

View of Pad 49  
(12713)

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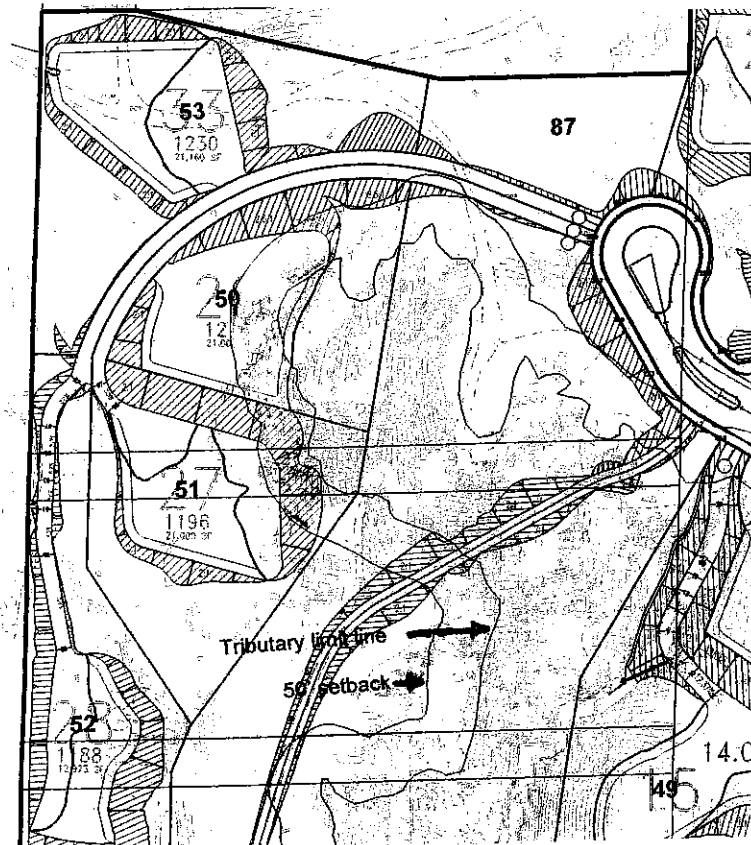
**Lots 50 and 51** – The western edge of lots 50 and 51 marks the beginning of the headwater of the small tributary in the west side of TM 31930. The building pad on lot 50 would extend into the headwaters of the tributary. The building pad for lot 51 would extend into the setback ribbon only. See the topographical map below.

Building Pad Size:

Lot 50 contains an average natural slope of about 28.07%. The maximum-size building pad permitted in the RC zone on lots with this average natural slope is 21,000 square feet. The proposed building pad is 21,000 square feet, the maximum permitted by the code. The development of a house outside the Encroachment area would reduce the building pad size by about one-half, to about 10,500 square feet.

Lot 51 contains an average natural slope of about 18.63%, and would be subject to the same RC zone limitation that prohibits building pads greater than 21,000 square feet on lots steeper than 15%. Because the development of this pad outside the Encroachment Area would require the slope to be located inside the Encroachment Area, this change would reduce the pad size by about one third. Currently it is proposed at 21,000 square feet. Strict compliance would reduce the building pad to about 14,000 square feet.

For lots 50 and 51, the development of a one-store residence with a garage on 10,500 and 14,000 square foot lots, respectively, would result in a practical difficulty, because the building pads would be too small to support a one-store house with a garage.



Topography:

Lot 50: Under the highlighting, the topography on the map on the preceding page identifies the Encroachment Area as mostly flatter than 30% (red), with two small patches steeper than 30% (blue). Note, the Encroachment area for lot 50 is naturally cutoff from the tributary by a small area of red, outside the Encroachment Area to the east. This natural flat spot currently prevents the headwater from flowing into the tributary from the purple tributary area highlighted on the map below. According to the topography map below, the natural flat spot is identified as a red area to the east of the Encroachment Area. Based on this topography, the addition of fill within the Encroachment Area would not restrict the headwater area more than the natural topography already restricts it.

Lot 51: The Encroachment Area on lot 51 consists of mostly flatter areas, with about 1/3 of the area steeper than 30% (identified as blue under the orange highlighting). See the map on the preceding page.

The reduction in building pad size would also result in an unnecessary hardship because the Encroachment Areas for lots 50 and 51 are not sensitive, as discussed below.

Encroachment Areas are not Sensitive: The Encroachment Areas on lots 50 and 51 are not sensitive for the reasons identified below:

- (i) Lots 50 and 51 contain "ruderal vegetation – areas mechanically cleared in the early 1990's. These areas are essentially devoid of shrubs. [Ruderal vegetation] [o]verlays the bulk of the development area." (R. B. Riggan, Biological Assessment, Figure 7, and Michael Brandman Associates, Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A) See pictures labeled 50-b and 51-b, taken from lots 50 and 51 facing south, attached.
- (ii) Ruderal vegetation "dominates the northern 80-percent of the site [and] is characterized by a preponderance of invasive weed species." (Id. at p. 4.) "It is believed that the Old Field Association found on-site can be attributed to a variety of factors including clearing, fire, and to extensive sheep grazing of the property (see Figures 4-6." (Id., at p. 8.)
- (iii) Several rock outcroppings are visible in the picture taken from lot 51, facing south. (Labeled 51-b, attached.) These rocks are in the open space area and will not be impacted by the proposed grading in the Encroachment Area.
- (iv) No other significant unique topographic features exist within the Encroachment Areas.

Based on the information provided above, the approval of a grading exception to permit grading in the Encroachment Areas of lots 50 and 51 is appropriate because (i) water collecting in the headwater of the tributary is already naturally prevented from flowing into the tributary by a large flat spot, (ii) the reduction in building pad sizes to 10,500 and 14,000 square feet, respectively, would be a practical difficulty, and (iii) the Encroachment Areas for both lots are not sensitive.



Pad 50-b

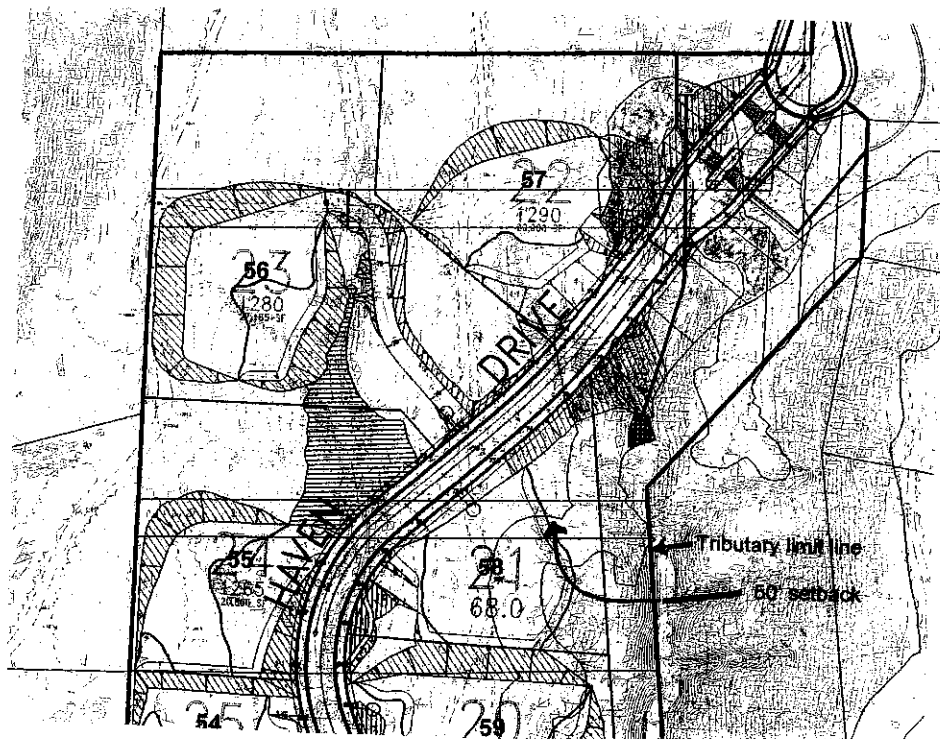


Pad 51-B

**The North End of Crest Haven Drive and Lot 57** - The northern terminus of Crest Haven Drive would encroach about 200' into the headwater of the main tributary. See area north of Crest Haven Drive highlighted in purple on the map below. The construction of Crest Haven Drive would separate the Encroachment Area (highlighted in orange below) from the tributary, and reduce the headwater area. The building pad for lot 57 would encroach into the setback ribbon only. However, the north slope of Crest Haven Drive would encroach into the setback ribbon and into the tributary on lot 57, in the areas highlighted in orange and purple, below. The slope to the south of Crest Haven Drive created by street construction would also encroach into the setback (highlighted in orange) and into the tributary (highlighted in purple).

North End of Crest Haven Drive, and the resulting slope North of the Drive in the Open Space: The topography in the Encroachment Area, highlighted in yellow on the map below, is mixed red and blue. Construction of the road would require the placement of fill within the Encroachment Area. The location proposed for the road is fixed by the location of the dead-end cul-de-sac constructed with TM 23027. The construction of Crest Haven Drive is necessary to connect with the existing dead-end to complete the loop road previously approved in 1994 (TM 23027) and again in 1998 (TM 28728.) See map of TM 23027, 28728 and 31930, on p. 7.

Lot 57: This lot contains an average natural slope of 19.60%. The maximum-size building pad allowed for this lot would be 21,000 square feet. A 21,000 square foot building pad is proposed. The development of a building pad outside the Encroachment Area would require the slope to the north of the pad to be constructed outside the Encroachment Area. This would reduce the size of the pad by about 25%, to about 15,750 square feet. The resulting pad would be narrow and deep. To conform with the irregular shape of the building pad, a one-store house and garage would be placed perpendicular to Crest Haven Drive. The reduction in the pad size would result in two practical difficulties, it would be difficult to fit a house and garage on such a small pad, and the house would be located perpendicular to Crest Haven Drive (the front of the house would not face the street). Both difficulties are unnecessary hardships considering the lack of sensitivity of the Encroachment Areas, discussed below.



Encroachment Area is not Sensitive: The Encroachment Areas for Crest Haven Drive and Lot 57 are not sensitive for the reasons identified below:

- (i) As discussed for lots 50 and 51 above, the northern 80% of the site contains ruderal vegetation, consisting of areas devoid of shrubs, that were mechanically cleared in the early 1990's. (R.B.Riggan, Biological Assessment, Figure 7, and Michael Brandman Associates, Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A.) Even the area identified as tributary by Exhibit "D" consists of ruderal not riparian vegetation.
- (ii) Ruderal or "Old Field Association provides virtually no cover for wildlife and offers little by way of food resources." (Id., at p. 9.)
- (iii) No rock outcroppings are located within the Encroachment Areas, see the photo labeled 57-B, taken from lot 57 looking northeast towards the start of Crest Haven Drive, the photo labeled Cresthaven 1, taken from Crest Haven Drive facing south, and the photo taken from Crest Haven Drive, facing south, labeled Beginning of Crest Haven.
- (iv) No other unique topographic features exist within the Encroachment Areas or in nearby segments of the tributary.

Based on the information provided above, grading in the Encroachment Areas for Crest Haven Drive and lot 57 is also appropriate because the areas are not sensitive.

Pad 57-b



Cresthaven 1





Beginning of Cresthaven  
(12702)



**Lots 58 through 62** - The Encroachment Areas for lots 58-62 extend along the eastern edge of a minor ridge that consists of knolls on lots 58 and 61, connecting the building pads. See the Encroachment Areas identified in orange on the map below. The building pads for lots 58, 59, and 62, also extend into the limits of the central tributary, as identified in purple on the map on the following page.

Topography:

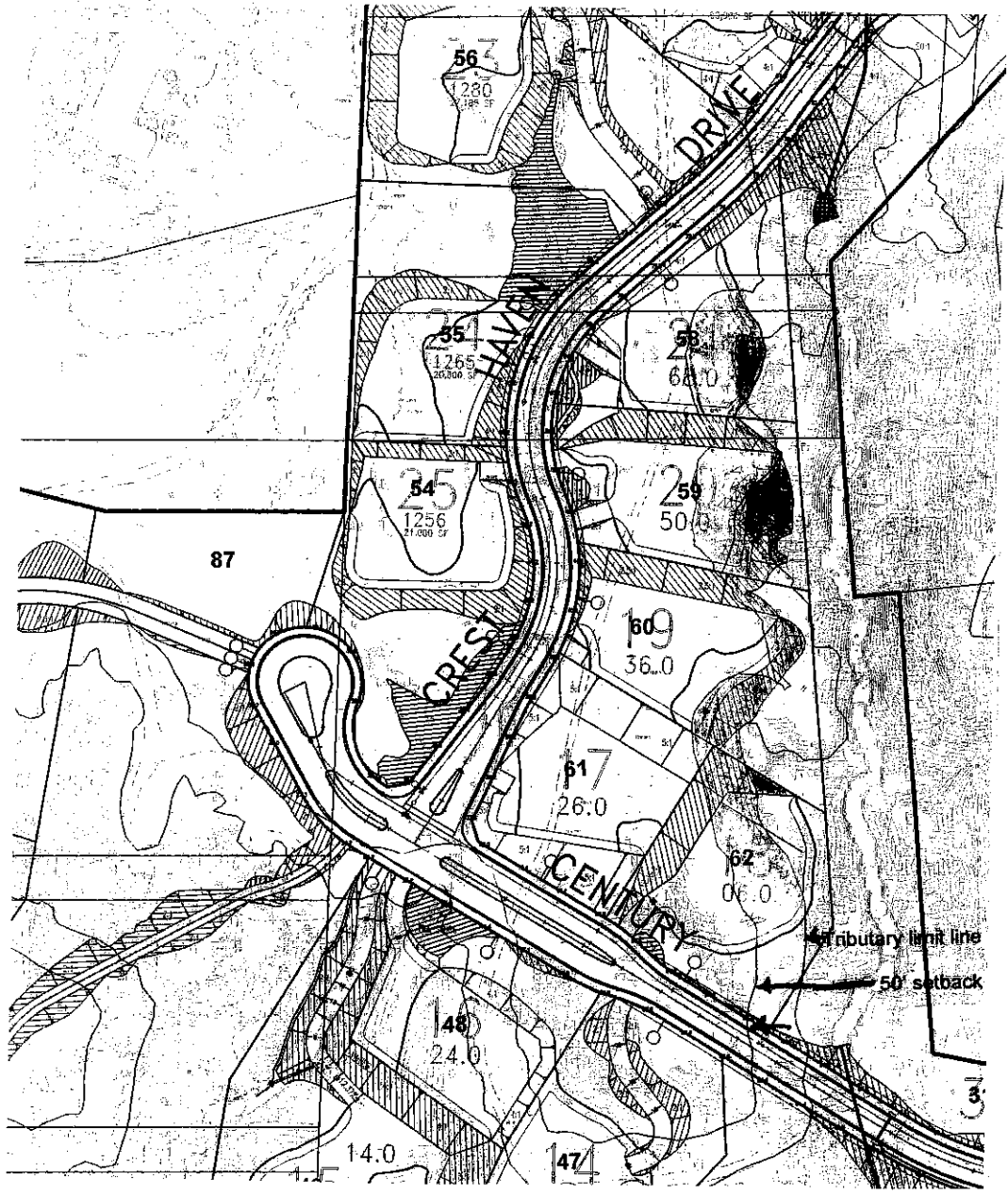
Lot 58- The Encroachment Area primarily consists of topography that is flatter than 30% slope (red on the map below). About 80' of Lot 58 extends into the Encroachment Area and the limits of the tributary. The south slope of Crest Haven Drive also extends into the Encroachment Area at the northeast corner.

Lot 62- Lot 62 contains a knoll, and the Encroachment Area, identified in orange on the map above, extends over the top of the knoll. Almost all of the Encroachment Area is flatter than 30% slope, as identified by the red under the highlighting, on the map on the following page.

Building Pad Size: The chart below identifies the reduction in building pad size that would be required to strictly comply with the requirements of the Grading Ordinance.

Lot No.	ANS	Max Pad Size	Proposed Pad Size	Strict Compliance Building Pad Size
58	21.10%	21,000 sq. ft.	19,380 sq. ft.	10,000 sq. ft. (about 50% reduction)
59	22.83%	21,000 sq. ft.	21,000 sq. ft.	10,000 sq. ft. (greater than 50% reduction because of slope area)
60	20.30%	21,000 sq. ft.	21,000 sq. ft.	15,750 sq. ft. (reduction of about 25%)
61	16.93%	21,000 sq. ft.	20,800 sq. ft.	16,640 sq. ft. (20% reduction because of change in slopes)
62	26.60%	21,000 sq. ft.	20,100 sq. ft.	6,633 sq. ft. (about 66% reduction)

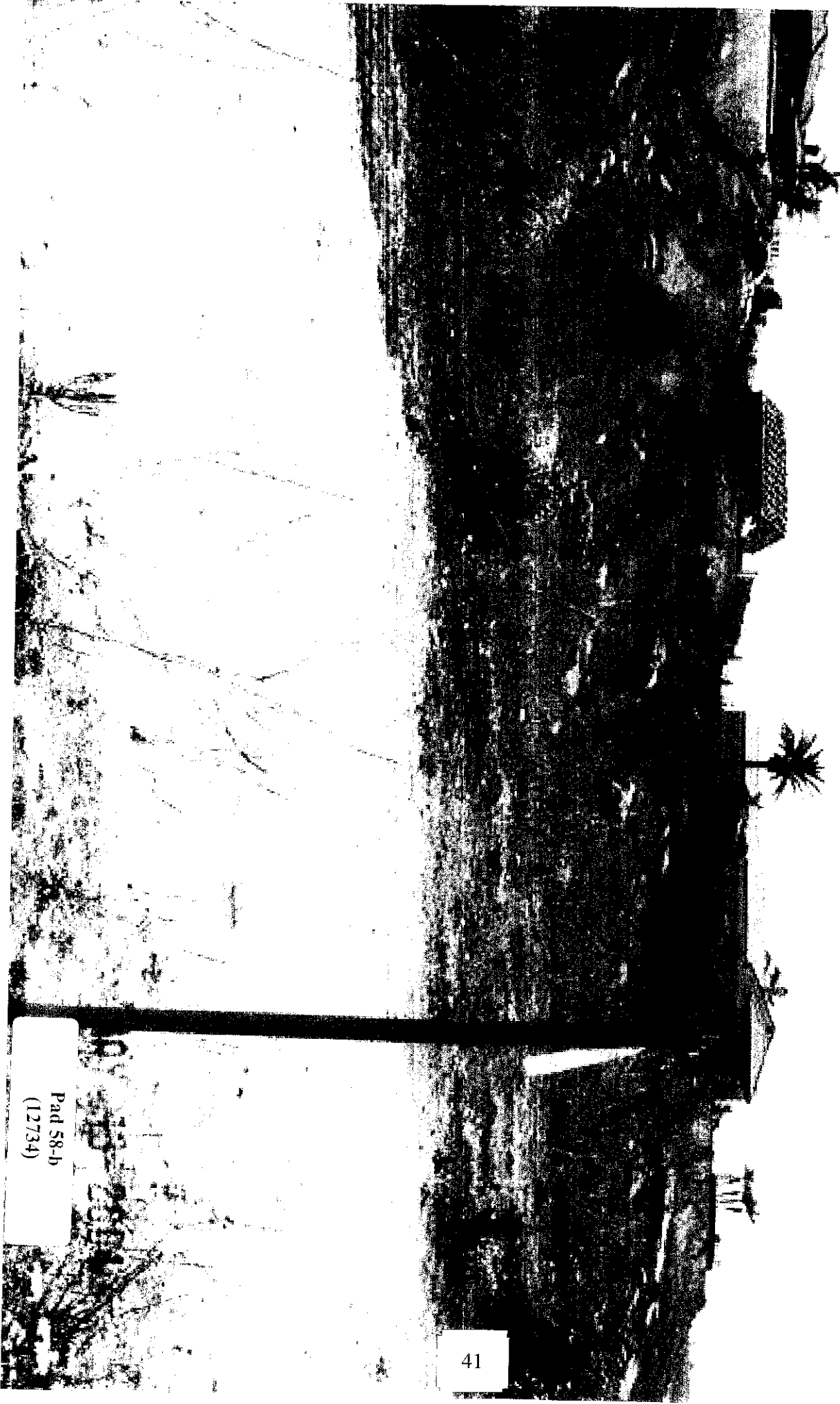
The reduction in building pad size to avoid the Encroachment Areas would result in a practical difficulty for each of the lots identified above, because in each case, the reduced building pad would not be large enough to support the required one-story house with a garage.



Encroachment Areas are not Sensitive: The Encroachment Areas located in lots 58-62 are not sensitive for the following reasons:

- (i) The western slope adjacent to the central tributary contains ruderal vegetation, "areas mechanically cleared in the early 1990's. These areas are essentially devoid of shrubs. [This vegetation] [o]verlays the bulk of the development area." (R.B.Riggans, Biological Assessment, Figure 7, and Michael Brandman Associates, Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A.)
- (ii) Ruderal vegetation or "Old Field Association provides virtually no cover for wildlife and offers little by way of food resources." (Id., at p. 9.)
- (iii) No rock outcroppings are located within the Encroachment Areas, see the photos of lots 58-62, on the following pages. Each picture was taken from the respective lot facing east towards the tributary.
- (iv) No other unique topographic features exist within the Encroachment Areas or in nearby segments of the tributary.

Based on the information provided above, grading in the Encroachment Areas for lots 58, 59, 60, 61, and 62, is appropriate because the areas are not sensitive.



Pad 58-b  
(12734)



Pad 59-a  
(12733)



Pad 60-a  
(12732)







Pad 62-b  
(12731)

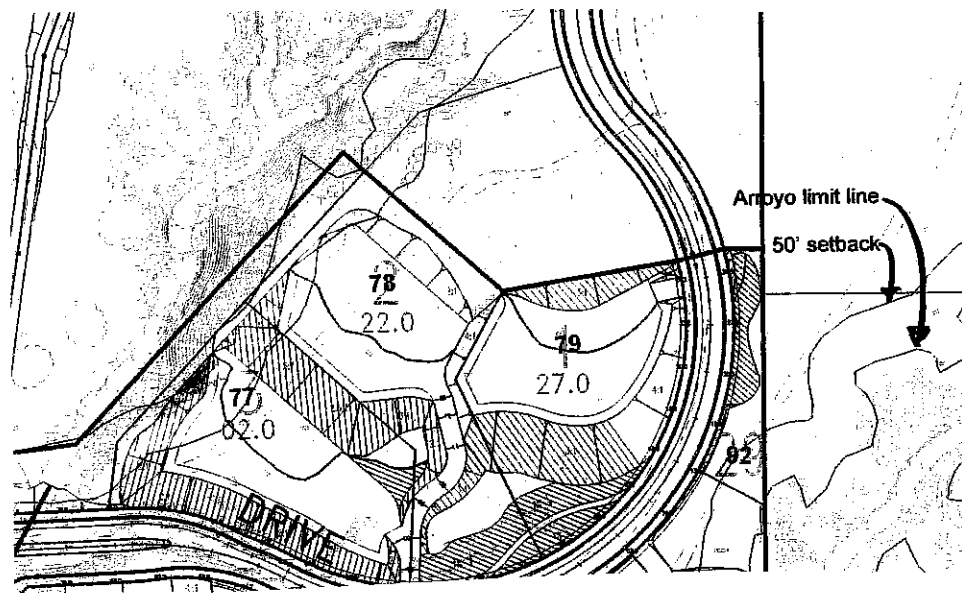
**Lots 77 and 78** - The western edge of the building pads for lots 77 and 78 will encroach into the setback ribbon by about 20-30' in the area highlighted in orange, below; and for lot 77, into the tributary in the area highlighted in purple, below.

Topography and Building Pad Sizes:

Lot 78: Lot 78 would extend into the Encroachment Area about 75', including the portion of the building pad that would extend into the tributary. The average natural slope for the lot is 17.36%. The maximum building pad size permitted by the Grading Ordinance would be 21,000 square feet, which is the size of the proposed building pad. To pull back the slope along the westerly boundary so it would not encroach into the setback ribbon would require the building pad to be reduced by about 25%, to about 15,750 square feet.

Lot 77: The building pad for lot 77 would extend about 60' into the setback ribbon. The Encroachment Area extends into the tributary by about 5'. The ANS for lot 77 is 20.31%. The maximum building pad allowed in the RC zone would be 21,000 square feet, which is the size of the building pad proposed. To comply with the strict requirements of the Grading Ordinance would require the building pad to be reduced by about 20% to about 15,750 square feet.

The reduction in building pad size to comply with the strict interpretation of the Grading Ordinance would result in pad sizes that are too small to support a one-story house with garage. This would result in a practical difficulty that is also an unnecessary hardship because the Encroachment Areas are not sensitive, as discussed below.



Encroachment Areas are not Sensitive: The Encroachment Areas on lots 77 and 78 are not sensitive for the reasons below:

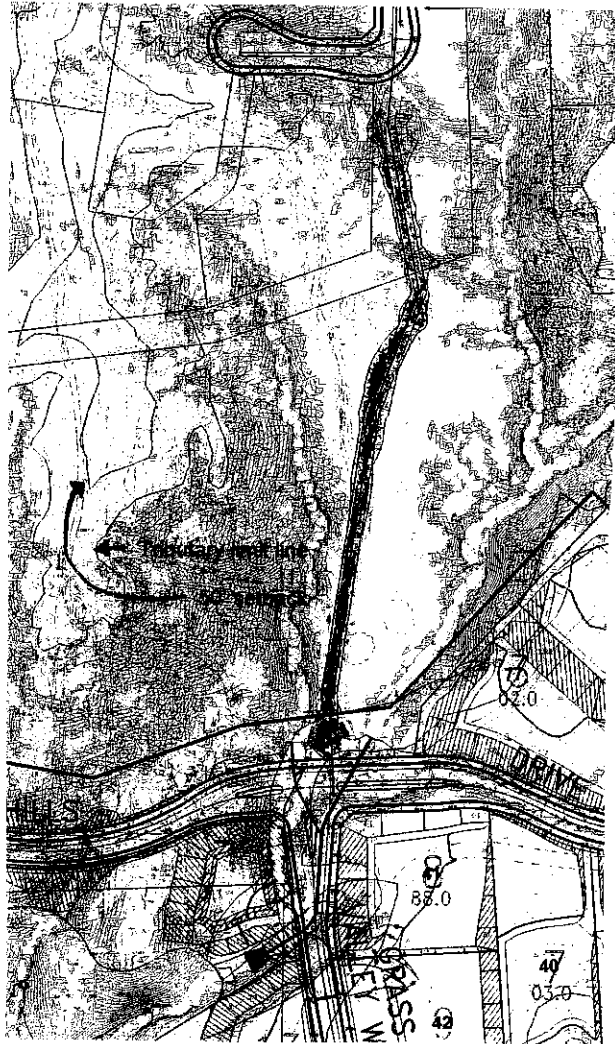
- (i) The eastern slope adjacent to the central tributary contains ruderal vegetation, "areas mechanically cleared in the early 1990's. These areas are essentially devoid of shrubs. [This vegetation] [o]verlays the bulk of the development area." (R.B.Riggans, Biological Assessment, Figure 7, and Michael Brandman Associates,

- Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A.) See vegetation in foreground of picture on page \_\_, labeled "Cresthaven & Century 4," taken from Lot 77 facing north, showing vegetation from that lot in the foreground.
- (ii) Ruderal vegetation or "Old Field Association provides virtually no cover for wildlife and offers little by way of food resources." (Id., at p. 9.)
  - (iii) No rock outcroppings are located within the Encroachment Areas.
  - (iv) No other unique topographic features are located in the Encroachment Areas or in nearby segments of the tributary.

Based on the information provided above, grading in the Encroachment Areas for lots 77 and 78 is appropriate because the areas are not sensitive.

**Sewer Line Extension** – TM 31930 is proposing to extend the sewer line from south end of Garden Hills Way (constructed as part of TM 28728-2) to the south through the Arroyo tributary to connect with TM 31930 at the intersection of Grass Valley Way and Century Hills Drive.

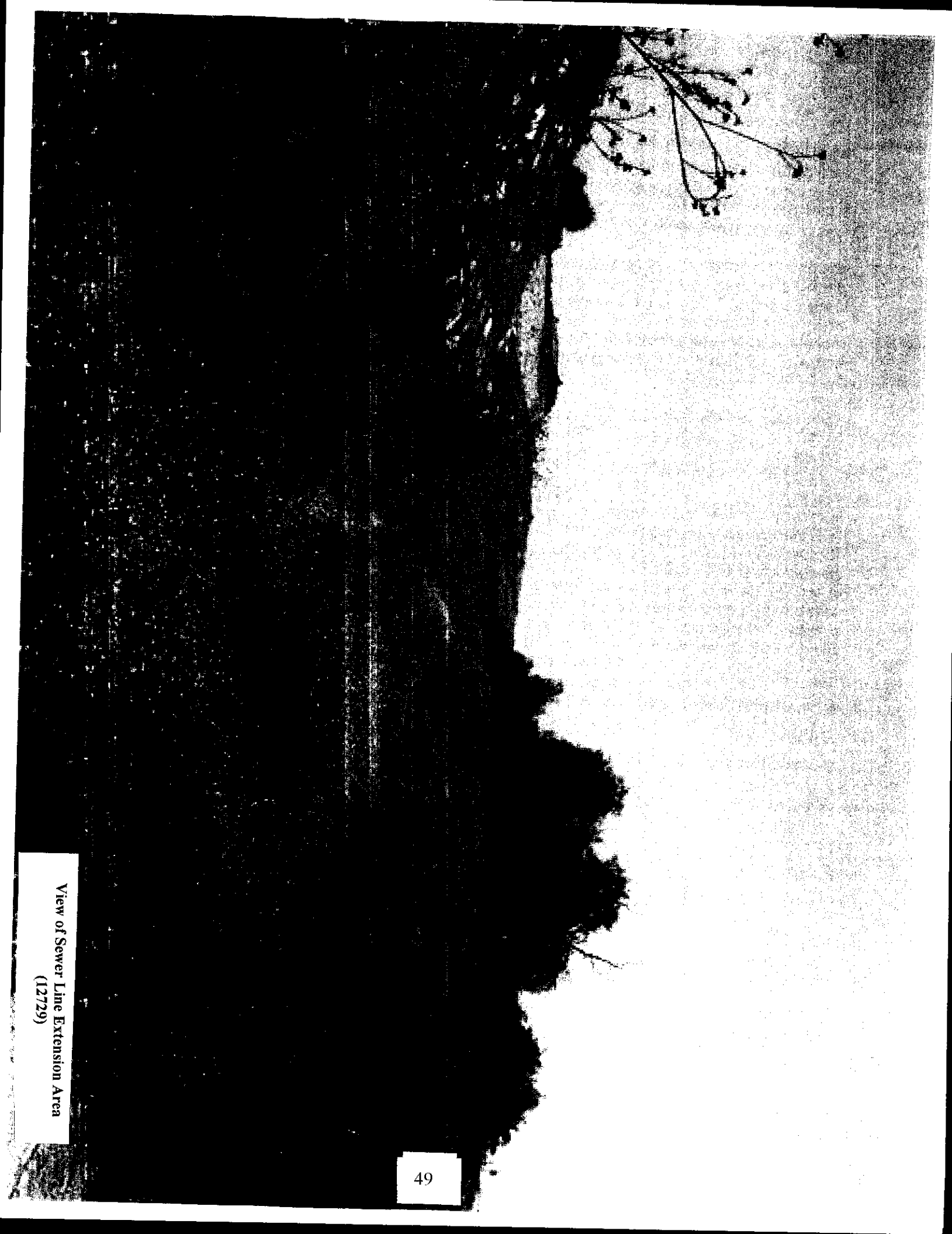
Topography: The proposed sewer extension would be located in a flatter area, consisting of less than 30% slope (red) on the map below. The area proposed to contain the sewer line extends through the center of the tributary area. However, the installation of the sewer line would cause a short term grading impact, which would cease after time, upon completion of the installation, and when the natural vegetation in that area grows back.



