

December 18, 2024

To: City of Riverside Planning Division of CEDD via Principal Planner Brian Norton

From: Friends of Riverside's Hills

Re: Public Comment on PR-2021-00119 (Grading Exception), 6500 Hawarden Dr.

Friends of Riverside's Hills strongly opposes this proposed project and its Grading Exception, which we believe violates the people's expressed desire to preserve the City's prominent Arroyos, violates multiple provisions of the City's Grading Code, improperly allows an excessively large building pad, fails to provide legally adequate Justifications for the required Findings for a Grading Exception, and proposes allowing a home to be built in a location that is demonstrably at major risk from a future brush fire, potentially endangering both the occupants and the City's Firefighters.

People Voted to Preserve Arroyos

The People of the City of Riverside passed Prop R, with a major purpose stated as

"Our hills, ridgelines, arroyos, and watersheds are being bulldozed. All these are priceless and irreplaceable civic amenities which enhance the quality of life and which we wish to preserve for ourselves and future generations."

And the People of the City furthered that purpose in passing Measure C and defeating a subsequent proposition that attempted to weaken Prop R. So the City's arroyos are priceless and irreplaceable civic amenities which staff should strive to have preserved and not bulldozed.

Wrong Property

Mr. Guthrie's application starts with

"Re: Wyndham Hills Grading Exception Request

Dear Mr. Norton:

I am writing in regards to the property located at 6869 Wyndham Hills Drive, Riverside, CA 92522 ("Wyndham Hills"). I intend to develop

Wyndham Hills as a personal residence (“Project”). To do so, Wyndham Hills must be graded as described in the grading plan attached as Exhibit “A” and incorporated herein by reference. ... “

However, public records, Zillow, Redfin, and the actual owners of the property at 6869 Wyndham Hills Drive note that there is already a single-family home there. Thus Mr. Guthrie’s identification of the property is wrong, and his application should have been dismissed. Also the Title Sheet of the “Conceptual Grading Plans”, as well as that of the “Habitat and MSHCP Consistency Analysis”, are both labeled as for development at “6869 Wyndham Hills Drive”. They don’t even get the property identification right, which raises questions about the validity of other of their assertions.

The “Request for Public Comment” notice says “Project Location: 6500 Hawarden Drive, generally located at the terminus of Wyndham Hills Drive and Chartwell Drive”. The Hawarden Drive address may be correct, but that is nowhere near, much less located at, the said terminus.

As a result of such misinformation, there needs to be a new corrected application, and a new Notice and Request for Public Comment, and a new public comment period. Nevertheless, we provide comments below on aspects of the project as presently asserted.

Grading Code Defines Arroyos And Area To Be Preserved

To further the aim of protecting arroyos, the grading code specifies and maps specific named arroyos, including the Alessandro Arroyo at issue in this case, with named Arroyos defined in Grading Code 17.08.011 as

““Arroyo” shall mean those areas shown within the limits of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos and associated tributaries as shown on Exhibits A-F of this title. The limits of these arroyos and arroyo tributaries shall include all the land within the water course 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 of this title.”

and in the case of the Alessandro Arroyo, as mapped in the said Exhibit 'D'.

Furthermore, 17.28.020 includes the provision that "No development or grading of any kind shall be permitted within 50 feet of the limits of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos and associated tributaries as shown on Exhibits A-F".

Regarding Arroyo Tributary

It is the City ordinance that defines the extent of the Alessandro Arroyo, and not Mr. Gurthrie's biological consultant Glen Lukos Associates (GLA). That ordinance, including that map, can only be changed by action of the City Council; any attempt by Mr. Guthrie, GLA, or staff to change the definition/map of the Alessandro Arroyo appears to us to be an attempted usurpation of the authority of the City Council. That attempt to use a different definition of the Alessandro Arroyo is exemplified in the Conceptual Grading Plans, where there are dashed line boundaries labeled "Arroyo Limits Per Glen Lukos Associates (2023)" and "Arroyo Grading Setback Per Glenn Lukos Associates (2023)", which differ greatly from the dash-dotted line boundaries shown there as "Per City G.I.S."

Note that the quote above from Prop R mentions both arroyos and watersheds as priceless civic amenities. Thus, it is important that the definition of the Arroyos, as quoted above, and with it the area to be fully protected, includes much more than the water course area, contrary to the attempted redefinition by GLA.

