

boundary of the underlying property as well as the presence of the trail required by the settlement agreement and the conditions of approval for the project.

Clustering of lot 19 with lots 18, and 20 through 23 allows the map to retain substantially more open space than would otherwise be available under strict compliance with RC Zoning. The clustering takes lots that were removed from southern and southeastern portions of the property away from the Alessandro Arroyo, and places them in a position that does not impact a potentially environmentally sensitive area. If unable to cluster lots, unnecessary hardship would result from the inability of the map to properly protect sensitive areas of the arroyo and to create contiguous open space areas that are not part of privately owned real property.

Factual Support: The north boundary line of lot 19 is fixed because it is the north boundary line of the underlying property. This boundary is further impacted by the presence of a trail that is required by both the conditions of approval for the project as well as the settlement agreement related thereto. Lot 19 is limited on the western side by the project boundary and presence of the trail easement. Crest Haven Drive cannot be shifted to the east to create more space without jeopardizing the “pan handle” portion of open space lot 31 and without requiring further grading into the main arroyo area. Because the “pan handle” contains the Arroyo Tributary, it is best conserved as an open space lot rather than placed under private ownership, as discussed above.

2. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

In an attempt to avoid the tributary to the Alessandro Arroyo which runs through the center of the map, Crest Haven Drive serves as the backbone for lots 18 through 23 and 14 through 17, which are clustered like vertebrae along a spine. The location of Crest Haven Drive was fixed by the recordation of TM 23027 in 1994 and the development of the first three phases of this project (TM 23027-1 and TM 28728-01, -02) between 1994 and 1998. Lots 19 through 23 are circumscribed by the west boundary of the underlying property and Crest Haven Drive and the trail easement, and Lot 18 is circumscribed by Crest Haven Drive and the north boundary of the underlying property and the trail easement. The approval of TM 31930 will permit the completion of Century Hills Drive, which will connect the dead end at Crest Haven constructed with TM 23027-1 (to the north of the subject property) and the dead end at Century Drive constructed with TM 28728 (to the northeast of the subject property). The completion of Crest Haven will connect two dead ends and facilitate the traffic flow through the entire 165-acre area. The location of the north and west boundaries of the underlying property, in close proximity to the fixed

alignment of Crest Haven Drive are exceptional circumstances which limit the size of lots 18 through 23, and are not generally applicable to other properties in the RC zone or in the neighborhood.

3. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The granting of this variance will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located. The development is the last phase of a Planned Residential Development (PRD) approved in 1994 and developed over the course of the next 10 years. The PRD consists of a total of 85 single family lots and 5 open space lots. All residential lots within the PRD have been developed in a cluster configuration that maximizes open space and minimizes the total overall grading. The reduction in size and related clustering of lot 19 with the surrounding lots conforms with the overall clustering effect of the PRD as a whole.

Lots smaller than the 2-acre minimum in the RC zone are not uncommon in the neighborhood surrounding the proposed TM 31930. A list of lots previously approved with lot size / ANS variances is identified in bold below. For purposes of comparison, the lots which are the subject of the present lot size / ANS variance requests are identified with bullet points and identified next to the approved lots with which they most closely conform.

TM 31859, consisting of 12 residential lots on 24.64 acres, and located adjacent to TM 32042 (discussed below), required 9 lot size / ANS variances. Seven of the 9 were approved for lots less than 2 acres with ANS steeper than the subject property variances. These lots include:

lot 4 at 1.71 acres with an ANS of 19.06%,

lot 5 at 1.07 acres with an ANS of 22.37%,

- similar in size but steeper than lots 39, 43, and 58, at 1.07 acres and ANS 16.38%, and 1.04 acres and ANS 16.95%, and 1.03 acres and ANS 21.10%, respectively;
- steeper and smaller than lots 37, 38, and 60, at 1.11 acres and ANS 18.77%, and 1.17 acres and ANS 20.30%, respectively;
- a bit larger but steeper than lots 38 and 44, at 1.03 acres and ANS 19.85%, and 1.03 acres and ANS 22.27%, respectively;

lot 6 at 1.26 acres with an ANS of 22.67%,

lot 7 at 1.19 acres with an ANS of 18.83%,

- similar in size but not quite as steep as lot 46, at 1.0 acres and ANS 19.56%;

lot 9 at 1.31 acres with an ANS of 21.53%,

- smaller and steeper than lot 54, at 1.49 acres and ANS 20.23%; and
- larger and steeper than lot 77, at 1.28 acres and ANS 20.31%;

lot 11 at 1.47 acres with an ANS of 18.85%, and

lot 12 at 1.76 acres with an ANS of 18.69%.

- steeper and smaller than lot 51, at 1.78 acres and ANS 18.63%.

TM 32042, consisting of 8 residential lots on 16.79 acres, located about 2 miles south of TM 31930 in the RC zone, and approved in February 2004. TM 32042 required the following two lot size / ANS variances:

lot 7 at 1.38 acres and ANS 17.66%, and

- larger and steeper than lot 78, at 1.32 acres and ANS 17.36%;

lot 8 at 1.54 acres and ANS 16.10%

- a bit larger but steeper than lot 79, at 1.13 acres and ANS 15.88%.

TM 29606, consisting of 33 residential lots on 75.56 acres, located directly south of TM 31930 below the Alessandro Arroyo was approved in December, 2000. TM 29606 required the following 9 lot size / ANS variances:

Lot 6 at 3.93 acres and ANS 31.2%,

- larger and steeper than lots 48, 50, and 62, at 1.01 acres and ANS 27.73%, 1.25 acres and ANS 28.07%, and 1.11 acres at ANS 16.60%, respectively,
- larger but not as steep as lot 49, at 2.0 acres and ANS 34.57%

Lot 8 at 1.75 acres and ANS 17.3%,

- larger but steeper than lot 61, at 1.0 acres and ANS 16.93%

Lot 13 at 1.39 acres and ANS 25.9%,

- steeper but a bit larger than lot 45, at 1.19 acres and ANS 26.67%,
- steeper and a bit smaller than lot 47, at 1.49 acres and ANS 28.43%

Lot 14 at 1.39 acres and ANS 22.9%,

- a bit smaller but a little bit less steep than lot 59, at 1.05 acres and ANS 22.83%

Lot 19 at 1.38 acres and ANS 16.3%,

- smaller and steeper than lot 53, at 1.73 acres and ANS 15.16%

Lot 21 at 1.93 acres and ANS 19.2%,

- a bit larger but about the same steepness as lots 55 and 57, at 1.48 acres and ANS 19.06%, and 1.73 acres and 19.60%, respectively.

Lot 22 at 1.53 acres and ANS 23.0%,

Lot 23 at 1.59 acres and ANS 22.1%, and

Lot 28 at 1.83 acres and ANS 22.0%.

4. *The granting of this request will not be contrary to the objectives of the General Plan.*

The granting of this variance is in conformance with the General Plan. The Conservation Element of the General Plan (“Conservation Element”) identifies as high priority, “the preservation of significant blocks of various types of natural open space”. Lot size / ANS variances enable smaller lots, which in turn provide for the dedication of larger blocks of open space. Lot size / ANS variances for small lots enable subdivisions in the RC zone to implement this important conservation goal (a goal which is also reflected in the RC zone).

General Plan Policy NR 1.4 does not facilitate the conservation goal for large subdivisions in the RC zone. It requires that property with an ANS of 15 - 30% may not be developed with a density that exceeds 0.63 dwelling units per acre (1 unit for each 1-2/3 acres). For TM 31930, compliance with Policy NR 1.4 would conflict with the conservation of large blocks of open space.

TM 31930 does comply with Policy NR 1.1, which states: “The City shall limit the extent and intensity of the uses and development in unstable soil areas, *areas of steep terrain*, flood plains, arroyos, and other critical environmental or hazardous areas” (emphasis added), because TM 31930 proposes small lots on parcels between 15-30% ANS which are clustered to minimize grading.

Because TM 31930 cannot comply with Policy NR 1.4 and conserve open space, it becomes necessary to choose between the policy (NR 1.4) and the goal, the conservation of open space. Because the policy was established to implement the goal, where such implementation would not further the goal, the policy does not serve the purpose for which it was intended, and therefore, the conflict with NR 1.4 should be permitted.

II. Lots 20 and 23. To allow lot 20 at 1.42 acres in size with an ANS of 19.35% (formerly lot 56) and lot 23 at 1.12 acres in size with an ANS of 20.23%, to provide less than the 2.0 acres lot size required in the RC Zone. The clustering of these two lots with surrounding lots and the accompanying reduction in size substantially eliminates the necessity of reconfiguring lots elsewhere in the map so as to require additional intrusion of building pads into the main Alessandro Arroyo and allows for the maximization of preserved open space. These findings apply both individually and cumulatively to each lot.

1. *The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.*

The strict application of the zoning code would require the addition of .58 acres to lot 20 and .88 acres for lot 23, for a total of 1.46 additional acres that would need to be removed from open space, creating a non-contiguous open space area. The size of lots 20 and 23 is determined by the fixed location of the following: (i) Crest Haven Drive, and (ii) the Alessandro Arroyo tributary in lot 31, and the trail easement along the western border of the property.

Factual Support: The location of Crest Haven Drive cannot be moved to the east to provide additional acreage for lots 20 and 23, without impinging on the Arroyo tributary to the east of lots 13 through 17. The cul-de-sac at the west end of Century was designed to maximize the adjacent open space corridor. The only way to add acreage to lots 20 and 23 would be to rotate the cul-de-sac to the south, however, such a rotation would reduce the width of the open space corridor at the narrowest point. This would create open space islands that would be difficult to manage and which would be inconsistent with the neighboring open space areas of adjacent developments. Furthermore, increase of size for any of the two lots would require that one or more lots be reincorporated at a different location within the tract map that is more likely to have a significant impact on natural resources. The current positioning of lots 20, 21, 22, and 23 allow for maximization of open space with minimum intrusion into the arroyo. To require otherwise would result in an unnecessary hardship.

2. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

In an attempt to avoid the tributary to the Alessandro Arroyo which runs through the center of the map, Crest Haven Drive serves as the backbone for lots 18 through 23 and 14 through 17, which are clustered like vertebrae along a spine. The location of Crest Haven Drive was fixed by the recordation of TM 23027 in 1994 and the development of the first three

phases of this project (TM 23027-1 and TM 28728-01, -02) between 1994 and 1998. Lots 19 through 23 are circumscribed by the west boundary of the underlying property and Crest Haven Drive and the trail easement, and Lot 18 is circumscribed by Crest Haven Drive and the north boundary of the underlying property and the trail easement. The approval of TM 31930 will permit the completion of Century Hills Drive, which will connect the dead end at Crest Haven constructed with TM 23027-1 (to the north of the subject property) and the dead end at Century Drive constructed with TM 28728 (to the northeast of the subject property). The completion of Crest Haven will connect two dead ends and facilitate the traffic flow through the entire 165-acre area. The location of the north and west boundaries of the underlying property, in close proximity to the fixed alignment of Crest Haven Drive are exceptional circumstances which limit the size of lots 18 through 23, and are not generally applicable to other properties in the RC zone or in the neighborhood.

3. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The granting of this variance will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located. The development is the last phase of a Planned Residential Development (PRD) approved in 1994 and developed over the course of the next 10 years. The PRD consists of a total of 85 single family lots and 5 open space lots. All residential lots within the PRD have been developed in a cluster configuration that maximizes open space and minimizes the total overall grading. The reduction in size and related clustering of lots 20 and 23 with surrounding lots conforms with the overall clustering effect of the PRD as a whole.

Lots smaller than the 2-acre minimum in the RC zone are not uncommon in the neighborhood surrounding the proposed TM 31930. A list of lots previously approved with lot size / ANS variances is identified in Section I above requesting a variance for lot size for lot 19.

4. *The granting of this request will not be contrary to the objectives of the General Plan.*

The granting of this variance is in conformance with the General Plan. The Conservation Element of the General Plan ("Conservation Element") identifies as high priority, "the preservation of significant blocks of various types of natural open space". Lot size / ANS variances enable smaller lots, which in turn provide for the dedication of larger blocks of open space. Lot size / ANS variances for small lots enable subdivisions in the

RC zone to implement this important conservation goal (a goal which is also reflected in the RC zone).

General Plan Policy NR 1.4 does not facilitate the conservation goal for large subdivisions in the RC zone. It requires that property with an ANS of 15 - 30% may not be developed with a density that exceeds 0.63 dwelling units per acre (1 unit for each 1-2/3 acres). For TM 31930, compliance with Policy NR 1.4 would conflict with the conservation of large blocks of open space.

TM 31930 does comply with Policy NR 1.1, which states: "The City shall limit the extent and intensity of the uses and development in unstable soil areas, *areas of steep terrain*, flood plains, arroyos, and other critical environmental or hazardous areas" (emphasis added), because TM 31930 proposes small lots on parcels between 15-30% ANS which are clustered to minimize grading.

Because TM 31930 cannot comply with Policy NR 1.4 and conserve open space, it becomes necessary to choose between the policy (NR 1.4) and the goal, the conservation of open space. Because the policy was established to implement the goal, where such implementation would not further the goal, the policy does not serve the purpose for which it was intended, and therefore, the conflict with NR 1.4 should be permitted.

III. Lot 24. To allow lot 24 at 1.17 acres in size with an ANS of 18.29% (formerly open space lot 87) to provide less than the 2.0 acres lot size required in the RC Zone. The clustering of this lot with lots 25 through 27 and the accompanying reduction in size substantially eliminates the intrusion of the building pads for each of these lots into the main Alessandro Arroyo and allows for the maximization of preserved open space.

1. The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.

Strict application of the RC Zone would require the addition of .83 acres to lot 24. Lot 24 is limited in area by several factors, including: the presence of the trail easement directly to the east, which stops any expansion of the lot in that direction; the presence of the flood control access road and private drive for lots 27 and 28 directly to the south, which prohibits expansion of the lot in a southerly direction; and the presence of lot 25 directly to the west; and the northern border and presence of a steep hill directly to the north. In addition, a knoll top marks the western border of lot 24 and reconfiguration of the property would require additional grading

to account for the land form, resulting in less preservation of the natural land forms located on the underlying property. Furthermore, placing of a lot in this location eliminates the need to encroach into the main Arroyo at other locations in the property and provides for the greatest preservation of natural, contiguous open space. Strict compliance with RC Zone would result in a practical difficulty given the related improvements required by the conditions of approval (flood control access road and trail easement), and would result in the potential encroachment into sensitive areas and/or destruction of natural landforms, an unnecessary hardship.

2. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

Lot 24 contains a knoll top and borders a trail easement, flood control access road, and the northern property border of the underlying property. The presence of knoll tops is an exceptional circumstance in the surrounding neighborhood and amongst other RC zoned property. For example, TM 29606 (the closest approved tract map to the subject property, located south of the Alessandro Arroyo), contains one knoll top that is the site of the only clustered lots. Of the 32 residential lots approved in TM 29606, only two (lots 29 and 30) share a knoll top. TM 31852 contains 4 knoll tops (lots 1, 2, 4, and 13) out of 13 lots (or 31.1%). Tm 32042 contains 2 knoll tops (lots 1 and 7) out of 8 lots (or 25%). The presence of the knoll top and other factors create an exceptional circumstance and condition that is not present in other neighboring developments.

3. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The granting of this variance will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located. The development is the last phase of a Planned Residential Development (PRD) approved in 1994 and developed over the course of the next 10 years. The PRD consists of a total of 85 single family lots and 5 open space lots. All residential lots within the PRD have been developed in a cluster configuration that maximizes open space and minimizes the total overall grading. The reduction in size of lot 24 and related clustering of lots 25 through 27 conforms with the overall clustering effect of the PRD as a whole.

Lots smaller than the 2-acre minimum in the RC zone are not uncommon in the neighborhood surrounding the proposed TM 31930. A list of lots

previously approved with lot size / ANS variances is identified in Section I above requesting a variance for lot size for lot 19.

4. *The granting of this request will not be contrary to the objectives of the General Plan.*

The granting of this variance is in conformance with the General Plan. The Conservation Element of the General Plan ("Conservation Element") identifies as high priority, "the preservation of significant blocks of various types of natural open space". Lot size / ANS variances enable smaller lots, which in turn provide for the dedication of larger blocks of open space. Lot size / ANS variances for small lots enable subdivisions in the RC zone to implement this important conservation goal (a goal which is also reflected in the RC zone).

General Plan Policy NR 1.4 does not facilitate the conservation goal for large subdivisions in the RC zone. It requires that property with an ANS of 15 - 30% may not be developed with a density that exceeds 0.63 dwelling units per acre (1 unit for each 1-2/3 acres). For TM 31930, compliance with Policy NR 1.4 would conflict with the conservation of large blocks of open space.

TM 31930 does comply with Policy NR 1.1, which states: "The City shall limit the extent and intensity of the uses and development in unstable soil areas, *areas of steep terrain*, flood plains, arroyos, and other critical environmental or hazardous areas" (emphasis added), because TM 31930 proposes small lots on parcels between 15-30% ANS which are clustered to minimize grading.

Because TM 31930 cannot comply with Policy NR 1.4 and conserve open space, it becomes necessary to choose between the policy (NR 1.4) and the goal, the conservation of open space. Because the policy was established to implement the goal, where such implementation would not further the goal, the policy does not serve the purpose for which it was intended, and therefore, the conflict with NR 1.4 should be permitted.

IV. Lot 25. To allow lot 25 at 1.45 acres in size with an ANS of 15.6% (formerly open space lot 53) to provide less than the 2.0 acres lot size required in the RC Zone. The clustering of this lot with lots 24 through 27 and the accompanying reduction in size substantially eliminates the intrusion of the building pads for each of these lots into the main Alessandro Arroyo and allows for the maximization of preserved open space.

1. *The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.*

Strict application of the RC Zone would require the addition of .55 acres to lot 25. The addition of .55 acres to lot 25 would result in the shifting of lot 26 and lot 27 to the south and east, reducing the overall amount of open space and requiring greater intrusion into the main Alessandro Arroyo. The open space in this area and the ability to enlarge the lots is further restricted as a result of the Flood Control Access Road, which is required by the Flood Control Department to reach the containment basin offsite. The lot is further bound by the north and west property boundaries. Because the open space lot adjacent to Lot 25 is small and cannot be reduced in the north-south direction, any reduction would affect only the width of the lot (the east-west direction). However, any reduction of the open space in the east-west direction would potentially reduce its effectiveness as a wildlife corridor, an unnecessary hardship.

2. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

25 contains one knoll top. Along with Lots 24, 26 and 27, lot 25 straddles the access road and form a cluster that eliminates a front slope on lot 25 and an eastern slope on lot 26.

Factual Support for Lot 25: The presence of a knoll top is an exceptional circumstance in the surrounding neighborhood and amongst other RC zoned property. For example, TM 29606 (the closest approved tract map to the subject property, located south of the Alessandro Arroyo), contains one knoll top that is the site of the only clustered lots. Of the 32 residential lots approved in TM 29606, only two (lots 29 and 30) share a knoll top. TM 31852 contains 4 knoll tops (lots 1, 2, 4, and 13) out of 13 lots (or 31.1%). Tm 32042 contains 2 knoll tops (lots 1 and 7) out of 8 lots (or 25%).

Furthermore, the proximity of Lot 25 (i) to the west boundary of the underlying property, and (ii) to the existing Riverside County Flood Control ("RCFC") access road, are exceptional circumstances which effect the size and shape of Lot 25 and do not apply generally to other property in the RC zone or in the neighborhood. Although the east lot line for Lot 26 could be extended to the southeast, allowing lot 25 to be increased in size, it would reduce the width of the adjacent open space corridor at the narrowest point.

3. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The granting of this variance will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located. The development is the last phase of a Planned Residential Development (PRD) approved in 1994 and developed over the course of the next 10 years. The PRD consists of a total of 85 single family lots and 5 open space lots. All residential lots within the PRD have been developed in a cluster configuration that maximizes open space and minimizes the total overall grading. The reduction in size of lot 24 and related clustering of lots 25 through 27 conforms with the overall clustering effect of the PRD as a whole.

Lots smaller than the 2-acre minimum in the RC zone are not uncommon in the neighborhood surrounding the proposed TM 31930. A list of lots previously approved with lot size / ANS variances is identified in Section I above requesting a variance for lot size for lot 19.

4. *The granting of this request will not be contrary to the objectives of the General Plan.*

The granting of this variance is in conformance with the General Plan. The Conservation Element of the General Plan ("Conservation Element") identifies as high priority, "the preservation of significant blocks of various types of natural open space". Lot size / ANS variances enable smaller lots, which in turn provide for the dedication of larger blocks of open space. Lot size / ANS variances for small lots enable subdivisions in the RC zone to implement this important conservation goal (a goal which is also reflected in the RC zone).

General Plan Policy NR 1.4 does not facilitate the conservation goal for large subdivisions in the RC zone. It requires that property with an ANS of 15 - 30% may not be developed with a density that exceeds 0.63 dwelling units per acre (1 unit for each 1-2/3 acres). For TM 31930, compliance with Policy NR 1.4 would conflict with the conservation of large blocks of open space.

TM 31930 does comply with Policy NR 1.1, which states: "The City shall limit the extent and intensity of the uses and development in unstable soil areas, *areas of steep terrain*, flood plains, arroyos, and other critical environmental or hazardous areas" (emphasis added), because TM 31930 proposes small lots on parcels between 15-30% ANS which are clustered to minimize grading.

Because TM 31930 cannot comply with Policy NR 1.4 and conserve open space, it becomes necessary to choose between the policy (NR 1.4) and the goal, the conservation of open space. Because the policy was established to implement the goal, where such implementation would not further the goal, the policy does not serve the purpose for which it was intended, and therefore, the conflict with NR 1.4 should be permitted.

Grading Exceptions as revised 11/21/06

Name: Sanda-Guthrie, LLC
Address: 4225 Garner Road
Riverside, CA 92501
Project Name: TM 31930
APN: Portions of 243-180-003 and all of 243-018-004, 014 & 243-019-002

CASE NUMBER:

HEARING DATE: December 19, 2006

APPLICANT PROVIDED GRADING EXCEPTION FINDINGS:

A) Encroachment within limits of Alessandro Arroyo and setback: to allow the following additional grading exceptions to encroach within the limits of the Alessandro Arroyo and the 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance:

- I. Lot 24, to allow minor encroachment into setback area;
- II. Flood Control Access Road;¹ and
- III. Water Quality Basin.²

- Grading exceptions and supporting findings have already been made and approved by City Council on September 28, 2004 to allow intrusion into the setback or arroyo for the following lots, and therefore no new findings are necessary:

Lots: Lot 2 (formerly lot 78);
Lot 3 (formerly lot 77);
Lot 4 (formerly lot 38);
Lot 5 (formerly lot 39);
Lot 7 (formerly lot 40 and 42);
Lot 8 (formerly lot 43);
Lot 9 (formerly lot 44);
Lot 10 (formerly lot 45);
Lot 11 (formerly lot 46);
Lot 12 (formerly lot 48);
Lot 13 (formerly lot 62);

1 Although City Council previously approved a grading exception and related findings for this roadway, the location has been shifted so as to require additional findings and approvals.

2 Although the City Council previously approved grading exceptions and related findings for the Water Quality Basin, the location of the Basin has shifted to the north of Century Hills Drive, requiring additional findings and approvals.

Lot 15 (formerly lot 60);
Lot 16 (formerly lot 59);
Lot 17 (formerly lot 58);
Lot 18 (formerly lot 57);
Lot 26 (formerly lot 50);
Lot 27 (formerly lot 51); and
Lot 28 (formerly lot 52).

Streets and utilities:

Cresthaven Drive;
Century Hills Drive;
Grass Valley Way;
Private drive; and
Sewer Access Road.

- As a result of the map reconfiguration, the following grading exceptions for intrusion into the setback or main arroyo approved by City Council on September 28, 2004, are no longer necessary and therefore eliminated:

Lot 37;
Lot 41 (currently Lot 6);
Lot 47; and
Lot 49.

In addition to the elimination of these four grading exception requirements, the overall number of grading exceptions requiring intrusion into the main arroyo area has been reduced from 21 to 11, with only three of these grading exceptions requiring more than very minor intrusions (as compared to 8 major intrusions previously). No new findings are required for the lessened degree of intrusion into the arroyo.

B) Slope Height Exception:

- The City Council previously approved grading exceptions and related findings to allow slopes in excess of twenty-feet for portions of Crest Haven and Century Hills Drives on September 28, 2004. As the configuration of these streets has not changed, no additional findings are required.

Relevant Standards from the City of Riverside Grading Ordinance

Arroyo and Tributary Grading Prohibitions in the City of Riverside Grading Ordinance: Grading in the Alessandro Arroyo and within the 50' setback to the Alessandro Arroyo is prohibited by the Arroyo Grading section of the Grading Ordinance, as follows "[n]o development or grading or any kind shall be permitted within 50 feet of the limits of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos and associated tributaries as shown on Exhibits "A-F". (Grading Ordinance, § 17.28.020(14)(a).)

Administrative Procedure to Allow Grading Within Designated Arroyo Tributaries: "The Zoning Administrator shall have the authority to administratively allow grading within designated arroyo tributaries depending on the sensitivity of the area. Sensitivity shall be determined by such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary." (Grading Ordinance, § 17.28.020(A)(14)(a).)

Grading exception application requirements: "Application for the waiver of any requirement of this chapter shall be filed with the Planning Department prior to approval of the grading plan. The application shall be signed by the property owner or owner's representative using forms supplied by the Planning Department. The application shall contain information which demonstrates that there are exceptional or special circumstances that apply to the property that would prevent compliance with this title. The application shall substantiate the existence of exceptional or special circumstances by making the following findings:

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

B. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;

C. That the granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located .

The Zoning Administrator may require additional information if it is necessary to make a determination regarding the waiver request. The application shall be accompanied by a fee established by resolution of the City Council. A separate application shall be filed for each or grading project. (Grading Ordinance, § 17.32.020)

Considerations for exceptions: In determining whether to grant or deny the application for exception to the requirements of this title, the Zoning Administrator or Planning Commission shall consider the property characteristics, comments received from surrounding property owners, the community, or other

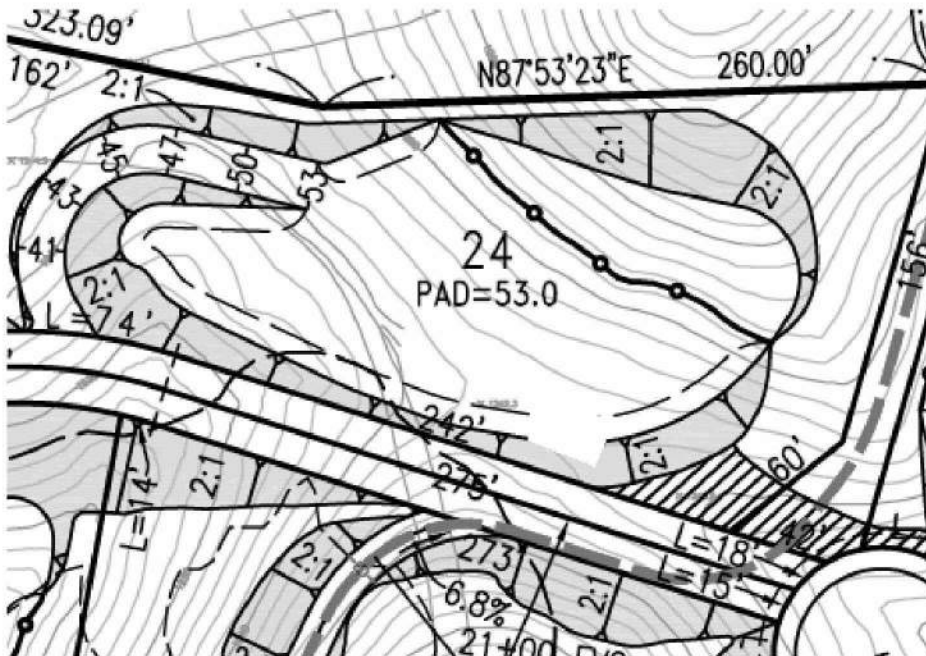
persons, hardships on the applicant, and any other adverse impacts imposed by the regulations contained in this title in its determination of findings of fact to support its decision concerning the request for exception. (Grading Ordinance, § 17.32.050)

Definitions:

1. The Alessandro Arroyo is defined in the Grading Ordinance as follows: “the limits of the arroyos shall include all that land within the water course area, the adjacent slopes having an average natural slope of 30% or greater, **and** all other areas within the boundaries shown on Exhibits “A-F” (emphasis added.) (Id., at § 17.28.020(14)(b).) Exhibits “A-F” are maps attached to the Grading Ordinance that identify the Arroyos and tributaries. Exhibit “D” is attached below.

2. Alessandro Arroyo Study definition of Arroyo. The direction of the water flow in the Arroyo that occurs during periods of heavy rain is from east to west.

I. **Lot 24.** Lot 24 requires a grading exception for a minor intrusion into the 50 foot setback area surrounding the Alessandro Arroyo. This lot is a replacement for lot 49, which was removed from the Alessandro Arroyo. Lot 49 previously required a grading exception for complete intrusion of the entire pad into the main Alessandro Arroyo.



