

*ADAM FOOD MART
3502 Adams Street
Riverside, California 92504*

November 6, 2019

City of Riverside
3900 Main Street, 5th Floor
Riverside, CA 92522

Re: Diana Avenue Vacation

To Whom it May Concern:

I am the owner of the Shell – ‘Adams Food Mart’ Station at the corner of Diana Avenue and (3502) Adams Street in Riverside, California. I understand that California Baptist University has requested the City vacate a portion of Diana Avenue. CBU has presented a proposed form of easement to me to provide for acceptable access to my Shell station from Adams Street.

Based upon CBU providing me such an easement, I approve of the request by CBU to vacate a portion of Diana Avenue.

Sincerely,



On behalf of,
Adam Food Mart, Inc.

From: Tom and Lisa Chow <be_salt@msn.com>

Sent: Tuesday, November 12, 2019 5:55 PM

To: Gardner, Mike <MGardner@riversideca.gov>; Melendrez, Andy <ASMelendrez@riversideca.gov>; Soubirous, Mike <msoubirous@riversideca.gov>; Conder, Chuck <CConder@riversideca.gov>; MacArthur, Chris <CMacArthur@riversideca.gov>; Perry, Jim <JPerry@riversideca.gov>; Adams, Steven <SAdams@riversideca.gov>; Assadzadeh, Candice <CAssadzadeh@riversideca.gov>; ssmith@calbaptist.edu

Subject: [External] Nov 14, 2019 9:00 am Mtg Planning Commission Regarding decision to vacate Diana

November 12, 2019

Hello, to all involved with this plan to give Diana St to CBU.

Agenda <https://riversideca.legistar.com/View.ashx?M=A&ID=724158&GUID=21C16556-A48A-4DDC-ACEA-F34C1E4B9D27>

THIS is NOT ACCEPTABLE! Extremely disappointed and disgusted and the same time.

If you think only people who live in the immediate vicinity are the ones whom will be impacted, you would be wrong. Commuters travel down through from Mission Grove area to avoid the insane traffic of Van Buren, and other thoroughfares.

It is a slap in the face to the residents here, who DAILY use the on-ramp westbound to the 91 from Diana. And Just because CBU has purchased all the properties and then the variance of sending letters to people living 300 ft, is BS because they own everything except for the strip on Indiana.

Then CBU speaking for ALL the residents in ward 5 and beyond, whom have zero idea of what you all are doing behind their backs, CBU saying that them closing off Diana will not have an impact or directly affect those living within the city, they are crazy WRONG!

Adams access from Indiana is and has been for 33 years, a HORRIBLE mess to get onto the freeway going in each direction. WAY TO LONG and the city has never cared.

So, for the love of all of us who work so hard to deal with the added congestion into our once beautiful small town feel city, do not take away Diana.

Hundreds use this access on Diana daily and just because CBU wants it, or the city wants to suck up to CBU, IT should not be done.

And just because CBU with great inconsiderateness, put this in their general plan years does not mean it is good for our area.

The traffic has been horrible on Magnolia and on Monroe ever since CBU increased capacity.

CBU is not behaving in a Christian way!

Who does CBU and the city think they are, taking away our public street and or access to the freeway? How can any of you look at yourself in the mirror and in good conscience say you care about the residents of this city?

I know 4 of you are leaving and probably don't give a crap. The city is going downhill fast, and I did not invest my money and make Riverside my home, to have the area turn into a liberal overreach of local government.

CBU is NOT REPRESENTATIVE of Christians, nor the residents that surround their properties. They are all about money and sadly the city council is in lockstep.

Shame on CBU, the Planning Commission, and all those who go along with this. Where has integrity gone too?

<https://riversideca.legistar.com/View.ashx?M=F&ID=7847434&GUID=DAC08A52-B417-4D3D-A5DE-093FEE03E9B9>

You all have never cared to hear with a heart that cares, when I have spoken before.

So I truly hope you can make this a first.

Lisa Chow

From: Tom and Lisa Chow <be_salt@msn.com>

Sent: Tuesday, November 12, 2019 6:22 PM

To: Gardner, Mike <MGardner@riversideca.gov>; Melendrez, Andy <ASMelendrez@riversideca.gov>; Soubirous, Mike <msoubirous@riversideca.gov>; Conder, Chuck <CConder@riversideca.gov>; MacArthur, Chris <CMacArthur@riversideca.gov>; Perry, Jim <JPerry@riversideca.gov>; Adams, Steven <SAdams@riversideca.gov>; Assadzadeh, Candice <CAssadzadeh@riversideca.gov>; ssmith@calbaptist.edu

Subject: [External] THIS is absolutely FALSE! Re Diana St closure, non impact.

3 of 7
meaning to consider the vacation at a date not sooner than 15 days following adoption of the
n of Intent. At least 15 days prior to the public hearing date established with the
n of Intent, a notice will be posted at all intersections and at points occurring each 300
feet along the affected roadway segment.

FINDINGS SUMMARY

The vacation of a segment of Diana Avenue and the entirety of Emily Court will not impact access or circulation to surrounding properties or to the City's overall circulation element. The project, as proposed, will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area. The portion of Diana Avenue and Emily Court proposed to be vacated are primarily used by CBU for ingress and egress to its campus. Any traffic to or from Monroe Street or Wilma Court that seeks to use Diana Avenue to access south bound Adams Street, will still have access to Adams Street via Magnolia Avenue or Indiana Avenue. There is currently no north bound access from Diana Avenue to Adams Street.

ENVIRONMENTAL REVIEW

Planning Division Staff has determined that the proposed street vacation is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, which stipulates that a project is exempt from CEQA if covered by the general rule that CEQA applies only to projects that have a potential for causing a significant effect on the environment. As the proposal involves the vacation of local streets, not identified as a major component of the local roadway network, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment. Further, in that Diana Avenue is primarily used by CBU, who will continue to utilize said street for its campus, there would be no change to existing conditions. For those vehicles that utilize Diana Avenue as cut through, they would utilize other City streets, Magnolia Avenue and Indiana Avenue, but those trips are minuscule and can be handled by those streets without a change in the level of service or vehicle miles traveled.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by staff regarding this project.

APPEAL INFORMATION

Page 3

THIS is absolutely FALSE!

November 14, 2019
P19-0461

From: Tom and Lisa Chow <BE_SALT@msn.com>
Sent: Wednesday, November 13, 2019 11:45 AM
To: Steve Smith <ssmith@calbaptist.edu>
Cc: Gardner, Mike <MGardner@riversideca.gov>; Melendrez, Andy <ASMelendrez@riversideca.gov>; Soubirous, Mike <msoubirous@riversideca.gov>; Conder, Chuck <CConder@riversideca.gov>; MacArthur, Chris <CMacArthur@riversideca.gov>; Perry, Jim <JPerry@riversideca.gov>; Adams, Steven <SAdams@riversideca.gov>; Assadzadeh, Candice <CAssadzadeh@riversideca.gov>
Subject: [External] Re: Greetings from CBU Facilities & Planning Services (Ref: P19-0461)

Dear Mr Smith.

Thanks, And if it is some years from now why is CBU pushing to get that land so they can rebuild over the old parking lot and homes etc? No. I know CBU's plan, and that is only what you'd like people to think, as though CBU had nothing to do with taking access vacating Diana away from the general public. Caltrans gave the property to the city of Riverside, so it is not Caltrans, i.e the state any longer. Your 'making it safer' was the same excuse I heard from CBU years ago, and is bs. CBU is no more special than anyone else, and needs to take care of their area, and we all as residents will care for ours, yet we also must deal with the drugs, homeless and drugs and drinking within the city, (which a LOT of your students partake in also). It is not a secret, that many who attend CBU are just as much in the world, yet everyone loves marketing.

Diana is just fine the way it is, and does not need more lighting. I know as soon as the hold out house lady dies CBU if they can get her property, will demolish those streets and rebuild the strip. It is NOT NECESSARY to VACATE a public street to continue taking care of the plants you planted, nor to insure your students are cared for, because that is your job regardless.

So do you really think people are not going to be greatly impacted by being FORCED to go on magnolia and indiana to access the freeway? That is crazy, and the traffic has been horrible in the last few years, BECAUSE of CBU. Also the overflow for cars parking on Monroe and into our neighborhood, because houses are rented to STUDENTS, has been an issue also. IT IS NOT THE STUDENTS FAULT but CBU's greed

And I don't know where you could, in good conscious, even speak or write such nonsense in the report. The city does not revolve around CBU. And the majority of residents in this area did not buy their homes with the intent of being taken over by a monstrosity of a college campus in the backyard.

CBU is not behaving in a considerate way, only thinking of themselves, at the expense of others.

And CBU taking care of the ridiculous landscaping that nobody thought of before hand, which will grow to be insane sizes so nobody can park on that street, oh but nobody should park there now because CBU owns adjacent properties? Yet who cares about money, you can just tear them out later.

In this CBU planning, with caltrans and the city to instigate more stupidity, regarding caltrans major fails, and making this harder on the region, you all need to just stop. There is not enough property to adequately construct a well operating on and off ramp system for east and west bound 91 at Adams st. And what you all are not acknowledging is that you will indeed increase traffic on Monroe.

Thanks.

Lisa Chow

hearing to consider the vacation at a date not earlier than 10 days following adoption of the Resolution of Intent. At least 15 days prior to the public hearing date established with the Resolution of Intent, a notice will be posted at all intersections and at points occurring each 300 feet along the affected roadway segment.

FINDINGS SUMMARY

The vacation of a segment of Diana Avenue and the entirety of Emily Court will not impact access or circulation to surrounding properties or to the City's overall circulation element. The project, as proposed, will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area. The portion of Diana Avenue and Emily Court proposed to be vacated are primarily used by CBU for ingress and egress to its campus. Any traffic to or from Monroe Street or Wilma Court that seeks to use Diana Avenue to access south bound Adams Street, will still have access to Adams Street via Magnolia Avenue or Indiana Avenue. There is currently no north bound access from Diana Avenue to Adams Street.

ENVIRONMENTAL REVIEW

Planning Division Staff has determined that the proposed street vacation is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, which stipulates that a project is exempt from CEQA if covered by the general rule that CEQA applies only to projects that have a potential for causing a significant effect on the environment. As the proposal involves the vacation of local streets, not identified as a major component of the local roadway network, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment. Further, in that Diana Avenue is primarily used by CBU, who will continue to utilize said street for its campus, there would be no change to existing conditions. For those vehicles that utilize Diana Avenue as cut through, they would utilize other City streets, Magnolia Avenue and Indiana Avenue, but those trips are minuscule and can be handled by those streets without a change in the level of service or vehicle miles traveled.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by staff regarding this project.

APPEAL INFORMATION



On Nov 13, 2019, at 9:56 AM, Steve Smith <ssmith@calbaptist.edu> wrote:

Mr. and Mrs. Chow,

Our greetings to you both.

I'm extending my hand (so to speak) to you both to let you know I am available and very willing to speak to one or both of you in regard to the Diana Avenue Vacation (as opposed to "closure") process.

