

To: Honorable Mayor and Members of the City Council of Riverside

From: Friends of Riverside's Hills

Re: Appeal of Planning Case P03-1451

26 Aug 2004

(revised 2 Sept 2004)

We would like to appeal to the City Council the decision of the City of Riverside Planning Commission on the Planning Case P03-1451 (proposed tract map 31930). The Friends of Riverside's Hills oppose the approval of this tract map, the granting of associated variances and exceptions, and the approval of a Negative Declaration on the Environmental Initial Study. We submitted letters to the Planning Commission detailing our reasons on 25 March 2004 and on 18 Aug 2004, and we refer you to those letters.

The Friends of Riverside's Hills has never opposed development. However, we do oppose inappropriate development plans. Specifically, we oppose development plans that flaunt the restrictions placed on development by the Municipal Code, particularly within the RC zone. The regulations applying to the RC zone are the mechanisms for upholding the wishes that the voters of the City of Riverside expressed in passage of the measures R and C. These measures were intended to "facilitate the preservation of Riverside's .....scenic hills, ridgelines, arroyos, and wildlife areas" (quoted from the title of Measure C).

We believe that upholding these regulations is crucial in the City's quest to attract entrepreneurs and community leaders to come and live in Riverside. Often such people have the choice of living closer to the beach in Orange County, but may be attracted by the quality of our unobtrusive, spacious, and environmentally sensitive development within the RC-zoned areas. However, retaining this quality relies on following our zoning and grading ordinances.

The tract map 31390 approved by the Planning Commission has 28 homes. Of these 28, 22 require grading exceptions, 23 require lot size variances, 4 require lot width variances, and all require variances for being landlocked parcels. We recognize that variances and grading exceptions can and should be granted to specific lots under special circumstances; however, in this case it is clear that the excessive granting of variances and exceptions (with at least **two variances AND one grading exception** on 21 of the 28 lots) goes beyond the usual quasi-judicial role of approving grading exceptions and variances under exceptional or special circumstances to the point of assuming a legislative role that circumvents the Municipal Code regarding development on RC zoned land.

Added to this list of exceptions and variances are grading exceptions required for all of the roads (Grass Valley Way, Cresthaven Drive, and Century Hills Drive), a flood control access road, a sewer line and its access road, and a water quality basin. These exceptions include two manufactured slopes in excess of twenty feet, one of which is in an extremely sensitive area in the middle of the natural open space area within the Alessandro Arroyo. Part of the road building involves encroachment onto an area of jurisdictional waters (Waters of the US) which may also qualify as a wetland (two evaluations disagree on this point, but the later one, which argued that this was not a wetland, was completed after a prolonged drought, perhaps biasing the conclusion).



The development was intended to be part of a Planned Residential Development (PRD). Staff contend that the PRD is still current; however, with the expiration of the associated tract map the conditions of the PRD permit expired, and hence the incomplete part of the PRD also expired. It has not been renewed. Furthermore, the definition of a PRD (19.04.403) states that it must be "developed as a whole in a single development operation or a programmed series of development operations in accordance with comprehensive and detailed plans which include the circulation system, parking facilities, open space, building sites, floor plans and elevations, together with a program for provision, operation and maintenance of such areas, improvements, facilities and services provided for common use of the residents thereof." We note that there are no floor plans or elevations available, nor are there is there a "program for provision, operation and maintenance" of the open space area. Thus the basic requirements for a PRD are not satisfied for this tract map.

The old PRD has already utilized about 14.8 acres of the area under discussion. This acreage must be set aside as open space, so that the present proposal occupies about 49.0 acres of buildable land (see our letter of 18 August 2004 for more details). Part of this acreage is not owned by the applicants. It is owned by the Flood Control District. The approval of the old tract map 28728 in 1998 included the Flood Control Land in the calculation total area (and the prior 1994 calculation probably did so as well), and yet after at least 6 years the applicants have failed to justify that density calculation by purchasing the land. Since the applicants neither own the property, nor is the property in escrow, we believe that the approval of the planning commission to rezone the land from O zone to RC was premature. We do not know if the sale will occur, and if it does, we do not know what restrictions may be placed on the use of the land. It is therefore inappropriate to include this land in the proposed tract map.

Some of the reasons why a Neg. Dec. cannot be approved for this project are outlined in our previous letters, and we will add further detail later. However, a crucial factor that prohibits approving a Neg. Dec. is the omission of serious consideration of the constraints imposed by the Hawarden Hills Specific Plan (HHSP). First, the Plan emphasizes the lowering of housing density towards the Alessandro Arroyo. In this tract map, this does not occur at the eastern and western ends. Most noticeable, there are the two clusters of homes (lots 43-46 and 47-49) that encroach into the main Alessandro Arroyo and will be very detrimental to the natural open space of the Arroyo. Second, the HHSP required the creation of a trail corridor from Tiburon Knoll to the Alessandro Arroyo. Note that the specification was not for a trail, but for a trail corridor occupying an anticipated 15 acres. This corridor area is shown in the HHSP plan within the area of TM 31390. No trail corridor has been included in the design of the tract map; in fact there is not even a trail included in the tract map. Condition 22 of the tract map requires that the applicants provide "a trail across the subject property for eventual connection to Tiburon Knoll"; however, this does not state that the trail must reach the Alessandro Arroyo, it does not state that it cannot be along a road, and it does not state the width of the trail. The approved tract map CANNOT incorporate an open space trail from the Alessandro Arroyo to the area north of lots 56 and 57 (as shown in the HHSP) utilising the defined open space. The options for such a trail that satisfy the requirements of the HHSP must be considered as part of an EIR.



Finally, consider two issues of the tract map design that are particularly problematic, lot 49 and the central part of Century Hills Drive.

First, the pad of lot 49 is contained entirely within the steep slope coming straight up from the Alessandro Arroyo and directly overlooks the Arroyo. The steepness of this property is apparent from its average natural slope of 34.57%. This area should be part of a 5-acre parcel, but a lot size variance was approved reducing it from 5 acres to 2 acres. Such a variance might be appropriate if this variance precluded grading within the arroyo, but in this case the **whole pad** is within the boundary of the arroyo. Further illustrating that this lot should be removed is the need for a lot width variance to provide access to the environmentally destructive lot. The Findings for these variances fail to address why a pad should be located at this highly visible spot at the top of a steep slope overlooking the environmentally sensitive Alessandro Arroyo.

Second, Century Hills Drive crosses the open space area, where it runs along the slope just above and parallel to the main Alessandro Arroyo. The road crosses tributary arroyos and joins Grass Valley Way at a point where it fills an area of jurisdictional waters (and possibly a wetlands). The design of this road is extremely destructive to the value of the open space. The need for a general use road across this area (as opposed to an emergency access road) has not been discussed, even though on a field trip to the site Planning Staff did suggest that a general-use road was not essential. Alternatively, the destruction to the open space could be mitigated by the use of bridges. At each tributary arroyo, a simple bridge (or indeed large box culvert of about 10ftx10ft) would significantly reduce the impact of the road. These options are not considered, and the Findings reflect the assumptions (a) that the general use road is needed, and (b) that filling an arroyo is the only way to cross it. An EIR is clearly needed to consider these alternatives.

In summary, the main problem with this project is that too many lots are being fitted into the tract map. The Zoning Code clearly states that while there are maximum density limits imposed, there is no right that any given tract map will achieve the absolute maximum. In this case, the tract map was awarded the maximum density for RC-zone PRD PLUS a density bonus, and there are plenty of warning signs that the quality of this environmentally sensitive area cannot be retained with such a high density. Clustering can often be valuable in eliminating grading exceptions even though it may lead to a few lot size variances (although the usual goal is to cluster on the flatter land where such variances are not needed). In this case, the applicants needed lot size variances on 82% of the lots as a result of clustering, but still need grading exceptions on 79% of the lots. The failure of clustering to reduce the need for grading exceptions illustrates that the number of lots is too high.

Respectfully submitted on behalf of Friends of Riverside's Hills by:

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**EXHIBIT 1 -**  
**Recommended Conditions of Approval**

**CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004**

**12-36**

**5-175**



## EXHIBIT 1

### RECOMMENDED CONDITIONS

Case Number: P03-1451 (TM 31930)

City Council Meeting Date: September 28, 2004

### CONDITIONS

*All mitigation measures are noted by an asterisk (\*).*

#### Case Specific

#### ● **Planning**

1. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, the applicant's written justifications are referenced:
  - a. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (37-39, 43-48, 50, 51, 53-55, 57-62 and 77-79);
  - b. a parcel less than five acres in size on lot 49 with an ANS of 30% or greater;
  - c. landlocked parcels located along private streets.
  