Findings:

1. ***The strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Title 17.***

The location of lot 24 is dependent upon the access driveway for lots 25-28, as well as the location of the flood control access road. The lot is further limited to the north by the northern boundary line of the project and pre-existing development , and backs into a hillside.

This lot is a replacement lot for lot 49, which was located entirely within the Alessandro Arroyo. By removing the lot from the arroyo and placing it in its current location, the map further meets the requirements for preservation of open space and unique landforms stated in Measure R and Measure C.

To require that the developer abide by the previous approvals of grading exceptions for lot 49, rather than allow the developer to remove the lot from its intrusion into the main arroyo to a less sensitive and visible area would create a practical difficulty and unnecessary hardship in meeting the objectives of Measure R and Measure C, as well as the RC zoning, and substantially more mitigation would be required so as to best preserve the natural landscape.

2. ***There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally apply to other property in same zone or neighborhood.***

TM 31930 was first approved in 1994, as a part of TM 23027. Later, it was approved as part of TM 28728, in 1998, before the Grading Ordinance was adopted in November, 1998. For the approval of TM 23027 and 28728, the City utilized the definition of the Alessandro Arroyo contained in the Alessandro Arroyo Study that identified the limits of the Alessandro Arroyo as consistent with the 100-year flood plain and the setback as 100' or 50' from the Arroyo limit. TM 23027 also prepared a hydrology study, and relied on the 100-year flood plain limits to identify the limit of the Arroyo on the map.

The Grading Ordinance contains a written definition of Arroyo, that can only be applied based on a site specific analysis, and provided

a map, Exhibit "D", which is intended for "Illustration Only". See Exhibit "D" attached to this document on page 2.

Because TM 23027, and later TM 28728, established the design of TM 31930 using the previous definition of Arroyo, TM 31930 identifies the Arroyo limits as the 100-year flood plain, and establishes a variable width (50 –100' depending on the ANS) accordingly (the Red Line). The change in the limits of the Arroyo, and the resulting change in the setback ribbon, represents an exceptional circumstance that justifies the approval of the subject grading exceptions. The exceptional circumstance for each lot and street requiring a grading exception is described below and identified on the attached map.

3. *The granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.*

The grading exceptions for lots, streets, and the Crossing, requested herein will not cause a material detriment to the public welfare or injure the subject property, because the City has imposed conditions of approval which require: (i) grading activities to be in substantial compliance with the approved grading plan, and (ii) the grading plan to conform to contour grading policies prior to the issuance of a building permit. (COA Nos. 16(d) and 29).

The subject grading exceptions will not injure improvements in the RC zone or in the surrounding neighborhood because the neighboring residences include lots approved with the same grading exceptions, such as those tract maps south of TM 31930, including: TM 29606, TM 29515, and TM 32042/31859. The tracts that did not utilize clustering, and therefore did not require grading exceptions for encroachments into the setback and tributary limits dedicated less open space (i.e. TM 32042/31859).

Furthermore, all major tributary crossings for TM 31930 are bridged by either soft-bottom culverts, or other forms of bridging so as to avoid any impact to such sensitive areas and so as to lessen the amount of grating to the greatest extent possible. It is not clear whether water quality basins for the above-referenced projects required grading exceptions. However, even if they did not, because water quality basins are currently required to filter first flush nuisance runoff, they are a beneficial improvement and would not be detrimental or harmful to the property in the RC zone and in the neighborhood.

Tm 31930 near the southwest corner of the site. The access road is used by the County Flood Control to maintain the dam at the west end of the Arroyo.

Under the revised TM 31930, the road is slightly shifted to the west so as to follow the backside contour of a knoll that will be less visible and intrusion into the main Alessandro Arroyo.

Years ago, when the access road was created, encroachments into the setback ribbon and into the tributary occurred. At this time, the applicant is proposing to improve the road to County Flood Control specifications. The improvements will include areas of cut and fill. The placement of new fill will create new slopes, which may extend the Encroachment Area beyond what occurred when the road was constructed (the "New Encroachment Area"). The New Encroachment Areas to the setback ribbon are highlighted in orange, and to the tributary, are highlighted in purple, on the map below.

The creation of New Encroachment Areas is appropriate because they are located in areas that are not sensitive.

New Encroachment Areas are not Sensitive:

- (i) The New Encroachment Areas do not contain riparian vegetation. (See Michael Brandman Associates, Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A.)
- (ii) The New Encroachment Areas contain low quality (disturbed) RSS. (Ibid.) However, all RSS that will be removed by the development of TM 31930 (disturbed and relatively undisturbed) will be mitigated on-site. About 2.6 acres of disturbed RSS will be lost to development (R.B.Riggan, Biological Assessment, pg. 17.) Mitigation at the required ratio of 3:1 would require the preservation of 7.8 acres. TM 31930 is proposing to preserve 11 acres of RSS, or 3.2 acres more than is required. The preservation of RSS on-site mitigates the loss of RSS within the New Encroachment Area.

No rock outcroppings are located within the New Encroachment Areas.

- (iii) The Biological Assessment for TM 31930 did not identify any other unique features in the area of the New Encroachments or in nearby segments of the tributary.

For the reasons discussed above, this grading exception for the New Encroachment Areas is appropriate because the area is not sensitive.

2. ***There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally apply to other property in same zone or neighborhood.***

There are currently 2 roads that provide Riverside County Flood Control with access to the dam. The access road in TM 31930 is the shorter road. The other road snakes through a variety of privately owned property and is much longer than the subject road. Also, the County may not have access to the longer road in perpetuity because we understand that several of the property owners intend to develop the land, which would close certain portions of the longer road.

Both roads are unpaved. Traveling on an unpaved road generates dust (PM10). Therefore, the use of the shorter road would reduce the dust generated by the regular maintenance of the dam.

Also, because Flood Control will be able to use the shorter road in perpetuity, the shorter road is preferable to the longer for that reason also.

The ability to access the dam using the shortest route, and reduce PM10, combined with the ability to secure the right to use the shorter road in perpetuity, are exceptional circumstances which do not apply generally to other property in the RC zone or in the neighborhood. These reasons suggest that the grant of this grading exception is appropriate.

3. ***The granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.***

Approval of this grading exception for the access road will be beneficial to the public for two reasons: (i) it will provide County Flood Control with a perpetual access route which is required to maintain the dam, and (ii) the use of the shorter unpaved road would reduce dust compared to the use of the longer road. The reduction in dust generation will benefit air quality in the neighborhood, which in turn will benefit residents in the surrounding RC zone and neighborhood.

The access road will not injure property or improvements in the RC zone or in the surrounding neighborhood.

The grading exceptions for lots, streets, and the Crossing, requested herein will not cause a material detriment to the public welfare or injure the subject property, because the City has imposed conditions of approval which require: (i) grading activities to be in substantial compliance with the approved grading plan, and (ii) the grading plan to conform to contour grading policies prior to the issuance of a building permit. (COA Nos. 16(d) and 29).

The subject grading exceptions will not injure improvements in the RC zone or in the surrounding neighborhood because the neighboring residences include lots approved with the same grading exceptions, such as those tract maps south of TM 31930, including: TM 29606, TM 29515, and TM 32042/31859. The tracts that did not utilize clustering, and therefore did not require grading exceptions for encroachments into the setback and tributary limits dedicated less open space (i.e. TM 32042/31859).

Furthermore, all major tributary crossings for TM 31930 are bridged by either soft-bottom culverts, or other forms of bridging so as to avoid any impact to such sensitive areas and so as to lessen the amount of grating to the greatest extent possible. It is not clear whether water quality basins for the above-referenced projects required grading exceptions. However, even if they did not, because water quality basins are currently required to filter first flush nuisance runoff, they are a beneficial improvement and would not be detrimental or harmful to the property in the RC zone and in the neighborhood.

III. Water Quality Control Basin.



Findings:

- 1. The strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Title 17.***

Northwest of the intersection of Century Hills Drive and Grass Valley Way a water quality basin is proposed. The basin will have a containment volume of 7,900 cubic feet, and will encroach into designated tributaries of the Alessandro Arroyo. The location of the basin is intended to avoid disturbance of water flow through the tributaries and is placed so as to avoid any sensitive habitat. The location of the water quality basin has further been determined by the California Regional Water Quality Control Board, and its construction is required as a mitigation measure for the Clean Water Act Section 401 Water Quality Standards Certification for TM 28728, dated July 14, 2003.

The City Council previously approved a grading exception for the Water Quality Control Basin on September 28, 2004. The change in location of the basin under the revised TM 31930 to the northwest side of Century Hills Drive requires that these findings be made once again.

2. ***There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally apply to other property in same zone or neighborhood.***

Because of its proximity to the Alessandro arroyo, the project requires certain mitigation measures for any potential impacts on blueline streams as defined by the Clean Water Act or other water pathways identified by Federal, State, and Local agencies. Such mitigation measures are not required for other projects unless a wetland area is determined to exist within the project site. In this case, the revised map has been modified so as to further limit any impacts on defined waterways or wetlands areas, but is still required to meet the requirements of the Section 401 permit.

3. ***The granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.***

The grading exceptions for lots, streets, and the Crossing, requested herein will not cause a material detriment to the public welfare or injure the subject property, because the City has imposed conditions of approval which require: (i) grading activities to be in substantial compliance with the approved grading plan, and (ii) the grading plan to conform to contour grading policies prior to the issuance of a building permit. (COA Nos. 16(d) and 29).

The subject grading exceptions will not injure improvements in the RC zone or in the surrounding neighborhood because the neighboring residences include lots approved with the same grading exceptions, such as those tract maps south of TM 31930, including: TM 29606, TM 29515, and TM 32042/31859. The tracts that did not utilize clustering, and therefore did not require grading exceptions for encroachments into the setback and tributary limits dedicated less open space (i.e. TM 32042/31859).