I can offer you both some background, context, and insight on the process and CBU's very minimal plans for Diana Ave as it were. I think you will both be very surprised once you hear our perspective.

For clarity – CBU does not intend on "closing" Diana Ave at all only stepping up the care (landscape maintenance), slowing it down (making it a bit safer), and perhaps eventually adding additional lighting along the street. Other non CBU development related to the 91 Freeway Adams Overpass project will eventually close off Diana Ave at Adams some years from now.

Please do feel free to reach out via E-mail or to the office number below.

Thanks you, looking forward to the possible connection,

S

<image001.jpg>

Steve Smith
Director
Facilities & Planning Services
Office: 951.343.4261
Fax: 951.354-8502
ssmith@calbaptist.edu
www.calbaptist.edu

California Baptist University, 8432 Magnolia Ave, Riverside, CA 92504

LAW OFFICE OF
CHRISTOPHER SUTTON
586 LA LOMA ROAD
PASADENA, CALIFORNIA 91105-2443
TELEPHONE (626) 683-2500 · FACSIMILE (626) 405-9843
email: christophersutton.law@gmail.com

Wednesday, November 13, 2015

Planning Commission, City of Riverside
Community Development Dept., Planning Division
3900 Main Street
Riverside, California 92522

Telephone: 951-826-5277
Facsimile To: 951-826-5981

Attn: Candice Assadzadeh, Sr. Planner **By email to: cassadzadeh@riversideca.gov**

**Re: Planning Case Number P19-0461 - Abandonment of Diana Avenue
Planning Commission Hearing on Thursday, November 14, 2019, 9:00 a.m.
Objections by Riverside Renta Space, Gunnar Burklund, Ingrid Tegner**

Dear Members of the Planning Commission:

As stated in my letters of January 2, 2013, April 23, 2015, and May 7, 2015, this office has been retained by **Riverside Renta Space** and its owners **Gunnar Burklund** and **Ingrid Tegner**. They own and operate a business at 3440 Monroe Street in Riverside adjacent to the State Route 91 Freeway and facing the western end of Diana Avenue, just west of Wilma Court and Emily Court. Their property, business, and customers depend on the free and open access of Diana Avenue to reach and depart from their business. Their property has Riverside County Assessor I.D. Nos. 233-120-003 and 233-120-004. My letters of January 2, 2013, April 23, 2015, and May 7, 2015, are hereby incorporated by reference. The prior dishonesty and violations of law still persist.

1. My Prior Three Letters Have Been Withheld from the Planning Commission

The City Staff report admits its is aware of the 2015 CBU application. But the staff fails to inform the Planning Commission of the controversies and alleged violations of California Conflict of Interest Laws as the true reason the prior Planning Commission hearing was cancelled. Please see all my prior three letters. While there have been changes in the Planning Commission membership, the involvement of the prior Commissioners with CBU must be reinvestigated. See attached three prior letters.

2. The Environmental Review of the Adams-Diana-SR91 Interchange Project Has Begun and This Proposal is Related Thereto and Premature

Caltrans and the City of Riverside has just begun an exhaustive CEQA review of the various proposals for the total reconfiguration of the Adams-Diana-SR91 Interchange. This is a directly related project to the proposed vacation and abandonment of Diana Avenue. Caltrans could decide to utilize Diana Avenue after the pending Environmental Impact Report is prepared. The Staff has failed to inform the Planning Commission of the ongoing CEQA review of the Adams-Diana-SR91 Interchange Project. There can be no categorical exemption when a major related project is planned for this very same street and is just beginning CEQA review.

3. **A Categorical Exemption Under CEQA Cannot Be Applied to This Proposal**

The Staff is proposing a Categorical Exemption under CEQA for the Diana Avenue vacation and abandonment project. But my 2015 letters establish that this project would have a severe impact on traffic. The pending EIR on the Adams-Diana-Interchange Project is a related environmental review that must be considered before any hearing on the vacation and abandonment of Diana Avenue. Wait for that EIR to be completed before considering to abandon Diana Avenue.

4. **The Vacation and Abandonment of Diana Avenue Would Be Unconstitutional As an Illegal Gift to and Subsidy of a Religious Institution**

Cal-Baptist University ("CBU") is an avowed religious institution. **California Constitution Article Sixteen section 5**, prohibits all public agencies, including the City of Riverside, from donating money, land, or a thing of value to religious groups or religious schools. **CBUniversity is a religious institution**, and by this 2019 proposal, planning case number 19-0461, just as with its earlier street vacation proposals, seeks permanent ownership of Diana Avenue.

The possible closure or abandonment or transfer of most of Diana Avenue to a religious group:

- (1) would be an illegal gift of a public asset built by the Department of Transportation,
- (2) would violate Article Sixteen section 5 of the California Constitution, and
- (3) would be an illegal waste of a public asset constructed with vehicle and gasoline tax proceeds in violation of the California Constitution, Article XIX.

Such a closure and/or transfer may violate the conditions governing the prior transfer of this public improvement to the City of Riverside from the Department of Transportation. Under the terms of such prior documents the Department of Transportation may be able to demand return of Diana Avenue from the City of Riverside.

5. **The 2011 Traffic Study, Paid for by California Baptist University, Proves that Diana Avenue Cannot be Vacated or Abandoned**

California Baptist University ("CBU") paid for a traffic study in 2011 as part of its application for zoning and general plan changes. It was prepared by Rich Engineering Company, with Brian Richard Stephenson as the supervising engineer and whose seal appears on the cover. The City of Riverside Planning Department provided a copy of the 2011 traffic study to this office pursuant to our request under the California Public Records Act. The study is 573 pages in length, and the entire document is within the files of the Planning Department. The 2011 CBU traffic study makes clear that Diana Avenue is a heavily used street and that to vacate or abandon Diana Avenue would violate California Streets and Highways Code sections 8320 to 8325. Specifically, Streets and Highways Code section 8324(b) forbids a street from being vacated and abandoned unless and until it is PROVED to be "... unnecessary for present or future prospective public use." **THIS PROPOSED ACTION IS ILLEGAL!**

For example, the 2011 CBU study described the current and future public use of Diana Avenue:

Table 11 on page 26 shows that Diana Avenue in 2011 had a daily “level of service” (“LOS”) capacity to accept 12,999 vehicles per day at “Level D” service (no queuing or standing traffic). The same table shows that the “Existing + Ambient” “Average Daily Trips” (ADT) for Diana Avenue between Adams Street and Campus Bridge Drive in 2011 was 4,679 trips per day for the eastern segment of Diana Avenue. For the western segment of Diana Avenue from Campus Bridge Drive to Monroe Street the Average Daily Trips was 2,741 trips per day.

Table 19 on page 39 shows that Monroe Street between Diana Avenue and Indiana Avenue has a capacity of 32,999 trips per day, and that the CBU build-out plans will add an additional 6,000 trips per day on Monroe Street south of Diana Avenue. Some of the future expected added traffic on Monroe will use Diana Avenue because Table 19 shows the future expected added trips on Monroe north of Diana (between Diana and Magnolia) will be 7,000 additional trips per day. Diana Avenue is one of the few side streets off of Monroe between Indiana and Magnolia. The differential of 1,000 expected added traffic trips means that use of Diana Avenue in the future is expected and will help manage traffic flow in the area.

Appendix A to the 2011 CBU traffic study lists the streets and intersections where measurements are to be taken under the “Scoping Agreement.” These locations included those along Diana Avenue. See Attachment A to the Scoping Agreement within Appendix A as approved by the City of Riverside. Emily Court and Wilma Court were not included for study.

Appendix B to the 2011 CBU traffic study is entitled “Traffic Volume Counts.” Strangely, its pages are not numbered. But at the intersection measurement of Plaza Driveway and Diana Avenue (about the 10th un-numbered page) it shows traffic on 11-18-2010 between 7:00 a.m. and 8:45 a.m. of 492 vehicle trips. This is just for 105 minutes that day.

The next page is the same measurement table for the intersection of Diana Avenue and Campus View Drive on 11-17-2010 for the hours of 7:00 a.m. to 8:45 a.m. The total vehicle count was 573 vehicle trips during that 105 minutes.

The next page is the same measurement table for the intersection of Diana Avenue and Campus View Drive on 11-17-2010 for the hours of 4:00 p.m. to 5:45 p.m. The total vehicle count was 652 vehicle trips during that 105 minutes.

The next three pages show the measurements at Diana Avenue and Monroe Street taken on 11-18-2010 during the 7:00 a.m. and 4:00 p.m. 105 minute intervals. These show total vehicle trips of $1,889 + 1654 =$ 3,543 vehicle trips through that intersection. The diagram breaks down the turns from or to Diana Avenue, and these are: $118 + 115 + 1 + 59 + 98 =$ 391 vehicle trips.

Also Appendix B includes six measurement sheets for Diana Avenue on Wednesday 11-17-2010 and Thursday 11-18-2010 from midnight to 11:45 a.m. on 11-18-2010. On 11-17-2010 the traffic report measured 4,254 vehicle trips on Diana Avenue east of Campus View during this 11-hour 45-minute interval. On 11-18-2010 is measure 3,869 vehicle trips on Diana Avenue east of Campus View. The two-day average for this 11.75 hours is calculated as 4,067 vehicle trips. For the western portion of Diana Avenue the measurements for these two days for this 11.75-hour interval were 2,492 and 2,470 vehicle trips, respectively.

For measurements on Campus View north of Diana Avenue the numbers were 2,589 and 2,438 vehicle trips, respectively. It is unclear how many of these Campus View trips originated on Diana Avenue, but it must be a significant percentage, since Diana Avenue is the closest public street and it is inconvenient and time-consuming to drive a vehicle all the way through the circuitous route of Campus View through the CBU campus.

The 2011 CBU traffic study confirm that Diana Avenue handles and is predicted to handle significant volumes of vehicle trips into the future and with the physical expansion and greater student population at CBU planned in the coming years.

6. **The 2012-2013 CBU Applications, No. P12-0309, and the 2015 Case, Were Prepared by Former Members of the then Planning Commission.**

In 2013 and 2015, former members of the Planning Commission had deep economic, contracting, tithing, and co-venturing involvements with CBU. As stated in my three 2013 and 2015 letters (attached), former Planning Commissioners Stockton and Maloney participated in preparing the 2012 applications for California Baptist University, including the 2015 Diana Avenue vacation proposal. That proposed street vacation was part of a proposed contract between the City of Riverside and California Baptist University turning over streets and City land area. The contract involved the grant by uncompensated gift of land (Diana Avenue, Wilma Court, and Emily Court), existing public improvements, and the performance of public works for their removal and installation of new items by CBU. As a public works contract in which past members of the Planning Commission would directly benefit and participated in, the entire Planning Commission was disqualified from considering this matter in 2015.

At least four of the 2015 eight Planning Commission members (one seat was vacant) had conflicts of interest in violation of Government Code sections 1090 et seq. and 87100 et seq., and the implementing regulations of the California Fair Political Practices Commission. **“No man can serve two masters.”** These conflicts of interest could not be remedied by the mere recusal or abstention of one or more Commissioners. Public funds and assets are at risk. Because one or more members of Planning Commission may have economic ties to CBU, this proposed street vacation may violate Government Code section 1090. No “lottery” amongst the Commissioners can re-qualify any of them to vote on this matter. See Thorpe v. Long Beach Community College (2000) 83 Cal.App.4th 655.

