on Findings for a Grading Exception. In this case roughly 98.55 percent of the 17.59-acre project site is located within the mapped Alessandro Arroyo and 50-foot Arroyo setback. The boundaries of the arroyo, the 50-foot arroyo setback, and the required building setbacks of the R-1-1/2 Zone result in a buildable area of approximately 10,121 square feet (0.23-acres). The buildable area is ill-shaped and results in an impractical configuration. Based on the mapped boundaries of the Alessandro Arroyo and 50-foot Arroyo setback, without the granting of a Grading Exception a graded pad would generally not meet a number of development



standards in the Grading Code including requirements for, manufactured contours that are consistent with existing natural contours, extensive use of sizable and over height retaining walls, rounding of cut and fill slopes of the hillsides and horizontal blending and rounding of cut and fill slopes.

The comment indicates the Findings are not specific enough to the Alessandro Arroyo itself but rather focus on the tributary. However, the Findings are showing and identifying constraints on-site that incumber this property from being developed in a similar fashion to other properties around it. Potential development is hindered on this site based upon multiple factors, including the mapped arroyo and arroyo setback being placed over a majority of the site, the topography of the site with most of it within the lower arroyo and tributary flood plain, rock outcroppings primarily along the southwest portion of the property and the blue line streams. Further, the intent of the arroyo grading is to protect the natural open space and habitat that make up the arroyo. To that extent the Habitat Assessment utilized to identify habitat related to the arroyo indicated the project would have no impact to the arroyo or habitat itself. All these factors result in practical and unnecessary hardships inconsistent with the general purpose and intent of this title.

The comment goes on to discuss the available size of the area outside the mapped arroyo and arroyo setback for a modest pad. The area not within the mapped arroyo and arroyo setback is approximately 11,390 square feet. The required setback for building development in the zone reduces that to 10,121 square feet. Additionally, although the area outside the mapped arroyo and arroyo setback is generally the flattest section on the property, it still contains a slope, a slope that must be graded to provide for a flat pad to build. Slopes have to be contoured and made to blend in with the natural terrain, thus enveloping additional area within the 10,121 square feet. Further, the shape of the 11,390 square foot area to develop is not conducive to a building pad that requires graded slopes to blend with the existing terrain. If a building pad were to follow the precise layout of the shape of the buildable area, multiple grading exception would be required including those for retaining walls, cut and fill benches, and would result in a graded pad that would not blend in with the natural contours of the site.

Further the commentor indicates the project doesn't meet the purpose and intent of the Grading Code. In fact, it does, the project has been designed: to ensure and retain significant natural characteristics are maintained along with geologic and biological resources; maintain the identity, image and environmental quality of the City and achieve land use densities consistent with the General Plan; minimize visual impacts of grading; minimize grading by providing natural contours of the land, round off slopes, reduce sharp angles at the top of slope; stabilize steep hillsides, prevent erosion and preserve trees and vegetation; encourage a variety of building types to differentiate grading; preserve and enhance existing community character through visual appearance; preserve prominent landforms, including rock outcroppings and other topographical features; preserve major hillside views; and scrutinize development in areas of exposure to high fire risk and develop reasonable measures to reduce such risk.

**Comment:** Driveway Width Requires Grading Exception

**Response:** The comment indicates the easement for the driveway is 20-feet in width and therefore the driveway over the easement will be 20-feet in width. This is incorrect, the driveway shown on the plans is 12-feet in width. A condition of approval has been added under the Fire Departments Conditions indicating the driveway will need to be 15-feet in width. The driveway width of 15-feet is consistent with the maximum driveway width for

hillside development in Title 17 - Grading Code, thus no additional Grading Exception is required.

**Comment:** Wildfire Concerns/ Fire Department Access

**Response:**

- Fire Access Road Length

There is no special approval required for fire access roads over 750 feet in length and there is no maximum length for a fire access road specified in the Fire Code or any other fire and life safety regulation applicable to this site. There is no Fire Code requirement that establishes a correlative relationship between required road width and total length.

The only consideration for road length in the proposed project is whether a dead-end fire access road exceeds 150 feet in length. Pursuant "California Fire Code" § 503.2.5, (2022), dead-end fire apparatus access roads in excess of 150 feet in length, shall be provided with an approved area for turning around fire apparatus. When a fire access road is proposed as part of a building permit submittal for this parcel, an approved turnaround area will be required.