Furthermore, all major tributary crossings for TM 31930 are bridged by either soft-bottom culverts, or other forms of bridging so as to avoid any impact to such sensitive areas and so as to lessen the

amount of grating to the greatest extent possible. It is not clear whether water quality basins for the above-referenced projects required grading exceptions. However, even if they did not, because water quality basins are currently required to filter first flush nuisance runoff, they are a beneficial improvement and would not be detrimental or harmful to the property in the RC zone and in the neighborhood.

New #	Old #	Grading Exception- Arroyo (new)	Grading Exception- Arroyo (old)	Variance- Lot size (new)	Variance- Lot size (old)	Improvements
1	79			1.12ac/15.93%	1.13ac/15.88%	Lots identical
2	78	Setback	Setback	1.32ac/17.3%	1.34ac/17.28	Lots identical
3	77	Setback; small portion of Arroyo	Setback; small portion of Arroyo	1.49ac/23.53%	1.26ac/20.15%	Lots identical
	37		Setback; and well into main Arroyo		1.11ac/18.77%	Moved to avoid Arroyo
4	38	Setback	Setback; chunk of main Arroyo		1.03ac/19.85%	No longer intrudes in Arroyo
5	39	Setback	Setback	.94ac/15.45%	1.07ac/16.38%	Lots identical
	40		Setback			Moved to shift Grass Valley Way out of Arroyo
6	41		Setback			Shifted east so avoid intrusion into setback
	42	Setback; small portion of Arroyo				shifted east and reconfigured into the eliminated lot 40 so as to allow Grass Valley Way to shift and avoid intrusion into main Arroyo
	43	Setback; small portion of Arroyo	Setback; significant portion of Arroyo	.9ac/17.79%	1.04ac/16.95%	Lot shifted north and east so as to avoid more Arroyo and sensitive riparian area; Arroyo intrusion reduced by 2/3; grading for pad is now daylight line rather than fill slope
9	44	Setback	Setback; Arroyo	1.17ac/17.83%	1.03ac/22.27%	Lot shifted north and east so as to avoid Arroyo and sensitive riparian area; Arroyo intrusion deleted and setback intrusion reduced by 1/2; grading for pad is now daylight line rather than fill slope

ATTACHMENT E

New #	Old #	Grading Exception- Arroyo (new)	Grading Exception- Arroyo (old)	Variance- Lot size (new)	Variance- Lot size (old)	Improvements
10	45	Setback	Setback; Arroyo	.87ac/18.28%	1.19ac/26.67%	Lot shifted east so as to completely avoid the arroyo
11	46	Setback	Setback; Arroyo	.67ac/15.79%	1.00ac/19.56%	Lot shifted east so as to completely avoid the arroyo; intrusion into setback reduced by 2/3
12	48	Setback; significant portion of Arroyo	Setback; significant portion of Arroyo	1.16ac/26.91%	1.03ac/28.07%	Moved to avoid Arroyo
13	62	Setback	Setback; portion of Arroyo	1.20ac/24.40%	1.11ac/26.60%	Lot shifted to avoid more of arroyo and daylight grading lines used instead of slopes for 3 of 4 sides
14	61		All in Arroyo	.8ac/16.1%	1.98ac/34.25%	Moved to avoid Arroyo
15	60	Setback	Setback; small portion of Arroyo	.94ac/18.74%	1.17ac/20.30%	shifted east and south so as to avoid any intrusion into Arroyo
16	59	Setback	Setback	.9ac/21.53%	1.05ac/21.10%	Reconfigured so no longer split pad
17	58	Setback; small portion of Arroyo	Setback; small portion of Arroyo	.8ac/20.96%	1.03ac/21.10%	shifted west so as to completely avoid arroyo; split pad changed to daylight line to avoid excessive grading
18	57	Setback	Setback; small portion of Arroyo	1.43ac/20.04%	1.73ac/19.60%	Lots identical
19				1.19ac/17.9%		Lots identical
						shifted northwest so avoid setback area (except driveway) and daylight lines used to avoid slopes into setback
						replacing lot removed from Arroyo proper

New #	Old #	Grading Exception- Arroyo (new)	Grading Exception- Arroyo (old)	Variance- Lot size (new)	Variance- Lot size (old)	Improvements
20	56			1.42ac/19.35%		lot shifted to accommodate removal of lots from arroyo
21	55			.76ac/20.08%	1.48ac/19.06%	lot shifted to accommodate removal of lots from arroyo
22	54			.73ac/16.81%	1.49ac/20.23%	Lot shifted north so as to allow a lot moved from the Arroyo to fit directly to the south
23				1.12ac/20.23%		replacing lot removed from Arroyo proper
24		Minor setback intrusion		1.17ac/16.32%		though previously open space, removal of arroyo lots and placement next to already developed areas actually creates approximately 9 more acres of open space; area not biologically sensitive;
25	53			1.45ac/15.60%	1.73ac/15.16%	Pad reduced in size by 5,550 sf
26	50	Setback; small portion of Arroyo	Setback; Arroyo	.89ac/20.10%	1.25ac/28.07%	lot shifted south which allows use of daylight line for grading instead of slope, reducing Arroyo intrusion by about 2/3
27	51	Setback	Setback	1.71ac/18.29%	1.78ac/18.63%	Lots identical
28	52					Lots identical
Crest Haven Drive		Setback; Main Arroyo	Setback; Main Arroyo			Grading at northern portion of road revised so as to intrude less into arroyo and setback areas;

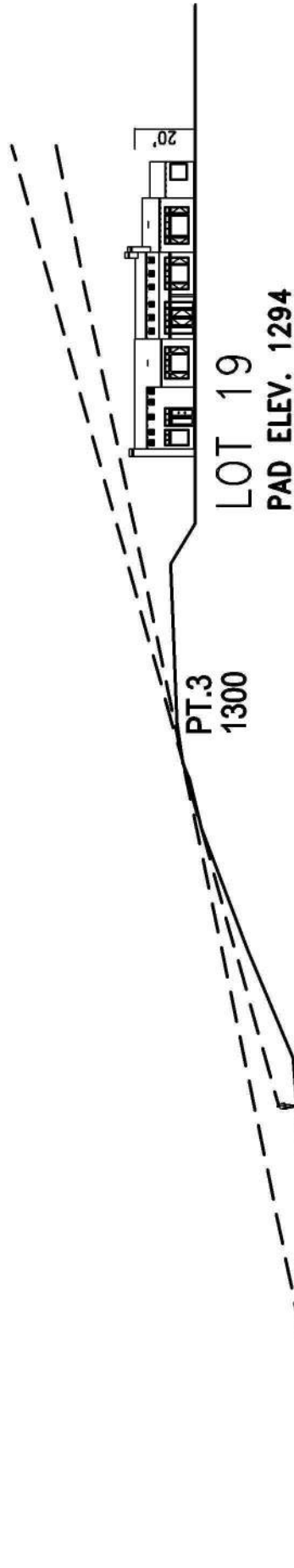
New #	Old #	Grading Exception- Arroyo (new)	Grading Exception- Arroyo (old)	Variance- Lot size (new)	Variance- Lot size (old)	Improvements
Century Hills Drive		Setback; Main Arroyo	Setback; Main Arroyo			Soft bottom culverts at two locations avoid grading in tributaries; roadway narrowed to require less grading;
Grass Valley Way		Setback	Setback; Main Arroyo			Shifted east so as to avoid filling the three tributaries and shifted out of the main Arroyo and a much smaller portion in the setback
Private Driveway		Setback	Setback			fill slope on west side eliminated, alignment slightly shifted to accommodate trail
Flood Control Access Road		Setback; Main Arroyo	Setback; Main Arroyo			Entrance shifted west of knoll so roadway less obvious from Arroyo proper and aligned so as to accommodate trail access as well as flood control access
Sewer Access Road		Setback	Setback; tiny part Main Arroyo			Shifted east to avoid tributaries and bridged where cross over tributary
Water Quality Basin		Setback; Main Arroyo	Setback; Main Arroyo			Shifted to the north side of Century Hills Drive to avoid tributaries and impacts on sensitive habitat

New #	Old #	Grading Exception-Arroyo (new)	Grading Exception-Arroyo (old)	Variance-Lot size (new)	Variance-Lot size (old)	Improvements
						Fewer grading exceptions overall, and same number of variances. Lot density is .32 units/acre, well below the .5 units per acre permitted in RC Zone
Summary		25 total grading exceptions 14 of total for intrusion into Setback Area only 11 of total for intrusion into Arroyo and, with the exception of Century Hills Drive, Water Quality Bastin, and lot 12, most of these are extremely small areas of intrusion	28 total grading exceptions 7 of total for intrusion into Setback Area only 21 of total for intrusion into Arroyo; 8 of which are major intrusion	24 Variances for lot size total	24 Variances for lot size total	The reconfigured lots significantly reduced the intrusion into the main Arroyo The amount of open space increases to 49.67 acres in the new map from 41.86 acres, for a net increase of 7.81 acres. In addition, a trail system is now incorporated into the map.