7. **The City Has Failed to Notify the Families on Wilma Court and Emily Court Of this Proceeding Proposing to Vacate and Abandon Their Streets; California Baptist University Has Taken Affirmative Dishonest Steps to Keep These Residents Uninformed of Their Street Access Rights**

Except for Mrs. Ballesteros, the official notices of this proceeding were not sent to the residents on Wilma Court and Emily Court. Instead, the City sent the notices to CBU as the landlord of these residents and to nearby property owners. Due process demands that these resident families be notified of this proceeding so that they may be heard.

Here is a list of the thirteen (13) family residences **not** provided notice of this proceeding:

1. Resident, 3467 Wilma Court, Riverside, California 92504
2. Resident, 3468 Wilma Court, Riverside, California 92504
3. Resident, 3475 Wilma Court, Riverside, California 92504
4. Resident, 3483 Wilma Court, Riverside, California 92504
5. Resident, 3484 Wilma Court, Riverside, California 92504
6. Resident, 3492 Wilma Court, Riverside, California 92504
7. Resident, 3459 Emily Court, Riverside, California 92504
8. Resident, 3460 Emily Court, Riverside, California 92504
9. Resident, 3473 Emily Court, Riverside, California 92504
10. Resident, 3474 Emily Court, Riverside, California 92504
11. Resident, 3480 Emily Court, Riverside, California 92504
12. Resident, 3485 Emily Court, Riverside, California 92504
13. Resident, 3495 Emily Court, Riverside, California 92504

CBU appears to have orchestrated a denial of notice to these families. It appears that sometime in 2011 or 2012 CBU **removed the mail boxes from all the homes** on Wilma Court and Emily Court (except for Mrs. Ballesteros' mail box). It can be surmised from this action that CBU likely instructed the Post Office to deliver all mail addressed to these thirteen (13) homes to its university administrative offices and not to the homes themselves.

Streets and Highways Code section 8324 is intended to protect ALL members of the public who use public streets, including those not owning real property. The City and CBU have actively prevented these thirteen families from receiving any notice of these proceedings, either this hearing or the prior hearings on April 9 (cancelled) and April 23 (also cancelled). This hearing cannot proceed as to the vacation of Wilma Court and Emily Court unless and until these residents in these thirteen homes are given notice.

Tenants are just as entitled to receive compliance with due process as property owners when their substantive rights of access to their homes are at stake. Arrieta v. Mahon (1982) 31 Cal.3d 381, at 390-392 (rights of residential tenants to due process notice of all proceedings potentially impacting on their rights). Now that we have provided to the City these thirteen addresses, the City has a duty under due process protections to ensure direct notice to these families. Perhaps such notice will be by hand delivery of a hearing notice to each residence. Mailing will not do, because CBU apparently has arranged to prevent direct mail delivery to these thirteen homes on Wilma Court and Emily Court. This CBU dodge must be remedied.

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8. **Conclusion:**
Remove this Matter from the Planning Commission Agenda

This hearing must be cancelled. An investigation must be conducted as to the statements made in the California Baptist University application and the potential conflicts of interest. A full EIR must be prepared. The pending EIR on the Adams-Diana-SR91 Interchange Project must be completed and considered before this hearing on vacating Diana Avenue may be held.

Sincerely,



Christopher Sutton
Attorney for Riverside Renta Space,
Ingrid Tegner, and Gunnar Burklund

Attachments:

1. Sutton letter of January 2, 2013 (5 pages)
2. Sutton letter of April 23, 2015 (11 pages)
3. Sutton letter of May 7, 2015 (83 pages with attachments)

ATTACHMENT 1

LAW OFFICE OF
CHRISTOPHER SUTTON
586 LA LOMA ROAD
PASADENA, CALIFORNIA 91105-2443
TELEPHONE (626) 683-2500 · FACSIMILE (626) 405-9843
email: christophersutton.law@gmail.com

Wednesday, January 2, 2013

Planning Commission
City of Riverside
Community Development Department, Planning Division
3900 Main Street,
Riverside, California 92522

Telephone: 951-826-5277
By Facsimile To: 951-826-5981

Attn: Gustavo Gonzalez, Associate Planner

By email to: ggonzalez@riversideca.gov

**Re: Planning Case Numbers P11-0272, P11-0342, P12-0410, and P12-0309;
Planning Commission Hearing on Thursday, January 3, 2013, 9:00 a.m.
Objections by Stanley Burlund and Riverside Renta Space**

Dear Members of the Planning Commission:

This office has been retained by Stanley Burkland, Margaret Burlund, and Riverside Renta Space. They own and operate a business at 344 Monroe Street in Riverside adjacent to the State Route 91 Freeway. Their property depends on the free and open access of Diana Street for their customers and suppliers. Their property has 2012-2013 Riverside County Assessor I.D. numbers 233-120-003 and 233-120-004 (subject to change).

- 1. California Baptist University Informed Stanley Burkland on January 2, 2013, That These Four Items Would be "Pulled From the Agenda" And NOT Considered By the Planning Commission on January 3, 2013**

On January 2, 2013, Stan Burkland spoke with a representative of California Baptist University. He was informed that these four items would be "pulled from the agenda" and **not considered** by the Planning Commission on January 3, 2013. We believe that many other persons also received a similar communication from California Baptist University. Based on these representations by the applicant, many people have elected not to attend the hearing scheduled for January 3, 2013. These representations that "no hearing will occur" vitiate any and all notices that may have been sent to Stanley Burkland and all other adjoining property owners, businesses, occupants, and non-profit organizations.

No hearing on these four items can occur on January 3, 2013, based on the vitiation of notice caused by the applicant. To proceed with the hearing would violate principles of due process under law as protected by the California and United States Constitutions. **Any new hearing must be re-noticed in full.** The statements by California Baptist University to interested persons such as Stanley Burkland did not identify a new hearing date. They did not state whether any of these matters or only some might be heard at a future date, as yet unspecified.

To the extent that the Planning Commission hearing proceeds on January 3, 2013, we strenuously object on behalf of Stanley Burkland and Riverside Rent-a-Space. We also object on behalf of the many persons who have been misled into not attending the hearing. Such persons' due process rights would be violated if the hearing proceeds.

2. **Stanley Burkland, Margaret Burkland and Riverside Rent-a-Space Own the Property at 3440 Monroe Street, Riverside, And California Baptist University DOES NOT**

It appears a mistake has been made. California Baptist University DOES NOT own the property at 3440 Monroe Street in Riverside, 2012-2013 Riverside County Assessor I.D. numbers 233-120-003 and 233-120-004. California Baptist University DOES NOT have a contract to purchase the property. **There are no negotiations for sale and never have been.** To the extent that the City believes otherwise, a mistake has been made. It is possible this mistake was induced by the statements or omissions of the applicant, California Baptist University. It seems implausible that such a statement, if made, could have been negligent or accidental. No hearing on these four items should occur until after the City has investigated to what degree false statements were made in the applications by California Baptist University or its agents.

3. **Stanley Burkland, Margaret Burkland and Riverside Rent-a-Space Have NEVER Consented to be Included in these Land Use Applications**

The property at 3440 Monroe Street is owned by Stanley Burkland, Margaret Burkland, and Riverside Rent-a-Space. They have NEVER given California Baptist University any permission to apply for these General Plan changes, zoning changes, specific plan changes and a street vacation in their name. It appears that someone may have borne false witness against my clients as part of these land use applications in an effort to promote the land use approvals sought by California Baptist University. An overly eager agent may have made these misrepresentations. No hearing on these four items should occur until after the City has investigated to what degree false statements were made in the applications by or on behalf of California Baptist University as to the false claim of permission of Stanley Burkland, Margaret Burkland, and Riverside Rent-a-Space.

4. **Planning Commission Members Have Multiple Conflicts of Interest**

At least four of the Planning Commission members have conflicts of interest in violation of Government Code sections 1090 et seq. and 87100 et seq. and implementing regulations of the California Fair Political Practices Commission. "No man can serve two masters." These conflicts of interest cannot be remedied by the mere recusal or abstention of one or more of these Planning Commissioners. These four applications constitute a contract between the City of Riverside and California Baptist University involving the grant of land (Diana Street) and the performance of public works removal and installation by the applicant. Public funds and assets

are at stake in these four inter-related decisions. The entire City of Riverside is disqualified under Government Code section 1090 from considering any aspect of these applications. The only way to ameliorate and prevent these multiple violations of Government Code section 1090 et seq, is to remove from consideration the vacation and granting of Diana Street. The construction and/or removal of public works must be accomplished solely by the City of Riverside. No funds or favors or land grants must be made to California Baptist University as part of these applications. The entire Planning Commission and City is disqualified and may not consider these items. See Thorpe v. Long Beach Community College (2000) 83 Cal.App.4th 655; City Council v. McKinley (1978) 80 Cal.App.3d 204 (1978); Old Town Dev. Corp. v. Urban Renewal Agency (1967) 249 Cal.App.2d 313; and Webb v. Superior Court (1988) 202 Cal.App.3d 872.

a. **Robert Stockton is a Paid Consultant of CBU on THIS Application**

Planning Commissioner **Robert Stockton** is listed in the California Baptist University application materials as one of its paid consultants on THIS application. The proposed transfer of City assets to CBU and the proposed installation of public works by CBU renders these proposed approvals a form of a public works contract in which a City official, officer, or employee is directly interested. The entire Planning Commission and its staff is disqualified under Government Code section 1090 et seq. from considering these applications as currently configured. The recusal or voluntary withdrawal of this Commissioner has no impact on the violation of Government Code section 1090. This matter may not be considered until and unless the grant of public assets and the construction of public works is eliminated.

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c. **Thomas Riggle is a Pledging "Board of Visitors" Member of CBU**

Planning Commissioner **Thomas Riggle** is a member of the the California Baptist University "Board of Visitors" based on his long term economic relationship with the school. The proposed transfer of City assets to CBU and the proposed installation of public works by CBU renders these proposed approvals a form of a public works contract in which a City official, officer, or employee is directly interested. The entire Planning Commission and its staff is disqualified under Government Code section 1090 et seq. from considering these applications as currently

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d. Omar Zaki Owns Property Within 500 Feet of CBU

The property at 3547 Adams Street, Riverside 92504 was purchased by Planning Commissioner Omar Zaki on May 30, 2008, for \$183,500 by deed number 295944. The property tax bill is sent to his home at 6578 Sunbeam Drive, Riverside 92506. The 2012-2013 property taxes were \$1723.36 based on an "Assessed Value" of \$161,000. This means that Commissioner Zaki has received a reduction in assessed value since 2008 and is readily familiar with the value of this real property. This property is located within 500 feet of the California Baptist University land being considered for new zoning, a new general plan designation, and new specific plan. It is also within 500 feet of the northern terminus of Diana Street, the situs of a proposed giveaway of City land to California Baptist University. Under Government Code section 1090 Planning Commissioner Omar Zaki has an unavoidable conflict of interest that would not be vitiated or reduced by his recusal or disqualification.