- International Fire Code Appendix D

Appendix D of the International Fire Code (IFC), 2021 Edition, is not applicable to this proposal. Neither the California State Fire Marshal nor the City of Riverside has adopted IFC Appendix D.

There is no language in the International Fire Code, 2021 Edition which identifies any appendix as a "recommendation" or a "recommendation to local agencies". Commentary to the International Fire Code (IFC), 2021, Volume 1 §101.2.1 states: *"The provisions contained in Appendices A through N are not considered part of the code and are, therefore, not enforceable unless they are specifically included in the ordinance or other adopting law or regulation of the jurisdiction."*

The City of Riverside Fire Department does not have the legal authority to enforce the provisions of IFC (2021) Appendix D without adoption via local ordinance in accordance with Cal. Health & Saf. Code § 17958.7.

- Fire Access Road Width

The entirety of Cal. Code Regs. tit. 19, Div. 1 is not applicable to single family homes and their associated fire access roads in accordance with Cal. Code Regs. tit. 19, Div. 1 §1.03. Even if applicable, an exception to §3.05(a) specifically allows the enforcing agency to waive or modify the requirements of §3.05(a) in the interest of public safety and welfare.

For fire apparatus access roads, "California Fire Code" § 503.2.1, (2022) specifies the requirement for an unobstructed width of not less than 20 feet. An exception to this requirement, "California Fire Code" § 503.2.2, (2022), authorizes the fire code official to "require or permit modifications to the required access widths, where necessary to meet the public safety objectives of the jurisdiction."

Language in Riverside Municipal Code §17.04.010, regarding the purpose of grading regulations, indicates the regulations are to "protect life, limb, property, the public welfare and physical environment". Modification of "California Fire

Code" § 503.2.1, (2022) to allow for a 15-foot wide fire access road for the purpose of complying with City of Riverside grading regulations, is interpreted to be a modification necessary to meet public safety objectives of the City of Riverside.

- Modification and Authority

The specific provision allowing modification to the required fire access road width is "California Fire Code" § 503.2.2, (2022), which states, "The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction."

"California Fire Code" § 503.2.2, (2022) is adopted language from the International Fire Code (IFC) 2021 Edition. Commentary to the International Fire Code (IFC), 2021, Volume 1 §503.2.2 states, "This section authorizes the fire code official to require greater, or to allow lesser, access-width dimensions based on the size and maneuverability of the anticipated emergency response apparatus," which illustrates the fire code official's authority to both increase and decrease required fire access road widths.

- Fire Water Supply

Riverside Municipal Code §16.32.315 is more restrictive than "California Fire Code" § 507.5.1 (2022) such that, a fire hydrant is required within 500 feet, along an approved route, from the furthest portion of a proposed single-family dwelling.

Fire hydrant installation pursuant Riverside Municipal Code §16.32.315 is listed as a fire prevention condition of approval for this entitlement application and fire hydrant installation will be required prior to the start of any proposed building construction.

**Comment:** Hawarden Fire July 2024

**Response:** The damage caused by the July 2024 Hawarden Fire was not a determining factor in the review of this entitlement application. There is no mechanism in the Fire Code for the fire code official to reject a permit for the construction of a building or associated road based on a previous fire incident in the same geographical location.

As a condition of approval, the proposed project is required to comply with the applicable Building Standards Code at the time of building permit submittal. This will ensure the proposed building and associated fire protection features will meet the minimum requirements of applicable fire and life safety regulations, which includes "California Fire Code" Chapter 49, "Requirements for Wildland-Urban Interface Fire Areas" (2022).

In a City of Riverside Fire Department After Action Review on its response to the Hawarden Fire, "fire access" was listed as a contributing factor which caused a delay in firefighting efforts (Hawarden After Action Review, City of Riverside Fire Department (2024)). As a result of the proposed development on this site, there will be an approved fire access road providing ingress to and egress from the Alessandro Arroyo for firefighting operations, at a location where an approved fire access road did not previously exist. Additionally, installation of a new fire hydrant will provide a fire protection water supply, available for firefighting purposes in the Alessandro Arroyo, where one did not previously exist.

Approval of a project which increases fire department access to and firefighting capabilities within the Arroyo, while complying with all other fire and life safety regulations, is consistent with the purpose of the Fire Code, in providing a "reasonable level of safety to fire fighters and emergency responders" ("California Fire Code" § 101.3, (2022)).