Encroachment Area is not Sensitive: The Encroachment Area for the sewer extension is not sensitive for the reasons below:

- (i) Riparian vegetation is limited to the Arroyo area, along the southern edge of TM 31930. (R.B.Riggan, Biological Assessment, Figure 7, and Michael Brandman Associates, Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A.)
- (ii) The SKR has a moderate potential to occur in the Encroachment Area. (Michael Brandman Associates, Biological Due Diligence for the Installation of a New Sewer Line and Access Road in the Open Space Area within TM 31930, December 15, 2003.) Potential impacts to SKR will be mitigated by the payment of the fees required by the SKR HCP. (Condition of Approval 32.)
- (iii) No rock outcroppings are located along the stretch of land where the sewer line extension is proposed. See the picture on the following page, taken from lot 77, facing north which shows the point where the sewer line extension will originate at the south end of Garden Hills Drive and the gentle ridge (trending north to south) in which the sewer line would be constructed.
- (iv) No other unique topographic features are located in the Encroachment Area or in nearby segments of the same tributary. See picture of the sewer extension area labeled Cresthaven & Century 4, taken from lot 77 looking north, on the following page.

To prohibit the installation of the sewer line would be a practical difficulty, because without the extension of the sewer line, each lot in TM 3190 would require a septic system. Because of the close proximity to the Arroyo and the natural drainage patterns, the development of a sewer for TM 31930 would prevent potential impacts from septic tanks on slopes adjacent to the Arroyo and its tributaries. To prohibit the sewer extension would also result in an unnecessary difficulty, because the impact is temporary in duration. Also, the area proposed for the sewer line extension is not sensitive, as discussed below.



View of Sewer Line Extension Area  
(12729)



**Alessandro Dam Access Road:** TM 31930 is proposing to improve the existing access road to the Alessandro Dam. The road has been in existence for centuries, in an unpaved state, leading from the intersection of Crest Haven Drive and Century Hills Drive, south through the headwaters of the westerly tributary, and exiting 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.

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.
- (iii) No rock outcroppings are located within the New Encroachment Areas.
- (iv) 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.

### Exception B - Slope Height

**Crest Haven Drive** – The proposed slope on the south side of Crest Haven will be 26' high, 1' higher than the 25% increase (to 25') permitted without a grading exception. The slope will reach a maximum of 26-feet for a distance of thirty-feet. A grading exception is appropriate in this location for the following reasons:

- (i) The slope would not be visible from a public right of way. It would be visible from Century Drive, a private right of way, but at a distance of almost 700' across the central tributary, the slope would not stand out as a prominent feature.
- (ii) The slope would be located on the western slope adjacent to the central tributary in an area that contains ruderal vegetation, "areas mechanically cleared in the early 1990's . . . and is essentially devoid of shrubs." Ruderal vegetation or "Old Field Association provides virtually no cover for wildlife and offers little by way of food resources." (R.B.Riggans, Biological Assessment, Figure 7 and p. 9, and Michael Brandman Associates, Jurisdictional Delineation, March 2003, Vegetation Map, see attachment A.)
- (iii) Several small rock outcroppings are located where the street is proposed. However, the fill required to develop the street will be placed around the rocks and the rocks will protrude above the surface of the fill. See the photo looking southeast from the area which will contain Crest Haven Drive, labeled Crest Haven 1, attached.
- (iv) No other unique topographic features, such as knolls, valleys, or viewscapes are present within the area proposed for the slope.

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.***

#### **Exception A: Arroyo Limits and Setback Encroachments**

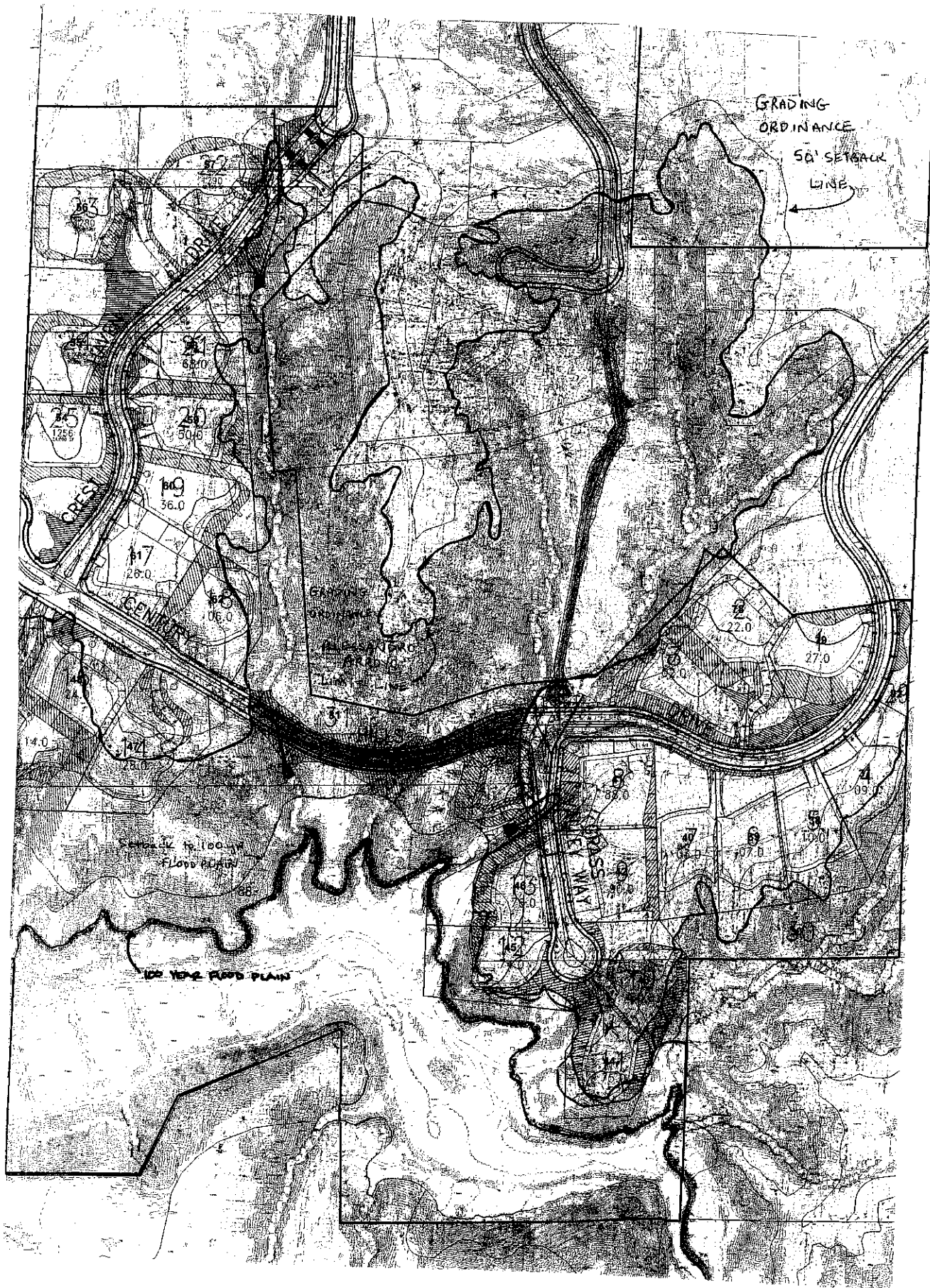
**Introduction:** As discussed previously, TM 31930 was first approved in 1994, as a part of TM 23027. Later, it was approved as part of TM 28728, in 1998, before the Grading Ordinance was adopted in November, 1998. For the approval of TM 23027 and 28728, the City utilized the definition of the Alessandro 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. See the red line which identified the 100-year flood plain (the "Red Line"), identified on the map, attached.

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. For comparison, see the location of the Red Line compared to the setback ribbon identified on Exhibit "D" (see map attached at page 2). The exceptional circumstance for each lot and street requiring a grading exception is described below and identified on the attached map.

Cresthaven I

52



**Lots 37, 38, 39, and 40** - The limits of the 100-year flood plain did not extend into lots 43 and 44. Exhibit "D" identified the setback ribbon extending within the lots. Compare the Red Line on the map below to the Black Line on the map above.

**Lot 41**- The Flood Plain did not include the tributary. Compare the Red line to the Black line on the map above.

**Lots 45 and 46**- The setback from the Flood Plain extended to the edge of the building pad slopes. Compare the Red Line to the Black Line on the map above.

**Lots 43 and 44** - The old setback extended to the edge of the building pad slopes. Compare the Red Line to the Black Line on the map above.

**Lots 77 and 78, and Sewer Extension**- Because the Flood Plain did not identify a tributary, the old setback does not extend north of Century Hills Drive. The pink setback line did not extend to lots 77 and 78, or to the sewer extension. Compare the pink setback line to the Encroachment Area for lots 77 and 78, highlighted in orange on the map above, and to the sewer extension area, highlighted in purple.

**Century Hills Drive, Grass Valley Road, the water quality basin and lot 41**- The limits of the Flood Plain and the adjacent setback does not extend to the area currently identified as tributaries (north into the area proposed for Century Hills Drive.) Compare the Red Line to the Black Line on the map above.

**Lots 47, 48, and 49**- The old setback was between 175' and 200' to the south of the building pad slopes at the closest point. Compare the Red Line to the Black line on the map above.

**Lots 50 and 51** - The Flood Plain did not identify the western tributary, so the old setback is located about 350' south of the Encroachment Area, at the closest point. Compare the Red Line to the Black Line on the map above.

**North End of Crest Haven Drive and Lot 57**- The Flood Plain did not identify a tributary, so the old setback did not extend north of Century Hills Drive. Compare the Red Line to the Black Line on the map above.

**Lots 58, 59, 60, 61, and 62**- Because the Flood Plain did not identify a tributary, the old setback does not extend north of Century Hills Drive. Compare the Red Line to the Black Line on the map above.

**Alessandro Dam Access Road**: 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.

#### **Exception B: Slope Height Exceptions**

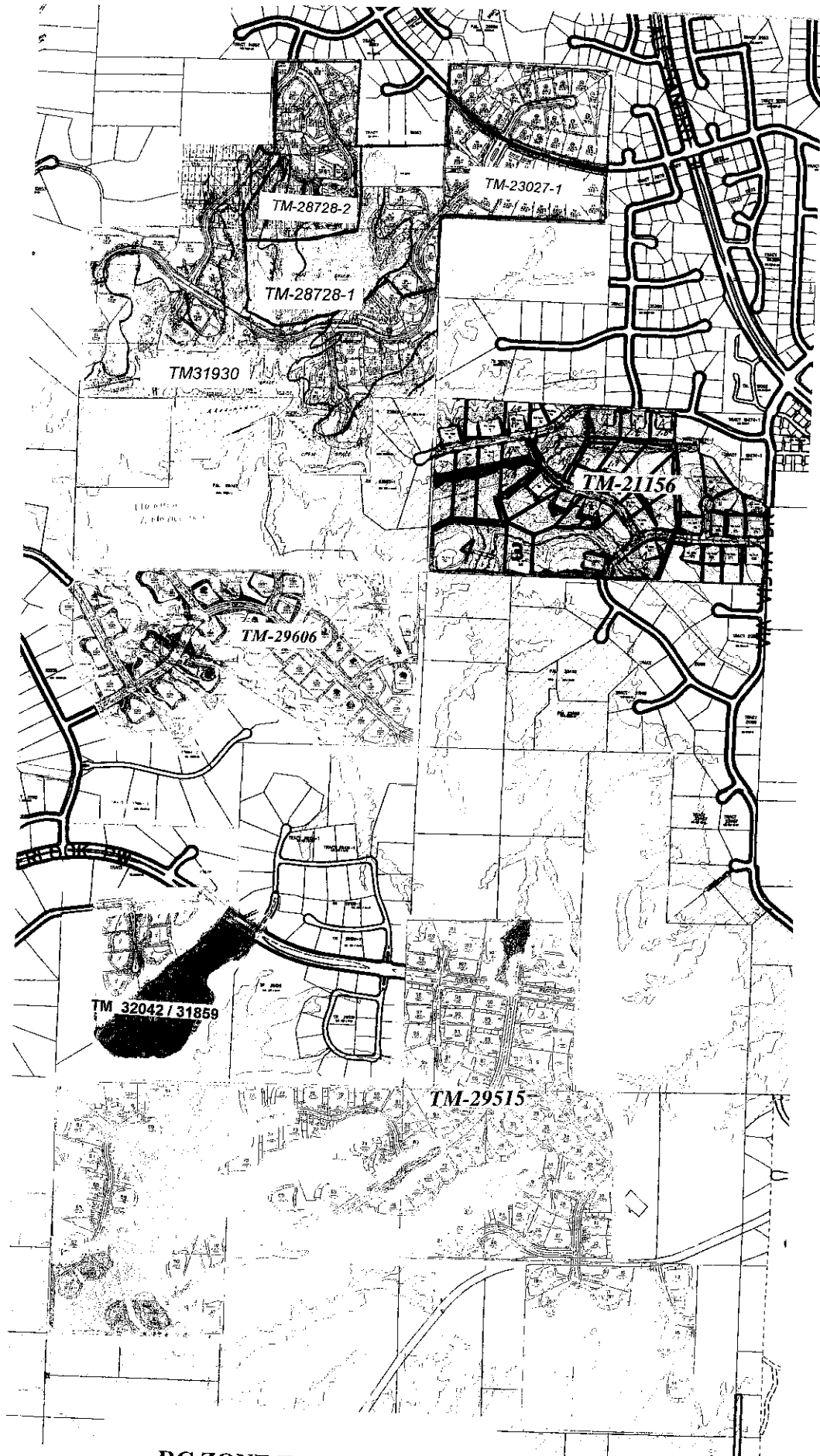
**Crest Haven Drive** - TM 31930 is identical to TM 23027, which was designed by Gabel, Cook and Associates, Engineers, to conform to the natural topography to the greatest extent possible, and limit grading. The height of the slopes was not a result of the street locations chosen by the engineers. Slope heights are a function of proposed driving speed, the width of the road, and the natural topography. The City imposed a design speed of 25 miles per hour on each of the roads in TM 31930 (Condition of Approval 48.) The chosen design speed determines the proposed slope heights for Crest Haven Drive. Designing the street to comply with a safe driving speed is an exceptional circumstance resulting in slope heights that require variances.

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.***

**Exception A – Encroachment into the Arroyo Limits and 50' Setback Ribbon**

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. The following matrix identifies the grading exceptions (setback and tributary) for the three most recently approved tract maps in the RC zone, which are located south of TM 31930 in the same neighborhood. See map labeled RC Zone Tract Maps south of TM 31930, attached.



**RC ZONE TRACT MAPS  
SOUTH OF TM31930**

Tract Map No.	Approval Date	Project Description	Open Space Preserved	Grading Exceptions for Setback Encroachments	Grading Exceptions for Tributary Encroachments
29606	2/01	33 lots on 75.6 ac	No Open Space lots Easements only	3 lots Lot Nos. 20, 31, 33 10% of lots	one (lot 6)
29515	5/01	104 lots on 220 ac	16 acres 13.75%	20 lots <sup>4</sup> 5% of the lots	13 lots <sup>5</sup> 8% of the lots
32042 31859	2/04	20 lots on 41.43 ac	2.63 acres .06%	zero	zero
31930		29 lots on 86.31 ac	40.90 ac 24% <sup>6</sup>	22 or 75%	15 or 51%

See the maps and staff report for TM 29606 (attachment B), TM 29515 (attachment C), and TM 32042/31859 (attachment D).

The matrix above identifies subdivision maps in the RC zone and in the neighborhood surrounding TM 31930 for which grading exceptions have been approved. There may be a correlation between the presence of grading exceptions and the dedication of open space. 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).

Grading exceptions for tributary crossings were included in the matrix above, but were not identified specifically. For example, the main road for TM 29606 crossed a tributary in 2 places, once between lots 6/7 and 29/33, and between 19/20. Grading exceptions for the resulting encroachments into the tributary and setback ribbon were approved in 2001. TM 29515 received (i) four grading exceptions for streets encroaching into setbacks (2 encroachments each for "C" Street, and Chateau View Drive, and one encroachment for "I" Drive), and (ii) four grading exceptions for streets encroaching into the tributary limits (3 for Chateau View, and one each for "C" Drive and "I" Drive. See the map and staff report for TMs 29606 and 29616, attached.

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.

- 4 TM 29515 included an approval for 19 exceptions to the grading ordinance for encroachments into tributary setbacks for lots 1, 2, 15, 21, 22, 23, 24, 29, 47, 48, 56, 57, 59, 60, 61, 64, 65, 66, 104, and for "C" Drive.
- 5 TM 29525 included an approval for 14 exceptions to the grading ordinance for encroachments into tributary limits for lots 23, 29, 51, 52, 53, 54, 55, 56, 104, and for two streets Chateau View (2 encroachments into limits of tributary), and "C" Drive and "I" Drive.
- 6 The 40.90 acres of open space dedicated by TM 31930 consists of 24% of the total acreage approved in the original map TM 23027 (85 lots on 167.5 acres).

**Sewer Line Extension:** The extension of the sewer line from the south end of Garden Hills Way to serve TM 31930 would serve the public welfare, and would not be materially detrimental to the public interest. The sewer line would eliminate the need for septic tanks on TM 31930. Because TM 31930 is adjacent to the Arroyo and tributaries, and the 29 lots are located above the Arroyo and tributaries (at a higher elevation), the sewer is a better mechanism to dispose of the waste from 29 homes than the septic tank.

**Alessandro Dam Access Road:**

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.

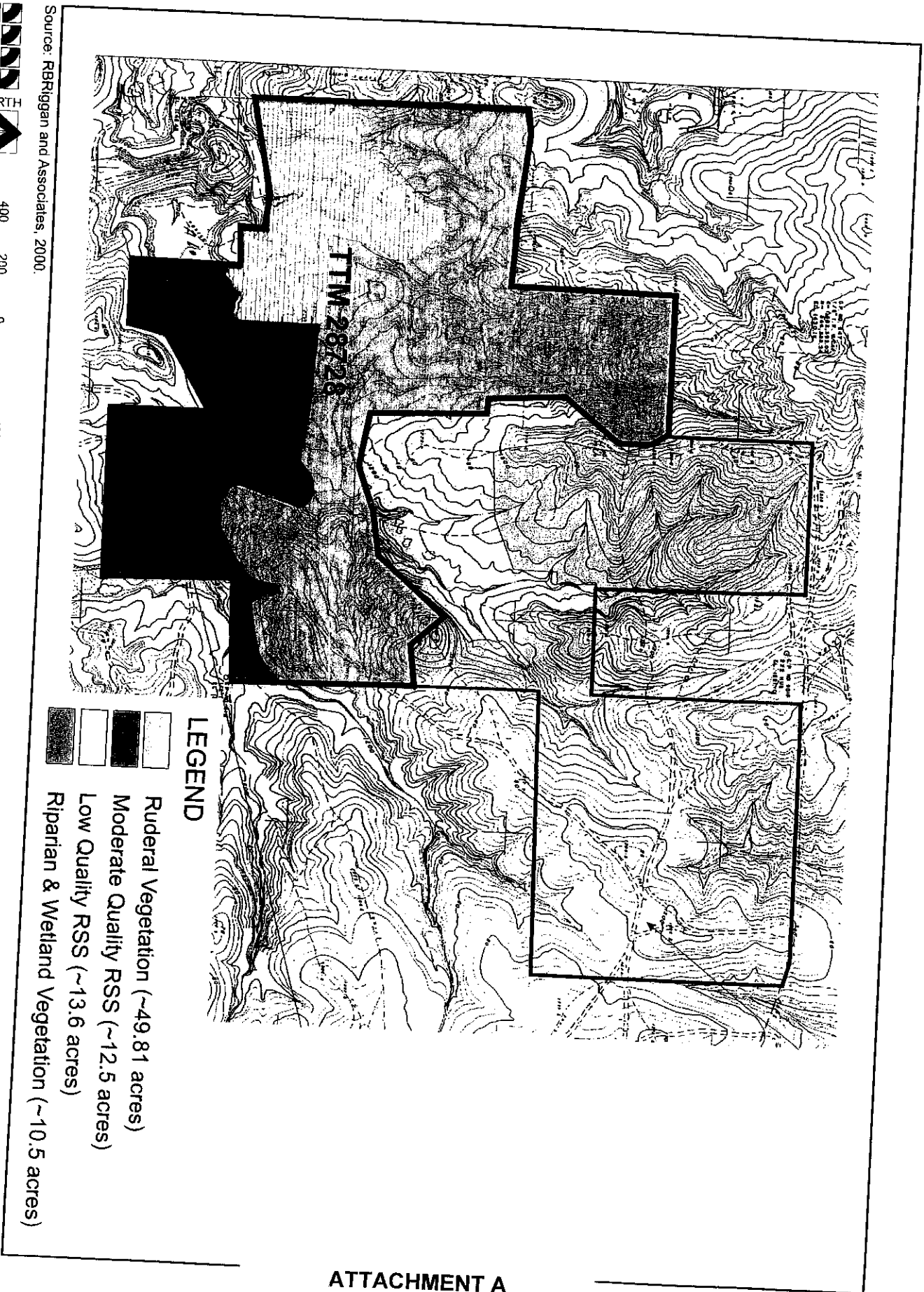
The access road will not injure property or improvements in the RC zone or in the surrounding neighborhood.

**Exception B: Slope Height Exceptions**

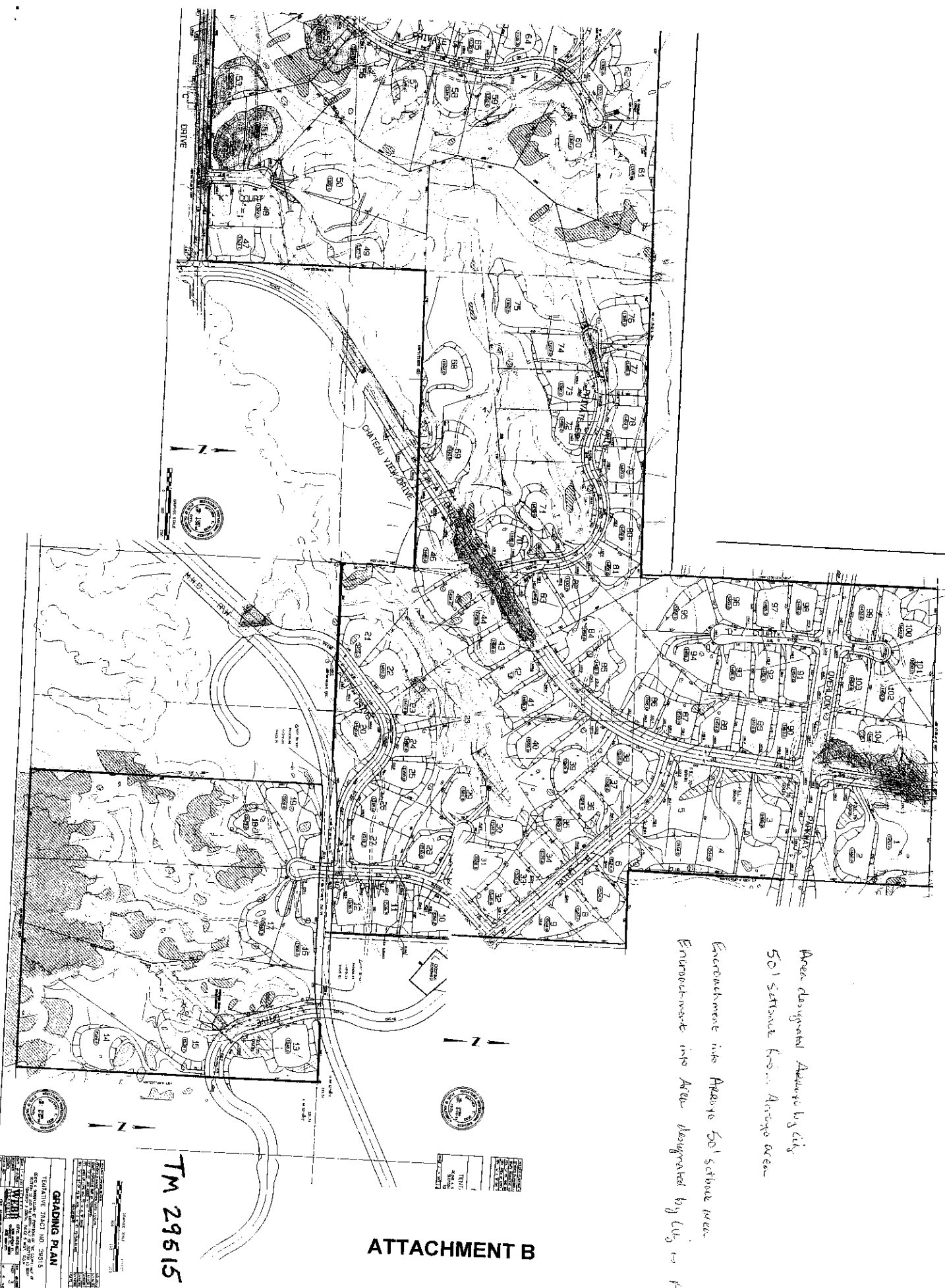
**Crest Haven Drive and Century Hills Drive-** Slope height Exceptions for Crest Haven Drive and Century Hills Drive are required for street construction. As mentioned previously, the original street configuration for TM 23027 in 1994, which was also approved for TM 28728, was determined based on an engineering analysis. The engineers proposed the street alignment based on the natural topography to provide the necessary access with the least amount of grading.

Grading exceptions for slope heights have been approved recently for the 2 projects identified in the matrix above. TM 29515 received one slope exception for a 30' slope on lot 15. The slope was necessary in connection with the construction of "L" Drive near the eastern boundary of the property. Two slope height grading exceptions were approved for TM 29606 (for lots 4 and 29. A high slope on lot 4 (height undisclosed in the staff report) was required to provide the Public Works Department access to a drainage inlet. Slopes varying between 10' and 30' tall for lot 29 were also approved to connect two streets, Albacore and Chateau View Drive.

**ATTACHMENTS A through D FOLLOW**







Area designated Average by city  
 SOI set-back from Average area  
 Encroachment into Average SOI set-back area  
 Encroachment into Area designated by City as Public Use

**ATTACHMENT B**

TM 29515

**GRADING PLAN**

PROJECT NO.	DATE
DESCRIPTION	BY
SCALE	CHECKED
DATE	APPROVED
TITLE BLOCK PROJECT NO. 29515 DATE 4/14/2001 DESCRIPTION GRADING PLAN SCALE 1" = 40' (AS SHOWN) DATE 4/14/2001 BY [Signature] CHECKED [Signature] APPROVED [Signature]	

DATE 4/14/2001



## Tract Map

PLANNING COMMISSION HEARING DATE: April 19, 2001

**TRACT MAP 29515:** Proposal of Webb Associates, on behalf of William J. Cagney Trust, to subdivide approximately 220.1 acres into 105 single family residential lots, situated generally east of Bradley Street and south of Overlook Parkway, in the R-1-130 — Single Family Residential and RC — Residential Conservation Zones.

### PROJECT DESCRIPTION

The applicant is proposing to subdivide approximately 220 acres in the Alessandro Heights Community into 104 single family residential lots in the RC-Residential Conservation and R-1-130 - Single Family Residential Zones. The site is generally bounded by undeveloped properties to the east, Overlook Parkway and developed residential properties to the north and the Prenda Arroyo to the south and west.

### ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

The subject site is zoned both RC - Residential Conservation and R-1-130 - Single Family Residential, with corresponding General Plan designations of RHS - Hillside Residential and RES - Estate Residential. The proposed project is consistent with the General Plan designations, and the proposed lot sizes are generally consistent with the requirements of the R-1-130 and RC Zones. The RC Zone requires an minimum average net lot size of 2.0 acres, while the average net lot size of the RC portion of this project is 2.21 acres. While all the lots meet the minimum area requirements of the underlying zone, five of the lots do not meet the minimum width requirement of the RC Zone, and the applicant has requested variances to allow the project as proposed. Further technical variances are required to allow landlocked parcels along H Court and I Drive, both private streets. These variances are discussed in detail below.

- **Map Design**

#### *Circulation*

- The design of the map is dictated to a large degree by the need to provide extensions of three roadways shown as planned streets on the City's General Plan Streets and Highways Diagram. The first of these is Overlook Parkway, a 4 lane, 110-foot wide arterial, which is to be extended to the east by approximately 1,300 feet. "A" Street,

or Chateau View Drive, is proposed to be extended southwesterly from Overlook Parkway, eventually connecting with Bradley Street. "B" Street extends southeasterly from "A" Street to provide a connection within the County of Riverside. Both "A" and "B" Streets are planned 2 lane, 80 foot wide collector streets. The locations of "A" and "B" Streets are somewhat fixed based on previous studies and the need to provide areawide access as well as access to individual surrounding properties.

- Overall, the proposed circulation system provides good internal circulation, which is sensitive to the natural topography of the site, as well as allowing for future development of adjoining properties and for areawide circulation.
- From a planning perspective, staff is very concerned with the fact that there are an increasing number of lots in the Alessandro Heights area that rely solely on Overlook Parkway for access ( Lots 1-12, 16-46 and 68-104). Currently, there are 134 existing and tentatively approved lots in the Alessandro Heights area easterly of Golden Star, which rely on Overlook Parkway as a sole point of access. The subject map will add an additional 82 lots relying on this same single point of access via Overlook Parkway to the west. Until the properties to the south and east are developed, or Overlook Parkway is extended easterly to connect on the east side of the Alessandro Arroyo, there is effectively only one way into or out of this area for all of these lots. At this time, staff is unwilling to support development of further lots relying on access to Overlook Parkway without some form of alternate access. This could be via the extension of Overlook Parkway to the east, or the connection of "A" Street to Bradley Street or "B" Street to the County streets southeast of the property.