2. The Commission makes the necessary findings in the applicant's favor to grant the following grading exceptions. As justification, the applicant's written justifications are referenced:
  - a. to permit lots **37-41, 43, 51, 57-62, 77, 78**, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road, a water quality basin, and a sewer line to encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
  - b. to permit slopes in excess of twenty-feet for portions of Cresthaven and Century Hills Drives.

#### *Prior to Map Recordation*

3. Within 30 days of the approval of the tentative map by the City the developer/subdivider shall execute an agreement, approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the Developer/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
  
4. The applicant shall obtain final authorization from the Riverside County Flood Control District or the applicant shall have acquired such property.
  
5. An open space easement shall be recorded for all areas within the boundaries of the 100

year flood plain and all non-graded areas and for each lot all areas not proposed for grading under this review subject to the approval of the Planning Department and City Attorney's Office. The easement should clearly specify that these areas are intended for open space purposes only and that no grading, construction or fencing is permitted. The open space areas within the open space easement are to be maintained by a non-profit conservation organization such as the Riverside Land Conservancy subject to the approval of the Planning Department and City Attorney's Office. The property shall be transferred either in fee title or an easement established to facilitate maintenance/stewardship by such an organization.

- \*6. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and other documents as necessary subject to approval of the Planning Department and City Attorney's Office. The CC&Rs shall contain the following conditions and restrictions:
  - \*a. prohibiting any additional grading beyond the Arroyo setback and 50-foot development setback;
  - \*b. establishing a Homeowner's Association;
  - \*c. the keeping of livestock is prohibited;
  - \*d. prohibiting further subdivision of any lots within this map.
- \*7. The unused portion of right-of-way from the existing cul-de-sac bulb of Cresthaven Drive shall be vacated. A separate submittal and filing fee is required.
- \*8. Lots 88 and 89 should be split at the phasing line to create two new, numbered open space lots.
- \*9. Planning Cases P04-0260 and P03-1548 shall be finalized.
- 10. A 10 ft wide private waterline easement along the northerly line of Lot 55 shall be recorded as necessary to provide for connection to the project water system of two off-site parcels lying westerly of Lots 54, 55 and 56. Two water service connections will be installed between the proposed water main in Crest Haven Drive and the westerly line of Crest Haven Drive. No water meters on the two service lines shall be installed. The property owners of these two off-site parcels shall be responsible to pay all City water connection, facility, zone elevations and miscellaneous fees required to provide water to their parcels. Said property owners shall install the required services across Lot 55 in said easement as necessary to provide water to their parcels.

*Prior to Grading Permit Issuance*

- \*11. The proposed project affects waters of the United States and waters of the State, which fall under the jurisdiction of the United States Army Corps of Engineers (USACE) and the California Department of Fish and Game (CDFG), respectively. As such, the following agencies have jurisdiction over this project, as necessary: the California Department of Fish and Game; the Army Corps of Engineers; the U.S. Fish and Wildlife Service; and the California Regional Water Control Board. These agencies' approval



will be required prior to grading permit issuance and the applicant is responsible for compliance with all requirements and conditions of these agencies.

- \*12. Permanent loss of RSS will be mitigated at a greater than 3:1 ratio through the onsite preservation of 20.6 acres of RSS (9.6 acres moderate quality, 11 acres low quality) adjacent to the Alessandro Arroyo.
- \*13. The permanent loss of jurisdictional waters will be offset by the expansion of the unnamed drainage feature at a 1:1 ratio. The mitigation site will be located immediate downstream of the road crossing and adjacent to the proposed upland water quality bio-swale. It is anticipated that the bio-swale will provide sufficient hydrology to support riparian vegetation.
- \*14. A water quality bio-swale will be installed immediate downstream of the road crossing. The bio-swale will be installed in an upland location to provide pretreatment of urban runoff prior to discharge into the drainage feature. The HOA will provide long term maintenance, consisting of installation of native grasses, and sediment removal as needed.
- \*15. A three year maintenance and monitoring plan is proposed to ensure the successful establishment of the native cover within the mitigation area. Riparian vegetation will be installed within the mitigation site consisting of native grasses.
- \*16. The project site is located within the Riverside County SKR Habitat Conservation Plan Fee Assessment Area, and therefore subject to current fee requirements as administered by the City of Riverside.
- \*17. The grading plan shall be revised, subject to Planning Department review and approval, to:
  - \*a. clearly indicate all pad and lot drainage, subject to review and approval by the Planning and Public Works Departments. Cross lot drainage covenants, if necessary, shall be subject to Public Works and City Attorney's office Departments' review and approval.
  - \*b. Indicate that all rip-rap will be natural rock (not blasted) and all visible drainage features will be color treated to blend in with the natural surroundings.
  - \*c. Indicate an interim erosion control program to be certified by the project engineer subject to Public Works Department review and approval.
  - \*d. Reflect City adopted contour grading policies. Prior to issuance of a building permit, the applicant's engineer shall submit a letter certifying the contouring of such required slopes in accordance with City adopted standards.
  - \*e. Indicate that grading operations will be restricted to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
  - \*f. Indicate the 100 year flood limits of the blue line stream to the satisfaction of the Public Works Department.

- \*18. Prepare a detailed grading plan at 1"=40' scale for lot 45 showing protection of the existing rock outcroppings, subject to Planning Department approval.
- \*19. Final driveway grades and configurations will be subject to review and approval of the Fire Department.
- 20. Tract Map 31930 shall be recorded.
- \*21. Provide a trail across the subject property, between the Alessandro Arroyo and the northerly boundary of the subject property for eventual connection to Tiburon Knoll, subject to approval of the Planning Department.
- \*22. Landscaping and irrigation plans for all manufactured slopes in excess of five feet in vertical height shall be submitted to and approved by the Planning Department. The applicant's engineer or landscape architect shall submit a letter certifying to the installation of such required landscaping and irrigation facilities prior to the release of utilities.
- \*23. In the event that joint access driveways are proposed, covenants shall be prepared subject to the satisfaction of the City's Attorney Office and Public Works Departments.
- \*24. The grading plan shall be revised to reflect all design changes recommended in this City Planning Commission report.
- \*25. Adjacent property owner's approval shall be obtained for all off-site grading. Also, slope maintenance agreements for all slopes crossing property lines shall be recorded subject to approval of the Planning and Public Works Departments and City Attorney's Office
- \*26. The applicant shall prepare a Coastal Sage Scrub and riparian enhancement plan subject to review and approval of the Planning Department prior to grading permit.
- \*27. Manufactured slope ratios shall not exceed a maximum of 2:1.
- \*28. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
- \*29. Grading activity shall be in substantial compliance with the grading plan on file with this application.
- \*30. Advisory: The Regional Water Quality Control Board requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- \*31. Compliance with SCAQMD Rules 402 and 403 shall be followed in order to minimize air pollutant construction emissions. Additionally, the applicant will implement the following:
  - a) Regular watering, at least 3-times a day, of the construction site, including all unpaved parking or staging areas or unpaved road surfaces, shall be utilized in order to reduce the fugitive dust generated during grading and construction



operations;

- b) Replace groundcover in disturbed areas as quickly as possible; and
- c) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM 10 generation.

- \*32. Advisory: Any disturbance of the "blue line streams" will require permits and approval from the State Department of Fish and Game and U.S. Army Corps of Engineers.
- \*33. The applicant shall comply with the long term Stephen's Kangaroo Rat (SKR) Habitat Conservation Plan (HCP) and the City's policies for implementing the HCP.

*Prior to Building Permit Issuance*

- \*34. The applicant is advised that the project is in an area impacted by a CNEL noise level between 60 and 70 dBA. Dwelling units constructed within the noise impacts areas will have to be sound insulated to the specifications of the Building Division.
- \*35. Submit documentation of approval by the Riverside County Airport Land Use Commission (ALUC) shall be submitted to the Planning Department. All Conditions imposed by the ALUC shall be met to its satisfaction prior to map recordation. In the event the ALUC finds this map to be inconsistent with the Airport Land Use Plan, the case shall be considered by the City Council at a public hearing concurrently with the ALUC appeal.
- \*36. The applicant shall convey an avigation easement to the March Air Reserve Base (MARB) and the March Inland Port (MIP) to the satisfaction of the City Attorney's Office and MARB/MIP. The applicant shall obtain approval of the Riverside County Airport Land Use Commission and submit documentation to Planning Department staff.
- \*37. Any lighting other than normally associated with a residential use, such as tennis court lighting, will be reviewed by the Planning Department in the Design Review process. Any tennis court lighting is required to be hooded and directed downward. In addition, the design shall avoid off-site light spillage.
- 38. For purposes of measuring the front yard building setback line the private street will be considered a public street. All homes placed on these lots will have a front yard setback of 30-feet from the private street property line and 25-feet from the side and rear property lines. All other applicable standards of the underlying RC — Residential Conservation Zone shall be met.
- 39. If any of the mitigation measures contained herein conflict with the measures required by any of the resource agencies with jurisdiction over this project, the applicant shall comply with mitigation measures imposed by the resource agency.