**Comment:** Fire Access Road Approval

**Response:** Fire access roads are approved by the City of Riverside Fire Department upon plan review of the associated building permit submittal. The location of the building(s) on the lot and their proposed use, construction type, fire water supply, fire resistive construction features and proposed fire protection systems are some of the factors considered during plan review of a fire access road. Approval of exceptions, modifications and alternative methods are made on a case-by-case basis and typically based on information only available during the building permit plan review process.

Grading Note 3, on Sheet 1 of the conceptual grading plan for the above referenced entitlement application states "A permit for this plan does not constitute approval of driveway locations or sizes." It is not the Fire Department's intent to provide an approval of a fire access road based solely on information contained in the conceptual grading plan. Furthermore, a Fire Department condition of approval for the grading exemption specifies that the required fire access road be approved during building permit plan review and to general specifications.

**Comment:** Fire Access Road Surface

**Response:** A Fire Department condition of approval for the above referenced entitlement application includes a requirement that the fire access road be hard surfaced and provide all-weather driving capabilities as certified by a civil engineer.

The condition of approval and associated fire code requirement are performance-based and do not specify a particular type of surface or material. If necessary, the fire code official is authorized to require a technical report from a qualified engineer during building permit plan review pursuant CFC 104.8.2. This technical report, if required and or provided, may be used to demonstrate that the proposed road surface provides all-weather driving capabilities.

**Comment:** Silt Fencing Used Outside the Access Easement

**Response:** Silt fencing is typically used during the construction phase of a project to reduce dust and minimize erosion as part of the Grading Best Management Practices (BMP). The silt fence shown on sheet 3, project plans, is shown within the access easement. Additionally, a condition of approval has been added that requires all BMP's located along the access easement to be within the 20-foot wide easement.

**Comment:** Environmental Determination through California Environmental Quality Act (CEQA)

**Response:**

Inconsistent Listing of Exemption on Notice

The comment states the Notice request lists the Environmental Determination as both 'Infill Development' and Class 03 – New Construction or Conversion of Small Structures. The Notice inadvertently mentions 'Infill Development', but correctly lists Section 15303 (New Construction or Conversion of Small Structures) as the CEQA Exemption. The Notice should have simply read:

*The Planning Division of the Community & Economic Development Department has determined that this project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15303 (New Construction or Conversion of Small Structures).*

The Staff Report Environmental Determination has been updated to reflect the language above, listing CEQA Section 15303 as the only exemption.

Applicability of Class 3 Categorical Exemptions

The comment argues that the project does not qualify for a Class 3 Categorical Exemption because of the following Exceptions:

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

*(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 resource of critical concern is the Alessandro Arroyo, an area of critical concern per Prop R and the City's Grading Code, and as designated, precisely mapped and officially adopted by the City of Riverside, which the project impacts to the extent that it needs a Grading Exception to allow otherwise forbidden grading of a large area jutting out into the Alessandro Arroyo and setback.*

*And the unusual circumstances include the said Grading Exception, the extreme length of the dead-end access road over an easement, the need to address unmet Fire Code requirements pertaining to that access road, the unwarranted proposed maximum increase in the maximum pad size, substantial non-conformances with numerous provisions of the City's Grading Code, the confounding of regulations pertaining to a tributary of the Alessandro Arroyo with those pertaining to the Arroyo itself, the planned export of 9,000 cubic yards of dirt and the amount of grading necessitating such a large amount of export for a single family dwelling, etc.*

The project qualifies for a Class 3 Exemption from CEQA. The project does not impact an environmental resource of hazardous or critical concern. As previously indicated a Habitat Assessment was prepared for the project assessing impacts of the proposed project on the sites biological resources. The Habitat Assessment did not identify impacts as a result of the proposed project. Additionally, the mapped arroyos and arroyo setbacks were never ‘precisely mapped’; biological studies were not conducted as part of the original mapping of the arroyos, thus the boundaries were identified by average natural slopes in and around blue line stream areas. While the limits of the Arroyos are defined in the Grading Code, the Code also allows for Exceptions to the standards in the Grading Code where special circumstances apply to the property (Exhibit 1).