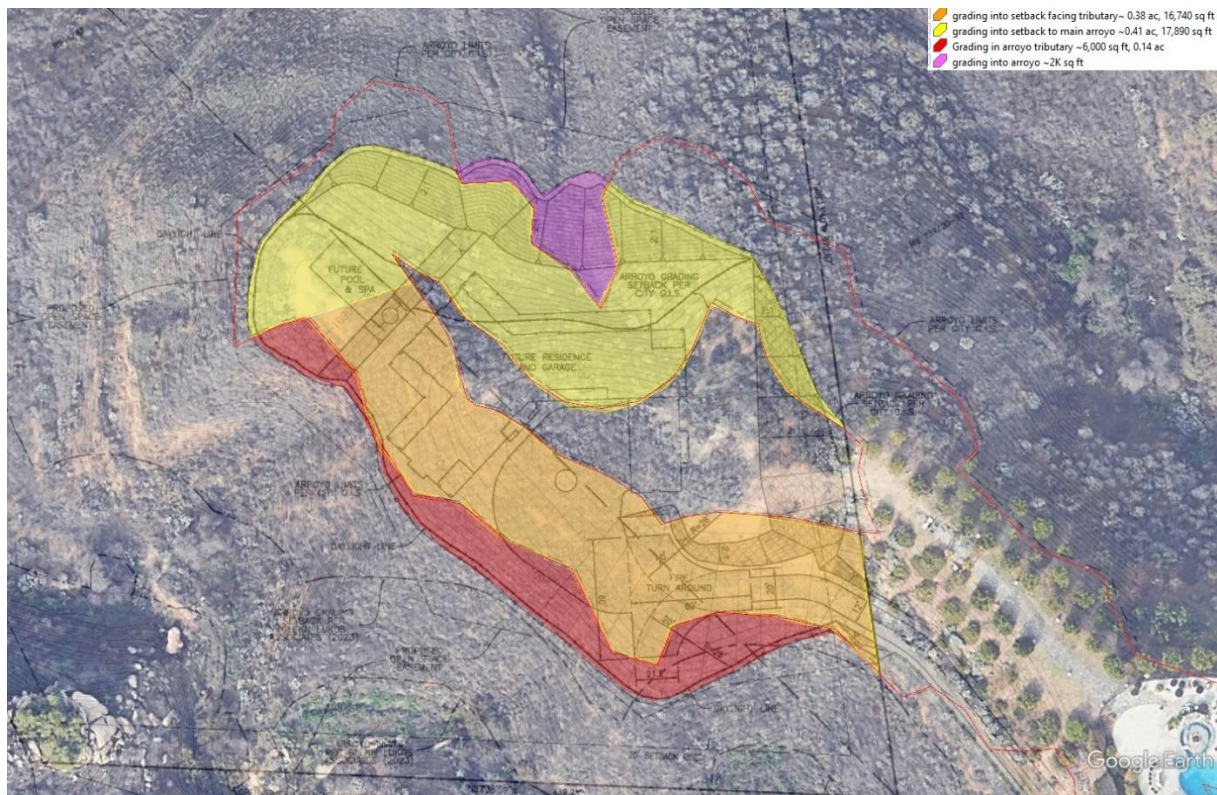
On the first page of his letter, Mr. Guthrie says

"Grading Exception

Wyndham Hills involves a total acreage of 17.59 acres; however, only 1.178 acres of this property will be disturbed, a portion of which is located in the Alessandro Arroyo tributary ("Project Site"). (See Exhibit A.) However, 0.26 acres (11,390 square feet) of this proposed disturbed area is located outside the Alessandro Arroyo tributary and is considered topographically the flattest surface on the Project Site. (Id.) The Project requires grading subject to City approval pursuant to provisions of RMC 17.28.020. ... thus, **this Property seeks an exception to build within portions of the Alessandro Arroyo tributary.**" (emphasis added)

This (and the required Grading Exception Findings Justifications, examined below) shows that the applicant and his consultants are regarding the portion to be disturbed that is located within the boundaries of the City-mapped Alessandro Arroyo as being within an Alessandro Arroyo **tributary**. But that is incorrect. Indeed, the only tributary mentioned in the Guthrie letter, and repeatedly referred to in the GLA report as Feature 1, is a tributary south-southwest of the proposed graded area (“Project Footprint”) and shown in that report’s Exhibit 7, with the Riparian area shown there in green and a 50 foot buffer from that shown there in purple. As one can see from that Exhibit, only a fringe area of the Project Footprint faces the tributary and the bulk of the Project Footprint faces toward what the Exhibit 7 calls Riparian or Riverine areas, that is, parts of the Alessandro Arroyo and not the tributary. This is shown most dramatically in GLA Exhibit 3, an aerial photo with the Project marked on it, where one can see that the northern part of the Project Footprint faces the Arroyo’s main watercourse directly to its north and northwest, and not toward any tributary. This is shown explicitly in the figure below (next page).