Summary of Revisions:

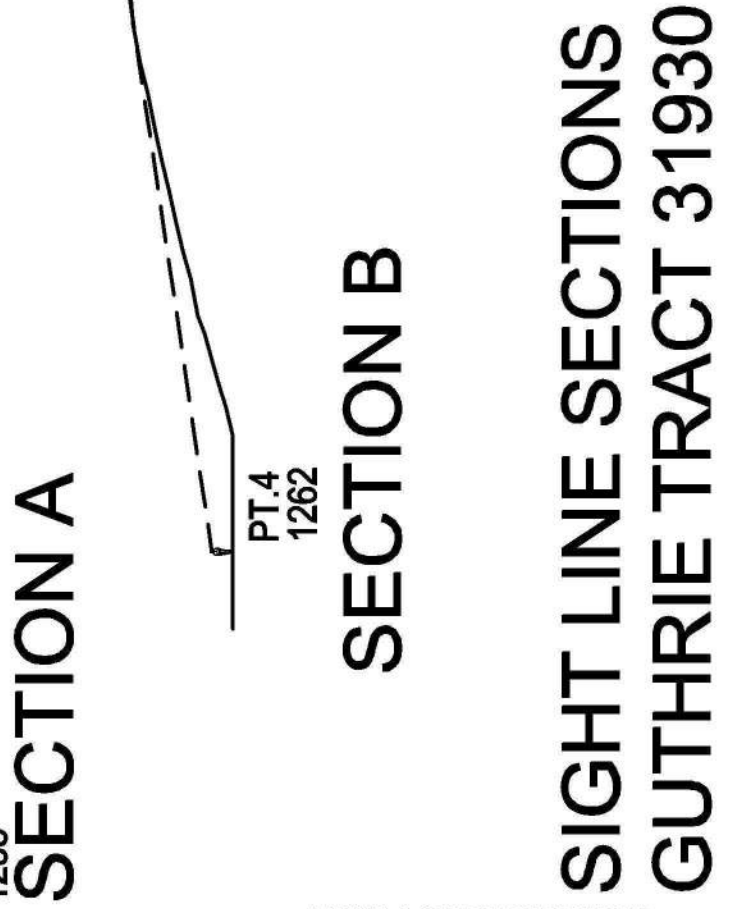
- 3 fewer grading exceptions overall
- Previously 21 total intrusions into main arroyo (8 of which were major intrusions), whereas now only 11, and, with the exception of Century Hills Drive, Water Quality Bastin, and lot 12, most of these are extremely small areas of intrusion.
- no new slope height exceptions
- same number of lot size variances overall
- 7.81 additional acres of open space
- Lot density is .32 units/acre, well below the .5 units per acre permitted in RC Zone
- Tributaries now bridged or soft-bottom culverts used, so water flow is not interrupted
- Grass Valley Way moved east so as to avoid minor tributaries
- Flood control access road moved west to backside of knoll so less visible from main arroyo. Also provides trail access.
- Trail added to development

- Less overall intrusion into arroyo or setback area.
- No more lots over 30% ANS
- Utilities access road curved to bridge tributary and avoid impacts to water-flow

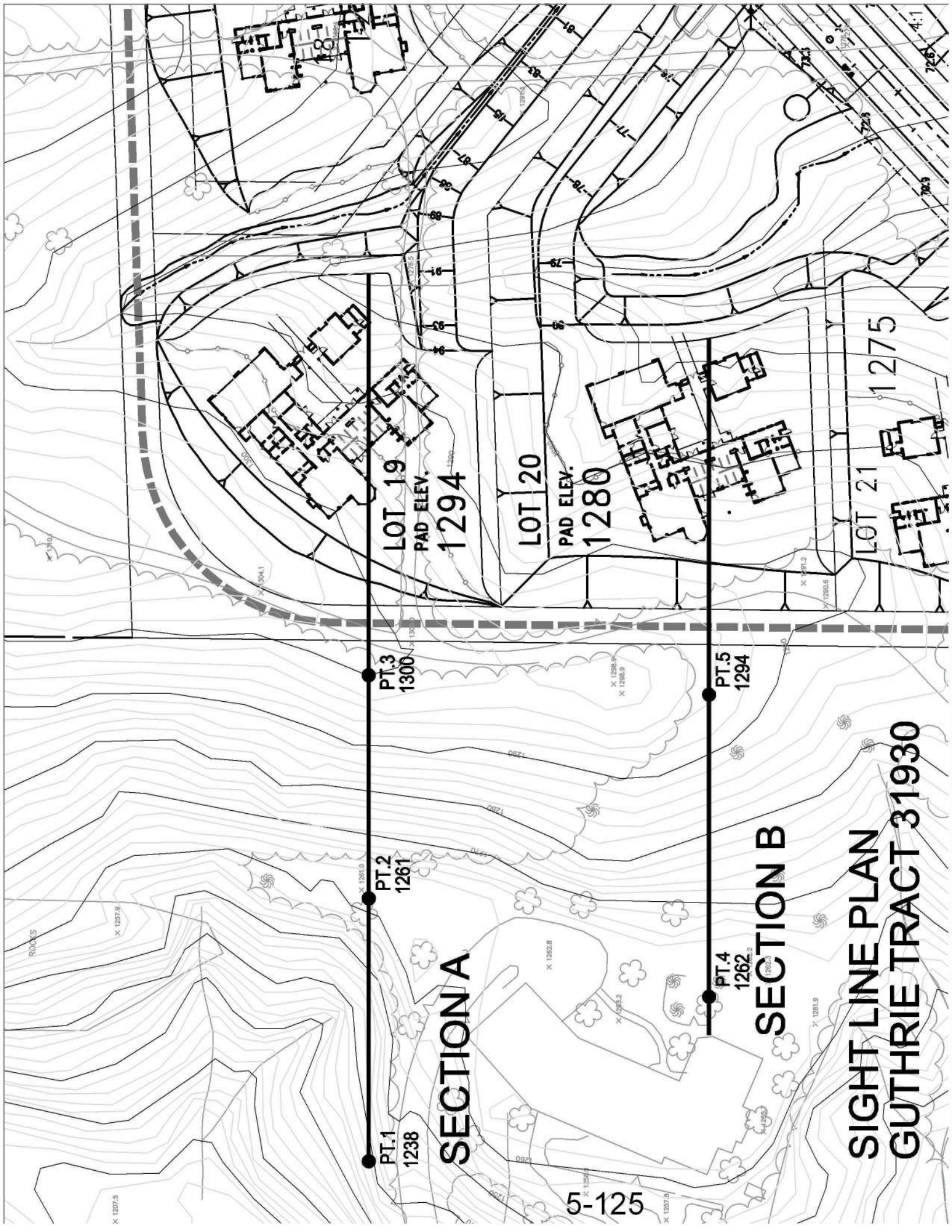


SECTION A

SECTION B



**SIGHT LINE SECTIONS
GUTHRIE TRACT 31930**



LOT 19
PAD ELEV.
1294

LOT 20
PAD ELEV.
1280

LOT 21
1275

PT.3
1300

PT.5
1294

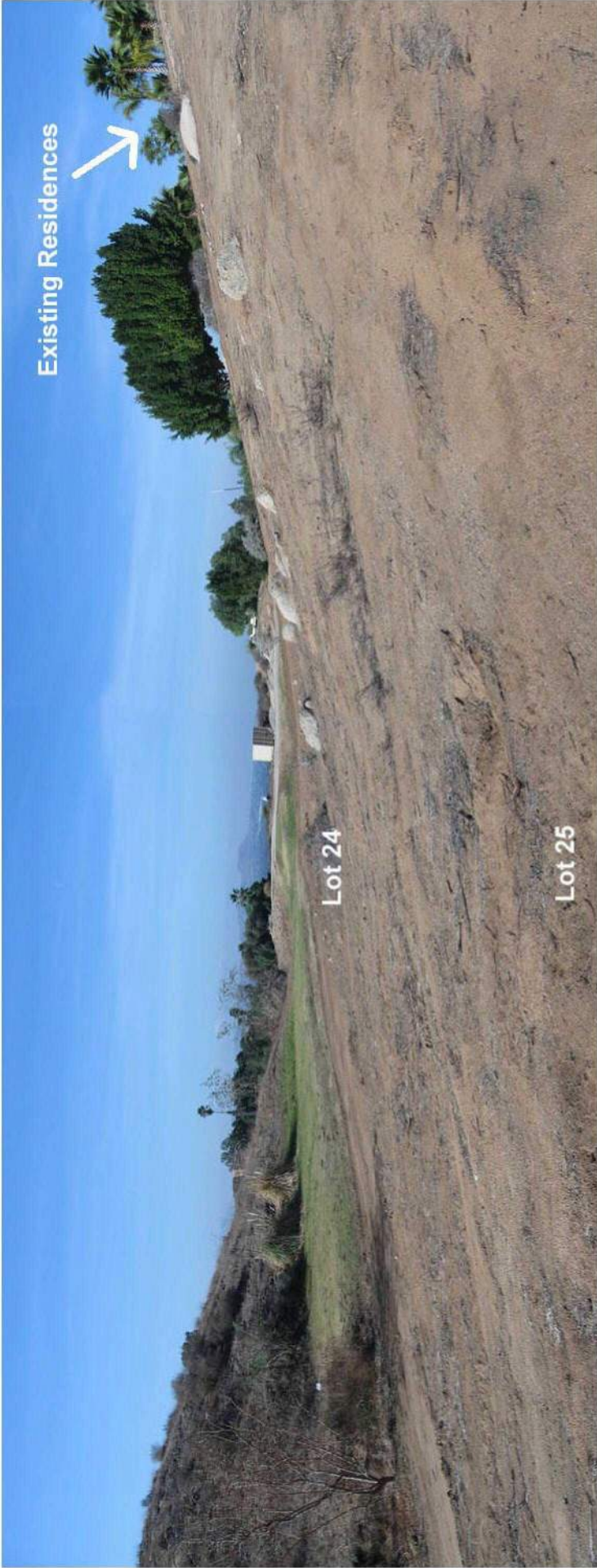
PT.2
1261

PT.4
1262

SECTION A

SECTION B

SIGHT LINE PLAN
GUTHRIE TRACT 31930



Malcolm Smith MOTORSPORTS

"Choose The Legend"

City of Riverside Planning Department
3900 Main Street
Riverside, California 92522
Attention: Planning Director Mr. Ken Gutierrez

January 19, 2007

Reference: Tract Map 28728
Tentative Map 32930

Dear Mr Gutierrez,

I am a resident of Riverside and have viewed, walked and hiked the Hawarden Hills for most of my life(65+). From the Riverside County Flood Control Dam, along the ridge lines to Tiburon Knoll I, like thousands of other citizens, appreciate the quality of life that Hawarden Hills adds to being part of Riverside. The open space, hills and ridge lines of the Hawarden Hills, and other like areas, are unique and geographically special to our beautiful City of Riverside. They are public treasures which should continue to be protected. I contact you at this time because I am greatly concerned that part of the development, as proposed in the above maps, does not adhere to the Hawarden Hills Plan and RC Zone plans and requirements.