The proposal is consistent with existing building patterns in the area, in that a graded building pad is being constructed to facilitate the construction of a future single-family residence, consistent with uses and construction methods (import/export of soil)

applied to all surrounding lots. Additionally, the project was required to prove that no biological resources would be impacted as part of the proposal and that all air quality thresholds set in place by the South Coast Air Quality Management District (SCAQMD) would be met with the proposal to export soil. No impacts to either biological or air quality were identified in the technical reports, thus the project would not have a significant effect on the environment.

The project meets the thresholds of a Categorical Exemption, and the project qualifies for Section 15303 – New Construction or Conversion of Small Structures

**Comment:** The Planning Division misrepresented to adjacent property owner what could be constructed on the applicant property.

**Response:** The general information counter at the Planning Division provides basic information for all properties in the City; including Zoning, special overlays and general development standards. The information is generally high-level in nature as Planners generally do not have the benefit of having project plans, environmental technical reports to discuss all development scenarios.

**Comment:** The Planning Division intentionally disregarded the exact setbacks and ordinances to accommodate the project.

**Response:** Planning Staff, and City staff comprised of multiple divisions and departments, reviews all projects against the many different and varying development codes for consistency. The applicant's project was treated no different. Staff identified the project did not meet a standard as indicated in the staff report, the project was subject to the Hillside Grading Ordinance and standards. Staff identified where the development did not meet a standard. Consistent with the Code, the applicant applied for a Grading Exception and provided applicable Findings. Thus, Staff did not disregard the ordinances set in place pertaining to the review of this project.

**Comment:** 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.

**Response:** At the time of the last correspondence in August 2024, there had been no updates to the project. In mid to late-September 2024 the applicant submitted a draft version of the Air Quality Study for review and comment. At that time due to the draft nature of the document, it had not been accepted by the City. Once the document and any modifications/changes to plans were accepted, the application was deemed complete and a notice issued to surrounding property owners and interested parties providing for a 14 day review. The surrounding property owners, including the commentators address, was sent a notification on the project.

**Comment:** 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.\_

**Response:** Silt fencing is a requirement of Best Management Practices (BMP) and generally required as part of construction grading to prevent erosion and dust. Silt fences are temporary during construction and removed once completed, posing no barrier to wildlife movement. Silt fencing shown on the grading plans is within the 20-foot easement. A small portion of fencing towards the north is slightly outside the easement. Upon issuance of Grading Plans through the Public Works Department, all grading and associated BMP's will need to be contained within eh 20-foot easement.

**Comment:** 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.

**Response:** It should be noted an Air Quality Assessment was performed specifically evaluating the movement of trucks to and from the site, exporting soil. The Air Quality Study meets all the thresholds of the Air Quality Management District (AQMD). T22218 when developed also required extensive grading with heavy machinery to facilitate roads, infrastructure and buildings pads. It should be noted while surrounding properties have the ability to balance more grading, resulting in less import/export, the applicant's property would not allow the displacement of soil into the remainder of the property due to the mapped arroyos and large areas of biological resources. The site much like all the surrounding properties are located in hilly terrain where movement and displacement of soil is expected and required to construct homes. The construction method of the applicant's building pad is in no way different than surrounding properties which have previously been developed by grading soil to create single family residences.

**Comment:** 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.

**Response:** This comment does not comport with the Berkeley Hillside cases, which do not hold that a project description would provide an unusual circumstance.

**Comment:** The Project Notice was prematurely issued.

**Response:** A Notice for the project was sent to surrounding property owners and interested individuals in early 2024. Interested parties requested technical studies as part of the development proposal. Staff noted an error in the reports. The reports were subsequently updated and a the project was re-noticed in December 2024.



## THE COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR DECISION

The Community & Economic Development Department Director **APPROVES** Planning Case PR-2021-00119 (Grading Exception), subject to the conditions of approval.

## APPEAL INFORMATION

Actions by the Community & Economic Development Director, including any environmental determination, may be appealed to the Planning Commission within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## ATTACHMENTS

1. Findings
2. Conditions of Approval
3. Project Plans (~~Site Plan~~, Floor Plan, ~~Roof Plan~~, Elevations, ~~Conceptual Landscape Plan~~, Grading Plans)
4. Public Comment Letters



EXHIBIT 1 – FINDINGS

**PLANNING CASE: PR-2021-00119** (Grading Exception)

**Grading Exceptions – Justifications Findings pursuant to Chapter 17.32**

Grading Exception: To allow grading within a portion of the mapped arroyo and 50- foot arroyo setback.