5. A Full Environmental Impact Report is Required
And the Proposed Negative Declaration is Legally Deficient

Long term land use plans may not be adopted or amended without a full Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA") and the state and environmental regulations and guidelines. See Public Resources Code sections 21000 et seq and Title xx California Code of Regulations sections xxxxx and City of Riverside Environmental Guidelines. This requirement is long-established in California case law . See

6. Long Term Impacts Have Not Been Addressed
And an EIR Would Analyze the Long Term Impacts

The Negative Declaration proposed by the California Baptist University under CEQA fails to analyze **long term environmental impacts** of these land use changes and street abandonment. An EIR is required whenever a "fair argument" can be made that un-analyzed impacts could occur during the time period covered by the **long range plan**. See City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398 (negative declaration invalidated); San Bernardino County Audubon Society v. Metropolitan Water District (1999) 71 Cal.App.4th 382 (mitigated negative declaration rejected by court of appeal) citing CEQA guideline at Title 14 CCR § 15070 and 15071; and Citizens Committee to Save Our Village v. City of Claremont (1995) 37 Cal.App.4th 1157. The applicant and the City have failed to analyze LONG TERM impacts to traffic, development, demand for energy and utilities, and creation of green house gases. As such a full EIR is required before the Planning Commission can consider these proposals.

7. **Diana Street is NOT a Simple Right-of-Way;
It is Owned in Fee Simple By the City and/or Caltrans;
And May Not be Abandoned or Closed or Gifted to CBU**

There are at least three types of streets: (1) rights-of-way dedicated as part of a tract or parcel map; (2) formal easements granted by deed or acquired by eminent domain, and (3) **fee simple ownership of the land and road bed by the public entity**. Diana Street falls in the third category. The land under Diana Street was acquired in fee simple by Caltrans in the 1950's as a "frontage road" for the State Route 91 Freeway. It is not a mere "right-of-way" or an "easement." Later it seems Caltrans transferred ownership of the land and road improvements to the City of Riverside by a deed reciting fee ownership. Land owned in fee simple by a City may not be vacated or abandoned by a "street vacation" procedure. This is especially so when the recipient of rights purportedly to be granted is a religious institution. To grant this 2.47 acres of public land to California Baptist University would be a gift of a public asset in violation of California Constitution Article Sixteen section 5 (prohibitions on gifts to religions) and section 6 (prohibition on gift of public funds or assets). Also see Hewitt v. Joyner (1991 9th Circ.) 940 Fed.2d 1561, Kizziah v. Department of Transportation (1981) 121 Cal.App.3d 11; and Riverside County v. Idyllwild County Water District (1978 84 Cal.App.3d 655).

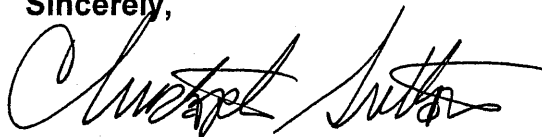
8. **Closure of Diana Street from Adams to Monroe
Will Cause Severe Traffic Impacts on Nearby Streets
Which Have Not Been Evaluated by the City or SBU**

The traffic analysis CBU was skewed to reach a pre-determined result by selectively measuring traffic levels at times and using methods which rendered an incomplete analysis. A full EIR would analyze traffic impacts of closing Diana Street at all times and in the long term.

9. **Conclusion:
Postpone Any Hearing on These Four Items
Until Full Investigations and an Environment Impact Report
Have Been Completed**

The hearing must be postponed. An investigation must be conducted as to the statements made in the CBU application and the conflicts of interest that violate Government Code section 1090. A full EIR must be prepared. Otherwise, these applications must be denied.

Sincerely,



Christopher Sutton
Attorney for Stanley Burklund
and Riverside Renta Space

ATTACHMENT 2

LAW OFFICE OF
CHRISTOPHER SUTTON
586 LA LOMA ROAD
PASADENA, CALIFORNIA 91105-2443
TELEPHONE (626) 683-2500 ... FACSIMILE (626) 405-9843
email: christophersutton.law@gmail.com

Thursday, April 23, 2015

Planning Commission
City of Riverside
Community Development Department, Planning Division
3900 Main Street,
Riverside, California 92522

Telephone: 951-826-5277
By Facsimile To: 951-826-5981

Attn: Kyle Smith, AICP, Senior Planner

By email to: kjsmith@riversideca.gov

**Re: Planning Case Number P12-0309 -
Proposed Abandonment/Gifting of Diana Avenue, Wilma Court, and Emily Court
Planning Commission Hearing on Thursday, April 23, 2015, 9:00 a.m.
Objections by Stanley Burlund, Margaret Burklund, and Riverside Renta Space**

Dear Members of the Planning Commission:

This office has been retained by Stanley Burklund, Margaret Burklund, and Riverside Renta Space. They own and operate a business at 3440 Monroe Street in Riverside adjacent to the State Route 91 Freeway and facing the western end of Diana Avenue. Their property depends on the free and open access of Diana Avenue for their customers and suppliers. Their property has 2012-2013 Riverside County Assessor I.D. Nos 233-120-003 and 233-120-004.

1. **California Baptist University Is A Religious Institution
That May Not Be Subsidized by the Vacation and Gifting to it
Of Diana Avenue, Wilma Court, and Emily Court - Public Land and Assets**

California Baptist University is a religious institution. Its status as a religious institution is admitted in its extensive literature, at its website, and in its filings with the United States Internal Revenue Service, California Franchise Tax Board, and the Office of Charitable Trusts of California Attorney General Kamala Harris.

Article One section 4 of the California Constitution, and the First and Fourteenth Amendments to the United States Constitution bar any governmental subsidies to religious institutions. Likewise, Article Sixteen section six of the California Constitution bars gifts of public funds, assets, or property to any private person or private entity. The proposed abandonment and gifting to California Baptist University of the improvements and land to Diana Avenue, Wilma Court and Emily Court violates the separation of church and state and would be an illegal gift of public assets and land. California Constitution Article XVI section 5 bans such gifts to any religious institution such as Cal Baptist University. **THIS PROPOSED ACTION IS ILLEGAL!**

2. **Stanley Burklund, Margaret Burklund and Riverside Renta Space Own the Property at 3440 Monroe Street, Riverside, And California Baptist University DOES NOT**

In 2012 and 2013, as part of this same application, P12-0309, the City mistakenly believed and erroneously stated in staff reports to the Planning Commission that California Baptist University "owned" or had a "contract to purchase" the property at 3440 Monroe Street. As stated in **my prior letter to the Planning Commission dated January 2, 2013**, this is FALSE, was always false, and remains false. California Baptist University DOES NOT own the property at 3440 Monroe Street in Riverside, 2014-2015 Riverside County Assessor I.D. numbers 233-120-003 and 233-120-004. California Baptist University DOES NOT have a contract to purchase the property. **There are no negotiations for sale and never have been.** To the extent that the City believes otherwise, a mistake has been made.

3. **Stanley Burklund, Margaret Burklund and Riverside Renta Space Have NEVER Consented to be part of Cal Baptist Land Use Applications**

As I stated in my letter of January 2, 2013, the property at 3440 Monroe Street is owned by Stanley Burklund, Margaret Burklund, and Riverside Renta Space. They have NEVER given California Baptist University any permission to apply for land use changes or any street vacations. As part of the 2012-2013 land use applications by California Baptist University it appears someone may have borne false witness against my clients. Land use case number P12-0309 was agendized at the Planning Commission on January 3, 2013, and withdrawn. California Baptist University has now revived that illegal 2012 application.

After we filed objections at the Planning Commission in January 2013, those land use and street vacation applications were amended to exclude 3440 Monroe Street to allow Diana Avenue to remain open. The street vacation hearing was cancelled. Now, two years later, a new application to vacate Diana Avenue has been filed by California Baptist University. The application is equally illegal today as it was two years ago.

4. **Planning Commission Members Have Multiple Conflicts of Interest**

At least five of the Planning Commission members have conflicts of interest in violation of Government Code sections 1090 et seq. and 87100 et seq. and implementing regulations of the California Fair Political Practices Commission. "No man can serve two masters." These conflicts of interest cannot be remedied by the mere recusal or abstention of one or more of these Planning Commissioners. This street vacation application constitutes a proposed contract between the City of Riverside and California Baptist University involving the grant by uncompensated gift of land (Diana Avenue, Wilma Court, and Emily Court) and the performance of public works removal and installation by the applicant. Public funds and assets are at risk. Because one or more members of Planning Commission have DIRECT economic ties to California Baptist University this proposed street vacation violates Government Code § 1090.

As such the Planning Commission may not consider this application. Members of the Planning Commission, and perhaps City Council, worked directly on preparing the 2012 application papers for planning case number P12-0309. Members of the Planning Commission and perhaps members of the City Council have a direct personal stake in the proposed vacation of Diana Avenue, Wilma Court, and Emily Court. **The entire City of Riverside is disqualified under Government Code section 1090 from considering any aspect of this application, P12-0309.** The only way to ameliorate and prevent these multiple violations of Government Code section 1090 et seq, is to remove from the agenda consideration of the vacation and granting of Diana Avenue, Wilma Court, and Emily Court to California Baptist University.

No funds or favors or land grants can be made to California Baptist University as a part of this application. The **entire** Planning Commission and City Council is disqualified and may not consider this item. It appears that a shadow entity named "Lancer Properties" is somehow involved in the future exploitation of the land of Diana Avenue, Wilma Court, and Emily Court. Lancer Properties is a joint venturer with California Baptist University in various land use capacities. The City of Riverside is disqualified from considering this matter until all Planning Commissioners and City Council members with these direct economic ties to California Baptist University are no longer in office. See Thorpe v. Long Beach Community College (2000) 83 Cal.App.4th 655; City Council v. McKinley (1978) 80 Cal.App.3d 204 (1978); Old Town Dev. Corp. v. Urban Renewal Agency (1967) 249 Cal.App.2d 313; Thompson v. Call (1987) 38 Cal.3d 633, and Webb v. Superior Court (1988) 202 Cal.App.3d 872.

5. Thomas Riggle is a Pledging "Board of Visitors" Member of CBU

Planning Commissioner **Thomas Riggle** is a member of the the California Baptist University "Board of Visitors" based on his long-term economic relationship with the school. The proposed transfer of City assets to CBU and the proposed installation of public works by CBU renders these proposed approvals a form of a public works contract in which a City official, officer, or employee is directly interested. **The entire Planning Commission and its staff is disqualified** under Government Code section 1090 et seq. from considering these applications as currently configured. The recusal or voluntary withdrawal of this Commissioner has no impact on the violation of Government Code section 1090. This matter may not be considered until and unless the grant of public assets and the construction of public works is eliminated or until all officials with such a conflict of interest are no longer in public office. The recusal or voluntary withdrawal of this Commissioner has no impact on the violation of Government Code section 1090.

