

From: [Richard Block](#)
To: [Norton, Brian](#)
Cc: [Leonard Nunney](#); [Nicolas Barth](#); [Gurumantra](#); [Bob Buster](#); [Arlee Montalvo](#)
Subject: RE: [EXTERNAL] PR2021-00119 (Grading Exception) 6500 Hawarden Drive
Date: Tuesday, January 30, 2024 1:21:39 PM

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Brian,

More comments from Friends of Riverside's Hills on this project:

Upon further examining the Grading Plans that you sent, we see some serious problems in addition to what we discussed in our previous email (copied below):

1. The Grading plans show Earthwork Quantity Estimates of 10,500 CY cut and 1,500 CY fill, so an export of roughly 9,000 CY, therefore (at roughly 11 CY per 15 ton dump truck) roughly 800 dump trucks trips going and coming over (and deteriorating) peaceful residential neighborhood streets, a substantial negative impact on the nearby neighborhood.
2. The claims about the arroyo and setback boundaries "per Glen Lucos Associates (2023)" are not based on a claim that the City map of the Arroyo includes relatively flat areas not adjacent to a watercourse (as in claims about the Alpine Meadows Lane case), since the areas of the City-defined Arroyo that the Glen Lucos Associates exclude from the Arroyo are largely very steep areas adjacent to the watercourse. It appears they are claiming that the "real" arroyo is basically just the riparian area. Thus their claims about the arroyo and setback boundaries appear really far-fetched, and show how dubious an argument for a grading exception would be.
3. Average Natural Slope: the Grading Plan shows ANS of: Parcel 1, 11%; Parcel 2, 12.4%; within the graded portion of proposed Parcel 2, 18.6%. We don't know the site's zone – please let us know what it is – but since the ANS is over 10%, the Grading Code's 17.28.020 Hillside/Arroyo provisions apply: "the grading must be confined per this chapter and limited to the minimum grading necessary to provide for an approved dwelling unit or units, driveway, garage and limited level yard" and "No development or grading of any kind shall be permitted within 50 feet of the limits of the ... Alessandro ... Arroyo" and "The limits of these arroyos shall include all that land within the watercourse area, the adjacent slopes having an average natural slope of 30 percent or greater, and all other areas within the boundaries shown on Exhibits A-F." So it appears that this project violates the Grading Code in multiple ways and should be rejected out of hand.
4. This project involves only a single house, which ordinarily would have a categorical exemption from CEQA. However certain Exceptions to such Exemption apply to this project
"(a) ... 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.”

Here that environmental resource is the Alessandro Arroyo, which indeed has been so designated, precisely mapped and officially adopted by the City of Riverside.

Also “(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.”

As our Supreme Court has said in Berkeley Hillside Preservation vs City of Berkeley (2015, at p. 21)

“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.”

Here the unusual circumstances include the said location intruding into the Alessandro Arroyo, the need for a Grading Exception, and the export of so much soil.

For such reasons, this project requires an Initial Study Environmental review, and indeed needs to be rejected by the Planning Division. Please keep us informed about consideration of the project.

Thanks,
Richard
Richard Block for Friends of Riverside's Hills
Sent from [Mail](#) for Windows

From: [Richard Block](#)
Sent: Monday, January 29, 2024 10:08 PM
To: [Norton, Brian](#)
Cc: [Leonard Nunney](#); [Nicolas Barth](#); [Gurumantra](#); [Bob Buster](#)
Subject: RE: [EXTERNAL] PR2021-00119 (Grading Exception) 6500 Hawarden Drive

Brian,
Thanks for sending the information on this project. At what stage is the project currently, and how

much further review will be done?

The project appears to be on a narrow promontory sticking far out into the Alessandro Arroyo. We note that almost all the way around it there are lines drawn on the project plans marking "Arroyo limits per City G.I.S." and "Arroyo grading setback per City G.I.S.", as well as other lines marking "Arroyo limits per Glenn Lukos Associates (2023)" and "Arroyo grading setback per Glen Lukos Associates (2023)", apparently in an attempt to redefine the Arroyo, which can only be done by the City Council in an ordinance, since the Arroyo boundaries are determined in the Grading Code. This is the third time recently that we have had to protest about such attempts. We urge the Planning Division to not accept any such attempt to redefine the boundaries of an Arroyo or its setback.

You mentioned a Grading Exception, which would be needed, per the grading code, for any grading within an Arroyo or its setback as defined in the grading code's maps of the Arroyo. It is our understanding that the applicant has to request that and provide Justifications for the three required findings for the Grading Exception in order for it to be considered by the Planners. Please inform us as to such a grading exception, what it calls for, and the Justifications for the required findings.

Thanks,

Richard

Richard Block for Friends of Riverside's Hills

Sent from [Mail](#) for Windows

From: [Norton, Brian](#)

Sent: Monday, January 29, 2024 7:05 PM

To: [Richard Block](#)

Cc: [Leonard Nunney](#); [Nicolas Barth](#); [Gurumantra](#); [Bob Buster](#)

Subject: RE: [EXTERNAL] PR2021-00119 (Grading Exception) 6500 Hawarden Drive

Good Evening Richard

Please find project plans (Civil Plans, Floor Plan) for the proposed project, which includes consolidation of two parcels to facilitate grading of a building pad for a single-family residence. The building pad does encroach into the mapped arroyo and arroyo setback.

Thank you

BRIAN NORTON
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From: Richard Block <rblock31@charter.net>

Sent: Friday, January 26, 2024 5:21 PM
To: Norton, Brian <BNorton@riversideca.gov>
Cc: Leonard Nunney <nunney@ucr.edu>; Nicolas Barth <ncbarth@gmail.com>; Gurumantra <gm@nutritionnews.com>; Bob Buster <bobbuster@att.net>
Subject: [EXTERNAL] PR2021-00119 (Grading Exception) 6500 Hawarden Drive

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Brian,
Please email us details (as PDFs) about this case.
Thanks,
Richard
Richard Block for Friends of Riverside's Hills

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