Grading Exception Findings pursuant to Chapter 17.32.020		Complies	
		YES	NO
1.	<b>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 this Title 17.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Justification:</b> The proposed project <u>complies</u> with this finding. Strict application of the Grading Code would require complete avoidance of development and grading within the mapped arroyo and 50-foot setback of the Alessandro Arroyo.</p> <p>The applicant is requesting a Grading Exception to grade within a portion of the arroyo and 50-foot setback of the Alessandro Arroyo. Roughly 98.55 percent of the 17.59-acre project site is located within the mapped Alessandro Arroyo and 50-foot Arroyo setback. These established boundaries, as outlined in Section 17.080.011 of the Grading Code, were mapped using aerial photographs, and did not include site-specific evaluations of the ecological habitat. The boundaries of the arroyo, the 50-foot arroyo setback, and the required building setbacks of the R-1-1/2 Zone result in a developable area of approximately 10,121 square feet (0.23-acres). The area is ill-shaped and results in an impractical configuration in which to grade a building pad and construct a residence, garage and yard area. Based on the mapped boundaries of the Alessandro Arroyo and 50-foot Arroyo setback, without the granting of a Grading Exception a graded pad would generally not meet a number of development standards in the Grading Code including requirements for, manufactured contours that are consistent with existing natural contours, extensive use of sizable retaining walls, rounding of cut and fill slopes of the hillsides and horizontal blending and rounding of cut and fill slopes.</p> <p>Furthermore, a site-specific Biological Resources Study, consisting of a site walk and assessment of biological and wildlife resources and how the proposed project impacted those resources, was prepared for the project. The qualified Biologist delineated where impacts would occur should the project encroach into those areas, based upon on-site biology and topography assessments, which maintains protection of the Alessandro Arroyo. With the conditions of approval, no impacts to the arroyo would occur.</p> <p>Therefore, the strict application of the provisions of Title 17 (Grading Code) result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of Title 17, which are 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.</p>			

Grading Exception Findings pursuant to Chapter 17.32.020		Complies	
		YES	NO
2.	<b>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.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Justification:</b> The proposed project <u>complies</u> with this finding. The project site is a unique property, as subdivisions and development have occurred around the site, the site has become land locked from any street frontages, with a sole access point across an easement on the adjoining neighbor's property located at 6869 Wyndham Hill Drive. The site also has further constraints, and while some surrounding properties have large portions of the property within the mapped Alessandro Arroyo and Arroyo setback, the applicants property is also constrained by two blue line streams, running from east to west along a large portion of the northern section of the site and also from south to north along a sizable portion of the west side of the property. The site is also constrained by a defined FEMA flood zone that generally runs along the northern portion of the site. Surrounding properties generally do not have or contain the amount of topographical, geological or biological restrains all on one property as the applicants site does. These restrictions cumulatively restrict the location of an adequately sized graded building pad to the southeast corner of the property, partially within the mapped arroyo and arroyo setback.</p> <p>Additionally, while roughly 98.55 percent of the 17.59-acre project site is located within the mapped Alessandro Arroyo and 50-foot Arroyo setback, per Title 17 – Grading Code of the Riverside Municipal Code many of the surrounding lots have been developed with graded pads and single family residences that encroach into portions of either the Alessandro Arroyo or the 50-foot Arroyo setback. The project site is one of the few remaining undeveloped parcels in the immediate area, as parcels immediately adjacent to the project site, were subdivided and developed prior to the adoption of the Arroyo preservation ordinance in 1998. The proposal is consistent with existing development patterns in the immediate neighborhood. Some of the immediate properties were developed under grading standards that did not present such constraints that the current standards do. The remaining area outside the mapped arroyo, arroyo setback, Zoning Code building setbacks, flood zone, the blue line streams and site access constrains once accounted for, results in an impractical configuration, and the buildable area is significantly more challenging to develop than other parcels in the neighborhood.</p> <p>For the reasons stated above, there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not generally apply to other property in the same zone or neighborhood.</p>			