However, it should be noted that there is an inherent problem in connecting "B" Street southeasterly to connect to streets in the County. If this is done prior to the extension and connection of Overlook Parkway to the east, then the "B" Street connection would likely become a de facto major east - west travel route for traffic between Alessandro Boulevard and Trautwein Road on the east and Washington Street on the west. Local streets in both the County and City, including Via Vista Drive within the City could also be subject to significant increases in traffic. For these reasons, staff could not support any connection of "B" Street to the County without a connection of Overlook Parkway to the east. This leaves only one viable option to provide alternative access, namely, the connection of "A" Street to Bradley Street. This should not have significant impacts to local traffic as it would only serve locally generated traffic, and could be done without a traffic study. However, the extension of "A" Street across private properties to the south of the subject tract would be subject to a separate initial study addressing other environmental issues, such as grading, biology and cultural resources. Based on the above, staff is recommending a condition that would require either: 1) the extension of Overlook Parkway to connect across the Alessandro Arroyo; or 2) connection of "A" Street southerly to Bradley Street prior to recordation of any portion of the subject map relying on access to Overlook Parkway. Further, no connection of "B" Street

southerly to the County would be allowed until such time as Overlook Parkway is extended across the Alessandro Arroyo to provide a connection to Alessandro Boulevard.

In written comments, the Riverside County Transportation Department recommends that no connection to County streets be made until Overlook Parkway is extended easterly. The recommended conditions reflect the need for the additional connection, but allows for one of two options, as discussed above.

- In reviewing the map, staff noted one potential concern with the street layout - the J Drive interface with the adjacent property to the south. The planned extension of J Drive and the presence of the Metropolitan Water District easement result in the isolation of an RC zoned portion of the property to the south of this map. This isolated land will most likely be proposed as a residential lot when a subdivision is proposed on this adjacent property. Approving the proposed J Drive configuration would effectively lock the City into approving that future lot, as little option to modify the lot would remain. Based on information provided by the applicant, it appears that a future lot on this property would be slightly over one acre in size with an average natural slope (ANS) of 13.4%, which is in compliance with the RC Zone requirements. Given this, and that the lot is configured in a manner to allow for typical residential development, staff supports the alignment of J Drive as proposed.

### ***Dual Zoning***

As mentioned above, this map is located in two separate zones, RC and R-1-130, both of which have comparable and compatible development standards (i.e., identical front setbacks, similar minimum lot width - 130' vs. 125'). Nine of the proposed lots, 6, 20, 23, 24, and 37-41 fall into both zones. It is not uncommon in the Alessandro Heights area to have lots in both the RC and R-1-130 Zones. However, in such cases, it is desirable to have a single zoning standard apply to the entire lot. The applicant is proposing that two of these lots, 23 and 41, be developed under the RC Zone standards. Staff concurs with these two, but also recommends that three additional lots, 6, 38 and 40, be subject to the RC Zone standards. The graded pads on these lots fall into both zones, which would technically allow two different side setbacks for the same house and could be confusing for homeowners and the City at a later date. Staff is not recommending rezoning of these lots, merely the application of the RC Zone standards to the entire lot with regard to future development. A covenant would be required on each of the five lots in order to alert future property owners that the RC Zone development standards apply to the entire lot.

### ***Lot Width Variances***

As mentioned above, five of the proposed lots, 14, 16, 17, 18 and 49, fail to meet the minimum width requirements of the RC Zone. RC zoned lots with an average natural slope of up to 30% require a minimum width of 130 feet, which these lots fail to provide. Lots 16-18 and 49 are located adjacent to cul-de-sacs, which narrow the lots, resulting in the

substandard widths. The unusual design of Lot 14 results in the need for a variance. The driveway portion of the lot is narrowed as a result of the location of the lot both on the curve in L Drive and adjacent to Lot 15. Once past the driveway area, this lot opens to a size comparable to adjacent lots.

These are fairly common variances in new subdivisions. Provided that the building envelopes on each lot are of sufficient size to construct residences without requiring encroachment variances, as they are in this case, staff is supportive of the requests.

### ***Landlocked Parcels***

With two proposed private streets, 28 lots within the map (Lots 54-67 and 70-83, on H Court and I Drive, respectively) will be without access to a public street, which is required by the Code. Variances for each of these lots is required. Again, as these are fairly common and considered to be technical, staff is supportive of these variances.

The one concern with landlocked parcels is that, by technical definition in the Zoning Code, they have no front or rear setbacks, only sides setbacks. In order to ensure that these lots develop with the same standards as all the other RC lots in the tract, staff has conditioned that these lots be developed with standard RC Zone setbacks. Covenants will be recorded on the lots to alert all future property owners of this condition.

### ● **Grading**

The overall grading for the tract provides for the proposed street system and residential pads between 16,500 and 27,000 square feet, involving manufactured slopes up to twenty feet in height. Manufactured slopes for the street grading are up to thirty feet in height. Earthwork quantities are unknown at this time. The submitted plans depict 47 exceptions for individual lots, though the applicant indicates that thirteen of the encroachments into the arroyo and arroyo setback limits will be eliminated when the grading plans are prepared, leaving 34 exceptions. The applicant should be commended for working closely with staff to minimize the exceptions to the ordinance and provide for a sensitive grading plan. As discussed below, staff generally supports the applicant's justifications for the requested exceptions.

**Street Construction and Lots 1, 15, 42-46, 69, 70, 73-77, 83, and 104:** With the installation of "A" Drive, the upper reaches of three minor tributaries of both the Alessandro and Prenda Arroyos will be filled. Pads for lots 1, 43-46, 70, 73-77, 83, and 104 will also involve minor fill in these same tributaries. Once the street is graded, these portions of the tributaries will cease to function as natural drainage features and so will lose all environmental significance. In no case are any sensitive features being disturbed. "A" Drive is a planned collector and so cannot be modified greatly to avoid the arroyo tributaries. For these reasons, and the fact that the three tributaries in question are not significant and distant from any main tributary to either arroyo, staff is supportive of the requested exceptions.

*[Handwritten signature]*

The exception for Lot 15 is isolated to the construction of L Drive and does not involve pad construction. Although the current plans depict an encroachment for the graded pad, the applicant indicates this encroachment will be eliminated at the time the grading plans are prepared. One slope on Lot 15 reaches approximately thirty feet in height and is associated with the grading for the construction of L Drive. The Grading Ordinance limits manufactured slopes to no more than twenty feet in height and thus a grading exception is needed, which the applicant has requested. Given that this overheight slope and the arroyo encroachment result from construction of a fixed public facility (i.e. a public street), staff is supportive of these exceptions.

**Lots 47, 48, 51-56:** These lots are located within a relatively large tributary of the Prenda Arroyo. The project engineer has submitted evidence demonstrating that these lots are not within the 100 year flood plain. The area that is within the flood plain is sufficiently removed from any proposed grading that it will be preserved in its natural state. Additionally, staff inspected this area and does not believe that any of the area proposed to be graded is significant from a topographic or aesthetic standpoint. Staff is supportive of the requested exceptions.

**Lots 57, 59, 60, and 61:** These lots are in a similar condition as Lots 51-56 - they fall within the area defined as the Prenda Arroyo, but they are all significantly removed from the actual water course area, and the area proposed to be graded is not topographically or visually significant. Lot 57 is thirty feet above the floor of the arroyo, and the remaining three are all between ten and thirty-five feet higher still. Approving the requested encroachments on these lots will not impact the hydrologic, visual or biologic functioning of the arroyo tributary. Staff is supportive of these exceptions.

**Lots 49 and 50:** The exceptions for these lots are required to allow driveway construction to serve the lots. The proposed driveways extend from K Court across a finger of a Prenda Arroyo tributary. The plans indicate that drainage will be maintained through the use of a drain pipe. However, staff believes that additional measures should be taken to allow for wildlife access between the tributary and the adjacent trunk of the arroyo. With the installation of a large culvert, a connection for wildlife transit would be maintained. Subject to this condition, staff supports the requested exceptions.

**Lots 22-24 and 65:** The grading for these lots will impact small portions of two minor tributaries to the Prenda Arroyo. Based on a field inspection, staff believes these exceptions are minor in nature and will not significantly impact any significant features.

### ● **Open Space Conservation**

As mentioned above, the western half of this map is occupied by several tributaries to the Prenda Arroyo. Most of the smaller tributary portions of the arroyo branch off to the east and dead-end within this tract, but the largest tributary extends north through the map and connects with two approved open space areas to the north, which together contain approximately 16 acres of land in its natural state. The larger tributary within this map

provides a potentially important corridor connection, for flora and fauna, between those open space areas to the north and the main trunk of the arroyo to the south.

Apart from some minor infringements by several of the proposed pads, a majority of this tributary, and most of the other tributaries present within the map boundaries, will be left undisturbed, as required by the Grading Ordinance. It is important that these open space areas be defined and protected in perpetuity. The applicant has agreed to set aside all ungraded portions of the map in an open space conservation easement.

With these areas set aside, there are two options available to maintain this land in its natural state. Staff believes it would be most preferable to dedicate these areas either in fee or with an open space easement to an appropriate non-profit conservation agency with expertise and experience in managing natural areas, such as the Riverside Land Conservancy. In the event a suitable conservation organization cannot be found to accept this property, it is recommended that a Homeowners Association be formed and charged with maintenance and stewardship of these areas. In addition, staff would recommend that an open space management plan be developed to ensure that a maintenance program is developed for the open space. This plan should also specify fencing around the streets and pads to protect open space areas.

- **Biological Considerations**

The biological study for the project indicated the presence of coastal sage scrub habitat along the easterly project limit, which serves as potential habitat for the federally endangered California Gnatcatcher. Since no focused gnatcatcher survey was prepared, the site is presumed to be occupied. As such, the applicant will be required to prepare a Habitat Conservation Plan (HCP) and obtain an incidental take permit from the U.S. Fish and Wildlife Service. The biological study included specific mitigation measures related to when and how vegetation may be cleared, property mitigation through off-site habitat conservation, proper site access and project area maintenance. These measures have been incorporated into the recommended conditions of approval for the project.

- **ALUC**

This property falls within the jurisdiction of the Riverside County Airport Land Use Commission (ALUC) and is subject to their review and approval. This map has already been reviewed and approved by ALUC. A copy of the conditions of approval have been attached to this report and have been included in the recommended conditions of approval.

- **Metropolitan Water District Pipeline**

A sixty-foot pipeline easement is present in the southeast portion of the map, between Lots 12, 13, 15, 16, 19 and 27. The Metropolitan Water District has reviewed the proposed map and has provided several required conditions. These have been attached to this report and



two of the conditions relating to map design have been included in the recommended conditions of approval.

- **Neighborhood Compatibility Considerations**

This map will accommodate a public street system and typical RC and R-1-130 zoned subdivision of a size and configuration similar to what is found in the surrounding area. With the conditions regarding the establishment of open space areas and minimized grading, this map should be compatible with the surrounding residential neighborhood and sensitive to the existing natural features on-site.

Pursuant to City policy for RC zoned properties, this map is subject to City Council review on the Consent Calendar, unless appealed or otherwise set for public hearing.

### **RECOMMENDATION**

That the City Planning Commission:

1. **APPROVE** Subdivision Case TM 29515, subject to the recommended conditions of approval and based on the following findings:
  - a. The proposed project is consistent with the RHS - Hillside Residential and RES - Estate Residential General Plan designations and the RC — Residential Conservation and R-1-130 - Single Family Residential Zones, as well as existing and planned development in the area.
  - b. As conditioned, this map is sensitive to the existing terrain and natural features found on-site. The proposed grading and open space areas will help protect and preserve the arroyos and topographical features within the map.
2. Determine that:
  - a. This proposed case will not have a significant effect on the environment because of the mitigation measures described in this report and recommend that the City Council adopt a Mitigated Negative Declaration;
  - b. The proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

### **EXHIBITS**

1. Location/Zoning Map
2. General Plan Map

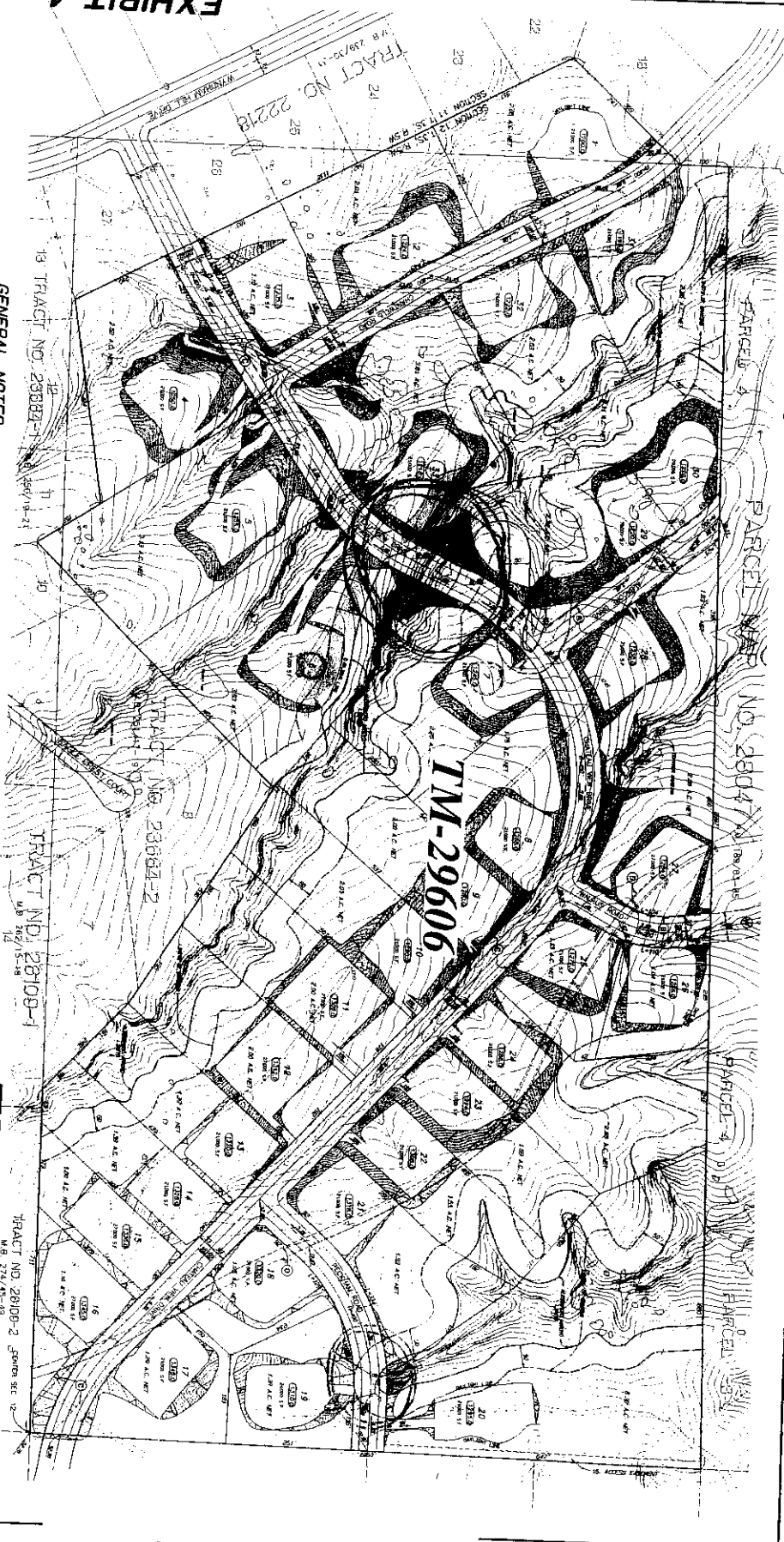
101 STATE AVE.

Fixed Street Alignment (egs grading inside setbacks & inside Arroyo)

2 1/2' Culvert or bridge

Development into Setback  
Wildlife Corridor

# EXHIBIT 4 Proposed Subdivision Map



### GENERAL NOTES

**DANGER**  
THIS SUBDIVISION MAP IS UNLAWFUL TO BE USED FOR THE PURPOSES OF RECORDING OR FOR ANY OTHER PURPOSE WITHOUT THE APPROVAL OF THE CITY OF RIVERSIDE.

**APPLICANT**  
1212 UNIVERSITY AVENUE  
RIVERSIDE, CALIFORNIA 92506

**ENGINEER**  
1212 UNIVERSITY AVENUE  
RIVERSIDE, CALIFORNIA 92506

**ASSESSOR'S PARCEL NUMBERS**  
APR 1992 004-000

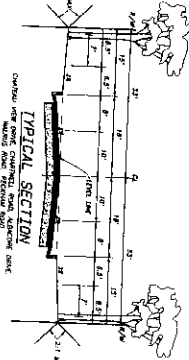
**AGE/AGE**  
GROSS AREA: 734.4 AC.  
NET AREA: 31.1 AC.

**LAND USE**  
GENERAL LAND USE: RESIDENTIAL  
APPROVED LAND USE: SINGLE FAMILY RESIDENTIAL

**UTILITIES**  
WATER: CITY WATER  
SEWER: SEWER IN TUNNEL AND CONDUIT  
ELECTRICITY: NEW OVERHEAD AND/OR CABLE TELEVISION: NEW OVERHEAD AND/OR CABLE

**SCHOOL DISTRICT**  
ANNEBORO ELEMENTARY SCHOOL DISTRICT

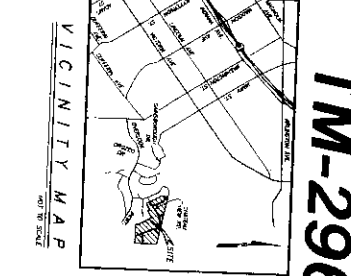
**EASEMENTS**  
1. 20' WIDE EASEMENT FOR ACCESS TO THE 1/4 SECTION 12, TOWNSHIP 12N, RANGE 12E, S.B.M.  
2. 20' WIDE EASEMENT FOR ACCESS TO THE 1/4 SECTION 11, TOWNSHIP 12N, RANGE 12E, S.B.M.  
3. 20' WIDE EASEMENT FOR ACCESS TO THE 1/4 SECTION 10, TOWNSHIP 12N, RANGE 12E, S.B.M.  
4. 20' WIDE EASEMENT FOR ACCESS TO THE 1/4 SECTION 9, TOWNSHIP 12N, RANGE 12E, S.B.M.  
5. 20' WIDE EASEMENT FOR ACCESS TO THE 1/4 SECTION 8, TOWNSHIP 12N, RANGE 12E, S.B.M.



- NOTES**
1. ALL STAKES AND 2 1/2" METAL NAILS SHOWN ON THIS MAP.
  2. ALL ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
  3. ALL ELEVATIONS ARE TO THE CENTER OF GRADE UNLESS OTHERWISE NOTED.
  4. ALL ELEVATIONS ARE TO THE CENTER OF GRADE UNLESS OTHERWISE NOTED.
  5. ALL ELEVATIONS ARE TO THE CENTER OF GRADE UNLESS OTHERWISE NOTED.
  6. ALL ELEVATIONS ARE TO THE CENTER OF GRADE UNLESS OTHERWISE NOTED.
  7. ALL ELEVATIONS ARE TO THE CENTER OF GRADE UNLESS OTHERWISE NOTED.
  8. ALL ELEVATIONS ARE TO THE CENTER OF GRADE UNLESS OTHERWISE NOTED.

**AVERAGE NATURAL SLOPE**

LOT NO.	LOT X	ANS FOR GRADED	ANS FOR PAD
1	1	11.22	11.22
2	2	11.22	11.22
3	3	11.22	11.22
4	4	11.22	11.22
5	5	11.22	11.22
6	6	11.22	11.22
7	7	11.22	11.22
8	8	11.22	11.22
9	9	11.22	11.22
10	10	11.22	11.22
11	11	11.22	11.22
12	12	11.22	11.22
13	13	11.22	11.22
14	14	11.22	11.22
15	15	11.22	11.22
16	16	11.22	11.22
17	17	11.22	11.22
18	18	11.22	11.22
19	19	11.22	11.22
20	20	11.22	11.22
21	21	11.22	11.22
22	22	11.22	11.22
23	23	11.22	11.22
24	24	11.22	11.22
25	25	11.22	11.22
26	26	11.22	11.22
27	27	11.22	11.22
28	28	11.22	11.22
29	29	11.22	11.22
30	30	11.22	11.22
31	31	11.22	11.22
32	32	11.22	11.22



**CITY OF RIVERSIDE**

**TENTATIVE MAP NO. 29606**  
BEING A SUBDIVISION OF PORTIONS OF SECTIONS 11 AND 12, T. 12S., R. 12E., S.B.M.

**WEBB ENGINEERS**  
1212 UNIVERSITY AVENUE  
RIVERSIDE, CALIFORNIA 92506

**SCALE**  
GRAPHIC SCALE: 1" = 100'

**APPROVED**  
CITY OF RIVERSIDE



## Tract Map

PLANNING COMMISSION HEARING DATE: December 21, 2000

**TRACT MAP 29606 (Continued from the December 7, 2000 meeting):** Proposal of Webb Associates, on behalf of Dr. Yang-Chang Hong, to subdivide approximately 75.56 acres into 33 single family residential lots, situated northerly of Overlook Parkway, easterly of Wyndham Hill Road, and southerly of the Alessandro Arroyo, in the RC — Residential Conservation Zone.

### **BACKGROUND/PROJECT DESCRIPTION**

H & L Hawarden Group is proposing to establish 33 single family residences on approximately 75.6 acres of vacant land within Alessandro Heights in the RC-Residential Conservation Zone. The site is generally bounded by Wyndham Hill Road to the east, Overlook Parkway to the north and the Alessandro Arroyo to the south and west. Existing surrounding development consists of single family residences on large estate lots to the west and south, and the Alessandro Arroyo to the north and east. Portions of the site lie within the limits of the Alessandro Arroyo and its tributaries as defined in the City's grading ordinance.

The site is characterized by rolling topography, including a series of ravines, ridgelines, natural water courses, including a blue line stream, and tributary segments of the Alessandro Arroyo. The project is designed as a conventional large lot subdivision, and the project for the most part avoids grading within the protected arroyo tributaries, as pads are situated on the flatter knolls and ridges. The project proposes 33 residential lots, with lots ranging from approximately 1 to 6.3 acres in size. The overall average lot size of 2.03 acres. Several lot size variances are requested to accommodate the project as proposed, and these are discussed in the body of this report. Grading to implement the project will involve establishing residential pads ranging from 19,000 to 27,000 square feet in size.

The project will be served by a public street system through an extension of Chateau View Drive and Chartwell Road. Three additional 66-foot streets will serve the site from the easterly extension of Chateau View Drive. Public stub streets are extended to the northerly and easterly property lines to provide access to the adjoining parcels.

The subject site was part of a tentative tract map TM 23664, approved in 1991. While two phases of this map recorded, the phase covering the subject property did not record, and the map expired in January, 2000. The lots situated south of the project site are within recorded phases of TM 23664. The current proposal is similar in design to the previously approved tentative map. However, at the time the original map was approved, the grading ordinance was not in existence. As a result, a series of deviations from the grading ordinance are now being requested. These are discussed in detail under the grading section of the report.

## ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

The subject site is zoned RC — Residential Conservation and has a General Plan designation of RHS — Hillside Residential. The proposed project is consistent with the General Plan designation, and the proposed lot sizes are generally consistent with the requirements of the RC Zone. The RC Zone requires an average lot size of 2 acres, while the average lot size of this project is 2.03 acres. Although the overall density complies with Code standard, lot size variances are requested for eight of the proposed lots. These variances are discussed under the following Map Design analysis.

- **Map Design**

The following table is a reference chart for each lot within the tract, listing Average Natural Slope (ANS) for each lot and each pad area as well as any required variances. Variances and Grading Exceptions noted in bold are those requested by the applicant. Those not in bold are exceptions or variances shown on the proposed map, which the applicant intends to eliminate by revising the map and grading plan.

Lot	Lot ANS (%)	Lot Size (in acres)	Pad ANS (%)	Pad Size (in square feet)	Variances	Grading Exceptions
1	19.1	2.05	17.0	21,000		
2	21.2	2.01	20.0	21,000		
3	14.7	1.10	13.3	27,000		Driveway
4	25.1	2.52	20.0	21,000		<b>Slope Height, Driveway</b>
5	24.1	3.13	18.1	21,000		Driveway
6	31.2	<b>3.93</b>	20.0	21,000	<b>Lot Size</b>	<b>Arroyo Setback, Driveway</b>
7	25.3	2.25	16.2	21,000		<b>Arroyo Setback</b>
8	17.3	<b>1.75</b>	21.0	21,000	<b>Lot Size</b>	
9	24.0	2.00	18.1	21,000		Driveway
10	23.5	2.01	18.1	21,000		Driveway
11	24.8	2.00	14.8	27,000		Driveway
12	25.1	2.00	14.1	27,000		

13	25.9	<b>1.39</b>	17.1	21,000	Lot Size	
14	22.9	<b>1.39</b>	17.1	21,000	Lot Size	
15	14.2	1.00	11.9	27,000		
16	12.8	1.00	11.9	27,000		
17	14.9	1.29	15.2	21,000		
18	13.5	1.05	11.9	21,000		
19	16.3	<b>1.38</b>	16.2	21,000	Lot Size	Driveway
20	31.8	6.30	21.0	21,000	Lot Width	Arroyo Setback, Driveway
21	19.2	<b>1.93</b>	16.2	21,000	Lot Size	
22	23.0	<b>1.53</b>	17.1	21,000	Lot Size	Driveway
23	22.1	<b>1.59</b>	20.0	21,000	Lot Size	Driveway
24	23.9	2.68	18.1	21,000		Driveway
25	14.6	1.13	17.1	21,000		Driveway
26	14.8	1.04	21.0	21,000		
27	26.6	2.08	11.1	27,000		
28	22.0	<b>1.83</b>	16.2	21,000	Lot Size	Driveway
29	29.9	2.31	19.0	19,000		Slope Height, Arroyo Setback
30	26.3	2.11	15.2	20,000		
31	28.2	2.25	21.0	21,000		Arroyo Setback
32	24.6	2.03	19.1	21,000		
33	28.1	3.01	19.1	21,000		Arroyo Setback, Driveway

***Lot Size Variances***

The overall density of the map complies with the RC Zone standard, with 33 lots in 67.15 net acres, for an average density of one unit per 2.03 acres. However, nine lots (Lots 6, 8, 13, 14, 19, 21-23 and 28), fail to comply with the minimum individual size standards of the RC Zone. Lot 6 has an ANS of 31.2% and is required to be at least 5 acres, but is proposed

at 3.93 acres in size. The remaining eight lots have an ANS between 16.3% and 25.9% and are required to contain at least two acres. These lots range from 1.38 to 1.83 acres in size.

The applicant-prepared variance justification findings are attached as Exhibit 6. The applicant cites topographical and street alignment constraints, along with improved map design and open space retention and maintenance issues as justification for the requested variances. In reviewing the applicant's request, staff is generally supportive of the requested variances. For eight of the nine lots, the applicant has demonstrated that they could comply with the lot size requirement by adjusting property lines. In most cases, adjustment of the lot lines to comply with the Code creates a series of awkward, irregularly shaped lots, much of which is within the open space area and not a usable part of the lot. As such, staff sees no benefit in redrawing lot lines to comply with the letter of the Code and would support lot size variances to accommodate a better project design with more logical lot configurations.

The exception is Lot 28, which is approximately 1.83 acres in size. In this case, minor adjustments between Lots 27 and 28 and minor modifications to adjoining street alignments would provide sufficient lot area to provide the required 2 acres in a logical manner. Staff recommends that the map be modified so that Lot 28 complies with the lot size requirements, and the applicant has agreed to make the necessary modifications.

#### ***Lot Width for Lot 20***

The RC Zone requires that all lots with an ANS of thirty percent or greater also have a minimum lot width of two hundred feet at the building setback line. Lot 20, with a width of 180 feet does not comply with this standard. The applicant indicates that the common lot line between Lots 20 and 21 will be adjusted in order to allow Lot 20 to comply with the standard.

#### **• Open Space Conservation**

Apart from the proposed pad grading and street construction, a majority of the land under this map will be left undisturbed. Much of this undisturbed area lies within protected tributaries to the Alessandro Arroyo as defined in the City's grading ordinance. As such, it is important that these open space areas be defined and protected in perpetuity. The applicant has agreed to set aside all ungraded portions of the map in an open space conservation easement.

With these areas set aside, there are two options available to maintain this land in its natural state. Staff believes it would be most preferable to dedicate these areas either in fee or with an open space easement to an appropriate non-profit conservation agencies which have expertise and experience in managing natural areas, such as the Riverside Land Conservancy. In the event a suitable conservation organization cannot be found accept this property, it is recommended that a Homeowners Association be formed and charged with maintenance and stewardship of these areas. In addition, staff would recommend that an open space management plan be developed to ensure that a maintenance program is developed for the

open space. This plan should also specify fencing around the streets and pads to protect open space areas.

- **Location and Access**

The proposed map will extend both Chateau View Road and Chartwell Drive, 66-foot wide two-lane public streets that are currently stubbed to the subject property from the west. Chateau View Drive will be extended through the site to the southeasterly corner to provide access for off-site future development which may occur. Two new public streets will be established off Chateau View Road to provide access to the north, and another stub street will be extended easterly to provide access opportunities. Chartwell Drive will also be extended, completing a loop from Chateau View Drive to Wyndham Hill Drive.

The circulation system is relatively fixed. In conjunction with the previous map (TM 23664), public utilities easements and offers of street dedication were recorded which follow the proposed street alignments. These alignments were extended through subsequent utilities easements and offers of street dedication recorded on the adjacent property to the north.

#### *Off-Site Access*

In reviewing this project there is a concern with the provision of access to properties to the northeast of the site. In 1985, the Planning Commission approved TM 21156, a 36-lot subdivision generally located to the northeast of this map, with no direct connection to the subject property. Access to the subdivision was provided from Via Vista Drive to the east, as no streets existed to the west. Under the approved subdivision, Lot 36 of TM 21156 was created as a flag lot with access from Canyon Hill Drive. Access to the buildable westerly portion of the lot necessitates a private driveway or bridge crossing of the main branch of the Alessandro Arroyo. The lot has not yet been developed, nor has a permanent arroyo crossing been established. Subsequent to the approval of this map, the Alessandro Heights Study Grading and Arroyo Preservation Study and Grading Ordinance were prepared and adopted, and the adopted grading ordinance now prohibits private drive crossings of the major arroyos.

Although TM 21156 has long since recorded and points of access for each lot are fixed, the development of TM 29606 presents an opportunity to provide alternate access for Lot 36 of TM- 21156 without crossing the Alessandro Arroyo. Granting an access easement across Lot 20 would provide access from a public street (Peckham Road) to the southwesterly corner of TM 21156 Lot 36, where the building site is located. While easements from other abutting property owners would be required to provide functional access to this property, staff believes this represents an opportunity to reduce development impacts on the Alessandro Arroyo. Additionally, access from this location would result in minimal physical disturbance, as the topography is suitable for such a driveway. The owner of TM 21156 Lot 36 has verbally requested that such an easement be granted, and has agreed to waive access rights from Canyon Hill Drive. The applicant has agreed to provide this easement to



accommodate TM 21156 Lot 36. The specific easement alignment shall be subject to Planning Department and Public Works Departments review and approval.

- **Grading**

The overall grading for the tract provides for the proposed street system and residential pads between 19,000 and 27,000 square feet, involving manufactured slopes up to twenty feet in height. Manufactured slopes for the street grading are up to thirty feet in height. Earthwork quantities are unknown at this time. A number of grading exceptions for slope heights and grading within the Alessandro Arroyo are requested to implement the project as proposed, and are discussed below.