6. Omar Zaki Owns Property Within 500 Feet of CBU

The property at 3547 Adams Street, Riverside 92504 was purchased by Planning Commissioner Omar Zaki on May 30, 2008, for \$183,500 by deed number 295944. The property tax bill is sent to his home at 6578 Sunbeam Drive, Riverside 92506. The 2012-2013 property taxes were \$1723.36 based on an "Assessed Value" of \$161,000. This means that Commissioner Zaki has received a reduction in assessed value since 2008 and is readily familiar with the value of this

real property. This property is located within 500 feet of the California Baptist University land being considered for new zoning, a new general plan designation, and new specific plan. It is also within 500 feet of the northern terminus of Diana Avenue, the situs of a proposed giveaway of City land to California Baptist University. Under Government Code section 1090 Planning Commissioner Omar Zaki has an unavoidable conflict of interest that would not be vitiated or reduced by his recusal or disqualification. This matter may not be considered until and unless the grant of public assets and the construction of public works is eliminated or until all officials with such a conflict of interest are no longer in public office.

7. **A Full Environmental Impact Report is Required
And the Proposed Negative Declaration is Legally Deficient**

Long-term land use plans and major street abandonments may not be approved without a full Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA") and the state and environmental regulations and guidelines. See Public Resources Code sections 21000 et seq. and California Code of Regulations and City of Riverside Environmental Guidelines. This requirement is long established in California case law .

8. **Long Term Impacts Have Not Been Addressed
And an EIR Would Analyze the Long-Term Impacts**

The Negative Declaration proposed by the California Baptist University under CEQA fails to analyze **long-term environmental impacts** of these street abandonments and gifts of public land and assets. An EIR is required whenever a "fair argument" can be made that un-analyzed impacts could occur during the time period covered by the **long range plan**. See City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398 (negative declaration invalidated); San Bernardino County Audubon Society v. Metropolitan Water District (1999) 71 Cal.App.4th 382 (mitigated negative declaration rejected by court of appeal) citing CEQA guideline at Title 14 CCR § 15070 and 15071; and Citizens Committee to Save Our Village v. City of Claremont (1995) 37 Cal.App.4th 1157. The applicant and the City have failed to analyze LONG TERM impacts to traffic, development, demand for energy and utilities, and creation of greenhouse gases. As such a full EIR is required before the Planning Commission can consider these proposals.

9. **Diana Avenue is NOT a Simple Right-of-Way;
It is Owned in Fee Simple By the City;
And May Not be Abandoned or Closed or Gifted to CBU**

Caltrans acquired the land in fee simple title and constructed Diana Avenue as part of the construction of the 91 Freeway in 1955. No rights were retained by the private property owner, the Hansen Family. In 1959 Caltrans granted ownership and control to the City of Riverside.

There are at least three types of streets: (1) rights-of-way dedicated as part of a tract or parcel map; (2) formal easements granted by deed or acquired by eminent domain; and (3) **fee simple ownership of the land and road bed by the public entity**. Diana Avenue falls in the third category. The land under Diana Avenue was acquired in fee simple by Caltrans in the 1950's as a "frontage road" for the State Route 91 Freeway and then granted to the City of Riverside. It is not a mere "right-of-way" or an "easement." Caltrans transferred ownership of the land and road improvements to the City of Riverside by a deed reciting its fee simple ownership.

Land owned in fee simple by a City may not be vacated or abandoned by a "street vacation" procedure. This is especially so when the recipient of rights purportedly to be granted is an admitted religious institution. To grant this 2.47 acres of public land to California Baptist University would be a gift of a public land and assets in violation of California Constitution Article Sixteen section 5 (prohibitions on gifts to religions) and section 6 (prohibition on gift of public funds or assets). Also see Hewitt v. Joyner (1991 9th Circ.) 940 Fed.2d 1561, Kizziah v. Department of Transportation (1981) 121 Cal.App.3d 11; and Riverside County v. Idyllwild County Water District (1978 84 Cal.App.3d 655.

10. Closure of Diana Avenue from Adams to Monroe
Will Cause Severe Traffic Impacts on Nearby Streets
Which Have Not Been Evaluated by the City or CBU

The traffic analysis procured by CBU was skewed to reach a pre-determined result by selectively measuring traffic levels at times and using methods which rendered an incomplete analysis. A full EIR would analyze traffic impacts of closing Diana Avenue at all times and in the long-term.

11. Streets May Not Be Vacated and Abandoned
When Any User Objects to the Proceeding

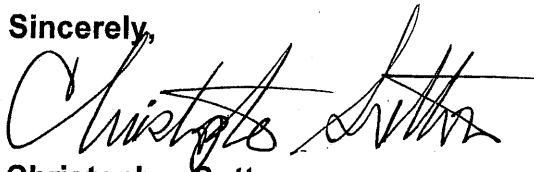
Streets & Highways Code §§ 8320 to 8325 govern the process of street vacations and abandonments. The City must make a written finding supported by evidence that there is no present or future prospect of public use of the street. The Burklunds, their employees, and hundreds of customers use Diana Avenue every day. Hundreds if not thousands of nearby residents use Diana Avenue daily. It is false and dishonest to claim there is "no present or prospective use" of Diana Avenue.

The proposed abandonment violates Street and Highways Code § 8324(b). It would be irrational, arbitrary, capricious and fraudulent to make any finding that Diana Avenue is "unnecessary for present or future prospective public use." This is especially true since the City of Riverside owns Diana Avenue in fee simple as successor in interest to the Caltrans use of eminent domain in the 1950's. The City would not be merely giving up an "easement" or "right-of-way" or "dedication," but would be giving up fee simple title.

12. **Conclusion:**
Remove this Matter from the Planning Commission Agenda

The hearing must be cancelled. An investigation must be conducted as to the statements made in the CBU application and the conflicts of interest that violate Government Code section 1090. A full EIR must be prepared. Otherwise, these applications must be denied.

Sincerely,



Christopher Sutton
Attorney for Stanley Burklund
and Riverside Renta Space

Attachment:
Sutton letter to Planning Commission of January 2, 2013

LAW OFFICE OF
CHRISTOPHER SUTTON
586 LA LOMA ROAD
PASADENA, CALIFORNIA 91105-2443
TELEPHONE (626) 683-2500 ... FACSIMILE (626) 405-9843
email: christophersutton.law@gmail.com

Wednesday, January 2, 2013

Planning Commission
City of Riverside
Community Development Department, Planning Division
3900 Main Street,
Riverside, California 92522

Telephone: 951-826-5277
By Facsimile To: 951-826-5981

Attn: Gustavo Gonzalez, Associate Planner

By email to: ggonzalez@riversideca.gov

**Re: Planning Case Numbers P11-0272, P11-0342, P12-0410, and P12-0309;
Planning Commission Hearing on Thursday, January 3, 2013, 9:00 a.m.
Objections by Stanley Burlund and Riverside Renta Space**

Dear Members of the Planning Commission:

This office has been retained by Stanley Burklund, Margaret Burlund, and Riverside Renta Space. They own and operate a business at 344 Monroe Street in Riverside adjacent to the State Route 91 Freeway. Their property depends on the free and open access of Diana Street for their customers and suppliers. Their property has 2012-2013 Riverside County Assessor I.D. numbers 233-120-003 and 233-120-004 (subject to change).

- 1. California Baptist University Informed Stanley Burklund on January 2, 2013, That These Four Items Would be "Pulled From the Agenda" And NOT Considered By the Planning Commission on January 3, 2013**

On January 2, 2013, Stan Burklund spoke with a representative of California Baptist University. He was informed that these four items would be "pulled from the agenda" and **not considered** by the Planning Commission on January 3, 2013. We believe that many other persons also received a similar communication from California Baptist University. Based on these representations by the applicant, many people have elected not to attend the hearing scheduled for January 3, 2013. These representations that "no hearing will occur" vitiate any and all notices that may have been sent to Stanley Burklund and all other adjoining property owners, businesses, occupants, and non-profit organizations.

No hearing on these four items can occur on January 3, 2013, based on the vitiation of notice caused by the applicant. To proceed with the hearing would violate principles of due process under law as protected by the California and United States Constitutions. **Any new hearing must be re-noticed in full.** The statements by California Baptist University to interested persons such as Stanley Burklund did not identify a new hearing date. They did not state whether any of these matters or only some might be heard at a future date, as yet unspecified.

To the extent that the Planning Commission hearing proceeds on January 3, 2013, we strenuously object on behalf of Stanley Burklund and Riverside Rent a Space. We also object on behalf of the many persons who have been misled into not attending the hearing. Such persons' due process rights would be violated if the hearing proceeds.

2. **Stanley Burklund, Margaret Burklund and Riverside Rent a Space Own the Property at 3440 Monroe Street, Riverside, And California Baptist University DOES NOT**

It appears a mistake has been made. California Baptist University DOES NOT own the property at 3440 Monroe Street in Riverside, 2012-2013 Riverside County Assessor I.D. numbers 233-120-003 and 233-120-004. California Baptist University DOES NOT have a contract to purchase the property. **There are no negotiations for sale and never have been.** To the extent that the City believes otherwise, a mistake has been made. It is possible this mistake was induced by the statements or omissions of the applicant, California Baptist University. It seems implausible that such a statement, if made, could have been negligent or accidental. No hearing on these four items should occur until after the City has investigated to what degree false statements were made in the applications by California Baptist University or its agents.

3. **Stanley Burklund, Margaret Burklund and Riverside Rent a Space Have NEVER Consented to be Included in these Land Use Applications**

The property at 3440 Monroe Street is owned by Stanley Burklund, Margaret Burklund, and Riverside Rent a Space. They have NEVER given California Baptist University any permission to apply for these General Plan changes, zoning changes, specific plan changes and a street vacation in their name. It appears that someone may have borne false witness against my clients as part of these land use applications in an effort to promote the land use approvals sought by California Baptist University. An overly eager agent may have made these misrepresentations. No hearing on these four items should occur until after the City has investigated to what degree false statements were made in the applications by or on behalf of California Baptist University as to the false claim of permission of Stanley Burklund, Margaret Burklund, and Riverside Rent a Space.

4. **Planning Commission Members Have Multiple Conflicts of Interest**

At least four of the Planning Commission members have conflicts of interest in violation of Government Code sections 1090 et seq. and 87100 et seq. and implementing regulations of the California Fair Political Practices Commission. "No man can serve two masters." These conflicts of interest cannot be remedied by the mere recusal or abstention of one or more of these Planning Commissioners. These four applications constitute a contract between the City of Riverside and California Baptist University involving the grant of land (Diana Street) and the performance of public works removal and installation by the applicant. Public funds and assets

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a. **Robert Stockton is a Paid Consultant of CBU on THIS Application**

Planning Commissioner **Robert Stockton** is listed in the California Baptist University application materials as one of its paid consultants on THIS application. The proposed transfer of City assets to CBU and the proposed installation of public works by CBU renders these proposed approvals a form of a public works contract in which a City official, officer, or employee is directly interested. The entire Planning Commission and its staff is disqualified under Government Code section 1090 et seq. from considering these applications as currently configured. The recusal or voluntary withdrawal of this Commissioner has no impact on the violation of Government Code section 1090. This matter may not be considered until and unless the grant of public assets and the construction of public works is eliminated.