## Standard Conditions

### ● **Planning**

- \*40. There is a thirty month time limit in which to satisfy the conditions and record this map. Five subsequent one-year time extensions may be granted by the City Planning Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
- \*41. In approving this case, it has been determined that the project has the potential for adverse effect on wildlife resources and the payment of fees pursuant to Section 711.4 of the Fish and Game Code is required.

### ● **Public Works**

- 42. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.
- 43. Full improvement of interior streets based on private residential street standards.
- 44. Storm Drain construction will be contingent on engineer's drainage study as accepted by the Public Works Department.
- 45. Off-site improvement plans to be approved by Public Works prior to recordation of this map.
- 46. The proposed private streets are to be designed and fully improved per the standards governing private streets, Resolutions 12006 and 15531.
- 47. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to recordation of this map.
- 48. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to recordation of this map.
- 49. Size, number and location of driveways to Public Works specifications.



50. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications. Security gates shall be keypad activated to provide access to the project for trash collection service.
- \*51. Minimum design speed for residential streets should not be less than 25 miles per hour with a 150 foot minimum sight distance.
- \*52. Installation of sewers and sewer laterals to serve this project to Public Works specifications. However, septic tanks will be allowed for lots that cannot reasonably be served by a gravity sewer.
- \*53. Onsite disposal system (septic tank) acceptability shall be obtained for each lot of this map not served by sewer, to the satisfaction of the County Department of Environmental Health, prior to this map recording.
- \*54. Removal and/or relocation of irrigation facilities, as required.
- \*55. All property subject to flooding from a 100-year storm shall be placed in the WC (or other appropriate Zone) prior to or concurrently with recordation of this map.
- \*56. Ownership of property to be undivided prior to this map recording.
- \*57. Trash collection service will not be provided on the common drive serving Lots 50-53. An area shall be provided along Century Hills Drive to accommodate the placement of containers for automated collection. This requirement shall be incorporated in the CC&R's for this project.

● **Fire Department**

- \*58. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.
- \*59. Construction plans shall be submitted and permitted prior to construction.
- \*60. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
- \*61. Fire Department access is required to be maintained during all phases of construction.
- \*62. Prior to map recordation the Fire Department recommends the following conditions be included in a recorded covenant to the satisfaction of the City Attorney's Office and Fire Departments to ensure that future buyers are informed of these requirements:
- a. On- and off-site fire protection facilities shall be provided to the specifications of the Fire Department.
- b. The Building Division and Fire Department shall inspect and approve the property and structure for the intended use and all standards and regulations shall be met.
- c. Residential fire sprinklers shall be installed per City Ordinance #6019.

- d. A public water system shall be provided and maintained.
- e. Streets and fire apparatus access roads shall meet public street standards.
- \*63. Appropriate provisions shall be made and approved by the City resolution or agreement to insure streets are maintained and repaired when necessary in the event a homeowners association fails to do so.
- \*64. Cul-de-sacs, where islands are provided, shall be a minimum of 106-feet in diameter, curb-to-curb, with a maximum fifty-foot diameter island.
- \*65. Entry gate(s) shall meet Fire Department requirements for access and be equipped with key box (Knox) devices.
- \*66. All dead-ends, caused by recordation of individual phases of the map, in excess of 150-foot will be required to provide a temporary turnaround to the Fire Department's approval.

● **Public Utilities**

- \*67. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
- \*68. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
- \*69. Consideration for acceptance of a City maintained water system within private developments requires the following:
  - a. Easements will be provided as required by the Water Utility. This will include the entire width of private streets (minimum 50-foot wide) and a graded strip (minimum 30-foot wide) elsewhere as needed.
  - b. Easements shall be kept clear of structures, trees and all other deep rooted plants which could interfere with the operation, maintenance and/or replacement of City water facilities. This includes medians.
  - c. The City Water Utility shall review and approve all construction and landscaping plans within the easement areas.
  - d. Private streets shall be constructed to Public Works specifications, including standard 6-inch curb and gutter to provide adequate drainage for flushing and flow testing fire hydrants.
  - e. City water mains in private streets shall be ductile iron and shall be constructed beneath all transverse storm drain facilities.
  - f. Compliance with any other special requirements of the Water Utility.



- \*70. Applicable Water Utility fees and charges, will be required prior to recordation.
- \*71. Since the Public Utilities Department signs the record map only when all of our conditions have been satisfied, Water Utility approved modifications can be made without further City Planning Commission review.
- 72. Advisory: The provision of faithful performance bonds in accordance with the City of Riverside Water Rules.
- 73. Advisory: Special requirements are applicable for acceptance of public water system facilities within private streets.

● **Park and Recreation**

- \*74. The removal, relocation, replacement or protection of existing street trees to the specifications of the Park and Recreation, Public Works and Planning Departments.
- \*75. The installation of new street trees in accordance with the specifications of the Park and Recreation Department. Street tree installation work may be deferred until issuance of building permit on each individual parcel. No Street Trees are required for private streets. All street trees shall be automatically irrigated and installed prior to occupancy.
- \*76. Payment of all applicable park development fees (local and regional/reserve) as mitigation for impact to park development and open space needs as generated by the project (Note: Regional/Reserve Park fees not applicable to Open Space Lot acreages; However, all other lots including street lots are subject to Regional/Reserve Park fees).
- \*77. All reverse frontage and public landscape plans shall be subject to review and approval of the Park and Recreation, Planning and Public Works Departments.
- \*78. Installation of full reverse frontage and public landscape improvements, walls and hardscape for all public landscape areas as may be required by the Planning Department, in accordance with the specifications of the Park and Recreation, Planning and Public Works Departments.
- \*79. Irrigation systems serving public landscape areas shall be metered, controlled and valved separately from any private landscape areas for both electrical and water services, as well as for irrigation valve control.
- \*80. All public landscape areas and private open space areas and parkways shall be maintained through a Homeowner's Association.
- \*81. Provide landscape and wall easements, subject to the approval of the Park and Recreation and Public Works Departments and City Attorney's Office, for all reverse frontage and public landscape improvements that extend beyond the public right of way.
- \*82. A multi-purpose recreational trail easement shall be granted to the City along an alignment within the Alessandro Arroyo as approved by the Planning, Park and Recreation and Public Works Departments, and the Recreational Trails Steering Committee. It is anticipated the trail alignment will remain within the 100 year flood

plain.

- \*83. Trail signage shall be placed along the trail prior to recordation, or shall be incorporated into the performance/labor material bonds executed for construction of the trail.
- \*84. A Covenant and Agreement for the maintenance of the landscaped parkways, reverse frontage and public landscape areas and medians, approved as to form by the City Attorney, must be executed by the developer. The agreement shall outline the responsibilities and liabilities being assumed by the Home Owners Association (HOA), upon acceptance of these landscape areas for private maintenance by the HOA.

**GENERAL INFORMATION NOTES**

1 Appeal Information

- a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within fifteen calendar days after the decision.
- b. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.



## RECOMMENDED CONDITIONS

Case Number: P03-1548 (PRD)

City Council Meeting Date: September 23, 2004

**CONDITIONS**    *All mitigation measures are noted by an asterisk (\*).*

### Standard Conditions

● **Planning**

1. A maximum of 86 lots shall be allowed under this Planned Residential Development on approximately 167.5-acres.
2. In approving this case, it is found that this proposed project is consistent with the existing general plan for the City of Riverside based on substantial evidence discussed in this report. There is not substantial evidence in the record that the project will interfere with the revised general plan currently being prepared by the City.
3. On and off-site fire protection facilities shall be provided to the specifications of the Fire Department.

*Fire Department Advisory Conditions:*

4. Single family residences shall meet all the following requirements prior to issuing a building permit.
  - a. Public fire hydrant capable of delivering 1,000 G.P.M. available at 20 P.S.I. residual pressure.  
  