### *Manufactured Slope Heights*

Lots 4 and 29 have manufactured slopes over twenty feet in height, which exceeds the maximum slope height permitted by the grading ordinance. The overheight slopes proposed for Lot 4 are associated providing vehicular access to a drainage inlet as required by the Public Works Department. The slopes proposed on Lot 29 vary between ten and thirty feet in height, and the overheight portions are associated with the extensions of Albacore and Chateau View Drives. Given that these overheight slopes are a result of fixed public facilities, staff is supportive of these two exceptions.

### *Grading within the Alessandro Arroyo Tributaries*

This map proposes grading within protected tributaries of the Alessandro Arroyo, as set forth in the grading ordinance, in order to create graded pads and accommodate two public street crossings. As discussed previously in this report, the street alignment through the map is basically fixed and necessitates two crossings of tributaries, once by Chateau View Drive and a second by Peckham Road. The first crossing, between lots 6, 7, 29 and 33, involves grading both within the setback and within the bounds of the tributary itself. Inasmuch as the street alignment is fixed as discussed previously, staff supports the requested grading exceptions in this area.

The second crossing, between lots 19 and 20, involves filling in the headwater of a small arroyo tributary. This crossing will not sever any connections to other portions of the arroyo and will not destroy any significant topographical feature. Given that the crossings are necessary to serve this and the adjacent properties and that the proposed grading is limited, staff is supportive of this exception.

Grading exceptions for pads on individual lots are analyzed below.

Lot 6 Approximately one quarter of the proposed pad on this lot encroaches into the arroyo setback area, though not into arroyo itself. The proposed pad for this lot will not result in any fill slopes within the arroyo. Instead it will be cut and leveled to an existing contour.

JSB  
fixed  
street  
arroyo  
log  
grade

The proposed pad could be shifted to the south to eliminate the encroachment, but this would involve filling the other drainage feature on the lot and removal or burying of some significant rock outcrops. The tributary to the south is not protected by the grading ordinance, but it is a steep feature within some major rock outcrops and should be preserved, in staff's opinion. Staff believes the proposed grading is appropriate given the constraints of the lot, and supports the requested grading exception. Staff would, however, recommend that a covenant be recorded prohibiting future building on that portion of the pad located within the arroyo setback.

Lot 20 The southwestern edge of the proposed pad encroaches up to about sixteen feet into the setback from the arroyo. Staff notes that this area of encroachment is relatively small (approximately 1,200 square feet in area) and does not involve any cut or fill slopes in the arroyo, instead daylighting at an existing contour. Eliminating the encroachment would result in an irregular pad that would not be a practical design and may interfere with the newly proposed private access easement. Staff, therefore, supports the requested exception.

Lot 29 Apart from the street crossing discussed above, the amount of encroachment for the pad, found at the western corner of the lot, is minor. It appears that this encroachment may be eliminated without negative impacts to the development of the lot and staff recommends that the grading be revised to provide the required setback.

Lot 31 The proposed graded pad on this lot is roughly triangular shaped and follows the contours of the portion of the arroyo that crosses the lot. A minor finger of the tributary juts into the lot, and the pad grading encroaches approximately 25 feet into the required setback from this finger. Staff can support this limited encroachment as the grading complies with the required setback for the main branch the arroyo.

Lot 33 This lot is located at a confluence of two smaller drainages, which creates limited opportunities for locating a pad. The proposed pad site selected for the proposed pad is the flattest of the three areas and is devoid of any significant rock features which occur elsewhere on the lot and will be protected in place. Relocation of the pad would require extensive filling of the tributary features and the removal or covering of sizeable rock outcroppings. Additionally, the encroachment area is adjacent to an area that will be disturbed due to the street crossing, which minimizes the visual impacts of such grading. While staff is supportive of the general pad location of the pad and supports some encroachment into the arroyo setback, it is recommended that all encroachment into the arroyo itself be eliminated and the encroachment into the arroyo setback be minimized to the extent feasible.

### ***Driveways***

The driveways depicted for lots 3-6, 9-11, 19, 20, 22-25, 28 and 33 are all twenty feet wide where the Grading Ordinance limits driveway width to 15 feet. The applicant has indicated that the driveways will be reduced to the maximum permitted width.

- **Environmental Considerations**

There are several important environmental issues associated with this project that are discussed in detail in the initial study, and these issues are summarized below.

***Gnatcatcher Considerations***

The biological study for the project indicated the presence of coastal sage scrub habitat along the easterly project limit, which serves as potential habitat for the federally endangered California Gnatcatcher. Since no focused gnatcatcher survey was prepared, the site is presumed to be occupied. As such, the applicant will be required to prepare a Habitat Conservation Plan (HCP) and obtain an incidental take permit from the U.S. Fish and Wildlife Service. The biological study included specific mitigation measures related to when and how vegetation may be cleared, property mitigation through off-site habitat conservation, proper site access and project area maintenance. These measures have been incorporated into the recommended conditions of approval for the project.

***Wildlife Corridor***

The central drainage feature (behind Lot 7-16 and between Lots 29-33) is an important linkage between approximately fourteen acres of open space preserved within TM 26109 to the southeast and the main branch of the Alessandro Arroyo to the northwest (See Exhibit 5). The crossing of Chateau View Drive and related fill slopes will effectively create a barrier to animal movement along this corridor. Staff believes it is important to maintain opportunities for movement along this corridor. As such, it is recommended that a functional wildlife corridor be provided under Chateau View Drive, as determined by a qualified biologist and approved by the Planning Department. Options for maintaining the corridor may include the installation of one or more large culverts under the roadway, retention of a short natural span area under the roadway, or other alternative deemed appropriate by the biologist.

- **Neighborhood Compatibility Considerations**

This map will accommodate a public street system and typical RC zoned subdivision of a size and configuration similar to what is found in the surrounding area. With the conditions regarding the establishment of open space areas and minimized grading, this map should be compatible with the surrounding residential neighborhood and sensitive to the existing natural features on-site.

**RECOMMENDATION**

That the City Planning Commission:

1. **APPROVE** Subdivision Case TM 29606, subject to the recommended conditions of approval and based on the following findings:

Pad 39-b  
(12724)

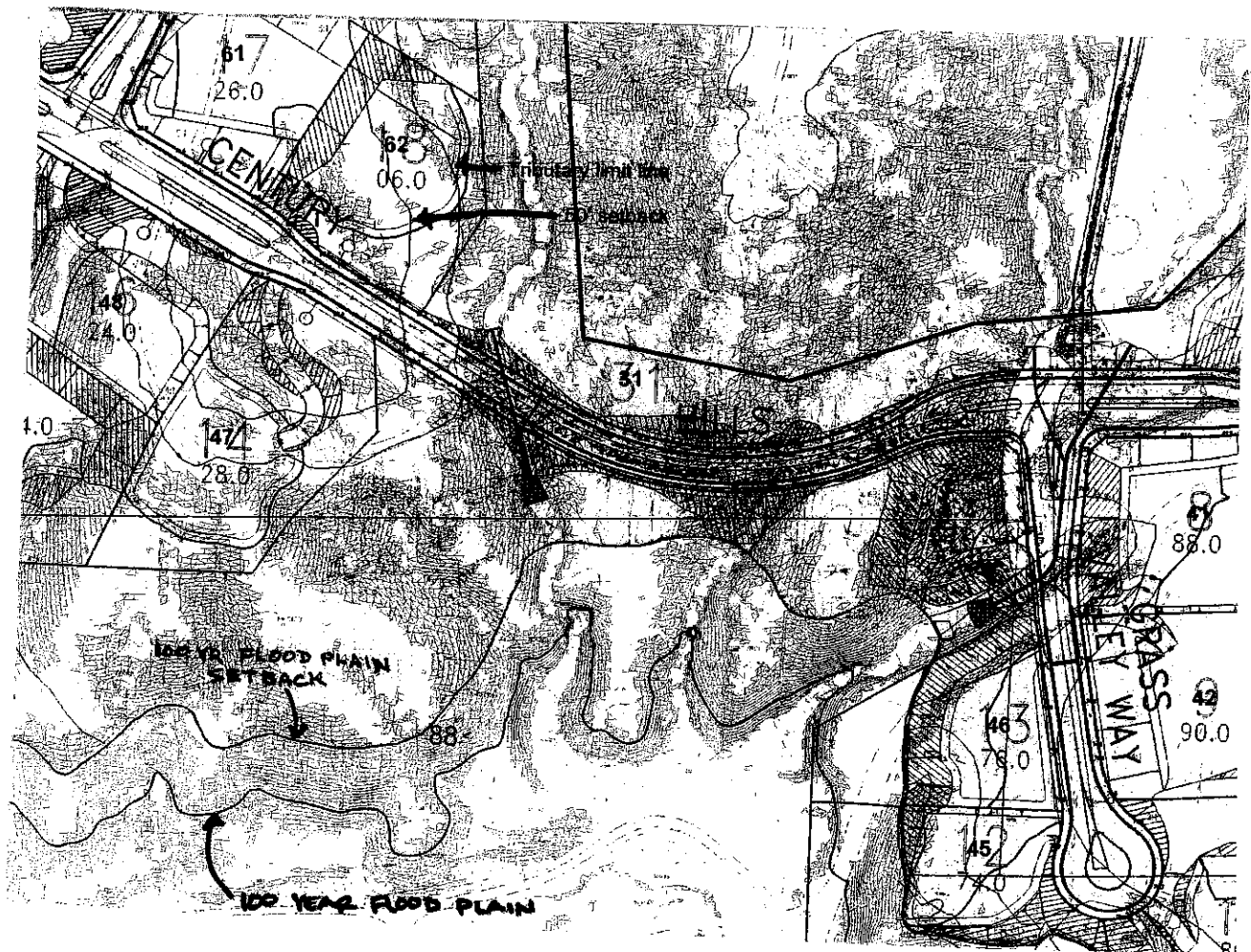


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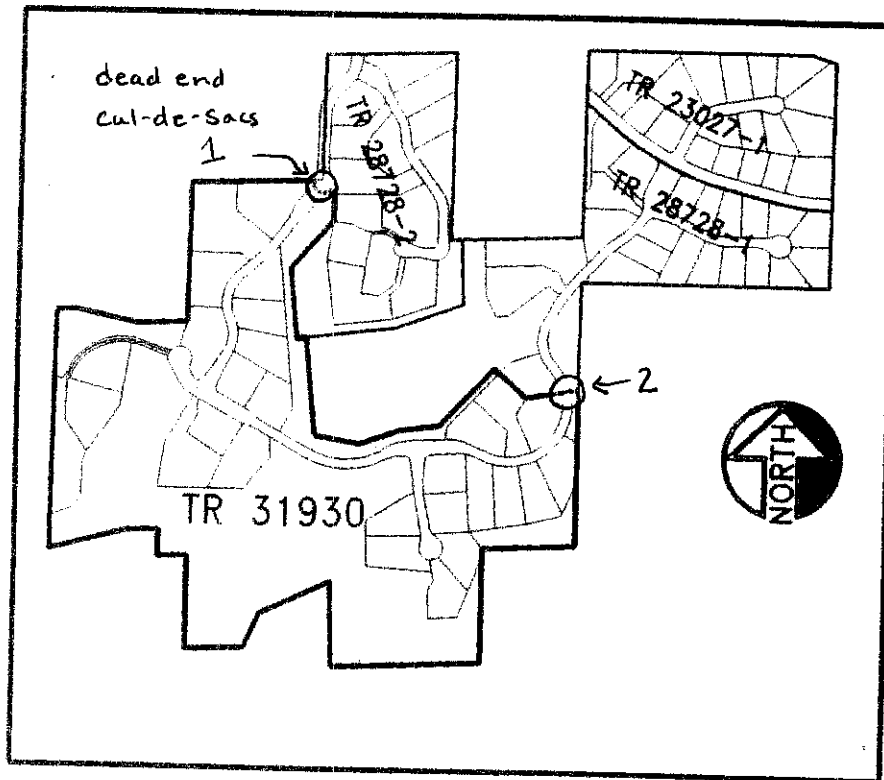
Pad 40-b  
(12723)

**Century Hills Drive, the Intersection of Century Hills Drive and Grass Valley Way,  
and Lot 41-**

Century Hills Drive: The development of Century Hills Drive will result in an encroachment into the setback ribbon and into the tributary limits in three places, (i) to the north of lot 48 ("Century Hills Drive West"), (ii) at the intersection of Grass Valley Way and Century Hills Drive ("Century Hills Drive East"), and (iii) between the locations identified as (i) and (ii), above, within the limits of the tributary (the "Crossing".) Century Hills Drive encroaches into the setback ribbon in the area highlighted in yellow on the map below, and into the tributary in the area highlighted in purple on the map below.



Locations of Crest Haven and Century Hills Drives are Fixed: Century Hills Drive forms one portion of a loop road connecting TM 23027/28728-1, TM 31930, and TM 28728-2. The loop road constructed as part of TM 31930 consists of Crest Haven Drive and Century Hills Drive. Crest Haven Drive connects to the existing Crest Haven Drive, which currently dead-ends at the north end of the Crest Haven Drive proposed by TM 31930. Century Hills Drive will connect with Century Drive, which dead-ends along the east boundary of TM 31930. The construction of Century Hills Drive was previously approved as a part of TM 23027, and later for TM 28728<sup>3</sup>, and is necessary to establish internal circulation between TM 23027, TM 28728-1 and -2, and TM 31930. Currently, there are no existing roads connecting TM 23027, 28728, and 31930. There are only the two dead-end cul-de-sacs (see the vicinity map identifying each dead-end cul-de-sac in relationship to the tract that constructed it, below). When TM 23027 and later TM 28728 were approved, it was not contemplated that the maps would expire and subsequent approvals would be necessary to build-out the project. The construction of Century Hills Drive will complete the original design, and eliminate the dead-end cul-de-sacs.

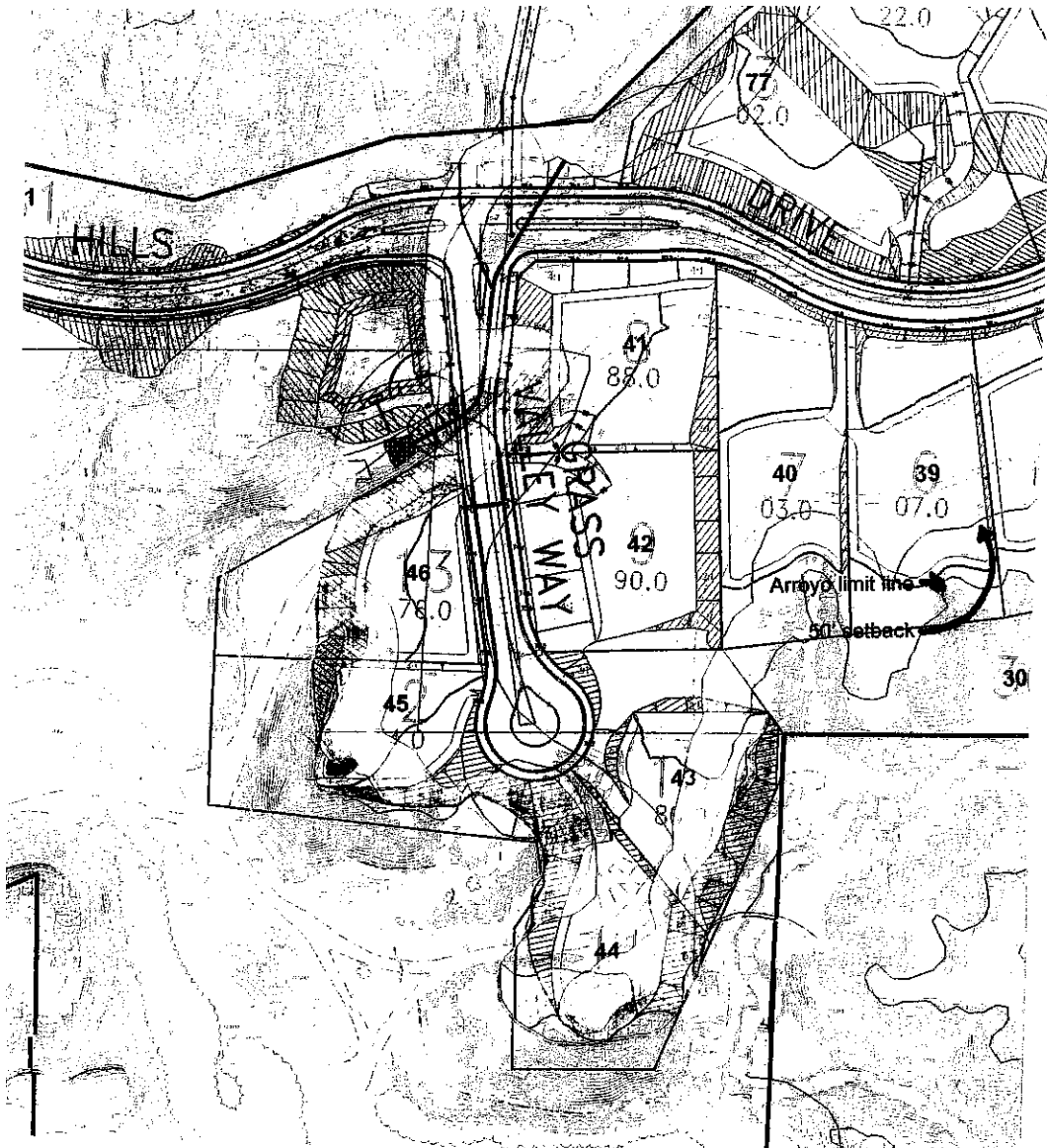


VICINITY MAP

<sup>3</sup> TM 23027 contained 167.5 acres and 85 lots. It was approved in 1994, and contained the area later approved in 1998 as TM 28728 and the area contained in TM 31930.



Intersection of Century Hills Drive and Grass Valley Way: The west half of Grass Valley Way will encroach into the setback ribbon, as will the southern tip of the cul-de-sac. Each Encroachment Area is highlighted in yellow on the map below.



The proposed location of Grass Valley Way is fixed because it was also previously approved as part of TM 23027 and TM 28728. The location of the road was driven by the location of the lots it was designed to serve. Lots 43-46 are clustered around the promontory area and the location was chosen because it would result in the least encroachment into the Arroyo.

Water Quality Basin: Southwest 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 the tributary in the area highlighted in purple, and into the setback ribbon

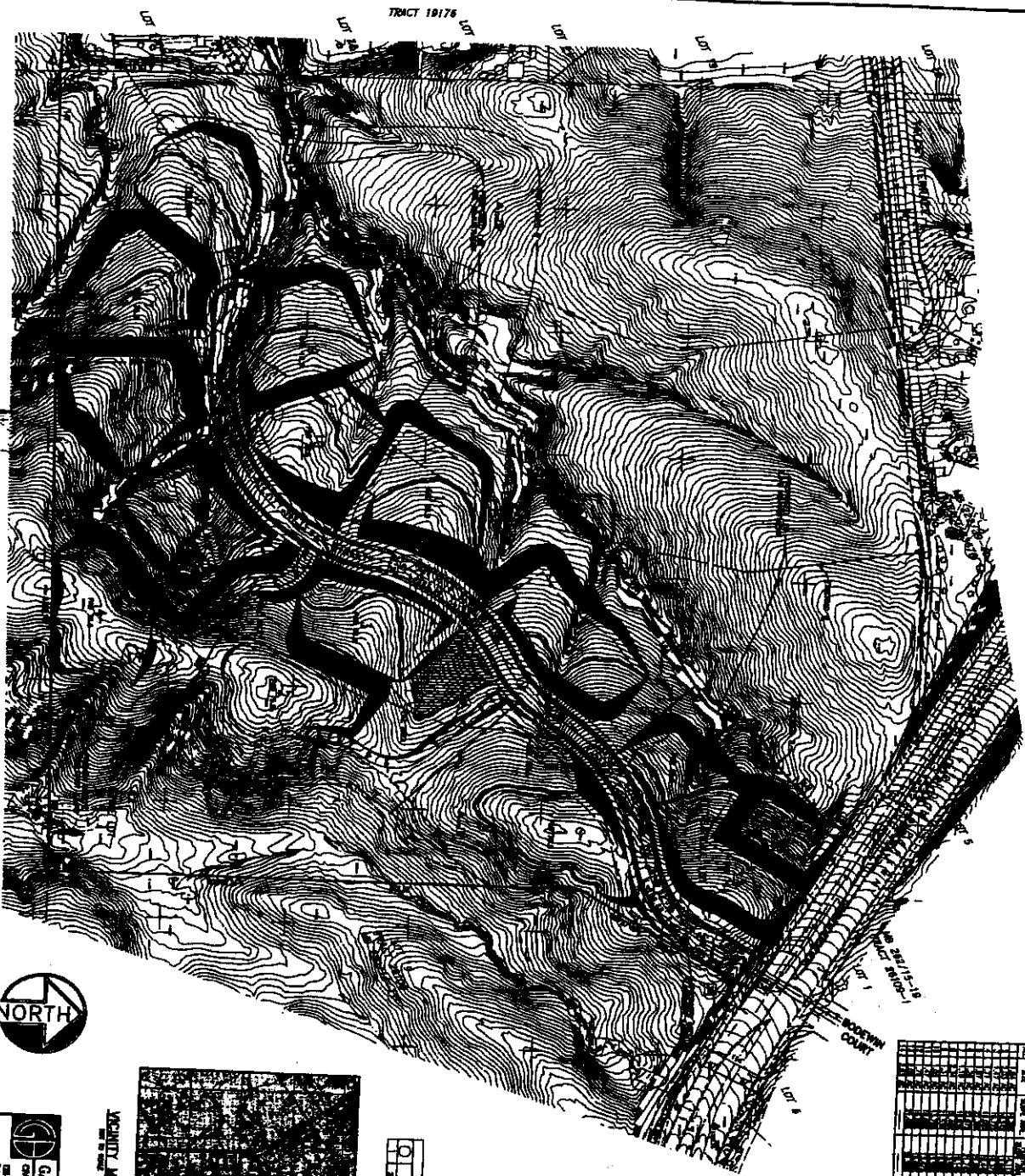
- a. The proposed project is consistent with the RHS — Hillside Residential General Plan designation and RC — Residential Conservation Zone, as well as existing and planned development in the area.
  - b. As conditioned, this map is sensitive to the existing terrain and natural features found on-site. The proposed grading and open space areas will help protect and preserve the arroyos and topographical features within the map.
2. Determine that:
- a. This proposed case will not have a significant effect on the environment because of the mitigation measures described in this report and recommend that the City Council adopt a Mitigated Negative Declaration;
  - b. The proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

### **EXHIBITS**

1. Location/Zoning Map
2. General Plan Map
3. Aerial Photo
4. Proposed Subdivision Map
5. Open Space Connection Map
6. Applicant's Variance Justifications
7. Staff-Prepared Variance Justifications
8. Applicant's Grading Exception Justifications
9. Staff-Prepared Grading Exception Justifications

TENTATIVE TRACT MAP NO. 31859

POS. 1336/1337 - EXHIBIT 4



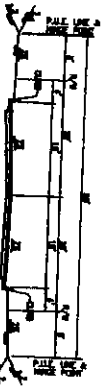
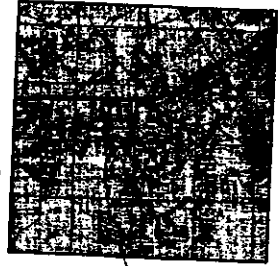
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**GABEL COOK & BECKLUND**  
 CIVIL ENGINEERS  
 1001 1st Avenue, Suite 100, Seattle, WA 98101  
 Telephone: (206) 461-1111  
 Fax: (206) 461-1112

**TENTATIVE TRACT MAP NO. 31859**  
 PLANNED RESIDENTIAL DEVELOPMENT  
 A PORTION OF A PORTION OF THE  
 SECTION 12, T. 5 N., R. 3 E., S. 23E

**DATE:** 10/1/2004  
**SCALE:** AS SHOWN

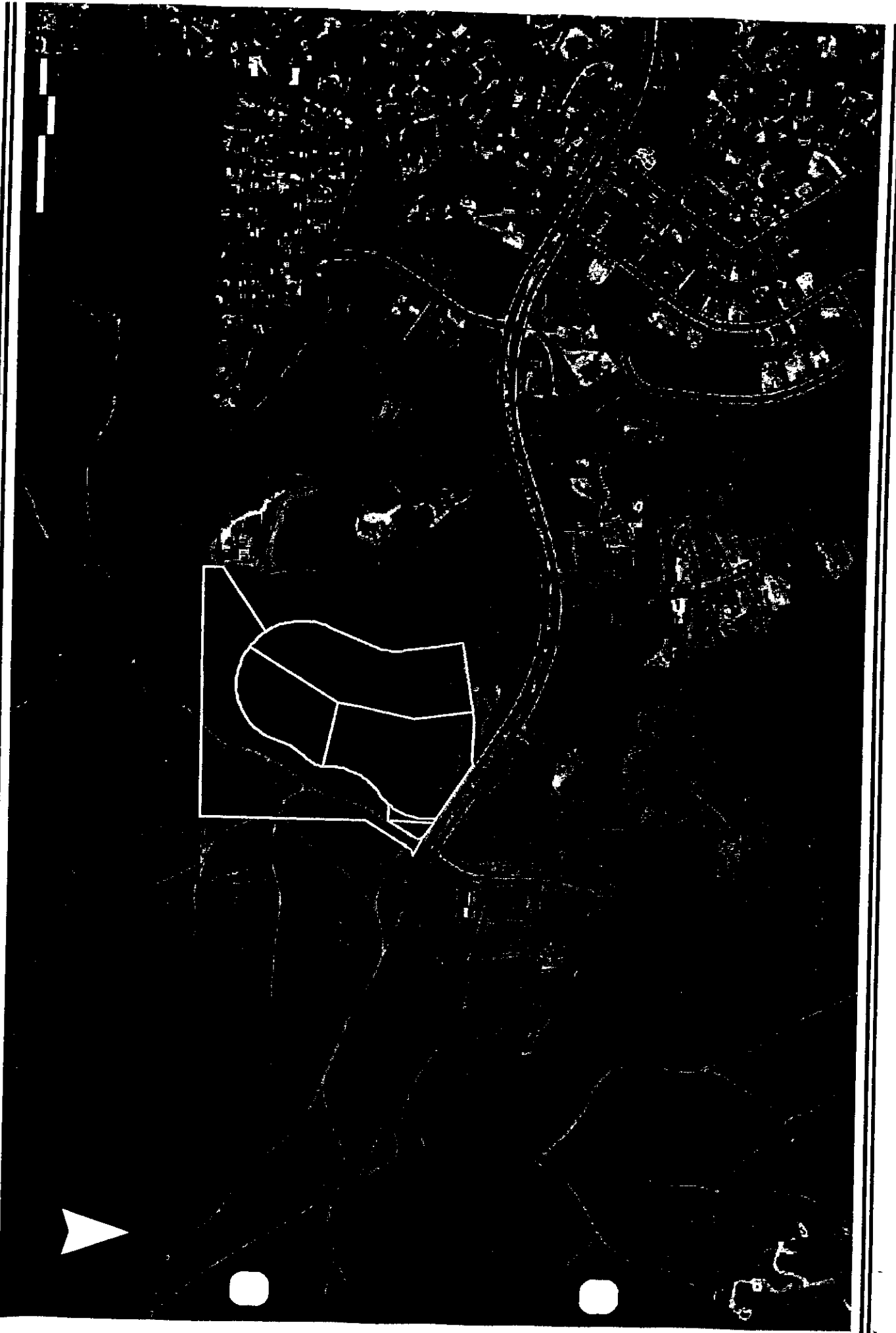


**GENERAL NOTES:**

1. THIS MAP IS A TENTATIVE TRACT MAP FOR THE CITY OF SEATTLE, WASHINGTON.
2. THE CITY OF SEATTLE, WASHINGTON, HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE SEATTLE TRACT MAP ACT.
3. THE CITY OF SEATTLE, WASHINGTON, HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE SEATTLE TRACT MAP ACT.
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10. THE CITY OF SEATTLE, WASHINGTON, HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE SEATTLE TRACT MAP ACT.

ATTACHMENT D

EXHIBIT 3 - 1998 Aerial Photo



CPC 1/22/04

P03-1336 (TM 31859) / 1337

# CITY OF RIVERSIDE PLANNING DEPARTMENT

## Tract Map



WU 2102  
CORRECTION

PLANNING COMMISSION HEARING DATE: February 19, 2004

**PLANNING CASE P03-1530:** Proposed Tract map, TM 32042 by Gabel, Cook and Becklund, Inc., to subdivide approximately 16.79 vacant acres into 8 single family residential lots, located at the easterly terminus of Talcey Terrace, southwest of Overlook Parkway in the RC - Residential Conservation Zone.

### BACKGROUND/PROJECT DESCRIPTION

The project area is the westerly portion of a previous map, Tract 24016, and a Planned Residential Development application, PD-006-901, both approved by the City Planning Commission in September 17, 1992 with an expiration date of March 17, 1995. The original map proposed the subdivision of approximately 42.2 vacant acres into 21 single family residential lots and 3 open space lots. The map obtained two one-year time extensions authorized by State actions and three one-year time extensions approved by the City Planning Commission extending the map until March 17, 2001. The map subsequently expired and the applicant is proposing a new map which encompasses the easterly half of the original tract map. A separate subdivision and PRD has been submitted separately for the westerly half of the map. The original map has been split to provide independent street access for both the east and west portions. The original map proposed a private street connecting both sides of the map.

The project proposes to subdivide approximately 16.79 vacant acres into 8 single family residential lots. The map depicts residential lots located on either side of the north-south private street that is an extension of Talcey Terrace. The site is generally characterized by two gentle rolling hills on the east and west sides with minor drainages running through the project center and along the east project boundary. The average natural slope of the property is approximately 18 percent, with individual slopes ranging between 10 and 30 percent. Lots range between approximately 1.0 and 3.8 acres in size.

The Planning Commission approved a tract map and planned residential development application, P03-1336 and P03-1337, on the easterly portion of the previous tract map in January 2004. This project requires several variances related to landlocked parcels on a private street and two lots that are substandard sizes per the RC Zone standards. These variances are described in detail in the staff report.

### ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

The subject site is zoned RC - Residential Conservation with a corresponding General Plan designation of RHS - Hillside Residential. The RC Zone requires an minimum average net lot size of 2.0 acres. The proposed subdivision provides an average residential lot size of

approximately 1.99 acres. With a recommended modification to reduce the private street width consistent with City requirements, the net area within the project will be increased sufficiently to increase the average lot size to the required two acres.

This project requires variances to allow landlocked parcels as these lots are located along private street. The street complies with the minimum private street standards and it will adequately serve the eight lots. As such, staff is able to make findings in support of this request.

Two of the individual lots, 7 and 8, require variances from the minimum two acre lot size standard for lots with average natural slopes of more than 15%. These lots, with average natural slopes of 17.66% and 16.10%, are required to provide at least two acres. Lot 7 is 1.38 acres and Lot 8 is 1.54 acres. Given that the overall project complies with the average lot size requirement and that there would be no benefit in adjusting the lot lines solely to comply with the lot size standards, staff is able to make findings in support of the variance requests.