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Planning Commissioner **Thomas Riggle** is a member of the the California Baptist University "Board of Visitors" based on his long term economic relationship with the school. The proposed transfer of City assets to CBU and the proposed installation of public works by CBU renders these proposed approvals a form of a public works contract in which a City official, officer, or employee is directly interested. The entire Planning Commission and its staff is disqualified under Government Code section 1090 et seq. from considering these applications as currently configured. The recusal or voluntary withdrawal of this Commissioner has no impact on the

violation of Government Code section 1090. This matter may not be considered until and unless the grant of public assets and the construction of public works in eliminated. The recusal or voluntary withdrawal of this Commissioner has no impact on the violation of Government Code section 1090. This matter may not be considered until and unless the grant of public assets and the construction of public works in eliminated.

d. Omar Zaki Owns Property Within 500 Feet of CBU

The property at 3547 Adams Street, Riverside 92504 was purchased by Planning Commissioner Omar Zaki on May 30, 2008, for \$183,500 by deed number 295944. The property tax bill is sent to his home at 6578 Sunbeam Drive, Riverside 92506. The 2012-2013 property taxes were \$1723.36 based on an "Assessed Value" of \$161,000. This means that Commissioner Zaki has received a reduction in assessed value since 2008 and is readily familiar with the value of this real property. This property is located within 500 feet of the California Baptist University land being considered for new zoning, a new general plan designation, and new specific plan. It is also within 500 feet of the northern terminus of Diana Street, the situs of a proposed giveaway of City land to California Baptist University. Under Government Code section 1090 Planning Commissioner Omar Zaki has an unavoidable conflict of interest that would not be vitiated or reduced by his recusal or disqualification.

**5. A Full Environmental Impact Report is Required
And the Proposed Negative Declaration is Legally Deficient**

Long term land use plans may not be adopted or amended without a full Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA") and the state and environmental regulations and guidelines. See Public Resources Code sections 21000 et seq and Title xx California Code of Regulations sections xxxxx and City of Riverside Environmental Guidelines. This requirement is long-established in California case law. See

**6. Long Term Impacts Have Not Been Addressed
And an EIR Would Analyze the Long Term Impacts**

The Negative Declaration proposed by the California Baptist University under CEQA fails to analyze **long term environmental impacts** of these land use changes and street abandonment. An EIR is required whenever a "fair argument" can be made that un-analyzed impacts could occur during the time period covered by the **long range plan**. See City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398 (negative declaration invalidated); San Bernardino County Audubon Society v. Metropolitan Water District (1999) 71 Cal.App.4th 382 (mitigated negative declaration rejected by court of appeal) citing CEQA guideline at Title 14 CCR § 15070 and 15071; and Citizens Committee to Save Our Village v. City of Claremont (1995) 37 Cal.App.4th 1157. The applicant and the City have failed to analyze LONG TERM impacts to traffic, development, demand for energy and utilities, and creation of green house gases. As such a full EIR is required before the Planning Commission can consider these proposals.

7. Diana Street is NOT a Simple Right-of-Way;

**It is Owned in Fee Simple By the City and/or Caltrans;
And May Not be Abandoned or Closed or Gifted to CBU**

There are at least three types of streets: (1) rights-of-way dedicated as part of a tract or parcel map; (2) formal easements granted by deed or acquired by eminent domain, and (3) **fee simple ownership of the land and road bed by the public entity**. Diana Street falls in the third category. The land under Diana Street was acquired in fee simple by Caltrans in the 1950's as a "frontage road" for the State Route 91 Freeway. It is not a mere "right-of-way" or an "easement." Later it seems Caltrans transferred ownership of the land and road improvements to the City of Riverside by a deed reciting fee ownership. Land owned in fee simple by a City may not be vacated or abandoned by a "street vacation" procedure. This is especially so when the recipient of rights purportedly to be granted is a religious institution. To grant this 2.47 acres of public land to California Baptist University would be a gift of a public asset in violation of California Constitution Article Sixteen section 5 (prohibitions on gifts to religions) and section 6 (prohibition on gift of public funds or assets). Also see Hewitt v. Joyner (1991 9th Circ.) 940 Fed.2d 1561, Kizziah v. Department of Transportation (1981) 121 Cal.App.3d 11; and Riverside County v. Idyllwild County Water District (1978 84 Cal.App.3d 655.

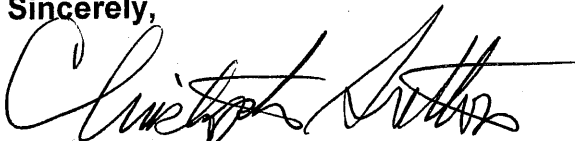
8. **Closure of Diana Street from Adams to Monroe
Will Cause Severe Traffic Impacts on Nearby Streets
Which Have Not Been Evaluated by the City or SBU**

The traffic analysis CBU was skewed to reach a pre-determined result by selectively measuring traffic levels at times and using methods which rendered an incomplete analysis. A full EIR would analyze traffic impacts of closing Diana Street at all times and in the long term.

9. **Conclusion:
Postpone Any Hearing on These Four Items
Until Full Investigations and an Environment Impact Report
Have Been Completed**

The hearing must be postponed. An investigation must be conducted as to the statements made in the CBU application and the conflicts of interest that violate Government Code section 1090. A full EIR must be prepared. Otherwise, these applications must be denied.

Sincerely,



Christopher Sutton
Attorney for Stanley Burklund
and Riverside Renta Space

ATTACHMENT 3

LAW OFFICE OF
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Thursday, May 7, 2015

Planning Commission
City of Riverside
Community Development Department, Planning Division
3900 Main Street,
Riverside, California 92522

Telephone: 951-826-5277
By Facsimile To: 951-826-5981

Attn: Kyle Smith, AICP, Senior Planner

By email to: kjsmith@riversideca.gov

**Re: Planning Case Number P12-0309 -
Abandonment of Three Public Streets: Diana Avenue, Wilma Court, and Emily Court
Planning Commission Hearing on Thursday, May 7, 2015, 9:00 a.m.
Further Objections by Stanley and Margaret Burklund, and Riverside Renta Space**

Dear Members of the Planning Commission:

As stated in my letters of January 2, 2013, and April 23, 2015, this office has been retained by Stanley Burklund, Margaret Burklund, and Riverside Renta Space. They own and operate a business at 3440 Monroe Street in Riverside adjacent to the State Route 91 Freeway and facing the western end of Diana Avenue, just to the west of Wilma Court and Emily Court. Their property depends on the free and open access of Diana Avenue, Wilma Court, and Emily Court for their customers and suppliers. Their property has 2012-2013 Riverside County Assessor I.D. Nos. 233-120-003 and 233-120-004. My letters of January 2, 2013, and April 23, 2015 are hereby incorporated by reference into this letter.

1. **The 2011 Traffic Study, Paid for by California Baptist University,
Proves that Diana Avenue Cannot be Vacated or Abandoned**

California Baptist University ("CBU") paid for a traffic study in 2011 as part of its application for zoning and general plan changes. It was prepared by Rich Engineering Company, with Brian Richard Stephenson as the supervising engineer and whose seal appears on the cover. The City of Riverside Planning Department provided a copy of the 2011 traffic study to this office pursuant to our request under the California Public Records Act. The study is 573 pages in length, and the entire document is within the files of the Planning Department. Excerpts of the 2011 CBU traffic study are attached to this letter for ease of reference. The 2011 CBU traffic study makes clear that Diana Avenue is a heavily used street and that to vacate or abandon Diana Avenue would violate California Streets and Highways Code sections 8320 to 8325. Specifically, Streets and Highways Code section 8324(b) forbids a street from being vacated and abandoned unless and until it is PROVED to be ". . . unnecessary for present or future prospective public use."

Excerpts of the 2011 traffic study are attached. **THIS PROPOSED ACTION IS ILLEGAL!**

For example, the attached excerpts from the 2011 CBU traffic study describe the current and future public use of Diana Avenue as follows:

Table 11 on page 26 shows that Diana Avenue in 2011 had a daily "level of service" ("LOS") capacity to accept 12,999 vehicles per day at "Level D" service (no queuing or standing traffic). The same table shows that the "Existing + Ambient" "Average Daily Trips" (ADT) for Diana Avenue between Adams Street and Campus Bridge Drive in 2011 was **4,679 trips per day** for the eastern segment of Diana Avenue. For the western segment of Diana Avenue from Campus Bridge Drive to Monroe Street the Average Daily Trips was **2,741 trips per day**.

Table 19 on page 39 shows that Monroe Street between Diana Avenue and Indiana Avenue has a capacity of 32,999 trips per day, and that the CBU build-out plans will add an additional 6,000 trips per day on Monroe Street south of Diana Avenue. Some of the future expected added traffic on Monroe will use Diana Avenue because Table 19 shows the future expected added trips on Monroe north of Diana (between Diana and Magnolia) will be 7,000 additional trips per day. Diana Avenue is one of the few side streets off of Monroe between Indiana and Magnolia. The differential of 1,000 expected added traffic trips means that use of Diana Avenue in the future is expected and will help manage traffic flow in the area.

Appendix A to the 2011 CBU traffic study lists the streets and intersections where measurements are to be taken under the "Scoping Agreement." These locations included those along Diana Avenue. See **Attachment A to the Scoping Agreement** within Appendix A as approved by the City of Riverside. Emily Court and Wilma Court were not included for study.

Appendix B to the 2011 CBU traffic study is entitled "Traffic Volume Counts." Strangely, its pages are not numbered. But at the intersection measurement of **Plaza Driveway and Diana Avenue** (about the 10th un-numbered page) it shows traffic on 11-18-2010 between 7:00 a.m. and 8:45 a.m. of **492 vehicle trips**. This is just for 105 minutes that day.

The next page is the same measurement table for the intersection of **Diana Avenue and Campus View Drive** on 11-17-2010 for the hours of 7:00 a.m. to 8:45 a.m. The total vehicle count was **573 vehicle trips** during that 105 minutes.

The next page is the same measurement table for the intersection of **Diana Avenue and Campus View Drive** on 11-17-2010 for the hours of 4:00 p.m. to 5:45 p.m. The total vehicle count was **652 vehicle trips** during that 105 minutes.

The next page is a diagram of the Diana and Campus View intersection with a graphic display of through trips and turns during these two selected 105-minute intervals. The attached photos show vehicles using the driveway from Campus View Drive to access and travel on Diana Avenue. The attached photos also show numerous CBU parking lots, with hundreds of parking spaces, fronting on Diana Avenue.

The next three pages show the measurements at Diana Avenue and Monroe Street taken on 11-18-2010 during the 7:00 a.m. and 4:00 p.m. 105 minute intervals. These show total vehicle trips of $1,889 + 1654 = \underline{3,543 \text{ vehicle trips}}$ through that intersection. The diagram breaks down the turns from or to Diana Avenue, and these are: $118 + 115 + 1 + 59 + 98 = \underline{391 \text{ vehicle trips}}$.