The final page of the Conceptual Grading Plans has diagrams showing the proposed graded areas within the Arroyo (as defined in the Grading Code) itself (marked as 1,769 + 892 SF) and those within the tributary, the latter area being a small fringe along the south and southwest of the Project Footprint marked as 4,721 SF, and the “Graded Area Within City Defined Arroyo Grading Setback = 40,362 SF”, which, with the addition of the areas within the City-defined Arroyo (rather than in its setback, brings it close to a whole acre of land to be graded despite the Code prohibition of such grading. This is shown in more detail in the previous page of the Conceptual Grading Plans, with dash-dotted lines showing “Arroyo Limits Per City G.I.S.” and “Arroyo Grading Setback Per City G.I.S.”. It also shows much less inclusive areas of these Arroyo and Setback boundaries “Per Glenn Lukos Associates”.



Exorbitant Pad Size

The remaining project area that is not within the City's Arroyo or Setback boundaries, is, as noted above, "11,390 square feet ... located outside the Alessandro Arroyo tributary and is considered topographically the flattest surface on the Project Site." Such an area, as for many houses in the City, would accommodate a pad sufficient for a very large 6,000 or 7,000 SF one-story house and garage at the ground level. (What is the zone of this parcel? – if not RC, the house could also have a second story.)

But no, such a large pad (and therefore potentially huge house) doesn't suffice for the applicant, who instead pushes for an extreme and unwarranted Grading Exception in order to have a much, much larger pad.

Indeed, while subsection A.9.b.iii of the Grading Code limits the pad size there to an already enormous 21,000 SF, section A 9 also states that "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. Sensitivity shall be determined by such factors as the pad's visibility from the public right-of-way, its location on a ridgeline, the presence of habitat for sensitive species

including rare, threatened, or endangered species, or the presence of unique topographic features such as knolls, valleys, rock outcroppings or other features or viewsapes.”

An increase of 25% above 21,000 SF is 26,250 SF. The Conceptual Grading Plans show the main pad area as 22,462 SF and the smaller pad area as 3,758 SF, for total proposed pad area of 26,220 SF, so essentially equal to a full 25% increase in the allowed pad area without a grading exception addressed to the issue of pad area, with such increase (or decrease) supposed to be “depending on the sensitivity of the site”. Here the presence of unique topographic features is exemplary: the pad areas are largely within the Alessandro Arroyo or its setback, and entirely on a prominent promontory extending out into the Alessandro Arroyo. Thus, instead of a 25% increase in the maximum allowed pad area, following section A.9, development in such an exceptionally unique and sensitive site should be subject to a 25% decrease from the maximum allowed pad area, so 15,750 SF.

But certainly, in view of the great sensitivity of the area, as determined by the City in its Grading Code provisions protecting and mapping the Alessandro Arroyo, the project fails to qualify for any increase in pad area, and it would be a violation of this Grading Code subsection to allow it without a separate grading exception, with appropriate findings justifications to be approved for such a pad size increase.

The Conceptual Grading Plans, at page 11 of the Guthrie letter, shows outlines of “Future Residence and Garage”. The area enclosed by the outline of the “Future Residence” (excluding the Garage) is roughly 8,340 SF. The outline of the Future Residence includes a number of lines inside the outer line; the area inside those inner lines is roughly 6,070 SF, and the areas between those outer and inner lines likely indicate areas where a second story overhangs vacant portions at the first story level. At any rate, it looks like the planned house will be somewhere between 6,000 and 14,000 SF, and likely two story so really intruding into the viewscape of the precious civic amenity of the Alessandro Arroyo.

Grading Code 17.28.020A says

“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.”

The enormous pad size and amount of associated grading obviously are far more than the minimum necessary.