EXCEPTION: Public fire hydrant capable of delivering 500 G.P.M available at 20 P.S.I residual pressure with an approved residential fire sprinkler system per N.F.P.A. 13(d).
  - b. Public fire hydrant shall be within 350 feet from the driveway entrance as measured by route of travel
  - c. All exterior portions of the single family residence shall be within 300 feet from an approved water supply located on a public way, as measured by an approved route around the exterior of the building

EXCEPTION: Access requirements may be removed if single family residence has an approved residential fire sprinkler system per N.F.P.A. 13(d) and the entire exterior of the single family residence, roof, siding, and overhangs, are of fire retardant construction

*Water Utilities advisory conditions:*

5. Consideration for acceptance of a City maintained water system within private developments requires the following:

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- a. Easements will be provided as required by the Water Utility. This will include the entire width of private streets (minimum 50 feet wide) and a graded strip (minimum 30 feet wide) elsewhere as needed
  - b. Easements shall be kept clear of structures, trees and all other deep rotted plants, which could interfere with the operation, maintenance, and/or replacement of the City water facilities. This includes medians.
6. The City Water Utility shall review and approve all construction and landscaping plans within the easement areas.
  7. Private streets shall be constructed to Public Works specifications, including standard 6 inch curb and gutter to provide adequate drainage for flushing and flow testing fire hydrants.
  8. Installation of a 12 inch water main across the Alessandro Arroyo is of prime importance to the expansion and operation of the city 1400 zone on both sides of the arroyo. Therefore, the installation of a 12 inch water main in a graded easement is required from your project boundary near the Arroyo Dam to the nearest private street, as approved by the Water Utility and the Planning Department. Crossing the arroyo at the dam will also require the approval of the Riverside County Flood Control District.
  9. Compliance with any other special requirements of the water utility
  10. Applicable water utility fees and charges will be required prior to recordation.
  11. Plot plan, building elevations, landscaping, irrigation for the future residence shall be submitted to the Design Review Board for review and approval. Design Modifications may be required as deemed necessary. A separate application and filling fee is required. The plot plan and building elevations must be approved prior to building permit issuance; landscaping and irrigation plans must be submitted prior to building permit issuance.



**12-49**

5-188

**EXHIBIT 2 -**

**Minutes of Planning Commission Meeting  
August 19, 2004**

**CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004**

**12-50**

**5-189**



**DRAFT UNAPPROVED MINUTES - August 19, 2004**

- 14a. **PLANNING CASE P03-1451: (Continued from August 5, 2004)** Proposed Tract Map 31930 by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to subdivide approximately 86.31 vacant acres into 29 residential and 5 open space lots, located southerly of terminus of Cresthaven Drive and northerly of Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones. *(This case is being heard concurrently with P03-1548 and P04-0260.)*
- 14b. **PLANNING CASE P03-1548: (Continued from August 5, 2004)** Proposed revised planned residential development (PD-001-912) by Gabel, Cook and Becklund, on behalf of Jim Guthrie, consisting of 29 single family residences with private and common open space on approximately 86.31 vacant acres, located southerly of terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones. *(This case is being heard concurrently with P03-1451 and P04-0260.)*
- 14c. **PLANNING CASE P04-0260: (Continued from August 5, 2004)** Proposal by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to rezone approximately 7 acres from the O – Official Zone to the RC – Residential Conservation Zone located along the southerly portion of a 29-unit planned residential development, situated southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo. *(This case is being heard concurrently with P03-1451 and P03-1548.)*

Clara Miramontes, Senior Planner, presented the staff report. She announced that revised exhibits, conditions and letters received by staff were distributed to the Commission that morning.

Commissioner Densmore noted that the commission was handed quite a bit of material when they arrived and again just recently. He referred to the letter distributed from the Friends of the Hills and stated that he would like to hear staff respond to these concerns, realizing they also just received the letter.

Ms. Miramontes replied that the letter was received early this morning and staff has not had an opportunity to meet with the Friends of Riverside's Hills. She pointed out that staff has reviewed the grading exceptions, density and PRD and is of the opinion that the proposal is consistent.

John Swiecki, Principal Planner, added that staff would be glad to go through each point at the Commission's discretion.

Commissioner Kurani stated he had a serious problem with these letters which were distributed in the morning. He personally did not like to entertain this because there is too much detail in these letters. As a commission member, they are to hear the public but if they receive a 10 page letter with only two minutes to review it, it makes him nervous that there is not sufficient time to thoroughly review and understand the issues.

Ken Gutierrez, Planning Director, explained that this has come up in the past quite frequently and commissioner Kurani's point is well taken. In defense of the writers of any of the letters received, the staff report is not mailed out until Friday before the meeting. If someone has concerns based upon the project description they can respond to this at any time during the notice period which is at least 20 days. If someone is responding to the staff report, the report is not available until Friday afternoon, after the agenda



packet has been mailed. These responses will appear at the dais the morning of the meeting. He recognized that this was a problem and wasn't sure how to address it. He suggested that the Commission take public testimony and if they feel comfortable and understand the comments, they may make a decision. If the commission feels that they need additional time and more information than the commission can ask for a continuance.

Jim Guthrie, 4225 Garner Rd., stated that the map was a continuation of a larger scaled PRD. Unfortunately, they were not able to complete the last three phases prior to the expiration date. They have spoken with staff at great length and everyone is in agreement that this is a continuation of an existing map. He has worked with staff to solve any issues dealing with open space and grading issues. The project was postponed several times due to concerns raised by Friends of the Hills and planning staff but he felt that they were now in agreement with staff's recommendations with the exception of one or two items. He reiterated that the map as presented is a continuation of a project that was originally approved. He has worked with Flood Control and it is a mutually beneficial purchase of the property. He stated that they have a letter of intent from the Flood Control District.

Bill Gabel, civil engineer with Gabel, Cook and Associates, addressed the Commission. He distributed some exhibits that did not make it into the grading exception package that was included with the agenda packet. He provided a brief history of the project from the time it was first approved in 1994. He stated that in between recording the maps, the City adopted a new Grading Ordinance which changed the way the Arroyo and setbacks were defined. Their request for a time extension needed to be viewed against the new setbacks but required variances due to the new Ordinance. He explained the various variances they were requesting. He said that staff was in support of the variances and recommended approval. He distributed a handout with their concerns regarding conditions 6 and 11 of P03-1451 and suggested modified language.

Vice Chair Singletary announced that if anyone was present for the cases after this item, that the Commission would be adjourning after this case and reconvene no sooner than 1:30 pm.

Mr. Gabel continued and noted that condition 6 states that Lot 53 and open space Lot 87 shall be combined as one open space lot. They have asked to have lot 53 every time they have come before the Commission and asked that they approve of the lot. He referred to a letter in the packet, exhibit J7 from Dr. Larsen who spoke to the concern of this lot as well. He pointed out that they are not building the pad up, they are putting it right where the ground is today. They felt that this lot was no more significant than any of the other lots they have. He asked that the commission support this lot by deleting condition 6. He suggested revised language for Condition 11 which deals with providing water to the Mr. Raftery's and Mr. Mayes' homes. They actually live off of a street that is off to the west, Rolling Ridge. They have booster pumps because the city does not have a water line on Rolling Ridge and have asked this commission, through their tract to get them water because their tract will have a higher pressure zone. Condition 11 is written in such a way, it implies that they will run water service up to their property line. He wanted to change the condition to read differently so that they will run water service to the street right-of-way line and end the service there. These two property owners would then have to go Public Utilities and make arrangements to have the meters installed. He did not feel that his client should pay for the fees associated with getting them water. His attempt in rewriting condition 11 makes that clear. He also said that they will give them an easement across their lot and install a line so that they can make those arrangements. They will provide the tap so that the existing property owners do not have to tear up the street. He asked that condition to be reworded as suggested. He also addressed condition 32, although an advisory condition, he believed it was there for



CEQA reasons. He said that there was an initial study done that addressed dust control a little differently than condition 32 which appears to be stronger language. He stated they were not taking exception to the condition, just a statement that this was needed for CEQA purposes.

Commissioner Comer asked whether deleting condition 6 would change the recommendation for P03-1548 since staff was recommending denial.

Ms. Miramontes replied that if the Commission wishes to strike out condition 6, they are approving an additional lot which is the revision to the PRD. She added that there were a set of recommended conditions should the Commission wish to approve the revision to the PRD.

Robert Burton, 1998 Apostle Lane, said he was directly impacted along the southeast corner of the property line shown on the proposed plan for approximately 822'. His property actually abuts lot 37 directly and is impacted by lots 37 thru 40 and 77 thru 79. He pointed out, by the applicant's own admission, that there was nothing developed in this area in 1994. Since this time, there have been several new developments in this area and it is not in the same condition. He and his wife do not agree in treating this proposal as the same tract map. There is impact to this area which is totally unknown as there has been no EIR. There are several problems with this project in that there has been no communication from the developer and no neighborhood input. He stated that he has tried several times to communicate with the developer. He reiterated that there are many problems with the project and the project needs to be reviewed in a much different fashion.