- **Location and Access**

The project area is located on the south side of Overlook Parkway, at the easterly end of Talcey Terrace. The property is currently vacant.

The proposed lots will take access from a single private street, approximately 480 feet long, off of Talcey Terrace. The original map, 24016, had an approved street in roughly this same location, although that street connected with Overlook Parkway east of this project area.

The entry design does not appear to conform with the City standard design for a gated entry and this will need to be redesigned if a gated private street is planned. It appears that there is sufficient space to provide a City standard turnaround without disrupting the project

Talcey Terrace, and its off-shoot street Brandon Court, is currently an approximately 2,100 foot long cul-de-sac off Golden Star Way that currently serves 23 existing and planned houses. This project will extend that cul-de-sac to a length of approximately 2,600 feet and add eight additional residences along its length. The City's Subdivision Ordinance limits cul-de-sac streets to no more than 600 feet in length and limits the number of residences along a cul-de-sac to no more than 16. The Subdivision Ordinance does make an exception for situations where the topography requires cul-de-sacs of greater length and it is under this provision that staff is supportive of the proposed extension. The area surrounding the project is characterized by rolling hills that make the creation of multiple streets and access points impractical and counter to the intent of the Grading Ordinance and RC Zone of preserving the hillside through sensitive development. The proposed design is also superior in that it eliminates a previously approved street crossing of the significant drainage feature that runs along the east boundary of this project. This design allows for that feature to be preserved while still allowing the existing and proposed houses to have adequate access. Additionally, neither the Fire Department nor the Public Works Department object to the circulation as shown.

- **Map Design**

The proposed design situates four lots on either side of the private street that runs roughly through the center of the project. The lots on the west side of the street, Lots 5-8, are regularly shaped lots. The proposed residential lots range in size from 1.01 to 3.79 acres, with individual average natural slopes ranging from 11.78% to 20.06%. The following chart details the specifics of each lot.

Lot	Lot Size	Lot ANS	Pad ANS	Proposed Pad Size	Allowed Pad
1	3.61 acres	15.43%	11.08%	21,926 SF	27,000 SF
2	1.01 acres	11.78%	11.99%	20,870 SF	27,000 SF
3	1.19 acres	14.76%	15.34%	21,000 SF	21,000 SF
4	2.04 acres	19.85%	13.59%	20,600 SF	27,000 SF
5	3.79 acres	20.06%	13.58%	18,650 SF	27,000 SF
6	1.43 acres	14.92%	13.71%	20,780 SF	27,000 SF
7	1.38 acres	17.66%	15.30%	21,000 SF	21,000 SF
8	1.54 acres	16.10%	16.10%	20,050 SF	21,000 SF

Staff is supportive of the overall map design.

*Grading*

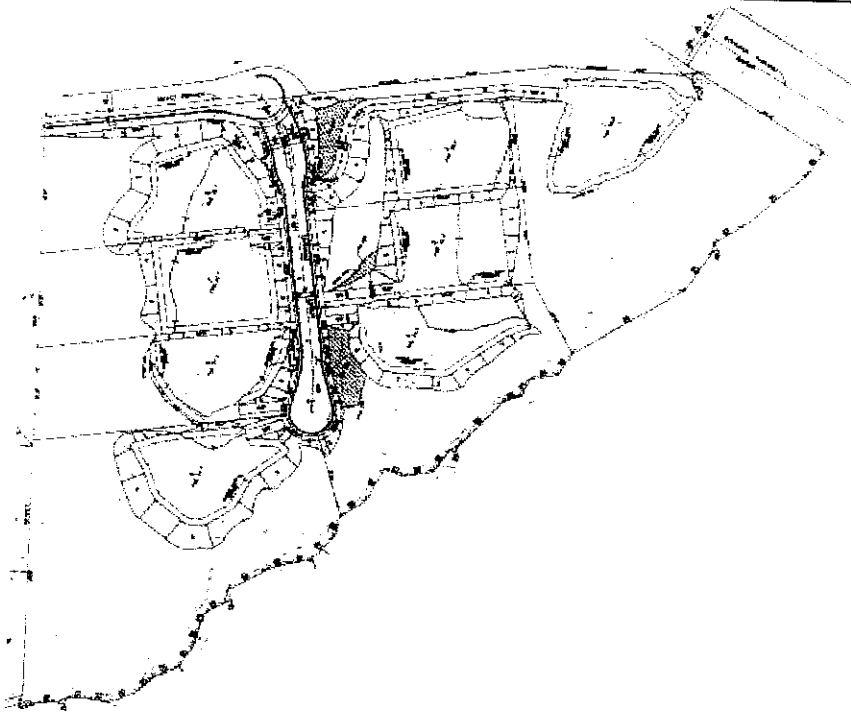
The proposed grading involves the creation of residential pads ranging in size from 18,650 to 21,926 square feet. The average natural slopes of the areas to be graded ranging between 11% and 16.1%. For those pad areas with less than 15% slope, the grading ordinance allows pads up to 27,000 square feet. For areas exceeding 15%, the grading ordinance allows up to 21,000 square feet of level pad area. In this instance, the proposed grading complies with all established standards of the hillside grading provisions of the Grading Ordinance.

- **Neighborhood Compatibility Considerations**

This project is generally consistent with the previously approved map from this property. The design review requirement for this entire project will ensure visual compatibility of the houses and recreational area with the surrounding development. With the recommended conditions, this project meets the average lot size requirement of the RC Zone and will be consistent with the surrounding development.

**EXHIBIT 5 – Proposed Grading Plan**

Tm 32042



CPC 2/19/04

**P03-1530**



**CITY OF RIVERSIDE PLANNING DEPARTMENT**



***Tract Map/Planned Residential Development***

PLANNING COMMISSION HEARING DATE: January 22, 2004

**PLANNING CASE P03-1336:** Proposed Tract Map 31859 by Bill Gabel, on behalf of Overlook Park Associates LLC, to subdivide approximately 24.64 vacant acres into 12 single family residential lots, 1 common recreation lot and 1 open space lot, situated on the south side of Overlook Parkway, east of Talcey Terrace and west of Bodewin Court in the RC - Residential Conservation Zone. (*This case is being heard concurrently with P03-1337.*)

**PLANNING CASE P03-1337:** Proposed planned residential development by Bill Gabel, on behalf of Overlook Park Associates LLC, to establish a 12 detached single family dwellings private and common open space on approximately 24.64 acres, situated on the south side of Overlook Parkway, east of Talcey Terrace and west of Bodewin Court, in the RC - Residential Conservation Zone. (*This case is being heard concurrently with P03-1336.*)

**BACKGROUND**

The project area is the easterly portion of a previous map and Planned Residential Development (Tract 24016, and a, PD-006-901), approved by the City Planning Commission in September 17, 1992 with an expiration date of March 17, 1995 (see Exhibit 8). The original map proposed the subdivision of approximately 42.2 vacant acres into 21 single family residential lots and 3 open space lots. The map obtained two one-year time extensions authorized by State actions and three one-year time extensions approved by the City Planning Commission extending the map until March 17, 2001. The map and PRD subsequently expired, and the applicant is proposing a new map and PRD encompassing the easterly half of the original tract map.

**PROJECT DESCRIPTION**

The project proposes to subdivide approximately 24.64 vacant acres into 12 single family residential lots, 1 common recreation lot and 1 open space lot. The map depicts residential lots located on either side of the private street, with the common recreation lot located adjacent to Overlook Parkway and the project entrance. The Prenda Arroyo runs along the southeast corner of the project area and the proposed grading plan will not encroach into the limits of the arroyo and 50-foot development setback. The site is generally characterized by a central ridgeline with drainages on the east and west sides. There are a few rock outcrops toward the south project boundary, which are planned to be preserved on-site. The average natural slope of the property is approximately 18 percent, with individual slopes ranging between 10 and 30 percent.

**ANALYSIS**

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

The subject site is zoned RC - Residential Conservation with a corresponding General Plan designation of RHS - Hillside Residential. The RC Zone requires an minimum average net lot size of 2.0 acres. The proposed subdivision provides an average residential lot size of approximately 1.54 acres. This is consistent with the provisions of the City's PRD standards, which permit a benchmark density of .5 units per gross acre, and in this case would permit up to 12 units. An analysis of the PRD is provided later in this staff report.

This project does require variances to allow landlocked parcels and to allow substandard lots sizes as a result of the Planned Residential Development application. Although the proposed project complies with the density allowed under a PRD, the lots sizes are now substandard in size and require lot size variances. Staff is able to make findings in support of both variance requests since adequate street access will be provided for all resulting lots and given that this project involves a PRD designed to cluster lots with the intent to preserve open space.

- **Location and Access**

The project area is located on the south side of Overlook Parkway, between Chabot and Bodewin Courts. The property is currently vacant.

The proposed lots will take access from a single gated private street, approximately 1500 feet long, off of Overlook Parkway. The original map, 24016, had an approved street in roughly this same location, although that street connected with Talcey Terrace. The entry design appears to conform with the City standard design already, but modifications may be required by the Public Works Department if it does not when street plans are designed.

- **Map Design**

Staff is supportive of the overall map design. However, since all the residential lots are located along a private street, without direct frontage on a public street, the Code considers them landlocked. These lots require variances to allow as proposed. Given that the proposed private street provides adequate access from this project staff is supportive of this request

### *Grading*

The proposed residential lots range in size from 1.03 to 2.34 acres, with individual average natural slopes ranging from 13.75% to 22.67%. Lots 1, 3-7, 9, 11 and 12 all have average natural slopes of more than 15% and the Code requires a minimum lot size of 2 acres when this occurs. However, each of the proposed lots is less than 2 acres in size and each requires a lot size variance to allow this configuration. The following chart details the specifics of each lot.

Lot	Lot Size	Lot ANS	Pad ANS	Proposed Pad Size	Allowed Pad
1	1.84 acres	16.39%	14.11%	21,000 SF	27,000 SF
2	2.03 acres	16.24%	13.00%	21,000 SF	27,000 SF
3	1.47 acres	16.72%	16.37%	21,000 SF	21,000 SF
4	1.71 acres	19.06%	18.44%	21,000 SF	21,000 SF
5	1.07 acres	22.39%	22.59%	20,800 SF	21,000 SF
6	1.26 acres	22.67%	21.74%	21,000 SF	21,000 SF
7	1.19 acres	18.83%	19.14%	20,440 SF	21,000 SF
8	2.34 acres	18.48%	13.58%	20,800 SF	27,000 SF
9	1.31 acres	21.53%	15.90%	20,260 SF	21,000 SF
10	1.03 acres	13.75%	13.28%	21,000 SF	27,000 SF
11	1.47 acres	18.85%	13.47%	20,990 SF	27,000 SF
12	1.76 acres	18.69%	15.68%	21,000 SF	21,000 SF
13	2.00 acres (Common Recreational Lot)	21.49%	21.20%	36,850 SF	21,000 SF
14	2.63 acres (Open Space)	N/A	N/A	N/A	N/A

The proposed grading involves the creation of residential pads ranging in size from 18,800 to 21,000 square feet. The average natural slopes of the areas to be graded ranging between 13% and 22.59%. For those pad areas with less than 15% slope, the grading ordinance allows pads up to 27,000 square feet. For areas exceeding 15%, the grading ordinance allows up to 21,000 square feet of level pad area. In this instance, the applicant has limited all residential grading to a maximum of 21,000 square feet, regardless of whether additional area is permitted.

The proposed pad for the recreational lot, at 36,850 square feet with an average natural slope of 21.2%, exceeds the maximum allowable graded by 15,850 square feet and it requires a grading exception to allow as proposed. As this lot is intended to reduce the amount of future grading by providing typical residential amenities thereby minimizing the likelihood that each individual residence will propose similar construction in the future, staff is able to support this request.

Five of the proposed lots, 1, 2, 8, 10 and 11, have pads at or below 21,000 square feet where the grading ordinance would allow up to 27,000 square foot pads on each of these lots. The overall savings in grading on the residential lots by this limitation is 30,210 square feet.

While the pad proposed for the common recreation lot is 15,850 square feet larger than allowed, this area is less than the amount of grading that could be done as a matter of right on these five residential lots. This results in a net savings of approximately 14,360 square feet of graded area, even though the pad on Lot 13 is somewhat larger than allowed. Based on this net reduction in the amount of grading proposed with the maximum allowed within this project, staff is able to support the requested graded exception.

#### *Recreation Lot*

A common recreation lot is located on the west side of the private street, directly adjacent to Overlook Parkway. This recreation area is planned to have a playground, turf area and tennis court and will be for exclusive use of the residents on within the gated development. The intent of this common recreation area is to decrease the likelihood of residents constructing private improvements on individual lots and possible requiring additional grading.

#### *Prenda Arroyo/Biological Issues*

A portion of the Prenda Arroyo crosses the southeast corner of the property. The design of the map locates all residential grading and street construction outside the designated arroyo boundaries and setback. No disturbance of this area is proposed. The biological report for this project concluded that no significant impacts would result from the development of this project. The entire project area is located in designated Stephen's Kangaroo Rat habitat and will be subject to compliance with the County's Habitat Conservation Plan, which involves the payment of mitigation fees. No permits from any State agency will be required for this project.

#### *Lot 14*

One the final map submitted for recordation, staff recommends that Lot 14 be converted to a lettered lot. The City requires all numbered lots to be provided with utilities connections for adequate service. As this lot is planned to be passive open space, with no need for utilities service, converting it to a lettered lot will eliminate this connections requirement.

#### **PRD Considerations**

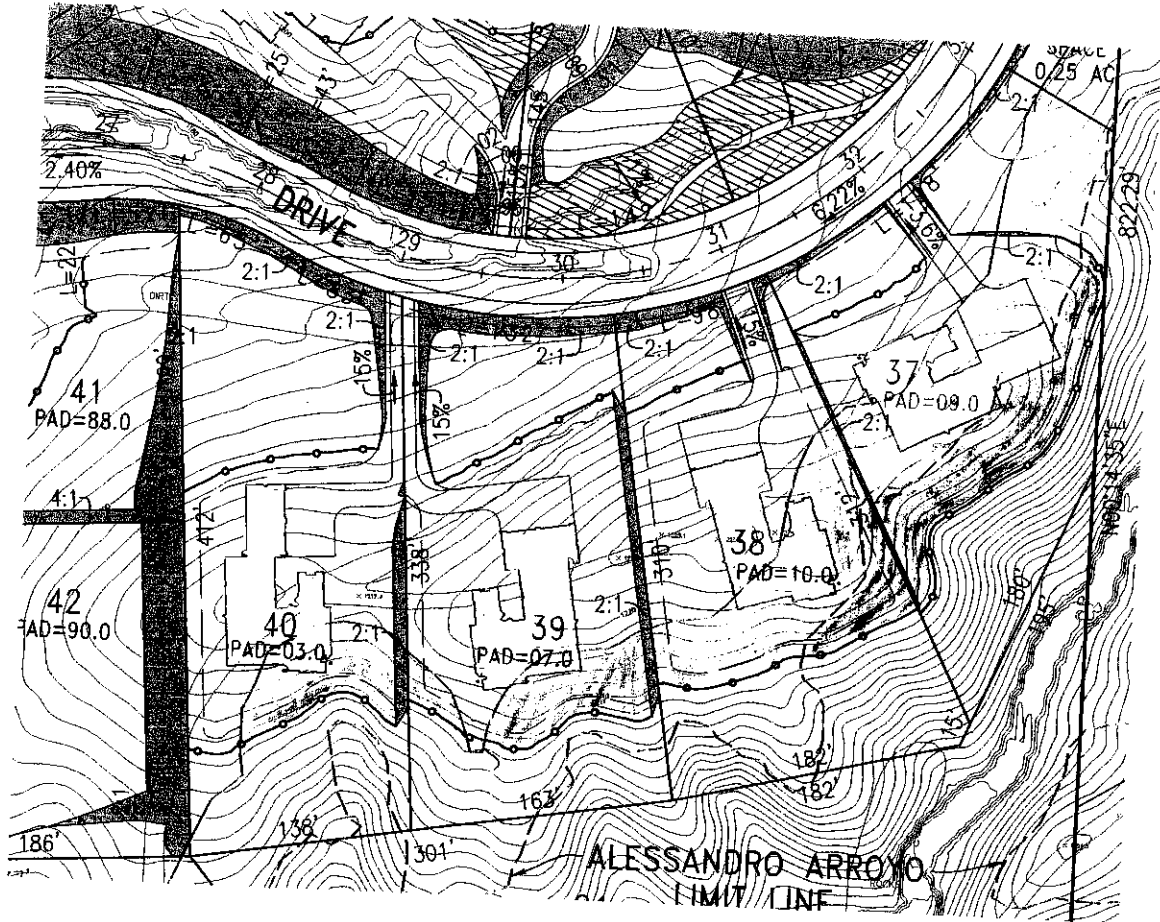
Per Section 19.65.010 of the Zoning Code, planned residential developments are intended to provide a greater flexibility in the design of residential properties, to promote a more desirable living environment, and to encourage a more creative approach in land development; a variety of housing types and environments; a more efficient use of the land; the provision of greater amounts of open space and amenities for recreational and visual enjoyment; and the preservation and enhancement of valuable natural areas. It is adherence to these standards and the provision of a unique land use plan that determines whether the PRD application should be approved.

## **GRADING EXCEPTIONS**

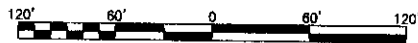
### **Exhibits to Finding 1**

The house footprints highlighted in yellow on the following pages represent a typical one-story house size in the neighborhood surrounding TM 31930.

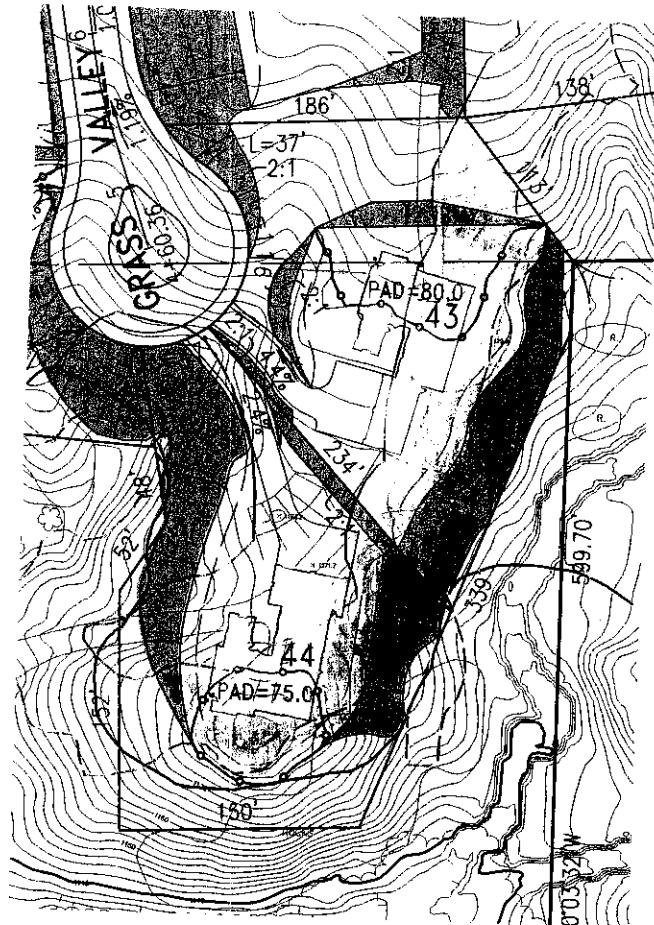
Each lot on the following pages contains a typical one-story house of approximately 4,000 sq.ft. and a four-car garage of approximately 1,000 sq.ft..



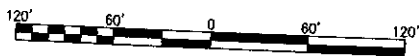
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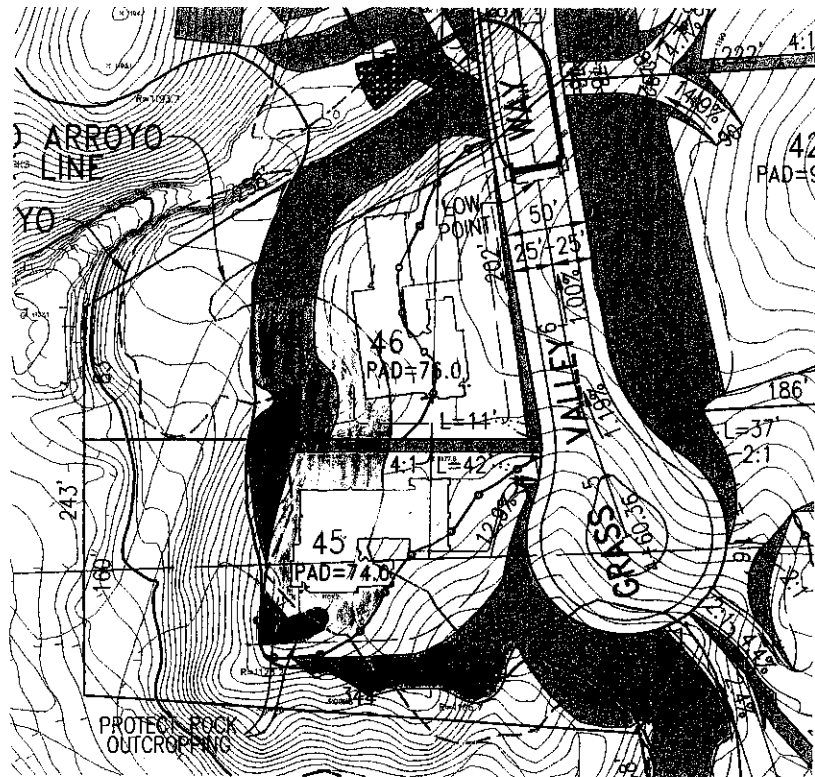
LOTS 37-40



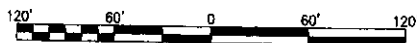
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LOTS 43-44

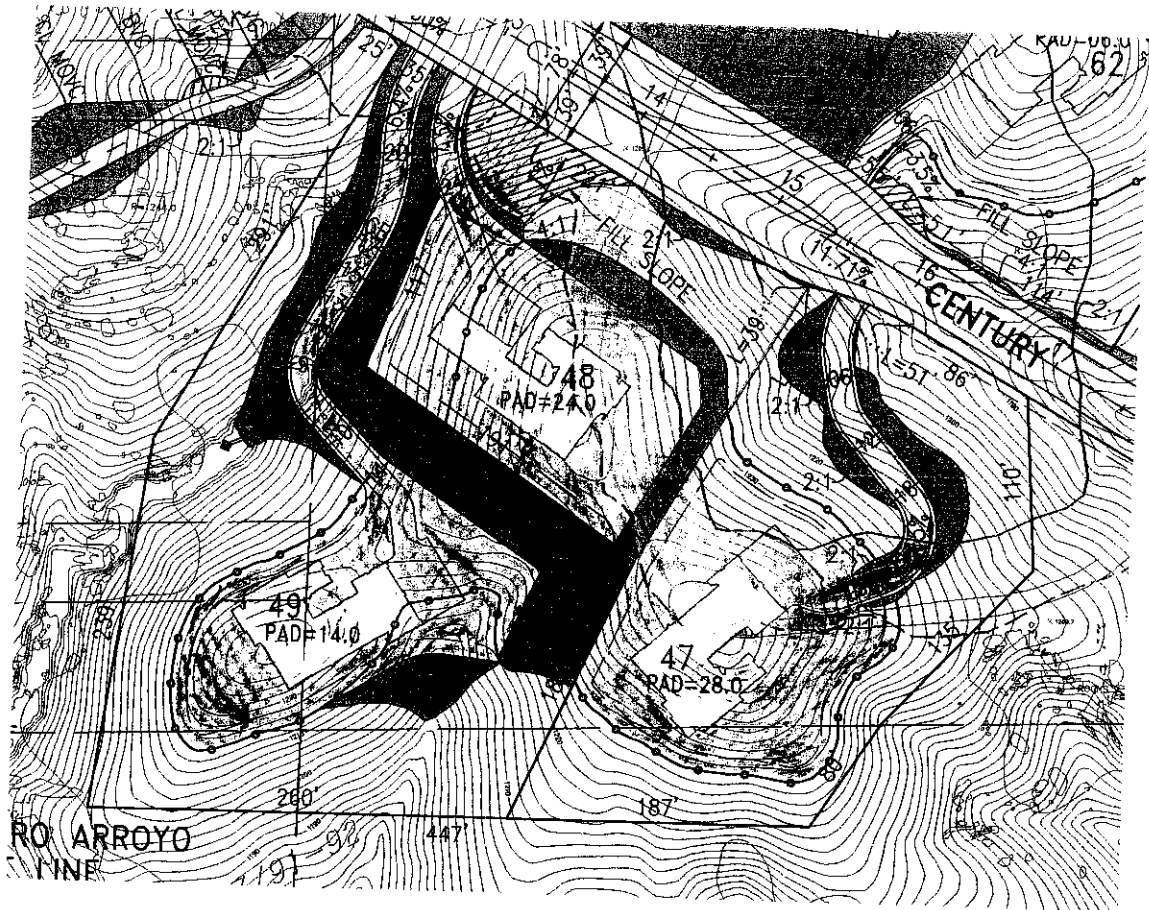


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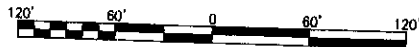


LOTS 45-46

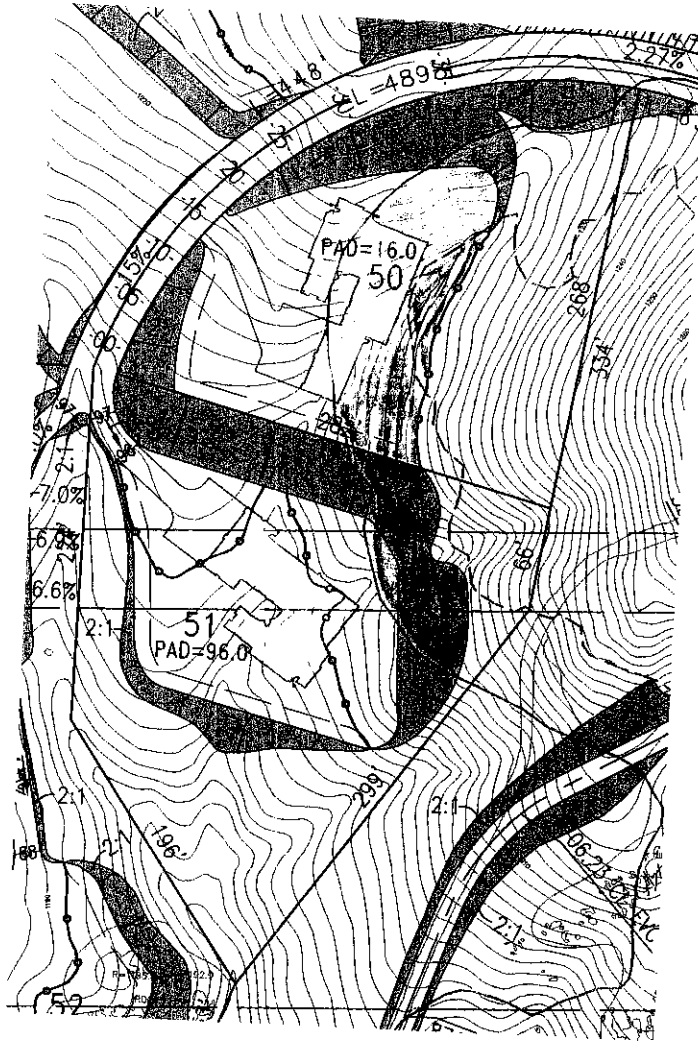




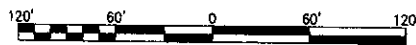
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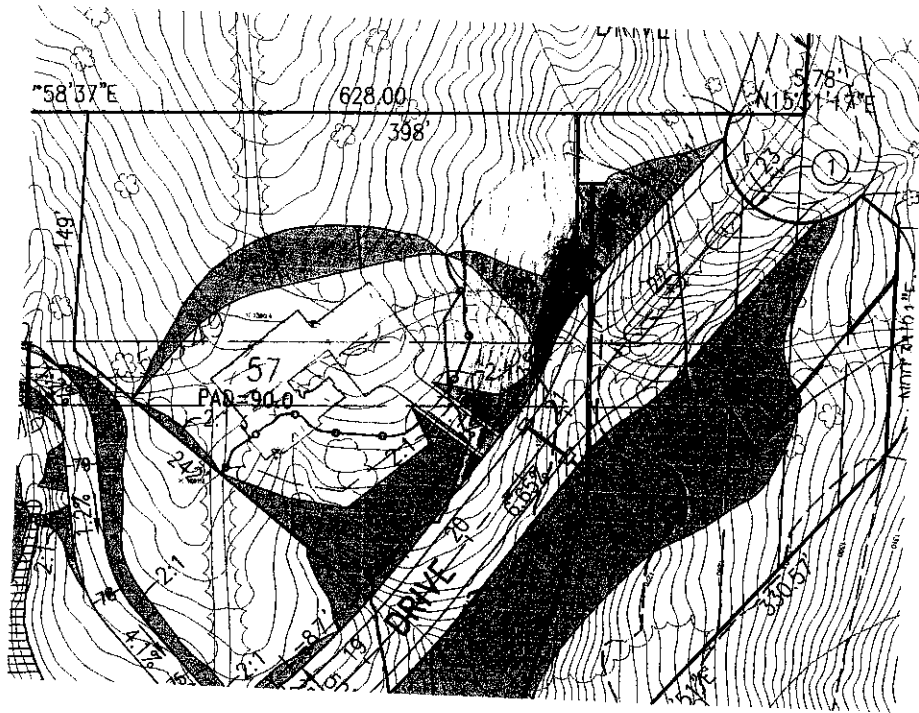
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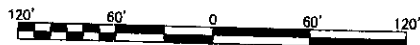
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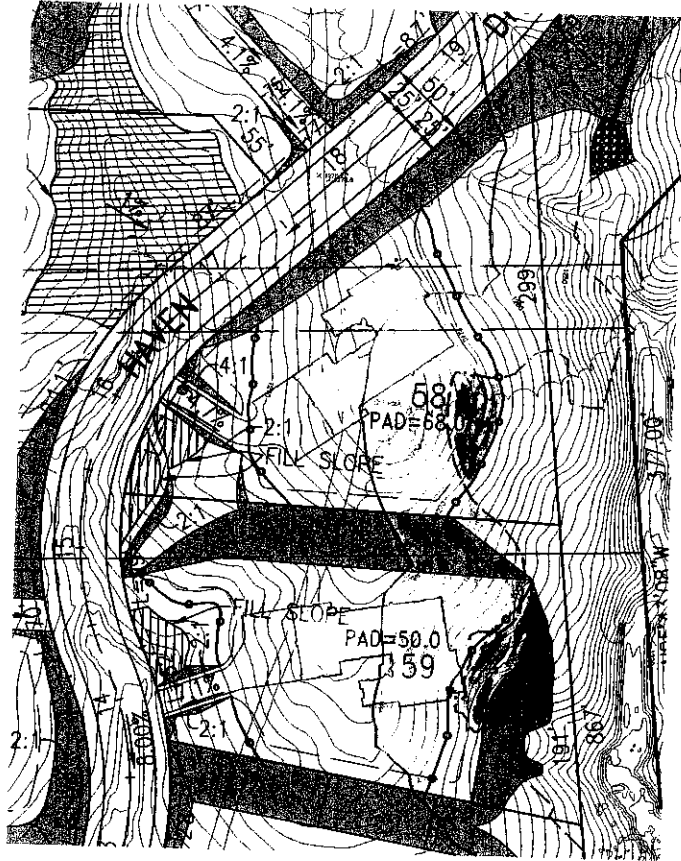
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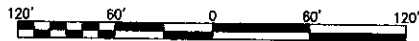
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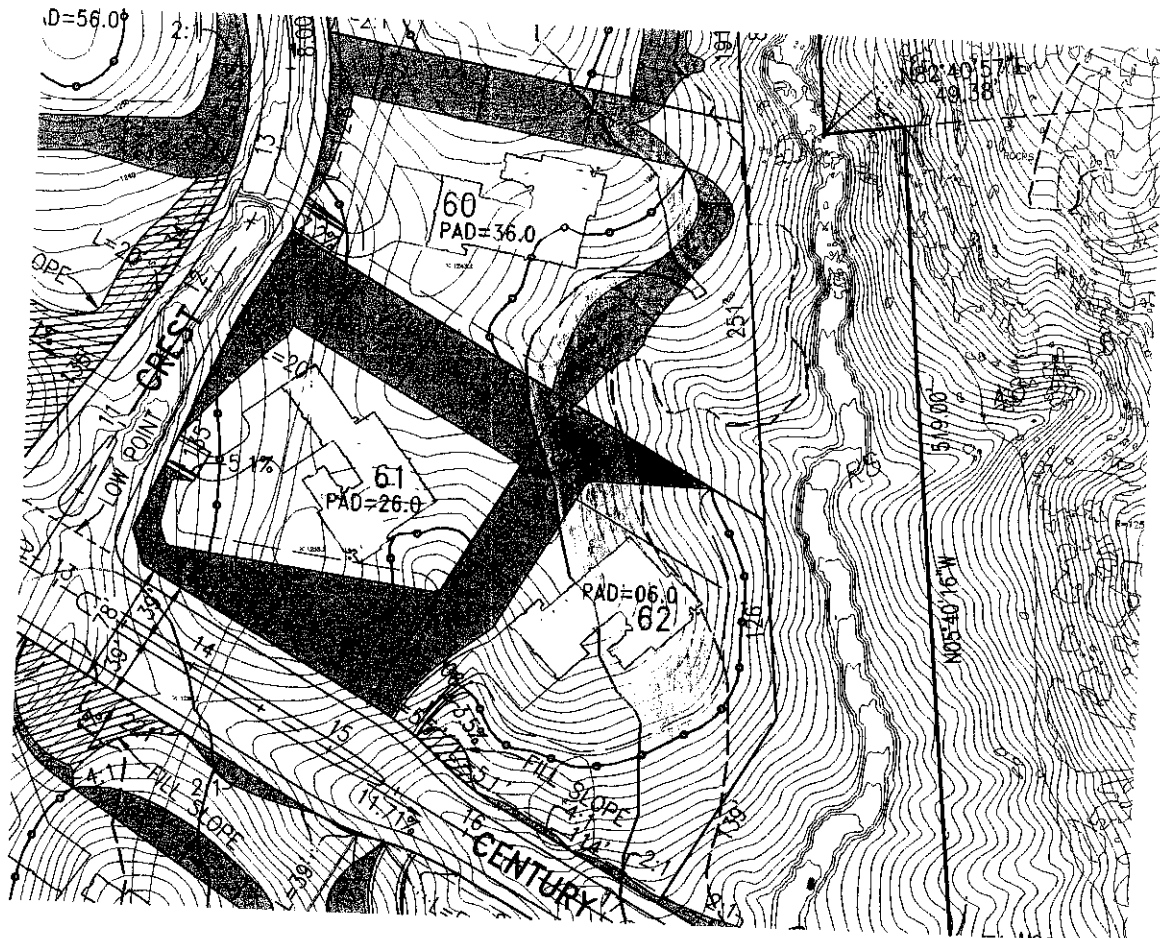
LOT 57