Grading Exception Findings pursuant to Chapter 17.32.020		Complies	
		YES	NO
3.	<b>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.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Justification:</b> The proposed project <u>complies</u> with this finding. The established boundaries of the Alessandro Arroyo, as outlined in Section 17.080.011 of the Grading Code, were mapped using aerial photography instead of site-specific evaluations. A site-specific Habitat Assessment, consisting of a site walk and review of all relevant literature, was prepared for the project. The qualified Biologist delineated an arroyo environmental setback buffer, from the delineated arroyo-related biology and topography, indicating the proposed project would have no impact on the Alessandro Arroyo or Arroyo setback areas.</p> <p>The Habitat Assessment found that with the inclusion of the conditions of approval no impacts would occur to the Alessandro Arroyo, state and federal waters, and wetlands, MSHCP riparian/riverine or vernal pool resources, wildlife linkage/corridors, or wildlife nurseries as a result of the proposed project. The proposed grading and improvements will not impact the arroyo topographically, hydrologically, or biologically. Furthermore, areas outside of the graded pad have been conditioned to be included in an Open Space Easement, ensuring the land will be kept in its natural state.</p> <p>Additionally, the proposal is consistent with surrounding development in the area, particularly, building pads and single family residences constructed to the southeast of the project site that have graded building pads and constructed single family residences on the edge of the elevated embankments of the Alessandro Arroyo.</p> <p>Therefore, 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.</p>			



*EXHIBIT 2 – CONDITIONS OF APPROVAL*

**PLANNING CASE:** PR-2021-00119 (Grading Exception)

**Planning**

1. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval. Changes to the approved design will require further review by the Planning Division; a new application and filing fee may be required.

*Prior to Grading Permit Issuance:*

2. Grading plans submitted to the Public Works Department shall reflect the proposed grading approved in this entitlement. Any modification or further encroachments into the arroyo or 50-foot arroyo setback, other than what was assessed under this entitlement, would require additional analysis and entitlements to be submitted with the Planning Division.
3. An open space easement shall be recorded over all ungraded portions of Parcel 2 of the proposed site, excluding easements required for trails, as required and conditioned by the City of Riverside Parks & Recreation Department.
4. The project plans shall be revised to reflect a maximum 15-foot wide access driveway or required standard set in place by Title 17 – Grading Code at the time of grading permit issuance.
5. Grading plans shall show all proposed Grading BMP's within the 20-foot wide access easement that crosses over the property addressed 6869 Wyndham Hill Drive.
6. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
  - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
  - b. Compliance with City adopted interim erosion control measures;
  - c. Compliance with all recommendations of the required Project specific Water Quality Management Plan;
  - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems; and
  - e. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.
7. A 30-day pre-construction survey for burrowing owls shall be required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities. If ground-

disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey shall be completed again to ensure that burrowing owl have not colonized the site since it was last disturbed.

8. Vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through August 31. If avoidance if the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

*During Grading and Construction Activities:*

9. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
10. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. The generation of dust shall be controlled as required by the AQMD Rule 403;
  - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
  - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Wash off trucks and other equipment leaving the site;
  - f. Keep disturbed/loose soil moist at all times;
  - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
  - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
11. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
12. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
13. The Contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
14. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.

15. Manufactured slopes shall be hydroseeded with non-invasive hydroseed mix and soil stabilizer.

*During Construction:*

16. No grading or staging of construction equipment shall occur outside the 20-foot wide access easement recorded over a portion of 6869 Wyndham Hill Drive.
17. In the unlikely event that potentially significant buried archaeological materials are encountered during construction activities, all work must be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource.
18. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

*Prior to Building Permit Issuance*

19. An Open Space Easement shall be placed over all ungraded portions of Parcel 2.
20. The applicant shall prepare a Covenant and Agreement, subject to the approval of the Planning Division, Public Works Survey Division and City Attorney's Office. The Covenant and Agreement shall contain the following:
  - a. Conditional Lot Tie - Covenant and Agreement will be released by the City of Riverside once proof of easements to the northerly property, consisting of access/ingress/egress easements, waterlines and water facilities easements, public utility - electric easements and wastewater treatment plan or easements.

*Prior to Occupancy*

21. All manufactured graded hillsides shall be hydroseeded with a seed mix that is in conformance with the Multi Species Habitat Conservation Plan (MSHCP) Table 6-2. No invasive plant species listed on Table 6-2 of the MSHCP shall be proposed.