Michael Raftery, 2400 Rolling Ridge Road, stated he was a property owner contiguous to lots 54-56. He has also been involved and has worked with the Planning Department on the project. There should be letters in the files going back to 1989 from him in support of the plan. He said that plan is the plan that has previously been approved by this Commission and City Council. The difference between that plan and the proposal today is that the present developer, Mr. Guthrie, wishes to come in and change those conditions that have been previously approved. Prior to his retirement he represented the neighbors on this project. Basically everyone agreed with what the Planning Department came up with. One of the major concerns was the preservation of the ridge lines and that homes not be allowed on the ridge line. What was worked out was a good plan for a developer to come in and protect the environment. He stated that lot 53 was a sensitive area to the entire project for ridge lines and open space. With regard to the water line, when they built their homes they went along with the City's recommendation that they install pumps and at a later date when a developer came in, they would run the water to their property. He strongly recommended that the commission approve the previously approved conditions. He asked staff regarding the height limitations for the development, lots 54 thru 57 that were included in the previous conditions but were not reflected in the proposed conditions. He thought they had failed to be placed in the current document.

Ms. Miramontes explained that they did not fail to be included. The previous maps for those lots 54 thru 57 were approved for custom future grading and there was a restriction for the elevation so that a future grader would comply with this. Mr. Guthrie has chosen to grade the lots himself and has complied with those restrictions, in terms of the elevations. She stated that the condition can be included again to ensure that any future property owners adhere to those height limitations.

Mr. Raftery recommended that this be included in writing.



Commissioner Norton stated that the comment was made that the City had promised a water line at the time of the next development and asked for clarification.

Mr. Swiecki replied that to his recollection, the water line was something the previous developer proposed in conjunction with their project. The condition was not imposed by the city but rather incorporated into the conditions as requested by the developer at the time. He stated that the conditions before the commission reflect what was previously approved.

Walter Parks, 6154 Hawarden Dr, addressed the Commission. As far as he is concerned, it goes back to 1975 when there was a proposal to develop 85 acres in this area and put hundreds of homes on Hawarden Dr. It came very close to passing. In 1975 wiser heads prevailed which led to the Hawarden Hills study and to the kinds of ridge lines and cluster housing, present today. He urged the commission to follow exactly what the Planning Department has recommended without any further variances.

John Mylne, 6190 Hawarden Dr., said he had property near the western boundary of this project. He was concerned with the definition of the easement or access path from the area of the Alessandro Dam up to the open space area. The area is undefined on the map and for walking purposes, it should be defined in such a way that it does not cross a myriad of streets and arroyos. It would be suitable to specify this somewhere along the western boundary of this property because the upper left hand corner of the map leads directly to the open space reserve area. It would seem to him that the map should include this so that everyone is comfortable with the routing it takes and not meander down through the streets in the subdivision. He felt it was an omission not to specify this and asked that it be specified. He stated that the density of the total project was also of concern to him. The proposal seems to be relying on a false premise, the condition was the same in the previous map with regard to the 17 acres of property owned by the Riverside County Flood Control. He noted that it was not a part of this but it was in the calculation for the allowable density of this project. It seems ingenuous to calculate the allowable number of homes on a piece of public property. It is his understanding that without this the project is only eligible for 75-79 lots instead of 86. He stated that this was a serious omission. He knew there was a condition requiring that the property be acquired before building permits are obtained so that this process based on a premise is somewhat shaky.

Len Nunny, representing Friends of Riverside's Hills, apologized for the late arrival of the letter. As explained by staff it was not possible to get through the staff report sooner. He reinforced Mr. Mylne's comments particularly with regard to the trails. He noted that the Hawarden Hills Specific Plan is part of the General Plan and very clearly states that approximately 15 acres will be set aside for the trail corridor. He stated that this was clearly a new tract map and also clearly a new PRD and therefore should be evaluated as such. The PRD conditions are very clear with regard density bonuses. In their view there are a number of issues here where this development is in line for a density reduction not a density bonus. He explained their concerns regarding the open space. He indicated that these excessive grading exceptions would be unnecessary if it was recognized that this PRD should have a density reduction. There are a lot of issues related to the grading exceptions which reduce the environmental value of what this PRD is supposed to be doing.

Commissioner Densmore asked if the Friends of Riverside's Hills and others concerned have sat down with the developer and expressed their concerns.



Mr. Nunny replied that staff and other interested groups were invited by Mr. Guthrie to walk the property and at that time they expressed their concerns. In March they submitted a letter outlining their concerns as well. This is one of the most environmentally sensitive areas left in Riverside. The trouble is obviously financial for the developer, it is difficult to agree to losing one or two lots. They feel that in this particular place, there has been an attempt to position these pads in appropriate areas, however, there are simply too many of them.

Joe Mayes, 2420 Rolling Ridge Road, stated that he had two concerns. One of them was lot 53 which took out the open land and took out a block of area that the hikers use to see the special rock outcroppings and also view the city. The other issue was the condition they had negotiated to run the water line to their property.

Mr. Gabel responded to the public comments. He stated that it was not uncommon to submit plans for property in escrow. They had the approval of the Flood Control District to proceed with the application. It will be up to his client to proceed with the purchase of the property and if he doesn't close escrow he will have to return to the Planning Commission. He noted that there are conditions in the staff report addressing the trails. Condition 22 talks about the Tiburon Knoll and conditions 15 and 16 talk about the trail that goes down through the main arroyo. The City is requiring these trails and the applicant is not objecting to this. There has been discussion as to where the trails should be but due to pending maps to the north of this project even staff is unwilling to say where the trails will be. He stated that they will work with staff, nobody is trying to avoid trails. He also addressed the concerns regarding Century Hills Drive. He noted that the street circulation has been set up to provide circulation all around and is necessary for Fire Department and water access. This is a sensitive area and a number of lots were lost in this area. He reiterated that they are they would request the approval of lot 53 and noted that it would not change things with regard to the trails.

Commissioner Comer noted that with regard to item 11, it doesn't say that the developer is to pay for the water meter to the adjoining property. He asked staff what their intent was with regard to condition 11.

Ken Gutierrez, Planning Director, reminded the commission that this was a condition that was agreed upon by the previous developer and the property owners. The intent was for an easement and water line to be stubbed into the property to the west. He would interpret that under this condition to be that the water line would be extended to the property line. The hook ups to that water would be the responsibility of the property owners, that would mean the meter and connections to the house.

Mr. Gabel also recalled that when the second map was approved Mr. Raftery and Mr. Mayes brought this issue up in public testimony and they asked if the applicant could be required to provide the means to get a water line up to their property.

Mr. Raftery stated that they did not disagree, the water line is to be stubbed to their property line. The cost from their property line to their water pumps is for them not for the developer.

Mr. Gabel added that he did not want to belabor this but to stub it to their property line means that the developer will have to run a service from the water line in the street, 150' to their property line. There has to be a meter on that the city has to go by and read. Mr. Gabel reiterated that he would like to condition to read as proposed by the applicant.



Commissioner Comer stated that the map was thoughtful and the applicant through the years has done a lot of work.. This is being hung up over who is going to pay for the costs of the meter. I would be of the mind set to move forward on this but not entirely comfortable with what staff has written here as it relates to this.

Mr. Gutierrez stated that he was not sure about the agreement but if the commission would like this clarified that it could be done. If the commission wishes to leave the condition in that the developer stub the water lines that is fine but they may want to add a condition that says the cost of the meter and the service of the homes shall be the responsibility of the adjoining property owners. If the agreements have already been made, there will be no additional costs.

Mr. Guthrie said that the premise they are dealing with is that they did not create the problem. They had nothing to do with the problem and do not feel it is their obligation to solve the problem. They have offered to give them an easement and a stub from the main up to the street right-of-way and give them access through their property to do what they need to do. He feel that this is more than generous because in his 30 years of experience, he has not had the city deliver the water main to any property without charge.

Commissioner Kurani stated that he needed assistance in evaluating this project. He is looking at the bigger picture but stated that he needed help because it is an ecologically sensitive area. He is neither here nor there and not sure if they need to look at it from a different angle. He stated that he could not make a decision just based on the testimony.

Commissioner Stephens asked what the net result to the development would be if the commission voted for the staff recommendation.

Ms. Miramontes explained that the net result would be that they would approve the map without lot 53. The condition of stubbing the waterline to the property line would remain, this is an existing condition under the map. They would also approve the rezoning which is required to approve the map because some of the lots area still zoned O, changing them to RC to facilitate the tract map.