Lack of Legally Adequate Justification For Required Finding

Per Grading Code 17.32.020, the first required Finding for the Grading Exception is

“A. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this title;”

The Justification in the Guthrie letter claims

“Yes, RMC 17.04.010 dictates, in part, that the purpose of the Title is to regulate hillside and arroyo grading in a manner which minimizes the adverse effects of grading on natural landforms. RMC 17.28.020 is intended to support this purpose through regulation of arroyo grading. However, as discussed in the [GLA] Report, no such adverse effects would arise as a result of implementing the proposed grading plan here. More specifically, Chapter 17.28.20 of the RMC states that Community & Economic Development Director shall have the authority to **administratively allow grading within designated arroyo tributaries depending on the sensitivity of the area**. Sensitivity shall be determined by such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary. (Id.)”

But the issue here is the grading within the Alessandro Arroyo itself, as well as within an arroyo tributary. Hence the above paragraph from the Justification is irrelevant – what is needed for a legally adequate justification must be based on regulations pertaining to the Arroyo itself (and its setback), not a “designated tributary”.

The Justification continues with

“As discussed in the Report, no such adverse effects would arise as a result of implementing the proposed grading plan here. 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. (Report, p. 41.) While the Report found some areas containing Riversidean sage scrub, the Hawarden Fire in July 2024 decimated this area, effectively removing this Riversidean sage scrub from the Project Site, as depicted in Exhibit “C.” (See also Report p. 43.) Lastly, no impacts to other riparian/riverine resources, significant rock outcroppings, or other unique features would occur within these areas. (Id.)”

But this is being applied to a test for sensitivity to the tributary, which as noted above is irrelevant. (Moreover, not needed in negating the Justification, but it is well known that a fire burns but doesn’t completely remove Riversidean sage scrub, which is well adapted to grow in this fire-prone landscape and can grow back from its roots and dormant seeds.)

The Justification then continues with two paragraphs about special status animal species, which are irrelevant for the same reason. The lengthy Justification then continues with

“Lastly, other characteristics of the Project Site present various practical difficulties. Here, the Project Site contains an extremely limited area (0.26 acres or 11,390 square feet) outside the City’s Legal Arroyo. (See Report, Exhibit 10.) Forming a rather unique shape of buildable space centered in the Project Site, this area is surrounded by the City’s Legal Arroyo, which cuts off any possible access to this limited portion without encroaching on the Legal Arroyo. (Id.) Limiting development to this area would make it virtually impossible to access or enjoy this property. Further, constraining development of the residence to only this section of the Project Site would significantly reduce the house and pad size, so much so that it would be disproportionate to the surrounding developments. Here, the Project only proposes a residence consistent with the pad and house size of the adjacent properties.”

The matter of the “house and pad size” was addressed above. Certainly it is quite a stretch to consider 11,390 square feet (a bit over .26 acres) to be an extremely limited area to allow to be graded, and well above that needed. And if a modest amount of additional area is needed (say for adequate access), a more modest Grading Exception could be considered. We note here that there is no “surrounding development”. Indeed, as shown on GLA Exhibit 3 (on p, 76), this Project Footprint is at the end of a unique scenic topographic promontory that sticks out alone into the Arroyo (a scenic interfluvium), with no development for a long distance to the north, northwest, and northeast, all that being part of the preserved Alessandro Arroyo. As shown on the said Exhibit 3, the only houses within about 600 feet of the project site, each about 350 feet distant from the proposed house, are one to the southeast away from the Arroyo, and the other to the east at the end of another promontory sticking out into the Arroyo (see GLA Exhibit 3) with what appears to be a smaller Footprint and which was destroyed in the Hawarden fire, along with some other houses that stuck out into the arroyo.

And then the final paragraph of the Justification:

“The Project, based on the above findings, would not have any impact on the sensitivity of the Legal Arroyo. Further, the Project Site presents practical difficulties that would prohibit any sort of development on the property. Accordingly, the prohibition of the Project’s grading dictated by the strict application of RMC 17.28.20 would not support this Title’s general purpose of minimizing the adverse effects of grading on natural landforms. There are no adverse effects caused by the Project’s grading to minimize. Rather, its application would only unnecessarily prohibit the development of this Project.”