Also attached from **Appendix B** are six measurement sheets for Diana Avenue on Wednesday 11-17-2010 and Thursday 11-18-2010 from midnight to 11:45 a.m. on 11-18-2010. On 11-17-2010 the traffic report measured 4,254 vehicle trips on Diana Avenue east of Campus View during this 11-hour 45-minute interval. On 11-18-2010 is measure 3,869 vehicle trips on Diana Avenue east of Campus View. The two-day average for this 11.75 hours is calculated as 4,067 vehicle trips. For the western portion of Diana Avenue the measurements for these two days for this 11.75-hour interval were 2,492 and 2,470 vehicle trips, respectively.

For measurements on Campus View north of Diana Avenue the numbers were 2,589 and 2,438 vehicle trips, respectively. It is unclear how many of these Campus View trips originated on Diana Avenue, but it must be a significant percentage, since Diana Avenue is the closest public street and it is inconvenient and time-consuming to drive a vehicle all the way through the circuitous route of Campus View through the CBU campus.

The remainder of the attached excerpts from the 2011 CBU traffic study confirm that Diana Avenue handles and is predicted to handle significant volumes of vehicle trips into the future and with the physical expansion and greater student population at CBU planned in the coming years.

In addition, on the Planning Commission's agenda for May 21, 2015, is an application from CBU: Demolition of structures fronting on Diana Avenue. The church to be demolished is shown in an attached photo. It is clear that such demolition will involve potentially hundreds of truck trips on Diana Avenue. This further established that the vacation and abandonment of Diana Avenue is improper since the mandatory findings of disuse, now and in the future, cannot be made as required by Streets and Highways Code section 8324(b).

2. Wilma Court and Emily Court are Public Streets
Used by Members of the Public,
Which Include the Employees, Students, Visitors and Contractors
of California Baptist University

The proposed abandonment of Wilma Court and Emily Court violates Street and Highways Code § 8324(b). It would be irrational, arbitrary, capricious and fraudulent to make any finding that Wilma Court and Emily Court are each "unnecessary for present or future prospective public use." They are used every day by the persons who reside there. They are used regularly by utility company meter readers and by delivery trucks. They are used by travelers on Diana Avenue who wish to turn around and head in the opposite direction. The 2011 traffic study failed to take traffic counts on Wilma Court and Emily Court, and such a traffic study is needed before the City considers vacating and abandoning these two public streets.

3. The 2012 CBU Applications, Including This One, No. P12-0309, Were Prepared by Members of the 2013 Planning Commission, And the Entire Commission Remains Disqualified Under Government Code Section 1090

Current and former members of the Planning Commission have deep and ongoing economic, contracting, tithing, and co-venturing involvements with CBU. As stated in my 2013 letter, former Planning Commissioners Stockton and Maloney participated in preparing the 2012 applications for California Baptist University, including this one. These proposed street vacations are part of a proposed contract between the City of Riverside and California Baptist University turning over these streets and their land area. The contract involves the grant by uncompensated gift of land (Diana Avenue, Wilma Court, and Emily Court), existing public improvements, and the performance of public works for their removal and installation of new items by CBU. As a public works contract in which past members of the Planning Commission will directly benefit from, and participate in, the entire Planning Commission is disqualified from considering this matter. Several of the current Planning Commissioners served in 2012 and 2013 with former members Stockton and Maloney. The 2013 disqualification of the **entire** Planning Commission remains and extends to the current Commission because current Commissioners who served with former Commissioners Stockton and Maloney, who have a direct and continuing contractual interest in the outcome of this street vacation proceeding.

At least four of the eight Planning Commission members (one seat is vacant) have conflicts of interest in violation of Government Code sections 1090 et seq. and 87100 et seq., and the implementing regulations of the California Fair Political Practices Commission. **"No man can serve two masters."** These conflicts of interest cannot be remedied by the mere recusal or abstention of one or more of the Planning Commissioners. Public funds and assets are at risk. Because one or more members of Planning Commission have DIRECT economic ties to CBU, this proposed street vacation violates Government Code section 1090. No "lottery" amongst the Commissioners can re-qualify any of them to vote on this matter. **It must be removed from the agenda.** See Thorpe v. Long Beach Community College (2000) 83 Cal.App.4th 655.

The entire City of Riverside is disqualified under Government Code section 1090 from considering any aspect of this street vacation application, P12-0309. The only way to prevent these multiple violations of Government Code section 1090 et seq., is to **remove it entirely** from the agenda. There must be no consideration of the vacation of Diana Avenue, Wilma Court, or Emily Court. The "partial" removal sought by CBU in its letter dated May 1, 2015, is improper. **It must be removed totally from the agenda.** See Thorpe v. Long Beach Community College (2000) 83 Cal.App.4th 655; City Council v. McKinley (1978) 80 Cal.App.3d 204 (1978); Old Town Dev. Corp. v. Urban Renewal Agency (1967) 249 Cal.App.2d 313; Thompson v. Call (1987) 38 Cal.3d 633, and Webb v. Superior Court (1988) 202 Cal.App.3d 872.

4. **Wilma Court and Emily Court are Regularly Used
By Members of the Public and May NOT Be Vacated, Abandoned,
Or Transferred to California Baptist University Free of Charge**

Streets & Highways Code sections 8320 to 8325 govern the process of street vacations and abandonments. The City must make a written finding supported by evidence that there is no present or future prospect of public use of the street proposed to be vacated or abandoned. Members of the public regularly use Wilma Court and Emily Court, including the U.S. Postal Service in delivering mail, the Southern California Gas Company and other public utilities in reading meters, and the residents along those two streets. The students, faculty, employees, visitors, alumni, and contractors of CBU are all members of the public who use Wilma Court and Emily Court. All the homes on these two streets are occupied and the families living there all have motor vehicles. See the attached eighteen (18) photos of Diana Avenue, Wilma Court, and Emily Court. These photos were taken on Thursday, April 23, 2015, by myself around 11:30 a.m. During the 15 minutes I was there over fifty (50) vehicles entered and exited the CBU campus at Campus View Drive. Many vehicles are shown in the photos parked in the residential driveways on Wilma Court and Emily Court. The only property with a mail box is Mrs. Cruz Ballesteros' at 3476 Wilma Court. The places where mail boxes were removed were visible, and the prior mail boxes are visible on 2010 Google Street View photographs.

Wilma Court and Emily Court are used every day for vehicle travel by members of the public and are protected by Streets and Highways Code section 8324(b). It is false and dishonest to claim there is "no present or prospective use" of Wilma Court or Emily Court. Mrs. Cruz Ballesteros lives at and owns the property at 3476 Wilma Court. There are one or two vehicles parked in each of the driveways on Emily Court and Wilma Court. The proposed abandonment of these two streets violates Street and Highways Code section 8324(b). It would be irrational, arbitrary, capricious and fraudulent to make any finding that Wilma Court and Emily Court are each "unnecessary for present or future prospective public use."

5. **The City Has Failed to Notify the Families on Wilma Court and Emily Court
Of this Proceeding Proposing to Vacate and Abandon Their Streets;
California Baptist University Has Taken Affirmative Dishonest Steps to
Keep These Residents Uninformed of Their Street Access Rights**

Except for Mrs. Ballesteros, the official notices of this proceeding **were not sent to the residents** on Wilma Court and Emily Court. Instead, the City sent the notices to CBU and to nearby property owners. Due process demands that these families be notified of this proceeding so that they may be heard.

Riverside Planning Commission
Re: California Baptist University
Item No: P12-0309 - Abandonment of Three Public Streets

Thursday, May 7, 2015
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Here is a list of the thirteen (13) family residences not provided notice of this proceeding:

1. Resident, 3467 Wilma Court, Riverside, California 92504
2. Resident, 3468 Wilma Court, Riverside, California 92504
3. Resident, 3475 Wilma Court, Riverside, California 92504
4. Resident, 3483 Wilma Court, Riverside, California 92504
5. Resident, 3484 Wilma Court, Riverside, California 92504
6. Resident, 3492 Wilma Court, Riverside, California 92504
7. Resident, 3459 Emily Court, Riverside, California 92504
8. Resident, 3460 Emily Court, Riverside, California 92504
9. Resident, 3473 Emily Court, Riverside, California 92504
10. Resident, 3474 Emily Court, Riverside, California 92504
11. Resident, 3480 Emily Court, Riverside, California 92504
12. Resident, 3485 Emily Court, Riverside, California 92504
13. Resident, 3495 Emily Court, Riverside, California 92504

The City mailed notices to the property owner, California Baptist University only. But this meant that the tenant families never got notice of the time and place of this hearing or any hearing.

CBU appears to have orchestrated a denial of notice to these families. It appears that sometime in 2011 or 2012 CBU **removed the mail boxes from all the homes** on Wilma Court and Emily Court (except for Mrs. Ballesteros' mail box). It can be surmised from this action that CBU likely instructed the Post Office to deliver all mail addressed to these thirteen (13) homes to its university administrative offices and not to the homes themselves.

Streets and Highways Code section 8324 is intended to protect ALL members of the public who use public streets, including those not owning real property. The City and CBU have actively prevented these thirteen families from receiving any notice of these proceedings, either this hearing or the prior hearings on April 9 (cancelled) and April 23 (also cancelled). This hearing cannot proceed as to the vacation of Wilma Court and Emily Court unless and until these residents in these thirteen homes are given notice.

Tenants are just as entitled to receive compliance with due process as property owners when their substantive rights of access to their homes are at stake. Arrieta v. Mahon (1982) 31 Cal.3d 381, at 390-392 (rights of residential tenants to due process notice of all proceedings potentially impacting on their rights). Now that we have provided to the City these thirteen addresses, the City has a duty under due process protections to ensure direct notice to these families. Perhaps such notice will be by hand delivery of a hearing notice to each residence. Mailing will not do, because CBU apparently has arranged to prevent direct mail delivery to these thirteen homes on Wilma Court and Emily Court. This CBU dodge must be remedied.

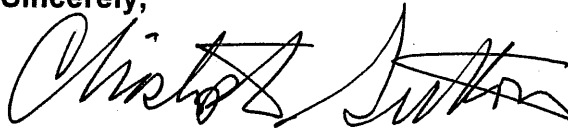
Riverside Planning Commission
Re: California Baptist University
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Thursday, May 7, 2015
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6. **Conclusion:**
Remove this Matter from the Planning Commission Agenda

This hearing must be cancelled. An investigation must be conducted as to the statements made in the California Baptist University application and the conflicts of interest that violate Government Code section 1090. A full EIR must be prepared.