Mr. Swiecki clarified that what the Commission would approve is exactly what was approved previously prior to its expiration.

Mr. Gutierrez stated that this was a complex issue anyway just because of the topography of the property. The critically important point is that this is part of a larger PRD that was a comprehensive look at the entire 200 acres. That PRD is still active and continues to be developed. Portions of the maps have been recorded and developed so that they are continuing through with this PRD for the entire 200 acres. The map expired but the map implements the PRD. With the deletion of lot 53 the PRD is intact and has not changed. If lot 53 is added, the PRD opens up so that is why staff recommends lot 53 be deleted, to keep the PRD intact. The subdivision simply implements the PRD that is already in place.

Commissioner Brown stated that there seems to be a difference of opinion on this stubbing. He asked if staff had gone back into the record to see exactly what has said at that time.

Mr. Gutierrez stated that the department does not have verbatim minutes, they are summary. This condition was an agreement between the previous developer and the property owners. It is up to the Commission whether you want to continue that agreement or not.



Commissioner Kurani thanked Mr. Gutierrez for the clarification.

The public hearing was officially closed.

Commissioner Leonard counted three constituencies in the room that have a very strong interest in this case. The applicant who wants to extend the map, do some tweaking to it and carry on. The Friends of Riverside's Hills that say, the map has expired, you've reopened it and the standards have changed, we want you to evaluate under current standards or at least different standards than it was evaluated originally. Then we have adjoining property owners that want to maintain the status quo of the expectations they had. The Commission does not have 14 years of background on this. He said he would move to accept staff's recommendation and go with the status quo. There is tricky footing anywhere you go with this in terms of discussions, decisions agreements that have been made in the past. Condition 11 is still out there but to him the area of disagreement is whether the stub is going to be at the roadway or property line. He felt that both parties understand the adjoining residents will be paying fees and installing meters and absorbing those costs. Based on the testimony, this is an agreement made in the past for considerations made in the past and so this is rather vaguely worded and in this instance vagueness may be the way to go.

**MOTION MADE** by Commissioner Leonard, **SECONDED** by Commissioner , **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, and **TO APPROVE** case P03-1451, P03-1548 and P04-0260 subject to staff's findings and recommendations, and recommending adoption of a Mitigated Negative Declaration.

Ms. Miramontes requested clarification regarding the pad elevation restriction for lots 54-57, if it is something that the commission wishes to consider and include back into the set of conditions. It was one of the original conditions from before and stated that the map as proposed does comply with this restriction.

Commissioner Leonard recognizing that Mr. Guthrie is developing the pads as per the plan but staff requests to keep it in for reference purposes that this would be included in the motion.

Commissioner Densmore stated that the difficulty when R and C were passed was that the City or County did not have the funds to purchase all of this extremely sensitive property and make it all park land, that would have made their jobs easier. As the properties are developed it is questions how close the grading will encroach. In this particular case a great deal of respect for Mr. Guthrie and Mr. Gabel but growing respect for the Friends, in that you can't have everything. He said that what bothered him most was Century Hills Dr. He felt a great deal of thought has been given to making this a minimal impact. This sets a great deal of precedent as the Commission is well aware. This isn't the last issue they will see in these sensitive areas. They have to rely in some cases in the fact that the Council has to a certain extent approved some of the plans in the past. His concerns were with the grading. He bought into Mr. Gabel's argument regarding lot 53 in that the trail will be there it is just unknown at this time but would not hang himself over this issue. He realized there was a great deal of history here regarding the property owner's request but this is a new developer, new circumstances. He felt it was up to Mr. Guthrie at this point to decide whether or not this will be an agreement honored or start from scratch. He agreed with the revision to condition 11 because it does not place the burden on the property owners, this is not a city issue which is why he would not be comfortable with condition 11.



**SUBSTITUTE MOTION MADE** by Commissioner Densmore, **SECONDED** by Commissioner Comer, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, and **TO APPROVE** case P03-1451, P03-1548 and P04-0260 subject to staff's findings and recommendations with modification to condition 11 to read as submitted by the applicant, and recommending adoption of a Mitigated Negative Declaration.

Commissioner Norton agreed with commissioner Densmore with regard to condition 11. Real estate laws are very tight, disclosure is very much so in California because we are such a litigious society. If the City has no record, nothing in writing nothing filed, she also had a problem, even conditioning the present buyer who didn't know, wasn't aware or wasn't advised, etc. She stated she could not support the motion for the same reason.

Mr. Gutierrez clarified that they did not have the record of the exact language but did have a record of the condition. This was a condition of the previous map, exactly as presented today.

Commissioner Stephens stated that this was one reason he would support keeping it in. The Commission does not have the long term view and history and there was probably a rationale to include that condition in the first place. He was not sure that the rationale has gone away. They are now changing something that the developer, even though he is new, was aware of from the previous map. This was the a condition the map was approved under and the developer knew this when he purchased the property.

Kristi Smith, Deputy City Attorney, clarified that the PRD, P03-1548 is the maker of the motion adding lot 53, if not it is a denial of this case.

Commissioner Densmore stated that condition 53 is not the sword he is throwing himself on. He is not in agreement with taking it out. His motion is to go along with staff and the original motion which was to deny that portion except for condition 11.

Commissioner Norton stated she would not support the motion because she is not comfortable with condition 11 and does not support deleting lot 53 in question.

Commissioner Densmore clarified that the intent of the motion is to go along with along with staff's recommendation which is to make lot 53 open space. All he is tweaking from the original motion and staff's recommendation is item 11.

Commissioner Comer stated that there is a tremendous amount of history. He is comfortable with the map, item 11 is not a planning issue whether water gets stubbed or not does not mean this was good or bad planning as it relates to the whole project. It was a financial condition and is a very vague paragraph that could probably be debated either way and to leave it in the closet so that someone could debate it at a different day was the original motion. He was happy Commissioner Mr. Densmore came forward with a substitute motion bringing it out of the closet and stating that it will be available to them and if they make some deal with the City for abatement of fees than that is a financial condition that they are going to make and take care of on their own. The map in and of itself, is a good map and the Commission ought to try to move forward and approve it. He thought it good to go back and clarify condition 11 and hoped the map did not get hung up over this issue.



Commissioner Norton asked Vice Chair Singletary to clarify exactly what the motion says as he restate the motion.

Mr. Swiecki suggested taking each case individually.

**SUBSTITUTE MOTION MADE** by Commissioner Densmore, **SECONDED** by Commissioner Comer, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, and **TO APPROVE** case P03-1451, with modification to condition 11 to read as submitted by the applicant.

**MOTION CARRIED** unanimously.

AYES: Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens  
NOES: None  
DISQUALIFIED: None  
ABSTAINED: None  
ABSENT: Agnew

**MOTION MADE** by Commissioner Densmore, **SECONDED** by Commissioner Comer, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, and **TO DENY** P03-1548, as recommended by staff.

**MOTION CARRIED** by a vote of 7 ayes to 1 noes and 0 disqualified and 0 abstentions.

AYES: Brown, Comer, Densmore, Kurani, Leonard, Singletary, Stephens  
NOES: Norton  
DISQUALIFIED: None  
ABSTAINED: None  
ABSENT: Agnew

**MOTION MADE** by Commissioner Densmore, **SECONDED** by Commissioner Comer, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, and **TO APPROVE** P04-0260 with staff's findings and recommendations, and recommending adoption of a Mitigated Negative Declaration.

**MOTION CARRIED** unanimously.

AYES: Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens  
NOES: None  
DISQUALIFIED: None  
ABSTAINED: None  
ABSENT: Agnew

Vice-Chair Singletary advised of the appeal procedure.

**EXHIBIT 3 -**

**Correspondence Distributed at Planning  
Commission Meeting August 19, 2004**

**CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004**

**12-60**

5-199



**CORRECTED RECOMMENDED CONDITIONS**

Case Number: P03-1451 (TM 31930)

Meeting Date: August 19, 2004

**CONDITIONS**

*All mitigation measures are noted by an asterisk (\*).*

**Case Specific**

● **Planning**

1. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, the applicant's written justifications are referenced:
  - a. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (~~lots 23-27, 29-32, 35-37, 39-49, 51-56, 58-64 and 66-91~~) (37-39, 43-48, 50, 51, 53-55, 57-62 and 77-79);
  - b. a parcel less than five acres in size on lot 49 with an ANS of 30% or greater (~~lots 33-34, 38, 50 & 65~~);
  - c. landlocked parcels located along private streets.
  