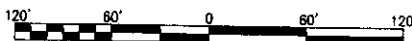
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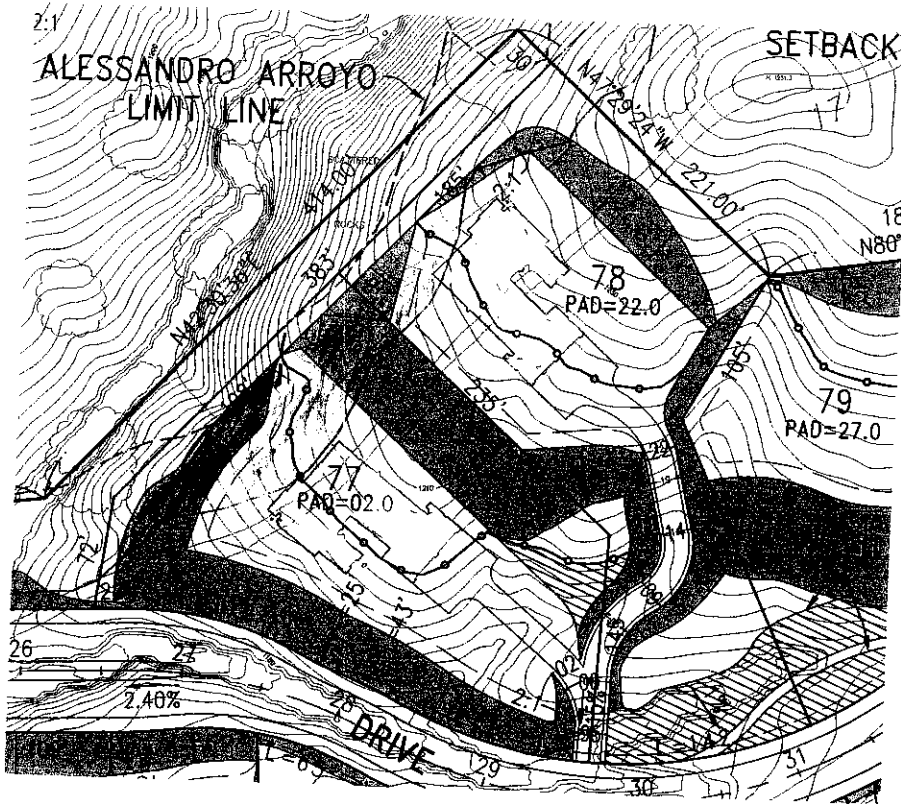
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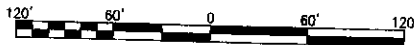
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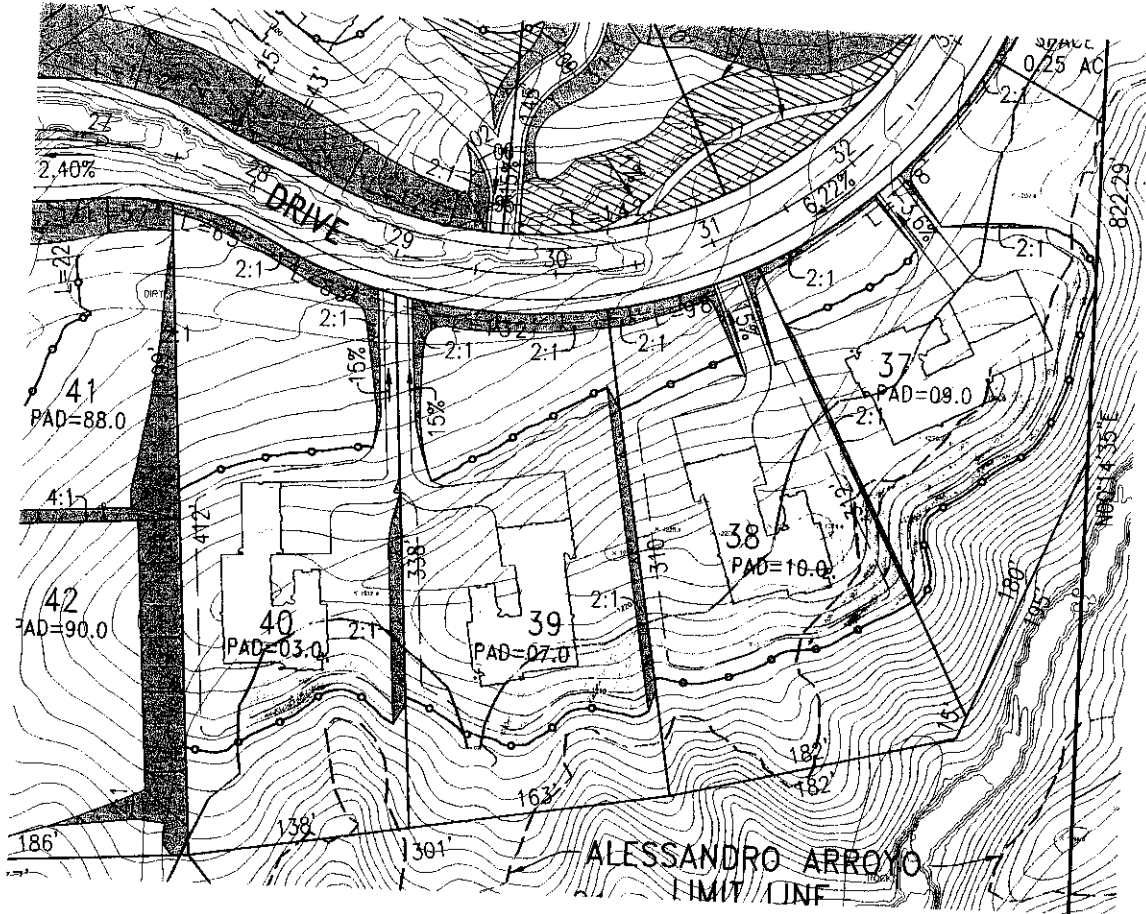
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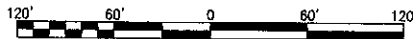
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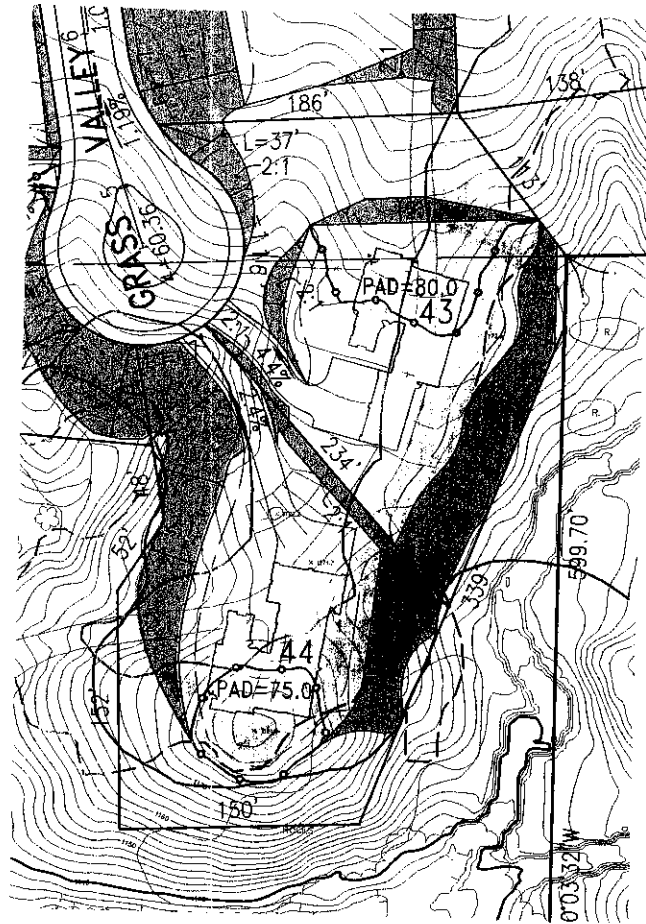
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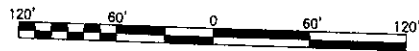
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LOTS 37-40

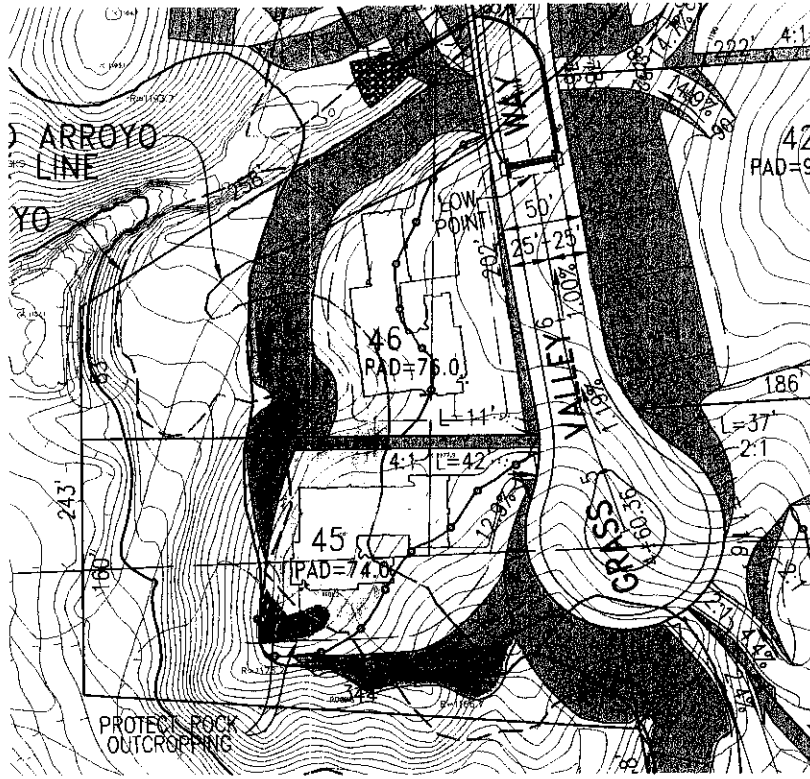


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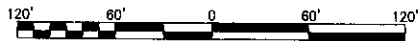


LOTS 43-44

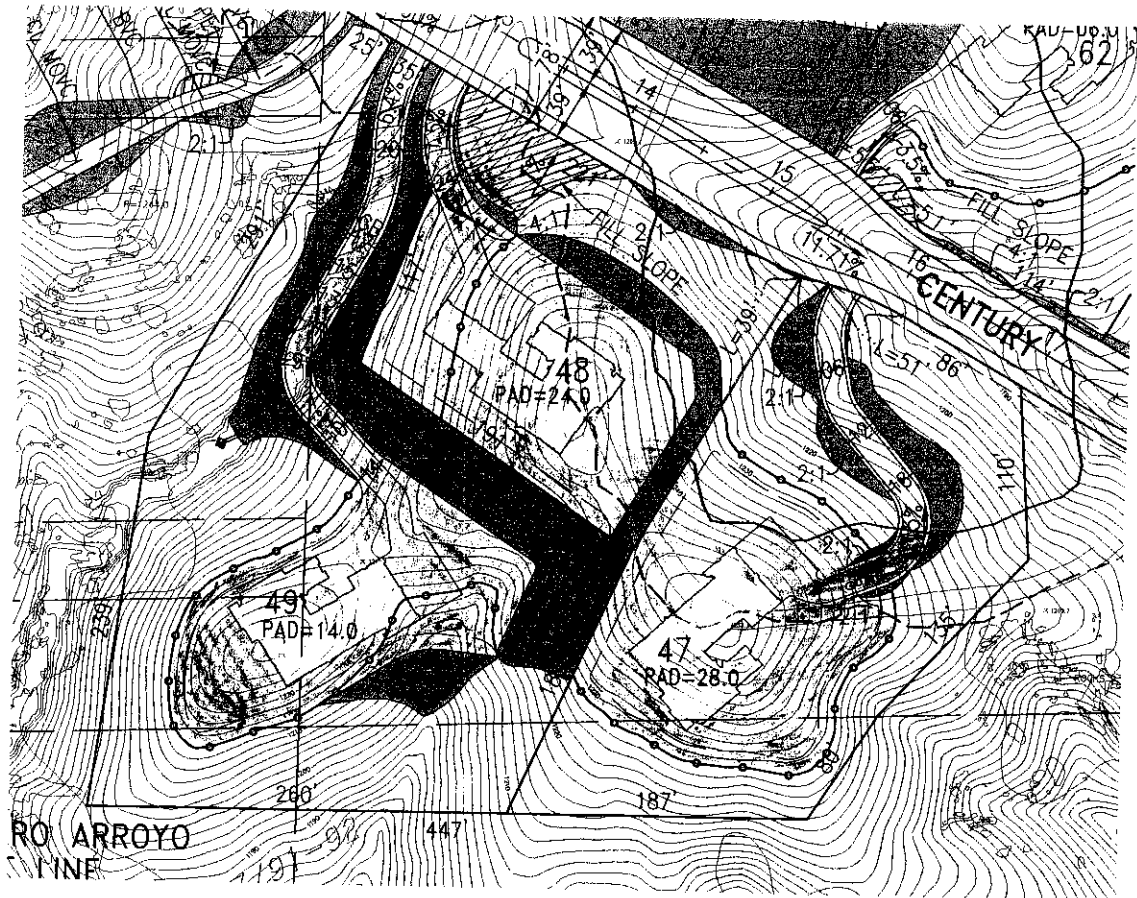




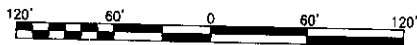
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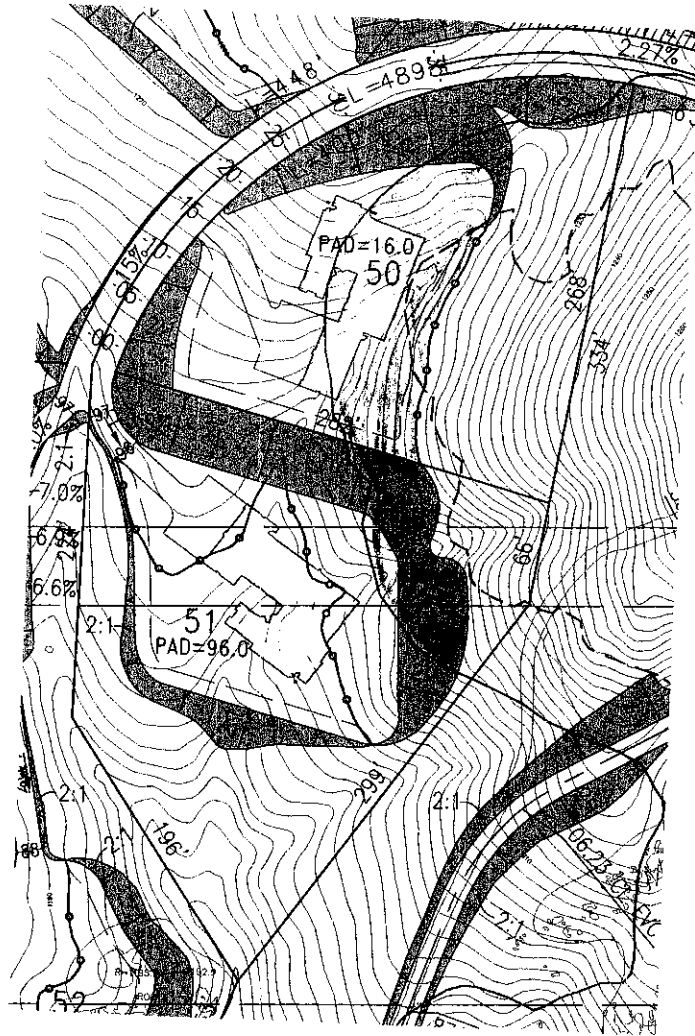
LOTS 45-46



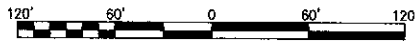
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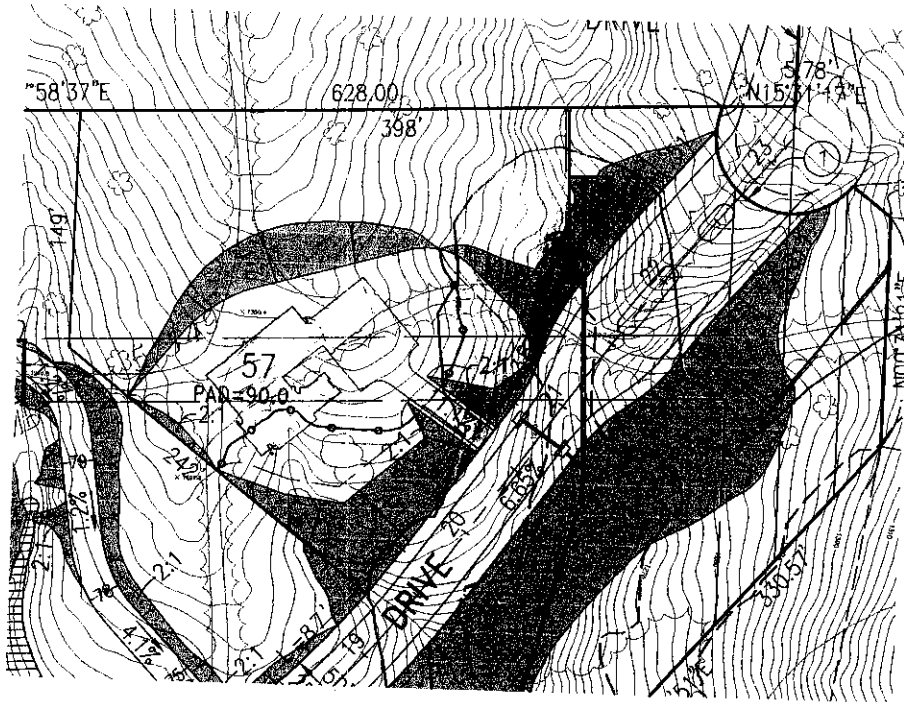
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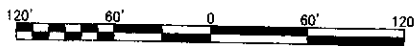
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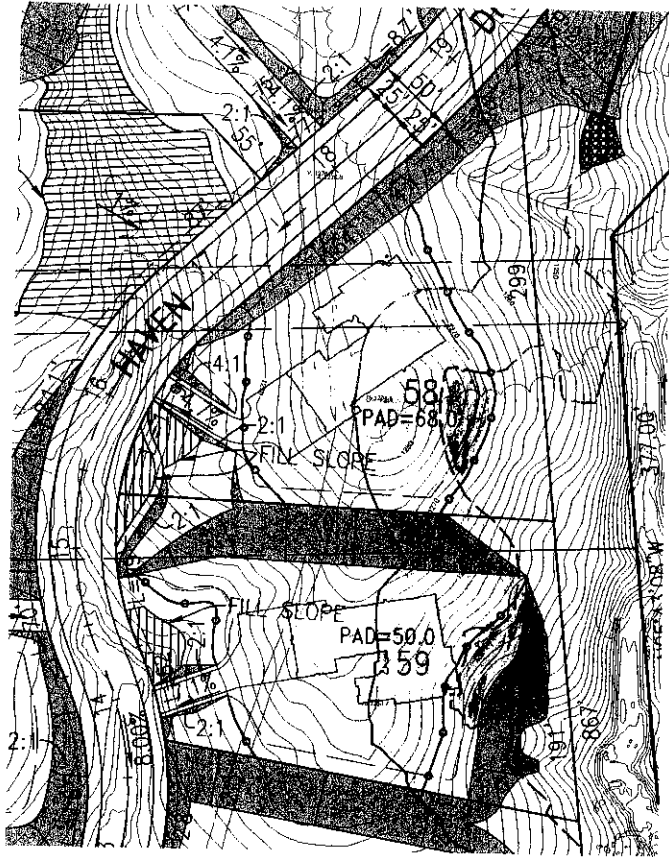
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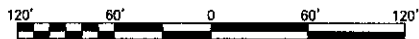
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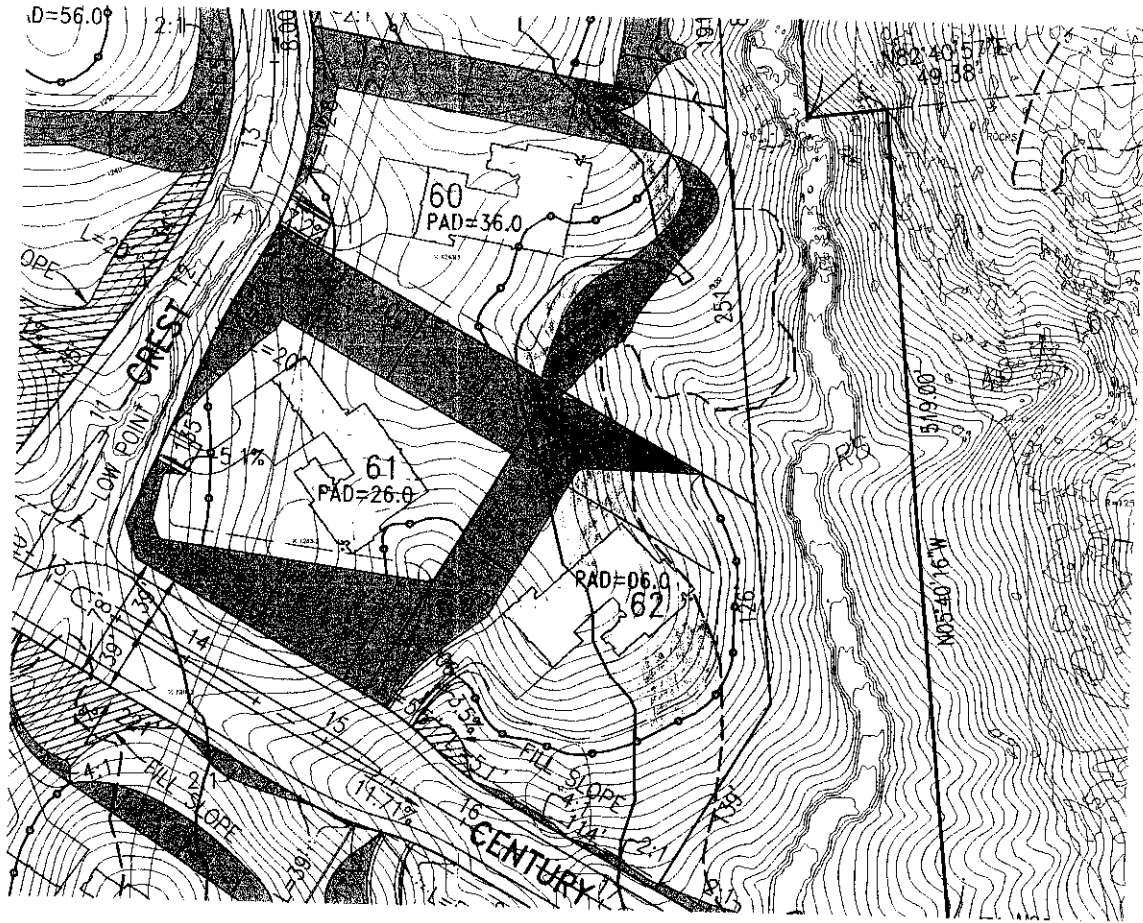
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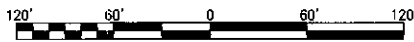
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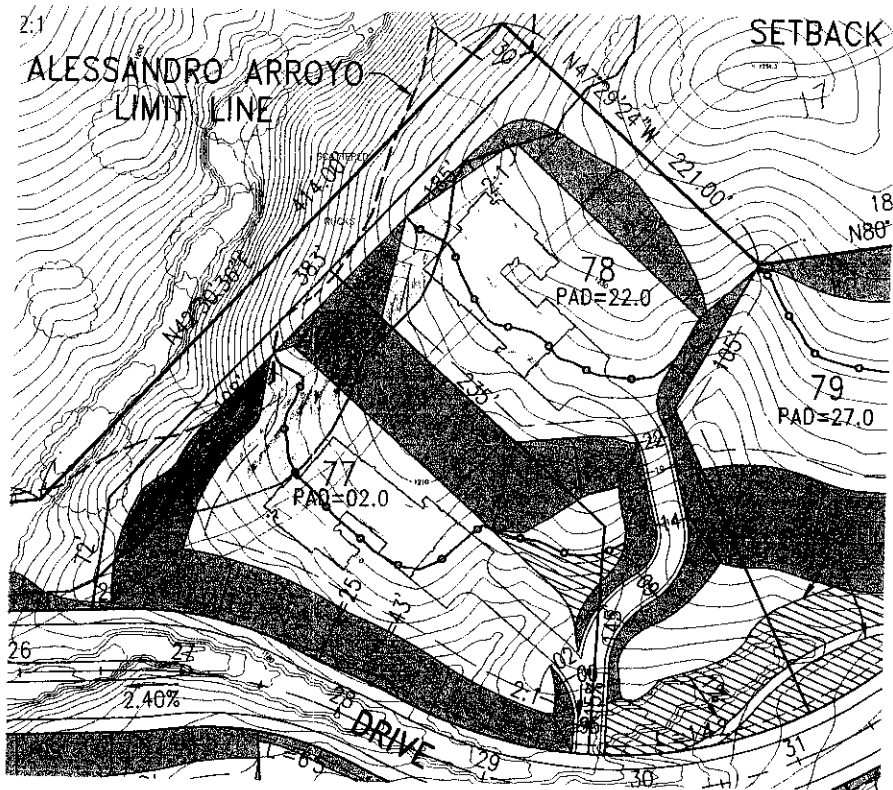
LOTS 58-59



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LOTS 60-61



SCALE 1"=60'



LOTS 77-78



## *Variance Justifications*

CASE NUMBER:

HEARING DATE:

### STAFF SUPPLEMENTED VARIANCE JUSTIFICATION FINDINGS:

Lot Size/Average Natural Slope: (A) • To allow the following lots, with acreage and average natural slope ("ANS") as listed, to contain less than the 2-acre minimum lot size required in the RC zone.

Lot 37, at 1.11 acres in size and an ANS of 18.77%  
Lot 38, at 1.03 acres in size and an ANS of 19.85%  
Lot 39, at 1.07 acres in size and an ANS of 16.38%  
Lot 43, at 1.04 acres in size and an ANS of 16.95%  
Lot 44, at 1.03 acres in size and an ANS of 22.27%  
Lot 45, at 1.19 acres in size and an ANS of 26.67%  
Lot 46, at 1.00 acres in size and an ANS of 19.56%  
Lot 47, at 1.49 acres in size and an ANS of 28.43%  
Lot 48, at 1.01 acres in size and an ANS of 27.73%  
Lot 50, at 1.25 acres in size and an ANS of 28.07%  
Lot 51, at 1.78 acres in size and an ANS of 18.63%  
Lot 53, at 1.73 acres in size and an ANS of 15.16%  
Lot 54, at 1.49 acres in size and an ANS of 20.23%  
Lot 55, at 1.48 acres in size and an ANS of 19.06%  
Lot 57, at 1.73 acres in size and an ANS of 19.60%  
Lot 58, at 1.03 acres in size and an ANS of 21.10%  
Lot 59, at 1.05 acres in size and an ANS of 22.83%  
Lot 60, at 1.17 acres in size and an ANS of 20.30%  
Lot 61, at 1.00 acres in size and an ANS of 16.93%  
Lot 62, at 1.11 acres in size and an ANS of 26.60%  
Lot 77, at 1.28 acres in size and an ANS of 20.31%  
Lot 78, at 1.32 acres in size and an ANS of 17.36%  
Lot 79, at 1.13 acres in size and an ANS of 15.88%  
and

• To allow Lot 49, at 2.0 acres in size and an ANS of 34.57%, to contain less than the 5-acre minimum lot size required in the RC zone.