To see whether any of this verbiage, with its erroneous claims of no impact and no adverse effect on the Alessandro Arroyo, is pertinent to the actual statement of the required Finding of “practical difficulties or unnecessary hardships **inconsistent with the general purpose and intent of this title**” (17.32.020 A) we review the said title’s stated general purpose and intent.

“17.04.010 - Purpose and intent.

... **The purpose of this title is to protect** life, limb, property, the public welfare and **the physical environment** by regulating grading on private

property. **It is further the purpose of this title to regulate hillside and arroyo grading in a manner which minimizes the adverse effects of grading on natural landforms,** soil erosion, dust control, water runoff and construction equipment emissions. The required review of hillside/arroyo grading includes regulations to:

- A. Ensure that significant natural characteristics such as land form, vegetation, wildlife communities, scenic qualities, and open space can substantially be maintained; to preserve unique and significant geologic; biologic and hydrologic features of public value; to encourage alternative approaches to conventional hillside construction practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hill areas such as slope, landform vegetation, and scenic quality.
- B. Maintain the identity, image and environmental quality of the City; and to achieve land use densities that are in keeping with the General Plan.
- C. Minimize the visual impact of grading.
- D. Minimize grading which relates to the natural contour of the land, and which will round off, in a natural manner, sharp angles at the top and ends of cut and fill slopes, and which does not result in a staircase or padding affect.
- E. Stabilize steep hillsides, retain moisture, prevent erosion, and enhance the natural scenic beauty and, where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillsides. This could include the retention of trees or replacement of trees and other vegetation.
- F. Encourage a variety of building types and design, when appropriate, to materially reduce grading and disturbance of the natural character of the area.
- G. Preserve and enhance existing community character, as defined by such factors as visual appearance, density, road widths and vegetation.

H. Preserve prominent landforms within the community, including, but not limited to ridgelines, knolls, valleys, creeks, rock outcroppings or other unique topographic features or viewsapes.

I. Preserve major hillsides viewsapes visible from points within the city so that they are not detrimentally altered by the intrusion of highly visible cut and/or fill slopes, building lines and/or road surfaces.

J. Scrutinize development in areas of exposure to high fire risk and develop reasonable mitigation measures to reduce such risk.”

The applicant’s Justification completely fails to show the required inconsistency with any of this Purpose and Intent. The Grading regulations if enforced do minimize the effect of grading on natural landforms (and thus of consequent erosion, dust, etc.), do (regarding A.) ensure land form, scenic qualities, etc. can be maintained, etc.

The Justification for the first required Finding simply fails to show that any of the difficulties or hardships that would be caused by the Hillside/arroyo provisions of the Grading Code in this case are **inconsistent** with the general purpose and intent of the Grading Code, and thus the Justification is legally inadequate, and granting the proposed Grading Exception would be illegal.

To keep this from being even longer, we pass over the second and third of the required findings.

Driveway Width Requires Grading Exception

Grading Code section 17.28.020 A 13 states

“Driveway grading: a. Shall not exceed 15 feet in width.”

As shown in the Conceptual Grading Plans, the proposed developed site is reached from the nearest street, Wyndham Hill Drive, by a long 20 foot wide easement, referred to in the Guthrie letter stating “the Project Site contains an existing access point and graded driveway that has been maintained for the past twenty years.” Since the 20 feet width of this “graded driveway” exceeds the

maximum 15 feet in width, yet another grading exception, with required findings, is needed for that.

Wildfire Issues

The project site access is a dead-end road via a long easement over adjacent property, with the driveway ending in a short stretch and hammer fire turnaround on the site property, as shown in detail on the Conceptual Grading Plans. The easement length can be seen there (using the Scale or the marked straight 102.89 feet segment) to be around 700 feet long, and in fact using the easement deed and adding the (rounded to the nearest integer) given lengths of its straight line and arc segments to be $45 + 83 + 72 + 54 + 47 + 32 + 79 + 11 + 58 + 21 + 65 + 103 + 26 + 16 = 712$ feet long.

The California Fire Code requires that

“Fire apparatus access roads shall be designed and constructed to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.”

For this project, the easement is 20 feet wide, and (as noted in the Plans) centered within it is a 12 foot wide “8 [inch] Decomposed Granite Surface Over Native Materials”. The easement leads to a 12-foot wide paved roughly 60 feet long driveway segment proposed on the site, opening to a hammer turnaround and the garage area. Thus, the hardened dead-end access road to the property is 12 feet wide and over 750 feet long.