2. The Commission makes the necessary findings in the applicant's favor to grant the following grading exceptions. As justification, the applicant's written justifications are referenced:
  - a. to permit lots ~~37-41, 43-49-51, 57-62, 77, 78~~, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road, a water quality basin, and a sewer line to encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
  - b. to permit slopes in excess of twenty-feet for portions of Cresthaven and Century Hills Drives.

*Prior to Map Recordation*

3. Within 30 days of the approval of the tentative map by the City the developer/subdivider shall execute an agreement, approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's

**12-61**

5-200

advisory agency, appeal board, or legislative body concerning this subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the Developer/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

4. The applicant shall obtain final authorization from the Riverside County Flood Control District or the applicant shall have acquired such property.
5. An open space easement shall be recorded for all areas within the boundaries of the 100 year flood plain and all non-graded areas and for each lot all areas not proposed for grading under this review subject to the approval of the Planning Department and City Attorney's Office. The easement should clearly specify that these areas are intended for open space purposes only and that no grading, construction or fencing is permitted. The open space areas within the open space easement are to be maintained by a non-profit conservation organization such as the Riverside Land Conservancy subject to the approval of the Planning Department and City Attorney's Office. The property shall be transferred either in fee title or an easement established to facilitate maintenance/stewardship by such an organization.
- \*6. Lots 53 and open space Lot 87 shall be combined as one open space lot.
- \*7. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and other documents as necessary subject to approval of the Planning Department and City Attorney's Office. The CC&Rs shall contain the following conditions and restrictions:
  - \*a. prohibiting any additional grading beyond the Arroyo setback and 50-foot development setback;
  - \*b. establishing a Homeowner's Association;
  - \*c. the keeping of livestock is prohibited;
  - \*d. prohibiting further subdivision of any lots within this map.
- \*8. The unused portion of right-of-way from the existing cul-de-sac bulb of Cresthaven Drive shall be vacated. A separate submittal and filing fee is required.
- \*9. Lots 88 and 89 should be split at the phasing line to create two new, numbered open space lots.
- \*10. Planning Cases P04-0260 and P03-1548 shall be finalized.



- \*11. Easements shall be recorded as necessary to provide water to the adjoining lots to the north of Rolling Ridge Road and that the developer stub the waters lines to all effected, contiguous properties.

*Prior to Grading Permit Issuance*

- \*12. The proposed project affects waters of the United States and waters of the State, which fall under the jurisdiction of the United States Army Corps of Engineers (USACE) and the California Department of Fish and Game (CDFG), respectively. As such, the following agencies have jurisdiction over this project, as necessary: the California Department of Fish and Game; the Army Corps of Engineers; the U.S. Fish and Wildlife Service; and the California Regional Water Control Board. These agencies' approval will be required prior to grading permit issuance and the applicant is responsible for compliance with all requirements and conditions of these agencies.
- \*13. Permanent loss of RSS will be mitigated at a greater than 3:1 ratio through the onsite preservation of 20.6 acres of RSS (9.6 acres moderate quality, 11 acres low quality) adjacent to the Alessandro Arroyo.
- \*14. The permanent loss of jurisdictional waters will be offset by the expansion of the unnamed drainage feature at a 1:1 ratio. The mitigation site will be located immediate downstream of the road crossing and adjacent to the proposed upland water quality bio-swale. It is anticipated that the bio-swale will provide sufficient hydrology to support riparian vegetation.
- \*15. A water quality bio-swale will be installed immediate downstream of the road crossing. The bio-swale will be installed in an upland location to provide pretreatment of urban runoff priot to discharge into the drainage feature. The HOA will provide long term maintenance, consisting of installation of native grasses, and sediment removal as needed.
- \*16. A three year maintenance and monitoring plan is proposed to ensure the successful establishment of the native cover within the mitigation area. Riparian vegetation will be installed within the mitigation site consisting of native grasses.
- \*17. The project site is located within the Riverside County SKR Habitat Conservation Plan Fee Assesment Area, and therefore subject to current fee requirements as administered by the City of Riverside.
- \*18. The grading plan shall be revised, subject to Planning Department review and approval, to:

- \*a. clearly indicate all pad and lot drainage, subject to review and approval by the Planning and Public Works Departments. Cross lot drainage covenants, if necessary, shall be subject to Public Works and City Attorney's office Departments' review and approval.
  - \*b. Indicate that all rip-rap will be natural rock (not blasted) and all visible drainage features will be color treated to blend in with the natural surroundings.
  - \*c. Indicate an interim erosion control program to be certified by the project engineer subject to Public Works Department review and approval.
  - \*d. Reflect City adopted contour grading policies. Prior to issuance of a building permit, the applicant's engineer shall submit a letter certifying the contouring of such required slopes in accordance with City adopted standards.
  - \*e. Indicate that grading operations will be restricted to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
  - \*f. Indicate the 100 year flood limits of the blue line stream to the satisfaction of the Public Works Department.
- \*19. Prepare a detailed grading plan at 1"=40' scale for lot 45 showing protection of the existing rock outcroppings, subject to Planning Department approval.
  - \*20. Final driveway grades and configurations will be subject to review and approval of the Fire Department.
  - 21. Tract Map 31930 shall be recorded.
  - \*22. Provide a trail across the subject property, between the Alessandro Arroyo and the northerly boundary of the subject property for eventual connection to Tiburon Knoll, subject to approval of the Planning Department.
  - \*23. Landscaping and irrigation plans for all manufactures slopes in excess of five feet in vertical height shall be submitted to and approved by the Planning Department. The applicant's engineer or landscape architect shall submit a letter certifying to the installation of such required landscaping and irrigation facilities prior to the release of utilities.
  - \*24. In the event that joint access driveways are proposed, covenants shall be prepared subject to the satisfaction of the City's Attorney Office and Public Works Departments.



- \*25. The grading plan shall be revised to reflect all design changes recommended in this City Planning Commission report.
- \*26. Adjacent property owner's approval shall be obtained for all off-site grading. Also, slope maintenance agreements for all slopes crossing property lines shall be recorded subject to approval of the Planning and Public Works Departments and City Attorney's Office
- \*27. The applicant shall prepare a Coastal Sage Scrub and riparian enhancement plan subject to review and approval of the Planning Department prior to grading permit.
- \*28. Manufactured slope ratios shall not exceed a maximum of 2:1.
- \*29. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
- \*30. Grading activity shall be in substantial compliance with the grading plan on file with this application.
- \*31. Advisory: The Regional Water Quality Control Board requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- \*32. Compliance with SCAQMD Rules 402 and 403 shall be followed in order to minimize air pollutant construction emissions. Additionally, the applicant will implement the following:
  - a) Regular watering, at least 3-times a day, of the construction site, including all unpaved parking or staging areas or unpaved road surfaces, shall be utilized in order to reduce the fugitive dust generated during grading and construction operations;
  - b) Replace groundcover in disturbed areas as quickly as possible; and
  - c) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM 10 generation.
- \*33. Advisory: Any disturbance of the "blue line streams" will require permits and approval from the State Department of Fish and Game and U.S. Army Corps of Engineers.
- \*34. The applicant shall comply with the long term Stephen's Kangaroo Rat (SKR)

Habitat Conservation Plan (HCP) and the City's policies for implementing the HCP.

*Prior to Building Permit Issuance*

- \*35. The applicant is advised that the project is in an area impacted by a CNEL noise level between 60 and 70 dBA. Dwelling units constructed within the noise impacts areas will have to be sound insulated to the specifications of the Building Division.
- \*36. Submit documentation of approval by the Riverside County Airport Land Use Commission (ALUC) shall be submitted to the Planning Department. All Conditions imposed by the ALUC shall be met to its satisfaction prior to map recordation. In the event the ALUC finds this map to be inconsistent with the Airport Land Use Plan, the case shall be considered by the City Council at a public hearing concurrently with the ALUC appeal.
- \*37. The applicant shall convey an aviation easement to the March Air Reserve Base (MARB) and the March Inland Port (MIP) to the satisfaction of the City Attorney's Office and MARB/MIP. The applicant shall obtain approval of the Riverside County Airport Land Use Commission and submit documentation to Planning Department staff.
- \*38. Any lighting other than normally associated with a residential use, such as tennis court lighting, will be reviewed by the Planning Department in the Design Review process. Any tennis court lighting is required to be hooded and directed downward. In addition, the design shall avoid off-site light spillage.
- 39. For purposes of measuring the front yard building setback line the private street will be considered a public street. All homes placed on these lots will have a front yard setback of 30-feet from the private street property line and 25-feet from the side and rear property lines. All other applicable standards of the underlying RC — Residential Conservation Zone shall be met.
- 40. If any of the mitigation measures contained herein conflict with the measures required by any of the resource agencies with jurisdiction over this project, the applicant shall comply with mitigation measures imposed by the resource agency.