Sincerely,



Christopher Sutton
Attorney for Stanley Burklund
and Riverside Renta Space

Attachments:

1. Eighteen (18) photographs taken 4-23-2015 of Diana Avenue, Wilma Court, and Emily Court
2. Excerpts from 11-22-2011 CBU Traffic Impact Analysis (full copy in City's files)

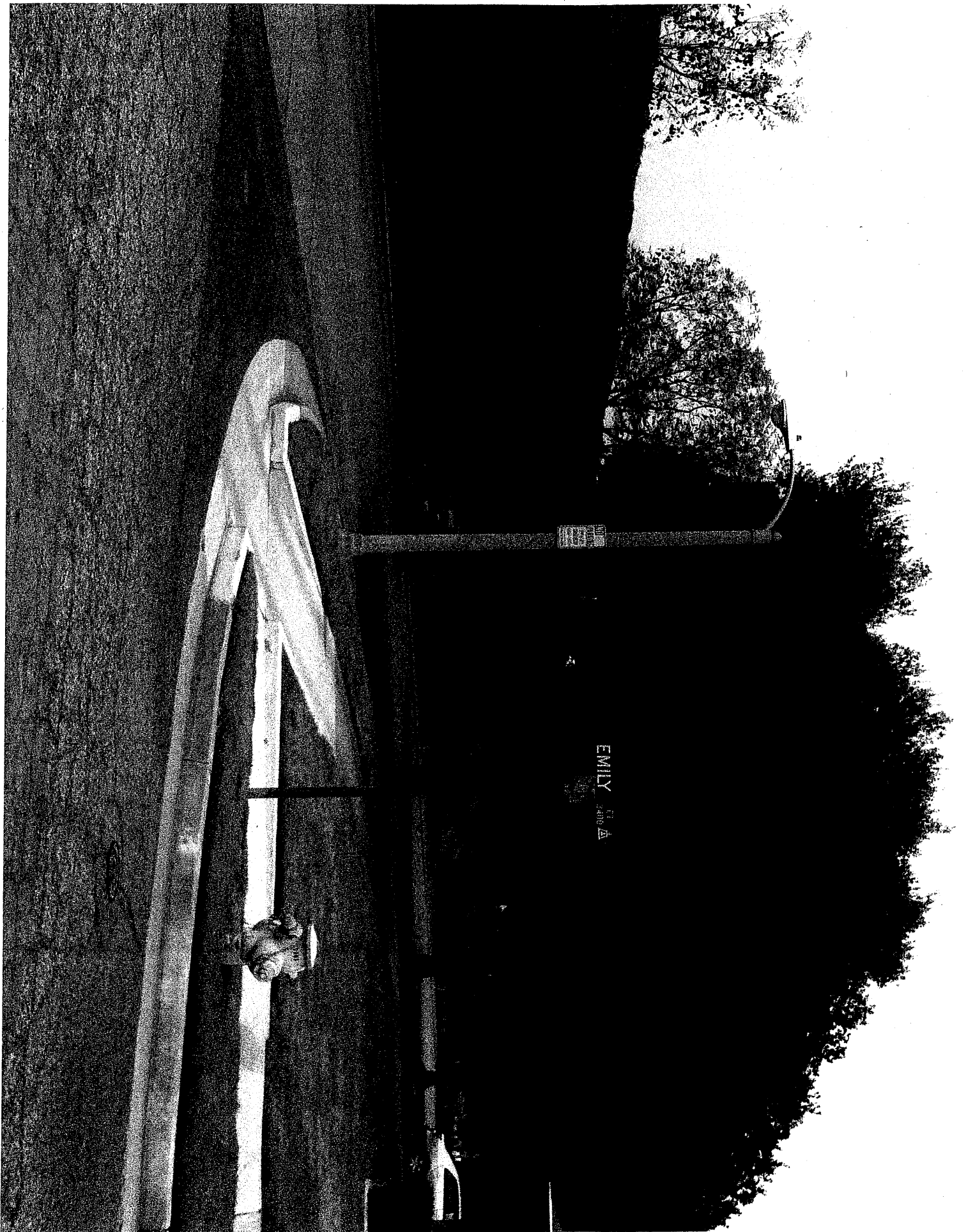


PHOTO #1



PHOTO #2

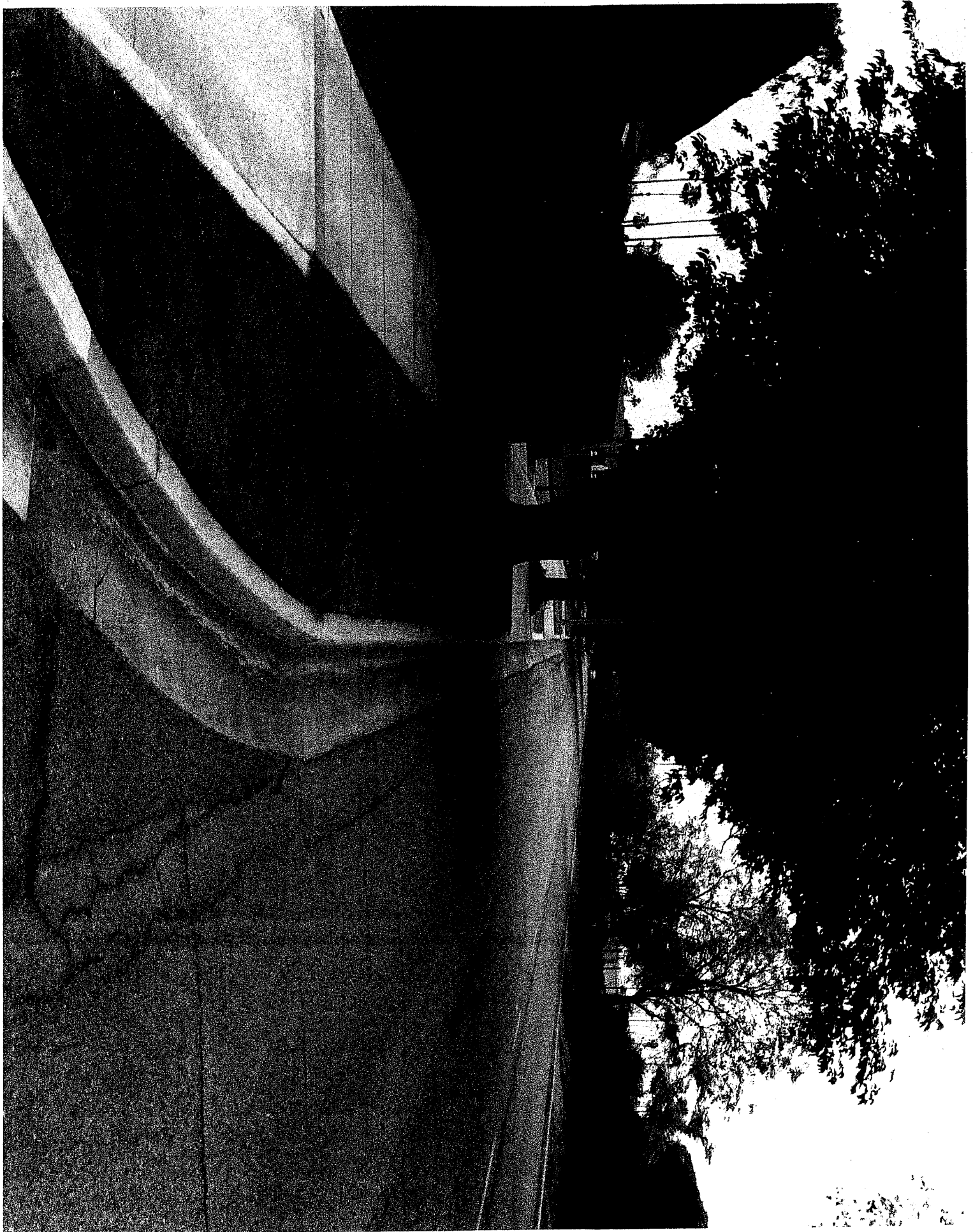


PHOTO #3



PHOTO #4



PHOTO #5

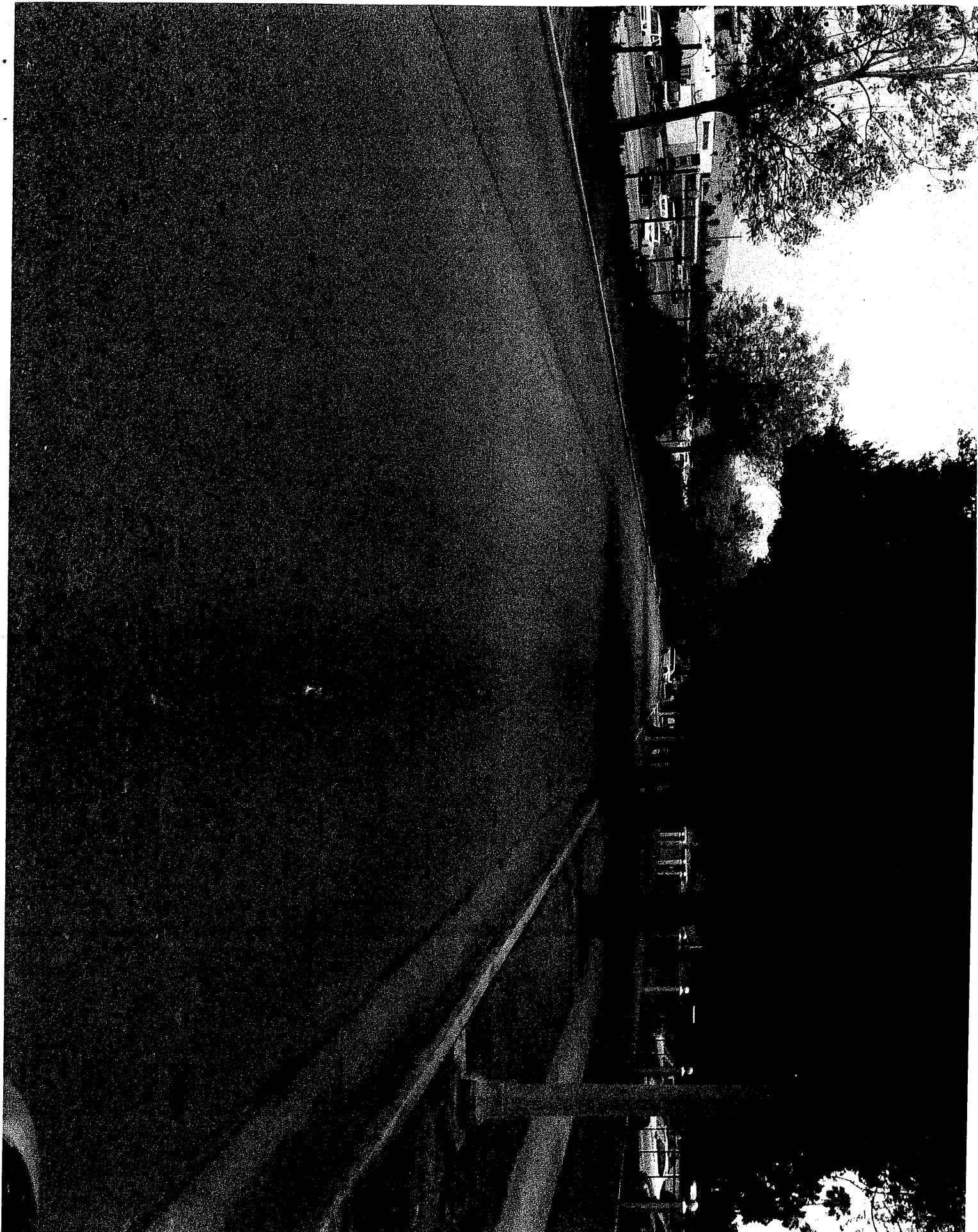


PHOTO #6



PHOTO #7



PHOTO #8



PHOTO #9