Lot Widths:

(B) To allow lot widths at the building set back line of less than 130 feet in width for lots 38, 44, 49, and 52.

Land Locked Parcels:

(C) To allow land locked parcels located along private streets for all residential and open space lots.



## **FINDINGS:**

1. *The strict application of the provisions of the zoning Regulations will result in practical difficulties or unnecessary hardships in the development of the property.*

### **Variance A - Lot Size/ANS**

#### **Cluster for Lots 37, 38 and 39**

Compliance with the RC zone would require that lot 37 increase by .89 acres, lot 38 increase by .97 acres, and lot 39 increase by .93 acres. For the reasons discussed below, the acreage required to expand these lots would be removed from adjacent open space lots 91 and 92.

Factual support: Lot 37 can only be expanded to the south or to the west for the following reasons: (i) the north property line is determined by Century Hills Drive, the location of which has been fixed by the development of the TM 28728 -1 to the northeast; (ii) the east property line is fixed because it is the eastern boundary line of the underlying property, (iii) the northeast property line could be moved to incorporate the .25 acres of open space in lot 92. However, even with an expansion to the east, another expansion to the west or south would be required to add enough acreage to comply with the RC zone. In turn, however, expansion to the south would reduce the size of the open space lot 91, and transfer to private ownership a portion of the open space proposed for preservation in that lot. Expansion of lot 37 to the west would also create open space within the lot. Because Lot 37 contains an ANS of 18.77%, the building pad for lot 37 is limited to 21,000 square feet, and is currently proposed at 20,310 square feet. Because the building pad can not expand, the additional .87 acres would become an open space area within lot 37. For the reasons discussed below, the preservation of open space areas on private property is expected to result in practical difficulties.

Compliance with the RC Zoning Ordinance would require lot 38 to increase by .97 acres, and could be accomplished by widening lot 38 to the east and/or to the west or to the south. Because the northern boundary of lot 38 is fixed by Century Hills Drive, the expansion to the south would require the transfer of acreage from the open space lot 91. Widening lot 38 either to the east or west would also result in the creation of an open space area within the lot because at ANS 19.85%, the building pad proposed on lot 38 is 20,110 square feet, close to the 21,000 square feet maximum. Therefore, any increase in the size of lot 38 would require the transfer or the creation of open space within that lot. For the reasons discussed below, the preservation of open space on private lots is expected to result in practical difficulties.

Lot 39 would need to be increased by .93 acres to comply with the minimum lot size standards in the RC zone. As with lots 37 and 38, because of the fixed location of Century Hills Drive to the north, and the open space lot 91, containing the Alessandro Arroyo, to the south, lot 39 could only be increased by an east-west expansion. However, at 21,000 square feet, the proposed building pad is already at the maximum permitted size for the lot at ANS 16.38%, so the expansion would add an open space area to lot 39. For the reasons discussed below, including open space in a privately owned residential lot would result in practical difficulties.

## Factual Support for the Practical Difficulties Associated with the Long Term Preservation of Open Space on Private Property:

The Conditions of Approval for TM 31930 require that all open space land be maintained by a non-profit organization. If the open space is contained in a lot, title to the lot can be transferred to the non-profit organization. If the open space consists of an area within a private lot, an easement for maintenance of the open space area (instead of fee title) would be granted to the organization. Common sense suggests that a property owner would exercise greater control over the property than the owner of an easement. This fact suggests that the preservation of open space is more secure if the property consists of a designated open space lot which can be transferred to the non-profit organization.

For purposes of comparison, if the open space area was located on private property, instead of owning fee title to an open space lot, the organization would own an easement over the open space area on the lot. The fact that the open space would be owned as an easement would result in tension between the property owner and the easement owner. The Conditions of Approval prohibit grading, construction or fencing in open space areas. The following difficulties with regard to the long-term preservation of the open space may arise: (i) The property owner may not be aware of the boundaries of the open space area, (ii) when the property changes hands, a survey would probably be required to confirm the exact location of the open space area within the lot, (iii) the only mechanism available to the organization charged with the preservation of the open space would be the enforcement of the Conditions of Approval. The organization would be burdened with policing the open space area within the private property, and would turn to the City and the code violation authority, to guard the open space. (iv) Once developed, even by an innocent homeowner, the open space would lose the qualities it possessed in its undeveloped state.

The creation of open space lots is a superior mechanism for the long term preservation of open space compared to the creation of open space areas on private property. Because the City of Riverside General Plan identifies the preservation and protection of ridgelines, hillsides, arroyos and other significant natural features as one of its primary goals, and, because this goal is central to the standards in the RC zone; strict compliance with the lot size / ANS requirements should not be promoted at the expense of large open space lots.

### **Lots 43 and 44**

A practical difficulty would result if Lot 43 were increased by .96 acres as required by the RC zone. Lot 43 could be expanded to the south or to the west, however, in both cases the result would be the transfer to private ownership of land in open space lot 88. This strategy, although providing for strict compliance with the RC zone, would result in practical difficulties.

Lot 44 would be required to add .97 acres to comply with the RC zone. The addition of land to lot 44 would result in a practical difficulty because lot 44 is surrounded on three sides by the Alessandro Arroyo. As discussed above, the transfer of acreage from an open space lot to a privately owned parcel, would result in practical difficulties.

### **Lots 45 and 46**

Compliance with the minimum lot size requirements of the RC zone would require the addition of .81 acres to lot 45. The addition of this acreage would reduce the amount of open space proposed for preservation in large blocks, and would result in the practical difficulties discussed above.

Strict compliance with the RC zone would require the addition of 1 acre to Lot 46. The addition of 1 acre to Lot 46 would result in the subtraction of 1 acre from the 34.67-acre block of open space adjacent to lot 46 to the west. For the reasons discussed above in the open space section, such a transfer of open space would result in practical difficulties.

#### **Lots 47, 48 and 49**

Lots 47, 48 and 49 are designed in a cluster. The strict application of the RC zone would require: (i) the addition of .51 acres to Lot 47, (ii) the addition of .99 acres to Lot 48, and (iii) the addition of 3.02 acres to Lot 49. As discussed above in the open space section, the transfer of open space to private property will likely result in practical difficulties. The approval of this variance request will enable the addition of 4.532 acres to open space lot 88.

#### **Lots 50 and 53**

Strict compliance with the RC zone would require lot 50 to be increased by .75 acres and lot 53 to be increased by .27 acres. The addition of .75 acres to lot 50 would result in a corresponding reduction in the area contained in open space lot 88. Similarly, the addition of .27 acres to Lot 53 would reduce open space lot 87. Because the open space lot adjacent to Lot 53 is small (0.71 acres) 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 in lot 87 in the east-west direction would potentially reduce its effectiveness as a wildlife corridor, an unnecessary hardship.

#### **Lot 51**

Strict compliance with the RC zone would require Lot 51 to be increased by .22 acres. However, any increase in size would extend lot 51, or an adjoining lot, into the open space, and result in the transfer of open space to private ownership. Lot 51 could not extend to the west without interfering with the access road to lot 52. Any extension to the south would push lot 52 further south, into the open space lot. Extending Lot 51 to the east would likewise transfer .22 acres of open space to private ownership. In each situation, strict compliance with the RC zone would result in the transfer of open space to private ownership, which results in practical difficulties, as discussed above.

#### **Lots 54 and 55**

The strict application of the zoning code would require the addition of .51 acres to Lot 54 and .52 acres to lot 55. However, the size of lots 54 and 55 is determined by the fixed location of the following: (i) Crest Haven Drive, and (ii) the Alessandro Arroyo tributary in lot 87, and in the northwest corner of lot 88.

**Factual Support:** The location of Crest Haven Drive cannot be moved to the east to provide additional acreage for lots 54 and 55, without impinging on the Arroyo tributary to the east of lots 58-61. 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 lot 54 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, which would result in an unnecessary hardship.

#### **Lot 57**

The size of Lot 57 cannot be enlarged by the .27 acres required to comply with the RC zone without encountering practical difficulties. The size of lot 57 is circumscribed by

the north boundary for the underlying property, the location of Crest Haven Drive to the east, and the property line for lot 56 to the east.

Factual Support: The north boundary line of lot 57 is fixed because it is the north boundary line of the underlying property. The expansion of lot 57 to the west would increase the ANS of that lot to over 30%, which in turn would require the addition of more acreage. Crest Haven Drive cannot be shifted to the east without jeopardizing the "pan handle" portion of open space lot 89. 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.

#### **Lots 58, 59, 60, 61, and 62**

The strict application of the RC zone would require the addition of .93 acres to lot 58, .95 acres to lot 59, .83 acres to lot 60, 1.0 acres to lot 61, and .89 acres to lot 62, for a total addition of 4.6 acres. However, the adjacent open space lot 89, at 4.54 acres in size, does not contain enough acreage to make up the additional acreage required for lots 58 through 62 to conform strictly to the RC zone. Because the location of lot 89 is circumscribed by the north property line, and by Century Hills Drive, even the transfer of the open space in lot 89 would not provide the required acreage. Therefore, strict compliance with the RC zone for lots 58 through 62 results in a practical difficulty, which is impossible to overcome because of the fixed locations of the northeastern boundary of the underlying property and Century Hills Drive.

#### **Lots 77, 78 and 79**

Strict compliance with the RC zone would require the addition of .72 acres to lot 77, .68 acres to lot 78, and .87 acres to lot 79. This additional acreage totals 6.87 acres. As a practical matter, because of the location of the north boundary of the underlying property, the only way to increase the size of the parcels north of Century Hills Drive would be to shift the street to the south. However, shifting Century Hills Drive to the south was rejected because of the impact it would have on the lots south of Century Hills Drive.

Factual Support: Shifting Century Hills Drive to the south would result in the elimination of the 1.69 acres of open space proposed in lot 91 and the incorporation of the Alessandro Tributary area south of lots 37 – 40 into those lots. However, as discussed above in the section on the preservation of open space on private property, with regard to the preservation of open space, an open space parcel is superior to an open space easement.

### **Variance B - Lot Widths**

Front Building Line Standards Contained in the RC Zone: The RC zone requires that "lots with an ANS from 15 to 30% shall have a minimum width at the building line of 130', [and] every lot with an ANS over 30% shall have a minimum width at the building line of 200" (§ 19.09.050) The building line is defined as "a line parallel with the front lot line or planned street line and distance there from the depth of the required front yard." (§ 19.04.070) Front yards in the RC zone are required to have a depth of not less than 30'. (§19.09.060)

The requested variances are required to accommodate the placement of: lot 38 on a curve, and lots 44, 49, and 52 within clustered configurations.

**Lot 38:** Lot 38 has an ANS of 19.85% and a width at the building line of about 110' (20' narrower than the minimum width at the building line imposed by the RC zone). Lot 38 is narrow and deep, and is part of a 4-lot cluster including lots 37-40. Each lot in the cluster takes access directly from Century Hills Drive. Alternatively, lots 37-40 could have been arranged around a cul-de-sac. However, the present configuration of narrow but deep lots was preferred because it provides for open space lot 91, adjacent to lots 37-40 to the south. The addition of 20' at the building line would result in a practical difficulty. The design currently aims to maximize the size of the open space lots proposed for conservation. To insist on strict compliance with the lot width requirement, would elevate lot width to a level of prominence which would potentially jeopardize the conservation of open space.

**Lot 44:** Lot 44 has an ANS of 22.27% and a width at the building line of about 50' (80' narrower than the minimum width requirement). Lot 44 is part of a 2-lot cluster, and shares a common boundary line with lot 43. Strict compliance with the lot width standard would require lot 44 to expand into a square or wide rectangular shape, similar to the shape of traditional subdivision lots. However, because the Alessandro Arroyo surrounds lot 44, such an expansion to the west would be prohibited by the Grading Ordinance, would reduce the open space area, and therefore would result in a practical difficulty.

**Lot 49:** Lot 49 has an ANS of 34.57% and a width at the building line of about 36' (164' narrower than the minimum width requirement of 200' for lots with an ANS of greater than 30%). Strict compliance with the lot width standard would require lot 49 to expand into the traditional square shape commonly found in residential tract subdivisions. The expansion of lot 49 to the west would reduce the adjacent open space lot 88, and conflict with the location of the existing Riverside County Flood Control access road. Strict compliance with the lot width standard would result in practical difficulties, because (i) the location of the Flood Control access road interferes with the ability to expand the lot in the only available direction, to the west, and (ii) the expansion of lot 49 to the west would reduce the open space in lot 88.

**Lot 52:** Lot 52 has an ANS of 21.28% and a width at the building line of about 60' (70' narrower than the minimum width requirement). Strict compliance with the lot width standard could be achieved by reducing the length of the private driveway to lot 52 and extending the private access road. This alternative would increase grading because a private 2-lane access road is twice as wide as the one-lane driveway currently proposed. This variance request provides for the reduction in grading that accompanies the flag lot type design.

### **Variance C - Land Locked Parcels**

TM 31930 is proposed as a private community, with gates proposed at the north end of Crest Haven Drive and at the east end of Century Hills Drive. The placement of gates at the entrances to TM 31930 causes the access roads to become private. Technically, TM 31930 creates landlocked lots, because the zoning code defines a lot as having access to a public street. Because none of the lots in TM 31930 have direct access to a public street, each lot is technically landlocked. In actuality, none of the lots are landlocked because access to each lot is provided, and for this reason this variance request is sometimes referred to as a "technical" variance.

Practical difficulties would arise if each lot in TM 31930 were required to provide direct access to a public street. Either TM 31930 would have to eliminate the gate, or the map would have to be redesigned. Redesigning the map would result in a practical difficulty because of the proximity of the two closest public streets. Crest Haven Drive (constructed with TM 28728-2, and Century Drive (constructed with TM 28728-1) are both public streets which would be available to provide access to the map. However, to require each lot to take access from these public streets would result in an unnecessary hardship because it would elevate the source of access over the ability to preserve open space. TM 31930 already provides access to every lot. To force the map to be redesigned, and reduce and change the shape of the lots to provide direct access for each lot to a public street, would amount to an unnecessary hardship.

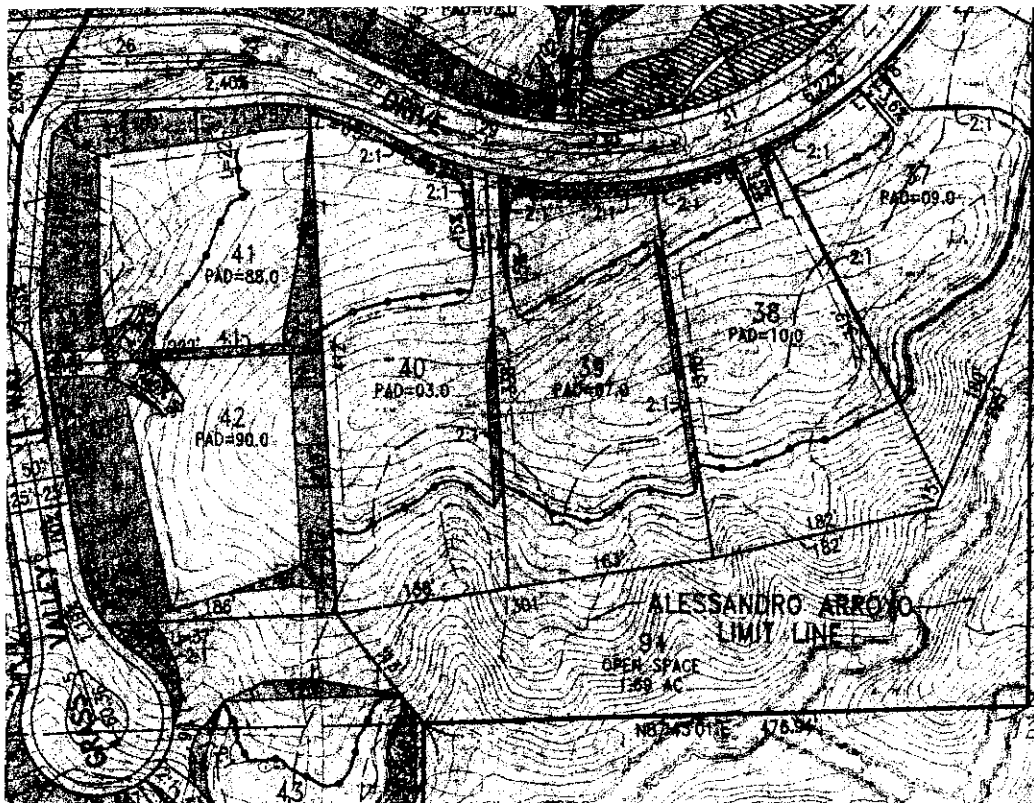
2. There are exceptional circumstances or conditions applicable to the property or to the intended use or development of your property which do not apply generally to other property in the same zone or neighborhood.

### Variance A - Lot Size/Average Natural Slope

#### Lot 37, 38, and 39

The opportunity to cluster the building pads on lots 37 through 40 is an exceptional circumstance that is not generally applicable to other property in the RC zone or in the neighborhood. Clustering reduces grading between the building pads, and achieves a more natural appearance throughout the development of contiguous building pads.

Factual Support for Lots 37 and 38: Although clustering furthers the preservation of open space, property which will support clustered grading is not common in the RC zone or in the neighborhood surrounding the project. Directly south of the Alessandro Arroyo and the subject property is TM 29606, approved in December, 2000. TM 29606 provided for 33 lots on 75.56 acres, of which two lots (or 6 percent) were clustered (lots 29 and 30, see map attached as Exhibit "A"). The most recent tract maps approved in the neighborhood, and which are also located on RC zoned property, are adjacent to each other, and located about 2 miles south of the subject property to the south of Overlook Parkway. TM 31859 (P03-1336), was approved in January 2004, and TM 32042 (PO3-1530) was approved in February, 2004. TM 31859 provided for 12 lots on 24.6 acres, none (zero percent) of which were clustered (see map attached as Exhibit "B"). TM 32042 provided for 8 lots on 16.79 acres, of which three (or 26 percent) were clustered (lots 6, 7, and 8) (see map attached as Exhibit "C"). The ability to cluster building pads to reduce slopes between pads reduces grading and results in residential lots that are more consistent with the original topography.

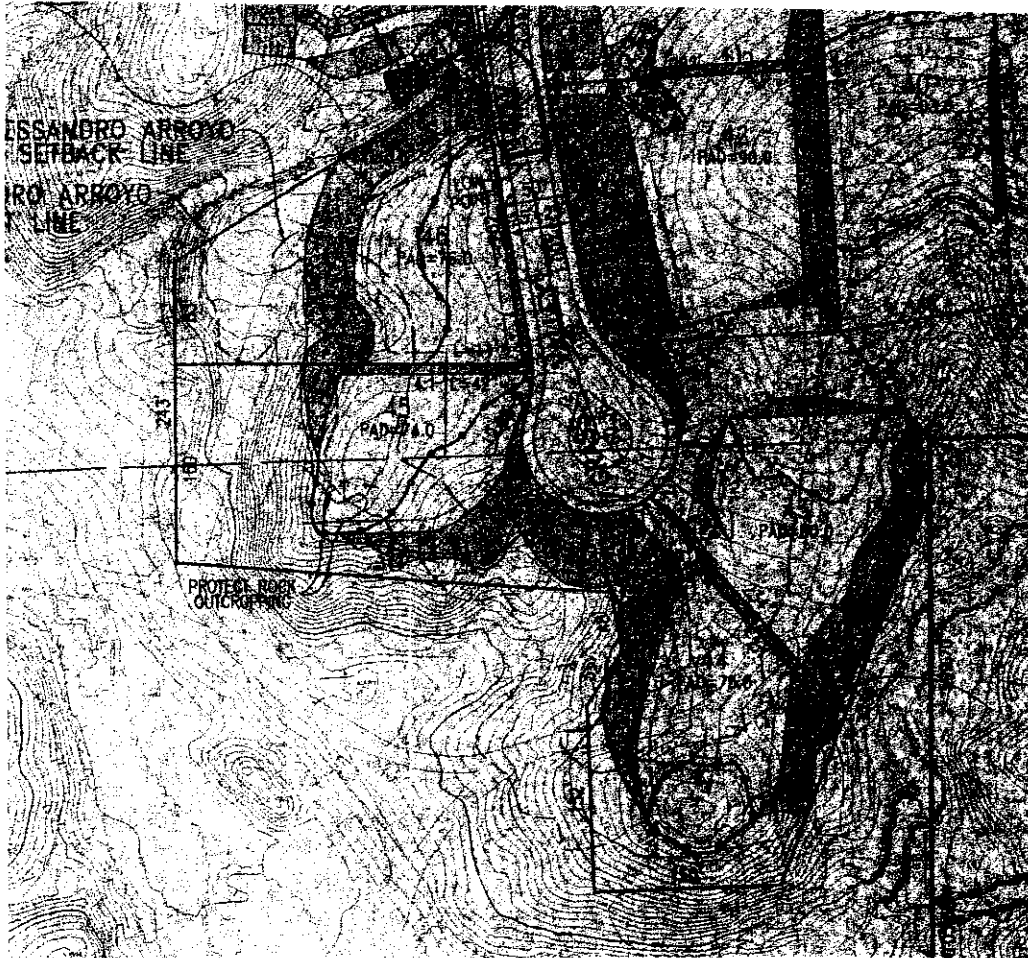


Lots 37, 38 and 39

### Two Clustered Pairs of Lots: Lot 43 / 44 and Lot 45 / 46

Lots 43 and 44 were designed to incorporate the knoll-top that exists on each parcel. The knoll-top on lot 43 establishes the northern boundary of the building pad. Lot 44 contains a natural knoll-top that establishes the southernmost boundary of the building pad. The presence of knoll-tops is an exceptional circumstance which is not generally present on other properties in the RC zone or in the surrounding neighborhood.

Lot 45 also contains a knoll-top, and Lot 46 contains a ridgeline that runs in an east-west direction between Lots 37 and 45. The building pads proposed on these lots are clustered to minimize grading. Lot 46 is located on the western slope of a large flat knoll top that has been chosen as the most appropriate location for the cul-de-sac, Grass Valley Way. The ability to cluster the building pads at the higher elevation provided by the minor ridgeline is an exceptional circumstance that does not apply generally to other property in the RC zone and in the neighborhood. Of the 12 lots approved as TM 31859 (see Exhibit "B"), only Lot 1 contains a knoll top, and there are no minor ridges to support a multi-lot cluster.



Lots 43/44 and Lots 45/46



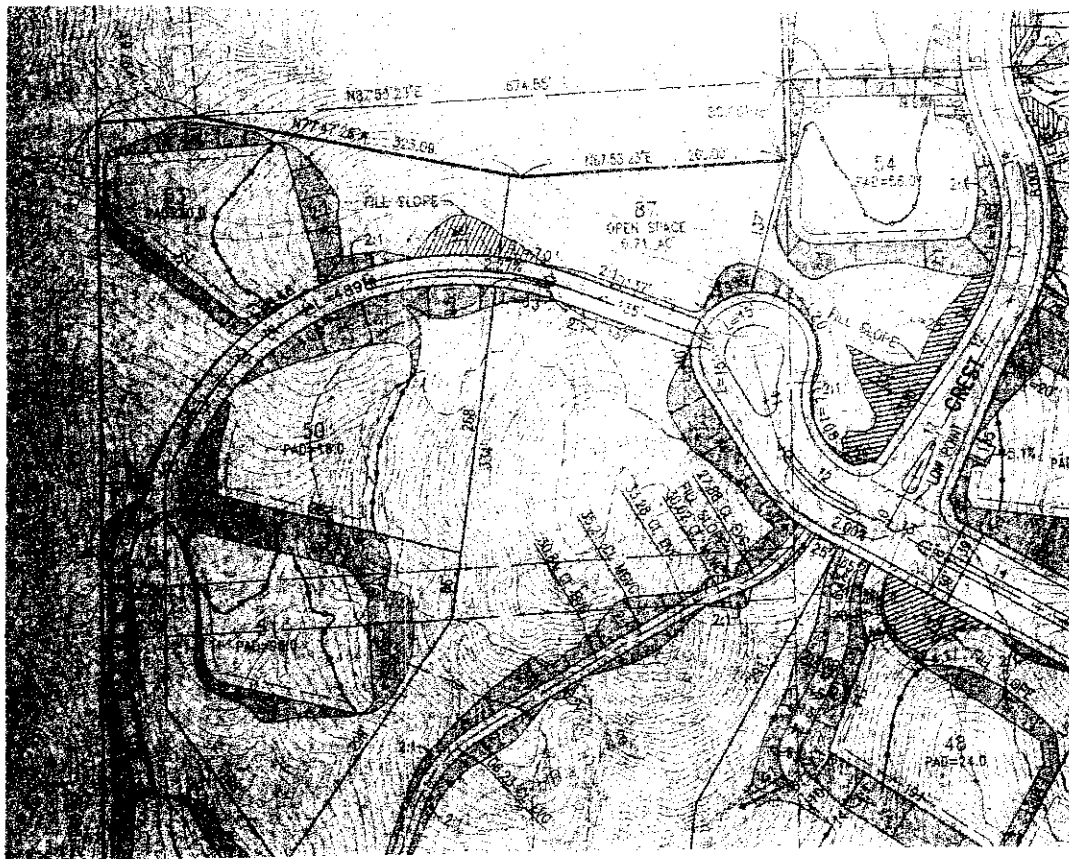
### **Lots 50 and 53**

Lot 50 contains 3 knoll tops, and lot 53 contains one knoll top. The lots straddle the access road and form a cluster that eliminates a front slope on lot 53 and an eastern slope on lot 50.

Factual Support for Lots 43 / 44, 45 / 46, and 50 / 53: The presence of knoll tops is an exceptional circumstance in the surrounding neighborhood and amongst other RC zoned property. For example, TM 29606 (see the map attached as Exhibit "A") (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 (see the map attached as Exhibit "B") 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%).

### **Lot 51**

The proximity of Lot 51 (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 51 and do not apply generally to other property in the RC zone or in the neighborhood. Although the east lot line for Lot 51 could be extended to the southeast to increase the size of the parcel, it would reduce the width of the adjacent open space corridor at the narrowest point.

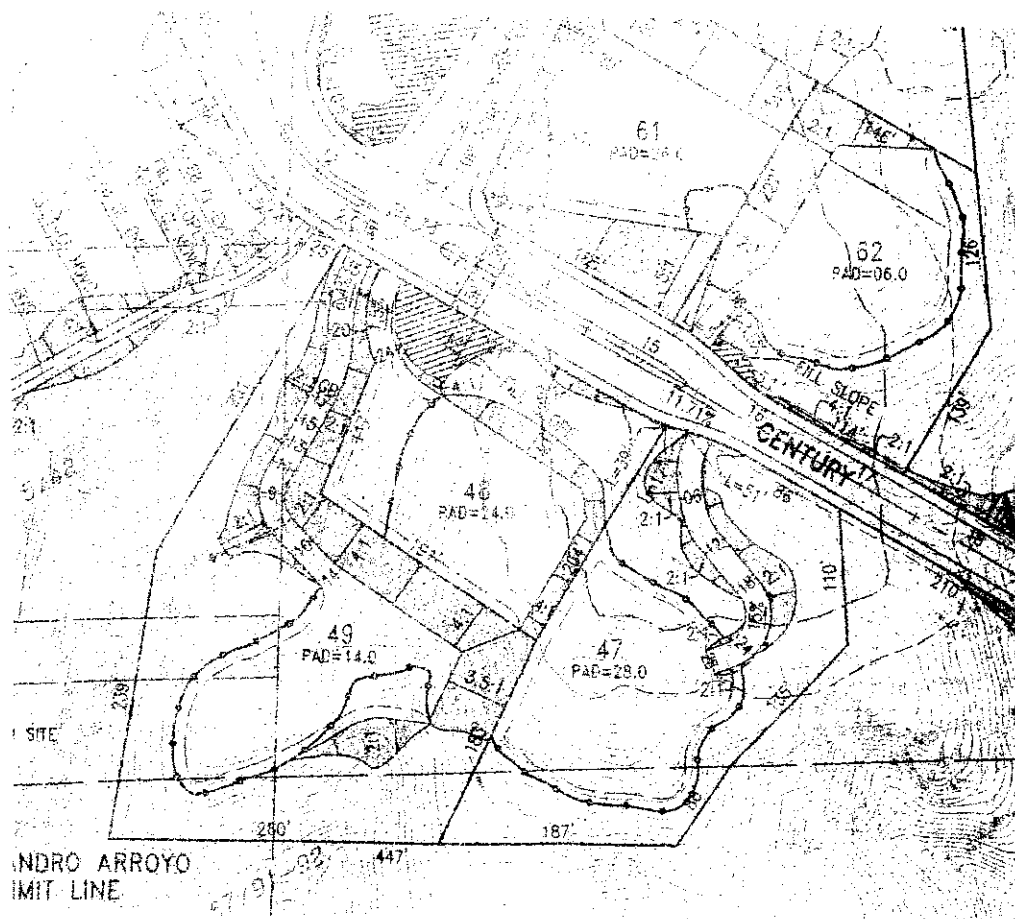


**Lots 50, 51 and 53**

### Three Building Pad Cluster: Lots 47, 48 and 49

Lots 47, 48, and 49 are located on a minor ridge consisting of 5 knoll-tops. The building pads are clustered along the ridge. The presence of a minor ridge consisting of 5 knolls aligned in close proximity is an exceptional circumstance unique to the property in TM 31930.