Standard Conditions



● **Planning**

- \*41. There is a thirty month time limit in which to satisfy the conditions and record this map. Five subsequent one-year time extensions may be granted by the City Planning Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
- \*42. In approving this case, it has been determined that the project has the potential for adverse effect on wildlife resources and the payment of fees pursuant to Section 711.4 of the Fish and Game Code is required.

● **Public Works**

- 43. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying I the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.
- 44. Full improvement of interior streets based on private residential street standards.
- 45. Storm Drain construction will be contingent on engineer's drainage study as accepted by the Public Works Department.
- 46. Off-site improvement plans to be approved by Public Works prior to recordation of this map.
- 47. The proposed private streets are to be designed and fully improved per the standards governing private streets, Resolutions 12006 and 15531.
- 48. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to recordation of this map.
- 49. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to recordation of this map.
- 50. Size, number and location of driveways to Public Works specifications.

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51. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications. Security gates shall be keypad activated to provide access to the project for trash collection service.
- \*52. Minimum design speed for residential streets should not be less than 25 miles per hour with a 150 foot minimum sight distance.
- \*53. Installation of sewers and sewer laterals to serve this project to Public Works specifications. However, septic tanks will be allowed for lots that cannot reasonably be served by a gravity sewer.
- \*54. Onsite disposal system (septic tank) acceptability shall be obtained for each lot of this map not served by sewer, to the satisfaction of the County Department of Environmental Health, prior to this map recording.
- \*55. Removal and/or relocation of irrigation facilities, as required.
- \*56. All property subject to flooding from a 100-year storm shall be placed in the WC (or other appropriate Zone) prior to or concurrently with recordation of this map.
- \*57. Ownership of property to be undivided prior to this map recording.
- \*58. Trash collection service will not be provided on the common drive serving Lots 50-53. An area shall be provided along Century Hills Drive to accommodate the placement of containers for automated collection. This requirement shall be incorporated in the CC&R's for this project.

● **Fire Department**

- \*59. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.
- \*60. Construction plans shall be submitted and permitted prior to construction.
- \*61. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
- \*62. Fire Department access is required to be maintained during all phases of construction.
- \*63. Prior to map recordation the Fire Department recommends the following conditions be included in a recorded covenant to the satisfaction of the City Attorney's Office and Fire Departments to ensure that future buyers are



informed of these requirements:

- a. On- and off-site fire protection facilities shall be provided to the specifications of the Fire Department.
  - b. The Building Division and Fire Department shall inspect and approve the property and structure for the intended use and all standards and regulations shall be met.
  - c. Residential fire sprinklers shall be installed per City Ordinance #6019.
  - d. A public water system shall be provided and maintained.
  - e. Streets and fire apparatus access roads shall meet public street standards.
- \*64. Appropriate provisions shall be made and approved by the City resolution or agreement to insure streets are maintained and repaired when necessary in the event a homeowners association fails to do so.
- \*65. Cul-de-sacs, where islands are provided, shall be a minimum of 106-feet in diameter, curb-to-curb, with a maximum fifty-foot diameter island.
- \*66. Entry gate(s) shall meet Fire Department requirements for access and be equipped with key box (Knox) devices.
- \*67. All dead-ends, caused by recordation of individual phases of the map, in excess of 150-feet will be required to provide a temporary turnaround to the Fire Department's approval.
- **Public Utilities**
- \*68. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
- \*69. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
- \*70. Consideration for acceptance of a City maintained water system within private developments requires the following:
- a. Easements will be provided as required by the Water Utility. This will include the entire width of private streets (minimum 50-foot wide) and

a graded strip (minimum 30-feet wide) elsewhere as needed.

- b. Easements shall be kept clear of structures, trees and all other deep rooted plants which could interfere with the operation, maintenance and/or replacement of City water facilities. This includes medians.
  - c. The City Water Utility shall review and approve all construction and landscaping plans within the easement areas.
  - d. Private streets shall be constructed to Public Works specifications, including standard 6-inch curb and gutter to provide adequate drainage for flushing and flow testing fire hydrants.
  - e. City water mains in private streets shall be ductile iron and shall be constructed beneath all transverse storm drain facilities.
  - f. Compliance with any other special requirements of the Water Utility.
- \*71. Applicable Water Utility fees and charges, will be required prior to recordation.
- \*72. Since the Public Utilities Department signs the record map only when all of our conditions have been satisfied, Water Utility approved modifications can be made without further City Planning Commission review.
73. Advisory: The provision of faithful performance bonds in accordance with the City of Riverside Water Rules.
74. Advisory: Special requirements are applicable for acceptance of public water system facilities within private streets.

● **Park and Recreation**

- \*75. The removal, relocation, replacement or protection of existing street trees to the specifications of the Park and Recreation, Public Works and Planning Departments.
- \*76. The installation of new street trees in accordance with the specifications of the Park and Recreation Department. Street tree installation work may be deferred until issuance of building permit on each individual parcel. No Street Trees are required for private streets. All street trees shall be automatically irrigated and installed prior to occupancy.
- \*77. Payment of all applicable park development fees (local and regional/reserve)



as mitigation for impact to park development and open space needs as generated by the project (Note: Regional/Reserve Park fees not applicable to Open Space Lot acreages; However, all other lots including street lots are subject to Regional/Reserve Park fees).

- \*78. All reverse frontage and public landscape plans shall be subject to review and approval of the Park and Recreation, Planning and Public Works Departments.
- \*79. Installation of full reverse frontage and public landscape improvements, walls and hardscape for all public landscape areas as may be required by the Planning Department, in accordance with the specifications of the Park and Recreation, Planning and Public Works Departments.
- \*80. Irrigation systems serving public landscape areas shall be metered, controlled and valved separately from any private landscape areas for both electrical and water services, as well as for irrigation valve control.
- \*81. All public landscape areas and private open space areas and parkways shall be maintained through a Homeowner's Association.
- \*82. Provide landscape and wall easements, subject to the approval of the Park and Recreation and Public Works Departments and City Attorney's Office, for all reverse frontage and public landscape improvements that extend beyond the public right of way.
- \*83. A multi-purpose recreational trail easement shall be granted to the City along an alignment within the Alessandro Arroyo as approved by the Planning, Park and Recreation and Public Works Departments, and the Recreational Trails Steering Committee. It is anticipated the trail alignment will remain within the 100 year flood plain.
- \*84. Trail signage shall be placed along the trail prior to recordation, or shall be incorporated into the performance/labor material bonds executed for construction of the trail.
- \*85. A Covenant and Agreement for the maintenance of the landscaped parkways, reverse frontage and public landscape areas and medians, approved as to form by the City Attorney, must be executed by the developer. The agreement shall outline the responsibilities and liabilities being assumed by the Home Owners Association (HOA), upon acceptance of these landscape areas for private maintenance by the HOA.

GENERAL INFORMATION NOTES

1 Appeal Information

- a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within fifteen calendar days after the decision.
- b. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.



## CORRECTIONS

### ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a. Conflict with general plan designation or zoning?<br/> <small>(Source: GENERAL PLAN LAND USE DIAGRAM, TITLE 19 OF THE RIVERSIDE MUNICIPAL CODE)</small></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**The proposed project involves the subdivision of approximately 86.31 vacant acres to create 29 single family residential and 5 open space lots. A Planned Residential Development application has been submitted to allow one additional lot to the previously approved TM 28728. The original Planned Residential Development request was approved in 1994 in conjunction with TM 23027, the original tract map for this project area, and subsequently for TM 28728. The proposed PRD complies with the maximum density bonus allowed under a PRD in the RC zone.**

**This project also requires variances and grading exceptions, which the City may grant, provided that findings in support of the requests can be made. Variances are requested to permit parcels less than 2-acres for lots with an average natural slope (ANS) greater than 15% but less than 30% for lots 37-39, 43-48, 50-79 37-39, 43-48, 50, 51, 53-55, 57-62 and 77-79, a parcel less than 5-acres in size on lots with an ANS greater than 30% for lot 49, landlocked parcels located along private streets for residential and open space lots, and lot widths at the building setback line less than 130-feet in width for lots 38, 44, 49 and 50-53. Grading exceptions are discussed in detail in Section 3.e.**

**The project also involves a rezoning request to remove an O - Official Zoning designation from the southerly portion of the project area and place the property in the RC - Residential Conservation Zone to facilitate this development. The area to be developed has a General Plan land use designation of Hillside Residential. A General Plan Amendment is not required.**

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