**Standard Conditions**

22. There is a one-year time limit in which to commence construction of the project.
23. The Grading Exception may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of two years beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.
24. Prior to June 4, 2026, if building permits have not been obtained, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning



Division. **PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.**

25. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.
26. The Project must be completed per the approved plans approved by the Development Review Committee, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Development Review Committee or minor modifications by the Community & Economic Development Director or designee. Upon completion of the Project, an inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
27. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.
28. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
29. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

#### **Fire Department**

30. Codes in Effect: The proposed project shall fully comply with the 2022 Edition of Title 24, the California Building Standards Code, as adopted and amended by the City of Riverside, or the applicable edition of these codes in effect at the time a building permit application is received.
31. Separate Permits Required: Where installation is required, a separate plan review and permit application must be submitted directly to the fire department for each of the following improvements:
  - a. Automatic Fire Sprinkler System
  - b. Private Fire Hydrant
32. Fire Department Access Road: An approved fire apparatus access road shall be provided for all new buildings and shall extend to within 150 feet of all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building. Any required fire access road shall be approved upon fire department review of the associated building permit. Unless superseded by applicable regulations at the time of building permit submittal, the fire access road shall comply with the specifications listed below.
  - a. Dimensions: The road shall have a width of no less than 15 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

- b. Turning Radius: The road shall provide a minimum inside turning radius of 28 feet and a minimum outside turning radius of 48 feet.
  - c. Surface & Weight Capacity: The road shall be hard surfaced, provide all-weather driving capabilities and be designed to provide a minimum weight capacity of 80,000 lbs. as certified by a civil engineer.
  - d. Turnaround: Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
33. Fire Water Supply: A public or private fire hydrant, capable of providing the required fire flow for all new buildings, shall be provided within 500 feet of all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building.
34. Fire Sprinkler System: A fire sprinkler system shall be provided for all new buildings pursuant Riverside Municipal Code 16.32.335.
35. Very High Fire Hazard Severity Zone (LRA): The State of California classifies geographic areas according to fire hazards. The proposed structure is located within a Very High Fire Hazard Severity Zone in a Local Responsibility Area pursuant California Fire Code Section 4904. The following requirements are applicable and shall be met prior to building permit issuance:
- Materials and construction methods for wildfire exposure pursuant California Residential Code Section R337.
  - An approved Fire Protection Plan pursuant California Fire Code Section 4903.
  - Fire-resistant vegetation pursuant California Fire Code Section 4906.

#### **Parks and Recreation**

36. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.
37. Prior to or concurrently to the lot line adjustment recordation required by Public Works (Condition #41), developer is required to convey to the City an irrevocable offer of dedication for a Multi-purpose Recreational Trail Easement, designated for non-motorized use, along alignments as acceptable to the Parks, Recreation, and Community Services Department and as necessary for implementation of the City's Multi-purpose Recreational Trails System.

#### **Public Utilities – Electric**

38. Prior to Issuance of a Building Permit the applicant is required to submit electrical design plans to Riverside Public Utilities Electric Department. Dependent on required electrical load and distance from existing transformers, the developer may be required to install a transformer on property to meet electrical load requirements and ensure voltage drop and flicker.
39. Prior to Issuance of Building Permit, the developer shall plot existing electrical distribution facilities on site plans submitted to Riverside Public Utilities Electric as part of the sites electrical design plan.

#### **Public Utilities – Water**

40. Prior to Activation of Water Service, all applicable water fees are due to provide service to this property in accordance with the Water Rules in effect at the time of payment.

## Public Works – Land Development

*Prior to Occupancy unless otherwise noted*

41. Prior to the issuance of a Building Permit a lot line adjustment shall be submitted and recorded with the Public Works Survey Division to Public Works standards and specifications. Conditions 20 and 37 shall also be completed concurrent with the required lot line adjustment.
42. The City Sewer System is not available. Please contact the Riverside County, Department of Environmental Health, 4080 Lemon Street, 2nd Floor, for approval of an alternate sewer system to the satisfaction of the Public Works Department and Planning Division.
43. Prior to final inspection for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG.

The terms of the agreement shall be in accordance with the RMC Chapter 16.68 and the TUMF Administrative Plan requirements. Credit/reimbursement agreements must be fully executed prior to receiving any credit/reimbursement. An appraisal is required for credit/reimbursement of right of way dedications and credit/reimbursement of qualifying improvements requires the public bidding and payment of prevailing wages in accordance with State Law. For further assistance, please contact the Public Works Department.

44. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:

Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;

Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and

Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.

45. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent may also be

considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.

46. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:  
  
Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;  
  
Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and  
  
Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
47. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
48. On all plans, provide linear footage labels along all parcel lines. Protect in place existing street trees; additional 24" box size street trees may be required. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications.
49. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.