Commencing in the 1970's the City, through the cooperative work effort of citizens and government, enacted zoning ordinances that would allow development and continuing growth and yet protect the aesthetic and environmentally sensitive areas that are so special. For more than 35 years developers have brought to the City proposals to develop the same property and areas that are involved in the Maps referenced above. These previous proposals and maps were reviewed by very competent people working under the leadership of three separate planning directors. Hearings were held before no less than 6-8 separate City Planning Commissions and City Councils. On each and every proposal or map presented it was required of the developer that building pad elevations be kept at certain elevation levels below the ridge lines and also that certain open space be retained. The proposed maps attempt to evade the requirements that have previously been set regarding these matters.

I have been a business owner in this town for many years (70 employees). Over the past several years I have been closely involved in developing and constructing new business facilities in Riverside. I strongly feel that it is important in both commercial and housing tract development that the developer be required to comply with the zoning codes and not attempt to build in a manner that is against the best interest of the citizens.

Developer Dr. Hong has built several hundred homes in the Hill area and through requirements of appropriate planning for open space, elevation levels below ridge lines, conformance with zoning codes and protection of sensitive environmental areas his project has been a good development. Now the developer of Tract Map 28728/Tentative proposed Map 31930? (Dr. Hong) with his present contractor Mr. James Guthrie) proposes to add two additional lots to the Westerly property line area (lots 24 and 25 of the Tentative Map) and elevate lot pad 19 to 1294 feet. Dr. Hong's requested proposals attempt to go around the open space and ridge line elevation requirements as previously set by the City Planning Department, Planning Commission and City Council. It goes against the intent of open space and protection of hill ridge lines. Importantly, it goes against the best interest of the citizens of Riverside.

I respectfully request that lots 24 and 24 be eliminated and retained as open space and that the pad for lot 19 be no higher than 1280 feet.

Sincerely,

Malcolm Smith



ATTACHMENT H

BMW
BOMBARDIER
DINLI
HUSQVARNA
KTM
SEA-DOO
SUZUKI
YAMAHA

7563 Indiana Ave.

Riverside, CA. 92504

951-687-1300

Fax 951-687-3819

www.malcolmsmith.com

Michael R. Raftery

2400 Rolling Ridge Road
Riverside, California 92506
(909) 686-9439
MicRaftery@aol.com

City of Riverside Planning Department
City Hall-3900 Main Street
Riverside, California 92522

Reference: Tract Map 28728
Tentative Map No. 31930

Attention:

Planning Director Mr. Ken Gutierrez

Dr. Hong, at the request of Gabel, Cook and Becklund seeks approval of Tentative Tract Map 31930. The applicants subdivision and property involves the same land that has previously come before the planning department and City of Riverside, on at least three separate occasions (the property can presently be referenced under Tract Map 28728 and Tentative Tract Map 31390. I have been a resident and business owner of Riverside for 45 years and my home is contiguous to applicants property. Because of the sensitivity of the subject land and the history of its development, objections and comments should be made as to certain portions of Tentative Tract Map 31930.

Approximately 35 years ago the Hawarden Hills study was undertaken. One of the major concerns of the citizens of Riverside, the planning department personnel and the governing leaders of Riverside was that mountain areas, hillsides and ridgelines be protected. Further, that open space areas and trail access thereto be retained. The concerns resulted in the development of the RC Zone, its application to the Hawarden Hills in 1977 (including the subject property of Tract Map 28728) and city wide application of the RC Zone to other hillsides and ridgeline areas of Riverside following the passage of Proposition R in 1979. One of the most sensitive environmental concerns was Alessandro Arroyo, Tiburon Knoll and the ridge lines of Hawarden Hills.

Since the early 1980's there have been numerous proposed development or building plans submitted to the city which involve the subject property, or property contiguous thereto. The planning department, under the leadership of three separate Directors-Mr. Merle Gardner -1970's and 1980'- Mr. Steve Wylde -1990's and 2000's-Mr. Ken Gutierrez-2000's to present-on no less than three separate proposed tract maps has recommended that certain conditions pertaining to ridgeline areas and building pad elevations be included in any tract map. The Riverside Planning Commission and the City Council, on at least two previous maps, have required that the planning department conditions be enacted before acceptance (including Tract Map 28728). (Tentative Tract Map 31930 is the same property and development as e Tract Map 28728).

Dr. Hong and his contractor developer Mr. James Guthrie are seeking under proposed Tract Map 31930 to add two additional lots to the Westerly property line area (lots 23 and 24- lot 53 of tract map 28728) and raise the elevation levels from 1280

feet to 1294 feet. As previously required the developer was not allowed to grade a pad in this area above 1280 feet. The requested pad levels are directly against the previously 1280 elevation level recommended by the Planning Department and as required by the City Council. This requested elevation change goes against our City zoning code, and the intent of same as to the ridgelines, hillsides and other sensitive matter.

As I have indicated above one of the concerns of our City leaders and Council in reference to the sensitive area of Hawarden Hills, and other similar areas in the City, was that open space be retained, and that Citizens have access to same when certain properties were developed. The recommendation of the Planning Department and the requirement of the City Council pertaining to Tract Map 28728 was that lots 53 and 87 (now lots 23 and 24 under Tentative Map 31930) be combined into open space. This open space is a continuation of the open space and walking trails that go from the County Flood Control dam area up, through and around Alessandro Arroyo, overlooking strategic view points of the City as the trails lead to Tiburon Knoll (one of the most prominent geographical points of Riverside). The open space should be retained as previously required by the City Council in it's approval of Tract Map 28728.

I thank you for your attention to this matter.

Sincerely,



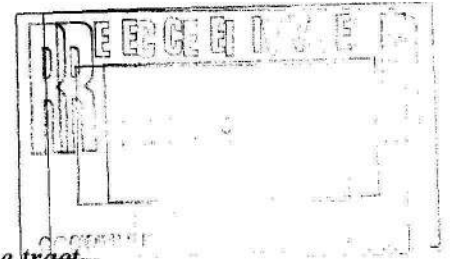
*Michael R. Raftery
December 17, 2006*

City of Riverside Planning Department
3900 Main Street
31930
Riverside, California 92522

Tract Map 28728
Tentative Tract Map

Attention:

Mr. Ken Gutierrez - Planning Director



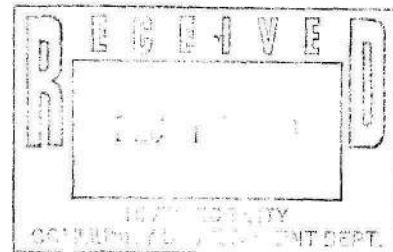
I contact you at this time In reference to the property being developed under the tract map and tentative tract map as set forth above. My home is adjacent to this project and since I built it approximately 16 years ago I have followed closely the continuing development of adjacent lands.

I am greatly concerned with certain parts of the tentative map as proposed by the developer as it goes against the intent of the RC Zone and its application to Hawarden Hills. It is extremely important to the hillsides, ridgelines and open space areas that the property involved not be changed from the requirements and conditions that were previously set forth by the Planning Department and as required and approved by the City Council of Riverside when the previous application for the Tract was approved.

Under the tentative map the developer, Dr. Hong, and his contractor Mr. Guthrie, are requesting that they be allowed to reduce the open space requirement that previously had been an important part of the Planning Department and City Council approval of tract map 28728 (under tract map 28728 lots 53 and 87 were combined into one open space parcel). The developer now seeks to add two additional lots. These lots would take away part of the open space that now allows people to walk and hike the Alessandro Arroyo along walking trails, hillsides and ridgelines which overlook the City. I respectfully request that the open space requirement as set forth under tract map 28728, where lots 53 and 87 were be combined as one open space lot, again be included under tentative map 31930 (lots 23 and 24).

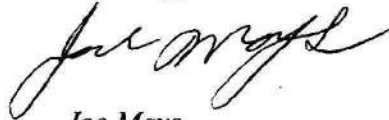
In addition the developer in his new tentative map request is seeking additional lots along the westerly property lines and in particular is seeking to raise the lot pad levels of two lots by fourteen and twelve feet (to 1294 and 1292-elevation) above the previously required elevation level of 1280 feet as recommended by Planning Department and as required by the City Council. This requested change would again be against the intent of our City zoning and its applications to the sensitive areas of hillsides and ridgelines.

I am requesting that the Planning Department also require that the developer provide



water to our property line. This condition was included in the previous recommendations and approval when tract map 28728 was approved. When seeking building and grading permits for my personal home the City of Riverside could not provide water access because of insufficient water pressure. I was allowed to obtain permits with the understanding I had to put in water pumps and that when the property to the East property(now under tract and tentative tracts as set forth above) was developed I would be provided water to my property. I respectfully request that this same condition be included in the recommendation of the planning department.

Sincerely,



Joe Mays

*Joe Mays
2420 Rolling Ridge Road
Riverside, California 92506
951-788-2690*

December 18, 2006

WALTER P. PARKS
6154 HAWARDEN DRIVE
RIVERSIDE, CALIFORNIA 92506
Ref: Tract Map 28729
3rd phase, map 31930

Mr. Ken Gutierrez
City of Riverside Planning Division
3900 Main Street
Riverside, CA 92522

Dear Mr. Ken Gutierrez

For more than 30 years, neighbors in the Hawarden hills area have worked with developers and planners as the area gradually developed. The two primary goals throughout this period have been to protect the ridgelines and provide open space. These efforts led to the Hawarden Hills Specific Plan of 1976, a breakthrough study adopted by the City Council to provide ground rules in this area of hills, canyons, and rock outcroppings. Prior to this plan, the only guidance for planners and developers consisted of standard subdivision zoning more appropriate for flat sites. With only a few unfortunate exceptions, developers have followed these rules to the benefit of the entire area.