The California Fire Code Appendix D Table D103.4 Requirements For Dead-end Fire Apparatus Roads lists the required width and turnaround depending on the length: for 0 to 150 feet length: 20 feet width, no turnaround required; for 150 to 500 feet length: 20 feet width, turnaround 120-foot Hammerhead or ... ; for 500 to 750 feet length: 26 feet width, turnaround 120-foot Hammerhead or ... ; for Over 750 feet length: Special approval required.

Here the 712 foot easement length plus the roughly 60 foot driveway within the Guthrie site puts it over 750 feet, so in an extreme category, with an only 12-foot wide adequately designed and surfaced width. While the requirements of the

Appendix D (like that of some of the other Appendices) are recommendations to local agencies rather than binding on them. The City of Riverside Code section 16.32.020 states

“16.32.020 - International Fire Code adopted—Filed with Fire Marshal.

The 2021 International Fire Code as adopted with amendments by the California Buildings Standards Commission, also known as the 2022 California Fire Code ("this Code"), including Appendices B, C, E, F, G, I, M, N, and O are adopted in its entirety with the following amendments by this chapter.”

Here are some relevant provisions of this Code:

“Section 503 Fire Apparatus Access Roads -- 503.1 Where Required -- Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.2 Specifications -- Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

[California Code of Regulations, Title 19, Division 1, §3.05(a)] Fire Department Access and Egress. (Roads)

Roads. Required access roads from every building to a public street shall be **all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width**. Such right-of-way shall be unobstructed and maintained only as access to the public street.

But here the all-weather hard surfaced width is only 12 feet, needing an exception.

503.2.1 Dimensions -- Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

The dirt surfaced part of the 20 foot easement width extending outside the 12-foot wide planned hard-surfaced part are shoulders, in violation of the required 20 foot width for the hard-surfaced part.

503.2.2 Authority

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.

“Modifications” where the required width is inadequate refers to increasing, not decreasing the required width, here increasing the required 20 feet (but as proposed only 12 feet) in view of the extreme length of over 750 feet (as would be required per Appendix D).

503.2.3 Surface

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

... 507.5 Fire Hydrant Systems 507.5.1 Where Required -- Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet (183 m).

The latter provision shows again that the distance of over 750 feet to the street (but with no hydrant) is truly exceptional.

The City Code proceeds with

“16.32.037 - Section 104.1 added—General Authority.

Section 104.1 is added in its entirety to read as follows:

The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. **Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.**” (emphasis added)

Thus, the proposed fire access to the project site violates several Fire Code requirements, and City fire officials, in interpreting the code, are prohibited from waiving such requirements.

Hawarden Fire July 2024.

Concern over fire risk is not just hypothetical. The Hawarden Fire burned this site and much of its access road in July of this year. For the protection of homeowners and our firefighters, at an absolute minimum much more needs to be done than what has been proposed for this project, and the damage caused by the fire brings into question building a home in a location that is more thoroughly contained within the Arroyo bounds than any previous house site. The houses that burned in the Hawarden Fire were generally the ones that were most prominently encased within the Arroyo. It is very telling that the closest neighbor east of the site, located on a less exposed interfluvium, was burned to the ground. This burnt house was built largely within the arroyo and its setback (see picture below). Another house that was destroyed, almost directly north of the site, was in a much less exposed site, but also had some of its footprint within the arroyo setback.

This proposed house would immediately become the most at risk in the area from wildfire based on its exposure. Attempting to create the defensible space needed for fire prevention is further at odds with the need to protect the arroyo. It is irresponsible to allow special exceptions for this development in the wake of this devastating fire that affected similar houses in less exposed areas. This exposure

can be compared with the house to the east that burned in the fire in the following aerial photo.



Not Exempt From CEQA

The Request for Public Comment notice states that “this project falls under the class of Infill Development and is therefore categorically exempt” from CEQA. That is erroneous – Infill Development projects must be less than 5 acres, which this is not. The relevant exemption category, Class 3, is different (single family residence) but CEQA contains Exceptions which overrule the Exemption. Those 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.

Per these Exceptions, the project is not exempt from CEQA; an initial study needs to be done, with the potential for an EIR to be required.

Thank you for your consideration of this comment letter.

Friends of Riverside’s Hills by Richard Block, FRH VP and Legal Liaison Officer