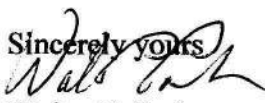
Other regulations have been adopted over the years which permit clustering of smaller lots in conjunction with areas of undeveloped open space. This modified the earlier requirement of only large lots in the rugged areas. Mr. Jim Guthrie, the developer of this third phase of his three-phase development identified as Tract 28728, has followed this cluster concept which has allowed for open space and the continuation of a trail system through the area, concepts integral to the original Hawarden Hills plan.

In planning and interpreting the rules, the "devil is always in the detail." In this case, Mr. Guthrie's overall plan is sound, but certain detail needs to be modified, specifically lots 19, 24, and 25. The elevation of lot 19 should be dropped 14 feet to insure structures there are below the ridge line. This protects the ridgeline and insures that precedent is maintained for adjacent projects proposed to the north of the Guthrie property.

Also lots 24 and 25 should be eliminated. The latter extend on to part of a viewpoint known locally as Hawk Point. This is adjacent to a 14 acre parcel, now mostly avocados, that eventually will be developed. The entire point will make ideal open space for the area if the Guthrie portion is left open and joined in the future with the adjacent portion of the 14-acre parcel.

Mr. Guthrie's approved earlier map for phase 3 expired. That map as approved did not allow the elevation now proposed for lot 19, nor did it allow lots on Hawk Point.

Those who have been concerned about the course of development in the Hawarden Hills for so many years, urge you and the City Council to follow the original decision on Phase three regarding the detail of these three lots. With these modifications, we fully support the project.

Sincerely yours

Walter P. Parks

Planning Department-City of Reference:
Mr. Ken Gutierrez-Planning Director

Reference Tract Map 28728
Tentative Tract Map 31930

Dear Mr. Gutierrez,

As your department is aware from the first time development of the subject property was presented to the City of Riverside I have requested that conditions be placed in any approval of a Tract Map that the developer provide water to my property line(which is contiguous to the above referenced property). I continue to request this condition be required under any approval of Tentative Map 31390.

My request originates from the late 1980's when I first sought approval from the City of Riverside for grading and building permits for my family home. At that time the City was not able to supply water to my property due to insufficient water pressure. I was granted permits by agreeing to install water booster pumps, and with the understanding that when the property contiguous to my property was developed (presently the property under above tract maps) that conditions of any development would require that water be provided to my property. This condition has been required in each previous tract map proposal. I continue my request that this condition be included in the recommendation of the City Planning Department.

Sincerely,



Michael R. Raftery

Dec. 17, 2006

John M. Mylne, III
6190 Hawarden Dr.
Riverside, CA 92506
951/682-3222
johmyl@att.net

December 28, 2006

City of Riverside Planning Department
City Hall – 3900 Main Street
Riverside, CA 92522
Attention: Planning Director Mr. Ken Gutierrez

Reference: Tract Map 28728
Tentative Map No. 31930
Revision of Letter of 12/20/06

Dear Ken:

I am writing to you regarding the subject tract maps with full knowledge that I may be repeating myself. Several times during the past 30 years I have appeared before you and/or your predecessor Planning Directors and the Riverside City Council regarding the same subject property and maps and expressing the same concerns regarding the adherence to the Hawarden Hill Plan, Study Area, and RC Zone plans and requirements.

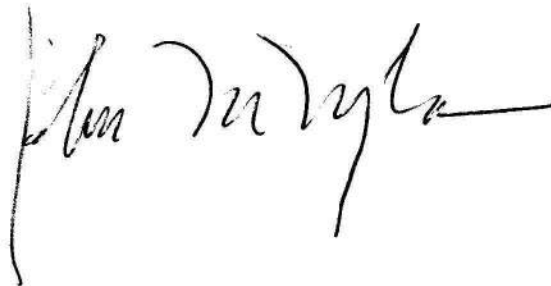
In each and every instance I and my neighbors have been consistent in our requests of the City to deny proposals of referenced developers which violate the above stated requirements; and indeed the Planning Department Director and the City Council have supported and ruled in our favor in requiring adherence by the developer.

We are back now another time to request that this contractor developer be required to eliminate open space and ridge line encroaching lots **24** and **25** and to limit the height of lot grading (especially lot **19**) to elevation 1280.

I ask that the Planning Department and Council continue with their past consistent actions in denying the subject encroachment requests of this developer.

Thank you in advance for your responsive consideration and action in this matter.

Very Sincerely,



John M. Mylne, III
6190 Hawarden Dr.
Riverside, CA 92506
951/682-3222
johmyl@att.net

December 20, 2006

City of Riverside Planning Department
City Hall – 3900 Main Street
Riverside, CA 92522

Reference: Tract Map 28728
Tentative Map No. 31930

Attention: Planning Director Mr. Ken Gutierrez

Dear Ken:

I am writing to you regarding the subject tract maps with full knowledge that I may be repeating myself. Several times during the past 30 years I have appeared before you and/or your predecessor Planning Directors and the Riverside City Council regarding the same subject property and maps and expressing the same concerns regarding the adherence to the Hawarden Hill Plan, Study Area, and RC Zone plans and requirements.

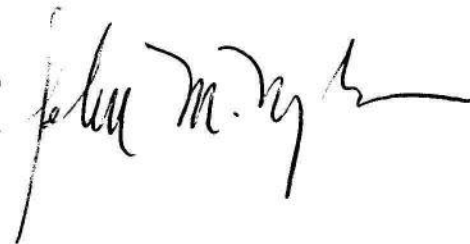
In each and every instance I and my neighbors have been consistent in our requests of the City to deny proposals of referenced developers which violate the above stated requirements; and indeed the Planning Department Director and the City Council have supported and ruled in our favor in requiring adherence by the developer.

We are back now another time to request that this contractor developer again be required to eliminate open space and ridge line encroaching lots 23 and 24 and to limit the height of lot (especially lot 29) grading to 1280 feet.

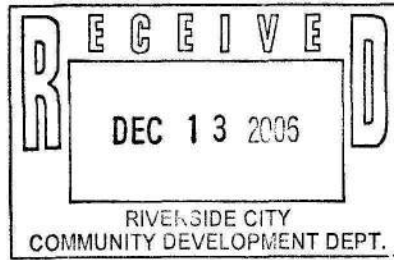
I trust that the Planning Department and Council will continue with their past consistent actions in denying again the subject encroaching requests of this developer.

Thank you in advance for your responsive consideration and action in this matter.

Very Sincerely,



2440 Rolling Ridge Road
Riverside, Ca. 92506
December 11, 2006



City Clerk
City Hall
3900 Main Street
Riverside, Ca. 92522

Re: Case P03-1548, P03-1451, P04-0260
Appeal/Filing by Jim Guthrie for Phase III

Dear Ms. Colleen Weeks,

It has been brought to my attention that a revised plan has been introduced by Mr. Jim Guthrie for the development of 86 acres in the Alessandro Arroyo residential conservation zone. The property is adjacent to my property at 2440 Rolling Ridge Road. I am concerned that I was not notified of this development or given the opportunity to ensure that my property rights are enforced.

This matter was heard and adjudicated by the City Council in 2004. I do not anticipate that the planning commission will reverse its earlier position enforcing RC zoning requirements.

My major concern is that there will be major grading of the proposed pads resulting in significant runoff onto my property. The property currently drains into the arroyo in a Southerly flow. Any significant grading could change the flow into my driveway and onto Rolling Ridge. That would be totally unacceptable to me.

Secondly, I own the property on the ridgeline and the ridgeline must be maintained; with the proposed lots (number 24 and 25) graded at their current elevation. It is not acceptable to artificially elevate lots above the ridgelines in the area. This goes to the very heart of Prop R. The city voters intended for limited development on these ecologically sensitive areas. I have other property subject to Prop R limits; shouldn't all of us be treated in the same manner? Variances have a way of multiplying once exceptions are given; and there are multiple developers wishing to get variances on the ridges and ridgelines.

Mr. Guthrie has built very nice subdivisions and I am sure Phase III will be very nice as well. I must request, however, that the planning commission and the City Council maintain their previous positions of enforcing Prop R requirements and to make certain limitations on Lots 24 and 25 of the proposed development.

Please keep us informed of your recommendations and of the hearing date.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven and Catherine Larson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven and Catherine Larson
2440 Rolling Ridge Road
Riverside, Ca. 92506

Miramontes, Clara

From: Small, Rick
Sent: Friday, February 16, 2007 11:27 AM
To: Miramontes, Clara
Subject: T31930 Private Water easement
Importance: High

Clara,

I wanted to give you the PSI info in writing for your reference.

The following PSI information would be what we would expect to see at the meters for 2400 and 2420 Rolling Ridge (the two homes requesting the private water easement).

High PSI = 69

Low PSI = 56

The following PSI information would be what the homeowners may see at their homes without the assistance of an onsite booster pump.

High PSI = 17

Low PSI = 4

These PSI readings at the homes would indicate to me that these owners likely have onsite booster pumps to increase the pressure to their homes. You might want to contact them to see if this is the case and then we would know why they are fighting so much for this easement. Like I said, if they do have these pumps then getting the easement would mean no longer having to run, maintain and pay for the electricity for said pumps.

Again, the Water Utility attempts to provide a minimum of 40 PSI at the meter location. We are doing this for these two homes.

I hope this helps,

Richard Small
Senior Engineering Technician
Riverside Public Utilities - Water Engineering
3901 Orange Street
Riverside, Ca 92501
951-826-5583 (Office)
951-826-2498 (Fax)