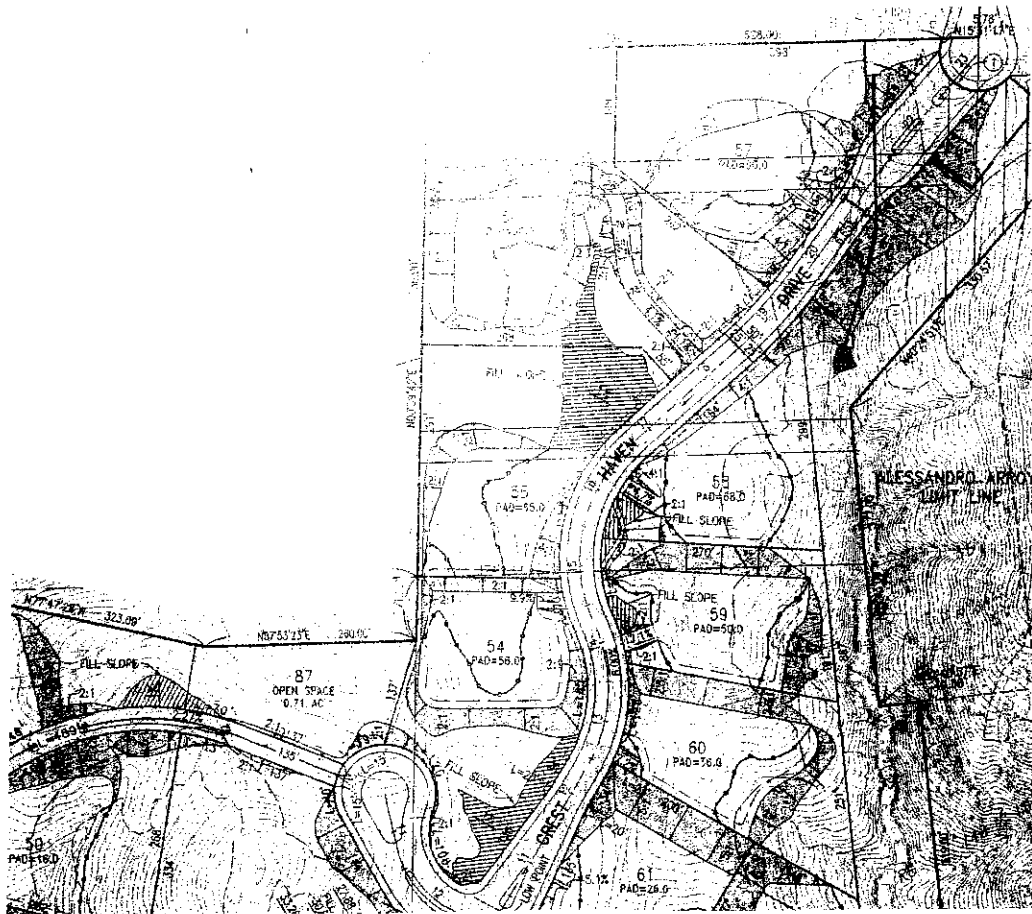
Factual Support: TM 31930 contains three minor ridges, (i) a ridge consisting of 4 knolls, including lots 37 – 42, and lots 45 and 46, (ii) the subject ridge, consisting of 5 knolls, including lots 47 – 49, and (iii) a ridge consisting of 7 knolls, including lots 58 - 62. A total of about 32.83 acres of property in the subject tract map contains minor ridgelines. This amount is determined as follows: The first minor ridge line consists of 8.61 acres tabulated as follows: Lot 37 = 1.11 acres, Lot 38 = 1.03 acres, Lot 39 = 1.07 acres, Lot 40 = 1.18 acres, Lot 41 = 1.01 acres, Lot 42 = 1.02 acres, Lot 45 = 1.19 acres, and Lot 46 = 1 acre; the second minor ridge line consists of 4.7 acres tabulated as follows: Lot 47 = 1.49 acres, Lot 48 = 1.03 acres, and Lot 49 = 2.0 acres; the third minor ridge line consists of 9.86 acres tabulated as follows: Lot 58 = 1.03 acres, Lot 59 = 1.05 acres, Lot 60 = 1.17 acres, lot 61 = 1 acre, and Lot 62 = 1.11 acres. This amounts to about 38% of the total land area (32.83 acres divided by 86.31 acres = 38%). For purposes of comparison, TM 31959 does not contain any minor ridgelines (see map attached as Exhibit "B"), and TM 32042 contains one (supporting lots 6, 7, and 8) consisting of about 4.35 acres or 10% of the 42-acre tract (see map attached as Exhibit "C").



Lots 47, 48 and 49

### Lots 54, 55 and 57

In an attempt to avoid the tributary to the Alessandro Arroyo which runs through the center of the map (along the right side of the map below), Crest Haven Drive serves as the backbone for lots 54, 55, 57 through 60, 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 54 and 55 are circumscribed by the west boundary of the underlying property and Crest Haven Drive, and Lot 57 is circumscribed by Crest Haven Drive and the north boundary of the underlying property. 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 (see map of TM 28728, attached as Exhibit "F"). 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 54, 55, and 57, and are not generally applicable to other properties in the RC zone or in the neighborhood.

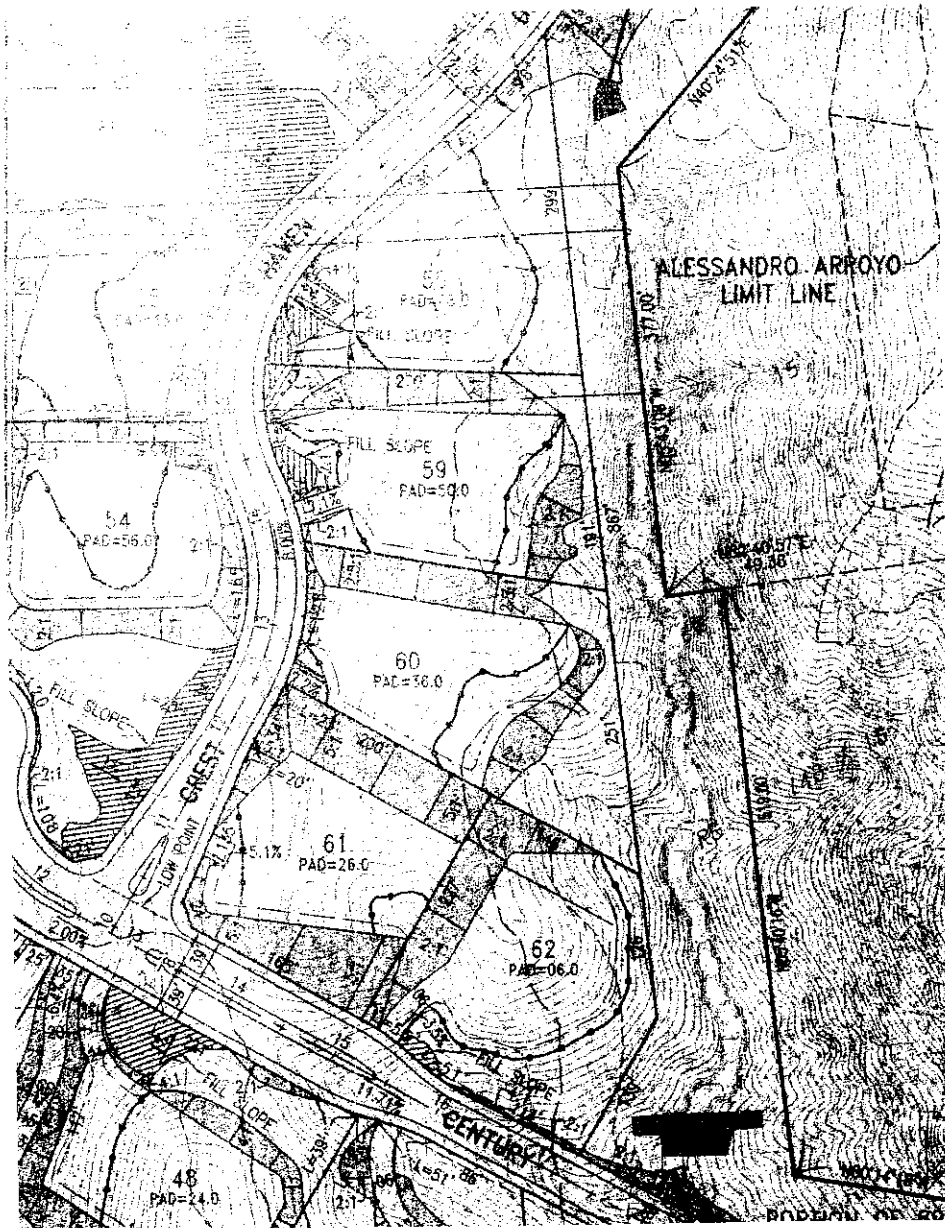


Lots 54, 55 and 57

**Lots 58, 59, 60, 61, and 62**

A ridgeline containing 7 knoll tops extends in a north-south direction between lot 58 and lot 62, and is an exceptional condition applicable to TM 31930, and not to other properties in the RC zone or in the surrounding neighborhood.

Factual Support: The north-south ridgeline is conducive to the terraced grading proposed. Instead of a typical building pad (which consists of slopes on two sides), because of the knoll top, lot 58 does not require slopes on either side, and the building pads on lots 59, 60 and 62 require a slope on only one side. Only lot 61 requires slopes on three sides to accommodate lot 60, Crest Haven Drive, and Century Hills Drive.



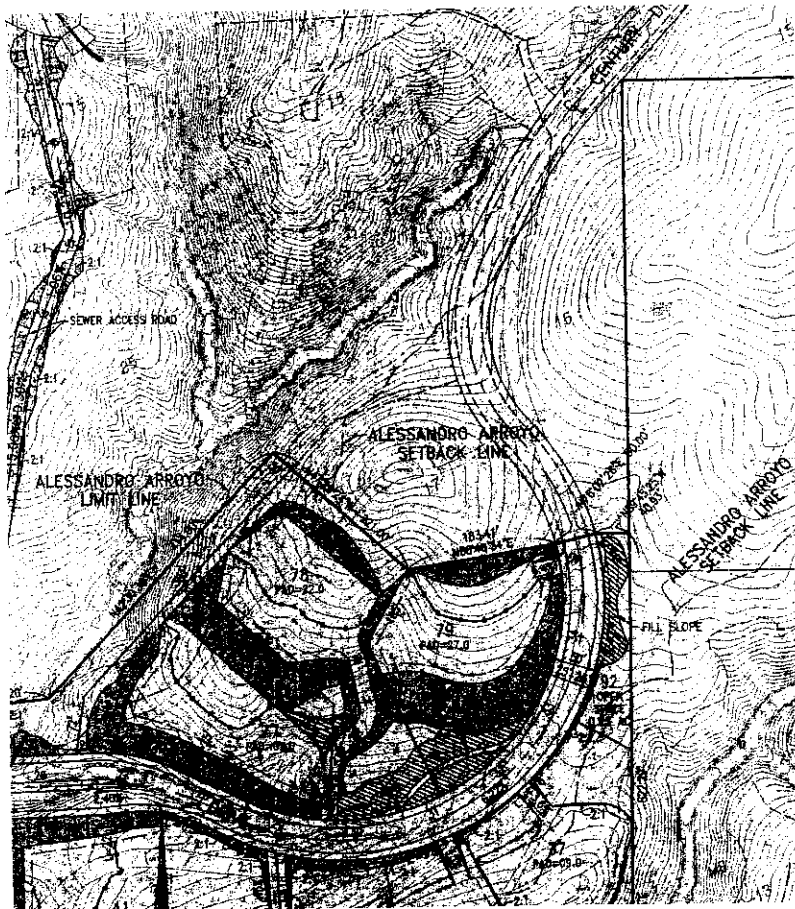
**Lots 58, 59, 60, 61 and 62**

**Lots 77, 78 and 79**

Lots 77, 78, and 79 are clustered on the western slope of a knoll top located in an open space. The knoll lot to the north, and the elevation of Century Hills Drive to the south, enables the clustering of the three building pads. The clustered building pads will reduce grading compared to the grading that would be required to create typical building pads with slopes on all 4 sides.

See the factual support analyzing the presence of knoll tops on neighboring properties within the RC zone, contained in the exceptional circumstance findings for Lots 43/44, 45/46, and 50/53, above.

As identified in the finding for the two clustered pairs of lots 43/44 and 45/46, of the 12 lots approved as TM 31859 (see Exhibit "B"), only lot 1 contains a knoll top, and there are no minor ridges to support a multi-lot cluster.



**Lots 77, 78 and 79**

## **Variance B - Lot Widths**

To allow lot widths at the building set back line of less than 130' in width for lots 38, 44, 49, and 52.

**Lot 38:** The proximity of (i) the Arroyo which is adjacent to the south, (ii) the eastern boundary of the underlying property, and (iii) Century Hills Drive, to the north, resulted in TM 31930 and lot 38 being designed in the current configuration. The location of lot 38 was driven by its proximity to these "boundaries" and, in combination, these "boundaries" represent an exceptional condition not applicable generally to other property in the RC zone or in the neighborhood.

**Lots 44, 49, and 52:** Lots 44 and 49 are surrounded by the Arroyo on two sides. Lot 52 is adjacent to the Arroyo on the east, and the boundary of the underlying property on the west. The proximity of these three lots to the Arroyo, and of lot 52 to the western boundary line of the underlying property, represents an exceptional condition not generally applicable to other property in the RC zone or in the neighborhood.

## **Variance C - Land Locked Parcels**

To allow land locked parcels located along private streets for all residential and open space lots.

The location of TM 31930 is an exceptional condition not generally applicable to other property in the RC zone or in the neighborhood. The roads which provide north-south access overlook the Arroyo tributary, and the east-west access road crosses an Arroyo tributary providing views of a large portion of the Arroyo and tributary areas. Most important is that, because the property is bisected by the tributary, the access to TM 31930 consists of a loop road. However, the loop road within TM 31930 does not provide access to property outside the development, and therefore need not serve anyone other than the residents within the project. This fact supports the use of gates and the reasoning behind maintaining TM 31930 as a private community.

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

### **Variance A - Lot Size/Average Natural Slope**

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 (see map attached as Exhibit "B"). 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 (see map attached as Exhibit "C"). 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 (see map attached as Exhibit "A"). 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%.**

#### **Variance B - Lot Widths**

To allow lot widths at the building set back line of less than 130' in width for lots 38, 44, 49, and 52.

The grant of variances for narrow lots will have no impact on the public welfare, and will not injure TM 31930 or improvements in the neighborhood because the width of a residential lot is not a fact that would be noticeable to members of the general public or neighborhood residents.

#### **Variance C - Land Locked Parcels**

To allow land locked parcels located along private streets for all residential and open space lots.

The placement of gates which results in the access streets being designated as "private" will not be materially detrimental to the public welfare because the gates are equipped with special overrides which allow the Fire Department to access the private community at will. This variance request will not injure the subject property or other properties or improvements in the neighborhood, in fact, it may benefit the property values for other neighboring residences.



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

#### **Variance A - Lot Size/Average Natural Slope**

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" (see General Plan Conservation Element, attached as Exhibit "D"). 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 (see Residential Conservation Zoning Ordinance, attached as Exhibit "E").

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.

#### **Variance B - Lot Widths**

To allow lot widths at the building set back line of less than 130' in width for lots 38, 44, 49, and 52.

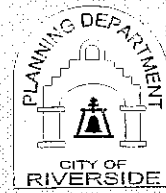
The approval of this variance request is consistent with the Conservation Element of the General Plan because it provides for the clustering and creative residential design incorporated into TM 31930. This creativity of design will, in turn, facilitate the preservation of open space.

#### **Variance C - Land Locked Parcels**

To allow land locked parcels located along private streets for all residential and open space lots.

The General Plan does not address this issue.

**EXHIBITS A through F FOLLOW**



## Tract Map

PLANNING COMMISSION HEARING DATE: December 21, 2000

**TRACT MAP 29606 (Continued from the December 7, 2000 meeting):** Proposal of Webb Associates, on behalf of Dr. Yang-Chang Hong, to subdivide approximately 75.56 acres into 33 single family residential lots, situated northerly of Overlook Parkway, easterly of Wyndham Hill Road, and southerly of the Alessandro Arroyo, in the RC — Residential Conservation Zone.

### **BACKGROUND/PROJECT DESCRIPTION**

H & L Hawarden Group is proposing to establish 33 single family residences on approximately 75.6 acres of vacant land within Alessandro Heights in the RC-Residential Conservation Zone. The site is generally bounded by Wyndham Hill Road to the east, Overlook Parkway to the north and the Alessandro Arroyo to the south and west. Existing surrounding development consists of single family residences on large estate lots to the west and south, and the Alessandro Arroyo to the north and east. Portions of the site lie within the limits of the Alessandro Arroyo and its tributaries as defined in the City's grading ordinance.

The site is characterized by rolling topography, including a series of ravines, ridgelines, natural water courses, including a blue line stream, and tributary segments of the Alessandro Arroyo. The project is designed as a conventional large lot subdivision, and the project for the most part avoids grading within the protected arroyo tributaries, as pads are situated on the flatter knolls and ridges. The project proposes 33 residential lots, with lots ranging from approximately 1 to 6.3 acres in size. The overall average lot size of 2.03 acres. Several lot size variances are requested to accommodate the project as proposed, and these are discussed in the body of this report. Grading to implement the project will involve establishing residential pads ranging from 19,000 to 27,000 square feet in size.

The project will be served by a public street system through an extension of Chateau View Drive and Chartwell Road. Three additional 66-foot streets will serve the site from the easterly extension of Chateau View Drive. Public stub streets are extended to the northerly and easterly property lines to provide access to the adjoining parcels.

The subject site was part of a tentative tract map TM 23664, approved in 1991. While two phases of this map recorded, the phase covering the subject property did not record, and the map expired in January, 2000. The lots situated south of the project site are within recorded phases of TM 23664. The current proposal is similar in design to the previously approved tentative map. However, at the time the original map was approved, the grading ordinance was not in existence. As a result, a series of deviations from the grading ordinance are now being requested. These are discussed in detail under the grading section of the report.

**EXHIBIT A**  
**(2 of 9)**

## ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

The subject site is zoned RC — Residential Conservation and has a General Plan designation of RHS — Hillside Residential. The proposed project is consistent with the General Plan designation, and the proposed lot sizes are generally consistent with the requirements of the RC Zone. The RC Zone requires an average lot size of 2 acres, while the average lot size of this project is 2.03 acres. Although the overall density complies with Code standard, lot size variances are requested for eight of the proposed lots. These variances are discussed under the following Map Design analysis.

- **Map Design**

The following table is a reference chart for each lot within the tract, listing Average Natural Slope (ANS) for each lot and each pad area as well as any required variances. Variances and Grading Exceptions noted in bold are those requested by the applicant. Those not in bold are exceptions or variances shown on the proposed map, which the applicant intends to eliminate by revising the map and grading plan.

Lot	Lot ANS (%)	Lot Size (in acres)	Pad ANS (%)	Pad Size (in square feet)	Variances	Grading Exceptions
1	19.1	2.05	17.0	21,000		
2	21.2	2.01	20.0	21,000		
3	14.7	1.10	13.3	27,000		Driveway
4	25.1	2.52	20.0	21,000		<b>Slope Height, Driveway</b>
5	24.1	3.13	18.1	21,000		Driveway
6	31.2	<b>3.93</b>	20.0	21,000	<b>Lot Size</b>	<b>Arroyo Setback, Driveway</b>
7	25.3	2.25	16.2	21,000		<b>Arroyo Setback</b>
8	17.3	<b>1.75</b>	21.0	21,000	<b>Lot Size</b>	
9	24.0	2.00	18.1	21,000		Driveway
10	23.5	2.01	18.1	21,000		Driveway
11	24.8	2.00	14.8	27,000		Driveway
12	25.1	2.00	14.1	27,000		

**EXHIBIT A**  
**(3 of 9)**

13	25.9	1.39	17.1	21,000	Lot Size	
14	22.9	1.39	17.1	21,000	Lot Size	
15	14.2	1.00	11.9	27,000		
16	12.8	1.00	11.9	27,000		
17	14.9	1.29	15.2	21,000		
18	13.5	1.05	11.9	21,000		
19	16.3	1.38	16.2	21,000	Lot Size	Driveway
20	31.8	6.30	21.0	21,000	Lot Width	Arroyo Setback, Driveway
21	19.2	1.93	16.2	21,000	Lot Size	
22	23.0	1.53	17.1	21,000	Lot Size	Driveway
23	22.1	1.59	20.0	21,000	Lot Size	Driveway
24	23.9	2.68	18.1	21,000		Driveway
25	14.6	1.13	17.1	21,000		Driveway
26	14.8	1.04	21.0	21,000		
27	26.6	2.08	11.1	27,000		
28	22.0	1.83	16.2	21,000	Lot Size	Driveway
29	29.9	2.31	19.0	19,000		Slope Height, Arroyo Setback
30	26.3	2.11	15.2	20,000		
31	28.2	2.25	21.0	21,000		Arroyo Setback
32	24.6	2.03	19.1	21,000		
33	28.1	3.01	19.1	21,000		Arroyo Setback, Driveway

### *Lot Size Variances*

The overall density of the map complies with the RC Zone standard, with 33 lots in 67.15 net acres, for an average density of one unit per 2.03 acres. However, nine lots (Lots 6, 8, 13, 14, 19, 21-23 and 28), fail to comply with the minimum individual size standards of the RC Zone. Lot 6 has an ANS of 31.2% and is required to be at least 5 acres, but is proposed

at 3.93 acres in size. The remaining eight lots have an ANS between 16.3% and 25.9% and are required to contain at least two acres. These lots range from 1.38 to 1.83 acres in size.

The applicant-prepared variance justification findings are attached as Exhibit 6. The applicant cites topographical and street alignment constraints, along with improved map design and open space retention and maintenance issues as justification for the requested variances. In reviewing the applicant's request, staff is generally supportive of the requested variances. For eight of the nine lots, the applicant has demonstrated that they could comply with the lot size requirement by adjusting property lines. In most cases, adjustment of the lot lines to comply with the Code creates a series of awkward, irregularly shaped lots, much of which is within the open space area and not a usable part of the lot. As such, staff sees no benefit in redrawing lot lines to comply with the letter of the Code and would support lot size variances to accommodate a better project design with more logical lot configurations.

The exception is Lot 28, which is approximately 1.83 acres in size. In this case, minor adjustments between Lots 27 and 28 and minor modifications to adjoining street alignments would provide sufficient lot area to provide the required 2 acres in a logical manner. Staff recommends that the map be modified so that Lot 28 complies with the lot size requirements, and the applicant has agreed to make the necessary modifications.

#### ***Lot Width for Lot 20***

The RC Zone requires that all lots with an ANS of thirty percent or greater also have a minimum lot width of two hundred feet at the building setback line. Lot 20, with a width of 180 feet does not comply with this standard. The applicant indicates that the common lot line between Lots 20 and 21 will be adjusted in order to allow Lot 20 to comply with the standard.

#### ● **Open Space Conservation**

Apart from the proposed pad grading and street construction, a majority of the land under this map will be left undisturbed. Much of this undisturbed area lies within protected tributaries to the Alessandro Arroyo as defined in the City's grading ordinance. As such, it is important that these open space areas be defined and protected in perpetuity. The applicant has agreed to set aside all ungraded portions of the map in an open space conservation easement.

With these areas set aside, there are two options available to maintain this land in its natural state. Staff believes it would be most preferable to dedicate these areas either in fee or with an open space easement to an appropriate non-profit conservation agencies which have expertise and experience in managing natural areas, such as the Riverside Land Conservancy. In the event a suitable conservation organization cannot be found accept this property, it is recommended that a Homeowners Association be formed and charged with maintenance and stewardship of these areas. In addition, staff would recommend that an open space management plan be developed to ensure that a maintenance program is developed for the

open space. This plan should also specify fencing around the streets and pads to protect open space areas.

- **Location and Access**

The proposed map will extend both Chateau View Road and Chartwell Drive, 66-foot wide two-lane public streets that are currently stubbed to the subject property from the west. Chateau View Drive will be extended through the site to the southeasterly corner to provide access for off-site future development which may occur. Two new public streets will be established off Chateau View Road to provide access to the north, and another stub street will be extended easterly to provide access opportunities. Chartwell Drive will also be extended, completing a loop from Chateau View Drive to Wyndham Hill Drive.

The circulation system is relatively fixed. In conjunction with the previous map (TM 23664), public utilities easements and offers of street dedication were recorded which follow the proposed street alignments. These alignments were extended through subsequent utilities easements and offers of street dedication recorded on the adjacent property to the north.

***Off-Site Access***

In reviewing this project there is a concern with the provision of access to properties to the northeast of the site. In 1985, the Planning Commission approved TM 21156, a 36-lot subdivision generally located to the northeast of this map, with no direct connection to the subject property. Access to the subdivision was provided from Via Vista Drive to the east, as no streets existed to the west. Under the approved subdivision, Lot 36 of TM 21156 was created as a flag lot with access from Canyon Hill Drive. Access to the buildable westerly portion of the lot necessitates a private driveway or bridge crossing of the main branch of the Alessandro Arroyo. The lot has not yet been developed, nor has a permanent arroyo crossing been established. Subsequent to the approval of this map, the Alessandro Heights Study Grading and Arroyo Preservation Study and Grading Ordinance were prepared and adopted, and the adopted grading ordinance now prohibits private drive crossings of the major arroyos.

Although TM 21156 has long since recorded and points of access for each lot are fixed, the development of TM 29606 presents an opportunity to provide alternate access for Lot 36 of TM- 21156 without crossing the Alessandro Arroyo. Granting an access easement across Lot 20 would provide access from a public street (Peckham Road) to the southwesterly corner of TM 21156 Lot 36, where the building site is located. While easements from other abutting property owners would be required to provide functional access to this property, staff believes this represents an opportunity to reduce development impacts on the Alessandro Arroyo. Additionally, access from this location would result in minimal physical disturbance, as the topography is suitable for such a driveway. The owner of TM 21156 Lot 36 has verbally requested that such an easement be granted, and has agreed to waive access rights from Canyon Hill Drive. The applicant has agreed to provide this easement to

accommodate TM 21156 Lot 36. The specific easement alignment shall be subject to Planning Department and Public Works Departments review and approval.

## ● Grading

The overall grading for the tract provides for the proposed street system and residential pads between 19,000 and 27,000 square feet, involving manufactured slopes up to twenty feet in height. Manufactured slopes for the street grading are up to thirty feet in height. Earthwork quantities are unknown at this time. A number of grading exceptions for slope heights and grading within the Alessandro Arroyo are requested to implement the project as proposed, and are discussed below.

### *Manufactured Slope Heights*

Lots 4 and 29 have manufactured slopes over twenty feet in height, which exceeds the maximum slope height permitted by the grading ordinance. The overheight slopes proposed for Lot 4 are associated providing vehicular access to a drainage inlet as required by the Public Works Department. The slopes proposed on Lot 29 vary between ten and thirty feet in height, and the overheight portions are associated with the extensions of Albacore and Chateau View Drives. Given that these overheight slopes are a result of fixed public facilities, staff is supportive of these two exceptions.

### *Grading within the Alessandro Arroyo Tributaries*

This map proposes grading within protected tributaries of the Alessandro Arroyo, as set forth in the grading ordinance, in order to create graded pads and accommodate two public street crossings. As discussed previously in this report, the street alignment through the map is basically fixed and necessitates two crossings of tributaries, once by Chateau View Drive and a second by Peckham Road. The first crossing, between lots 6, 7, 29 and 33, involves grading both within the setback and within the bounds of the tributary itself. Inasmuch as the street alignment is fixed as discussed previously, staff supports the requested grading exceptions in this area.

The second crossing, between lots 19 and 20, involves filling in the headwater of a small arroyo tributary. This crossing will not sever any connections to other portions of the arroyo and will not destroy any significant topographical feature. Given that the crossings are necessary to serve this and the adjacent properties and that the proposed grading is limited, staff is supportive of this exception.

Grading exceptions for pads on individual lots are analyzed below.

Lot 6 Approximately one quarter of the proposed pad on this lot encroaches into the arroyo setback area, though not into arroyo itself. The proposed pad for this lot will not result in any fill slopes within the arroyo. Instead it will be cut and leveled to an existing contour.



The proposed pad could be shifted to the south to eliminate the encroachment, but this would involve filling the other drainage feature on the lot and removal or burying of some significant rock outcrops. The tributary to the south is not protected by the grading ordinance, but it is a steep feature within some major rock outcrops and should be preserved, in staff's opinion. Staff believes the proposed grading is appropriate given the constraints of the lot, and supports the requested grading exception. Staff would, however, recommend that a covenant be recorded prohibiting future building on that portion of the pad located within the arroyo setback.

Lot 20 The southwestern edge of the proposed pad encroaches up to about sixteen feet into the setback from the arroyo. Staff notes that this area of encroachment is relatively small (approximately 1,200 square feet in area) and does not involve any cut or fill slopes in the arroyo, instead daylighting at an existing contour. Eliminating the encroachment would result in an irregular pad that would not be a practical design and may interfere with the newly proposed private access easement. Staff, therefore, supports the requested exception.

Lot 29 Apart from the street crossing discussed above, the amount of encroachment for the pad, found at the western corner of the lot, is minor. It appears that this encroachment may be eliminated without negative impacts to the development of the lot and staff recommends that the grading be revised to provide the required setback.

Lot 31 The proposed graded pad on this lot is roughly triangular shaped and follows the contours of the portion of the arroyo that crosses the lot. A minor finger of the tributary juts into the lot, and the pad grading encroaches approximately 25 feet into the required setback from this finger. Staff can support this limited encroachment as the grading complies with the required setback for the main branch the arroyo.

Lot 33 This lot is located at a confluence of two smaller drainages, which creates limited opportunities for locating a pad. The proposed pad site selected for the proposed pad is the flattest of the three areas and is devoid of any significant rock features which occur elsewhere on the lot and will be protected in place. Relocation of the pad would require extensive filling of the tributary features and the removal or covering of sizeable rock outcroppings. Additionally, the encroachment area is adjacent to an area that will be disturbed due to the street crossing, which minimizes the visual impacts of such grading. While staff is supportive of the general pad location of the pad and supports some encroachment into the arroyo setback, it is recommended that all encroachment into the arroyo itself be eliminated and the encroachment into the arroyo setback be minimized to the extent feasible.

### *Driveways*

The driveways depicted for lots 3-6, 9-11, 19, 20, 22-25, 28 and 33 are all twenty feet wide where the Grading Ordinance limits driveway width to 15 feet. The applicant has indicated that the driveways will be reduced to the maximum permitted width.

- **Environmental Considerations**

There are several important environmental issues associated with this project that are discussed in detail in the initial study, and these issues are summarized below.

***Gnatcatcher Considerations***

The biological study for the project indicated the presence of coastal sage scrub habitat along the easterly project limit, which serves as potential habitat for the federally endangered California Gnatcatcher. Since no focused gnatcatcher survey was prepared, the site is presumed to be occupied. As such, the applicant will be required to prepare a Habitat Conservation Plan (HCP) and obtain an incidental take permit from the U.S. Fish and Wildlife Service. The biological study included specific mitigation measures related to when and how vegetation may be cleared, property mitigation through off-site habitat conservation, proper site access and project area maintenance. These measures have been incorporated into the recommended conditions of approval for the project.

***Wildlife Corridor***

The central drainage feature (behind Lot 7-16 and between Lots 29-33) is an important linkage between approximately fourteen acres of open space preserved within TM 26109 to the southeast and the main branch of the Alessandro Arroyo to the northwest (See Exhibit 5). The crossing of Chateau View Drive and related fill slopes will effectively create a barrier to animal movement along this corridor. Staff believes it is important to maintain opportunities for movement along this corridor. As such, it is recommended that a functional wildlife corridor be provided under Chateau View Drive, as determined by a qualified biologist and approved by the Planning Department. Options for maintaining the corridor may include the installation of one or more large culverts under the roadway, retention of a short natural span area under the roadway, or other alternative deemed appropriate by the biologist.

- **Neighborhood Compatibility Considerations**

This map will accommodate a public street system and typical RC zoned subdivision of a size and configuration similar to what is found in the surrounding area. With the conditions regarding the establishment of open space areas and minimized grading, this map should be compatible with the surrounding residential neighborhood and sensitive to the existing natural features on-site.

**RECOMMENDATION**

That the City Planning Commission:

1. **APPROVE** Subdivision Case TM 29606, subject to the recommended conditions of approval and based on the follow:

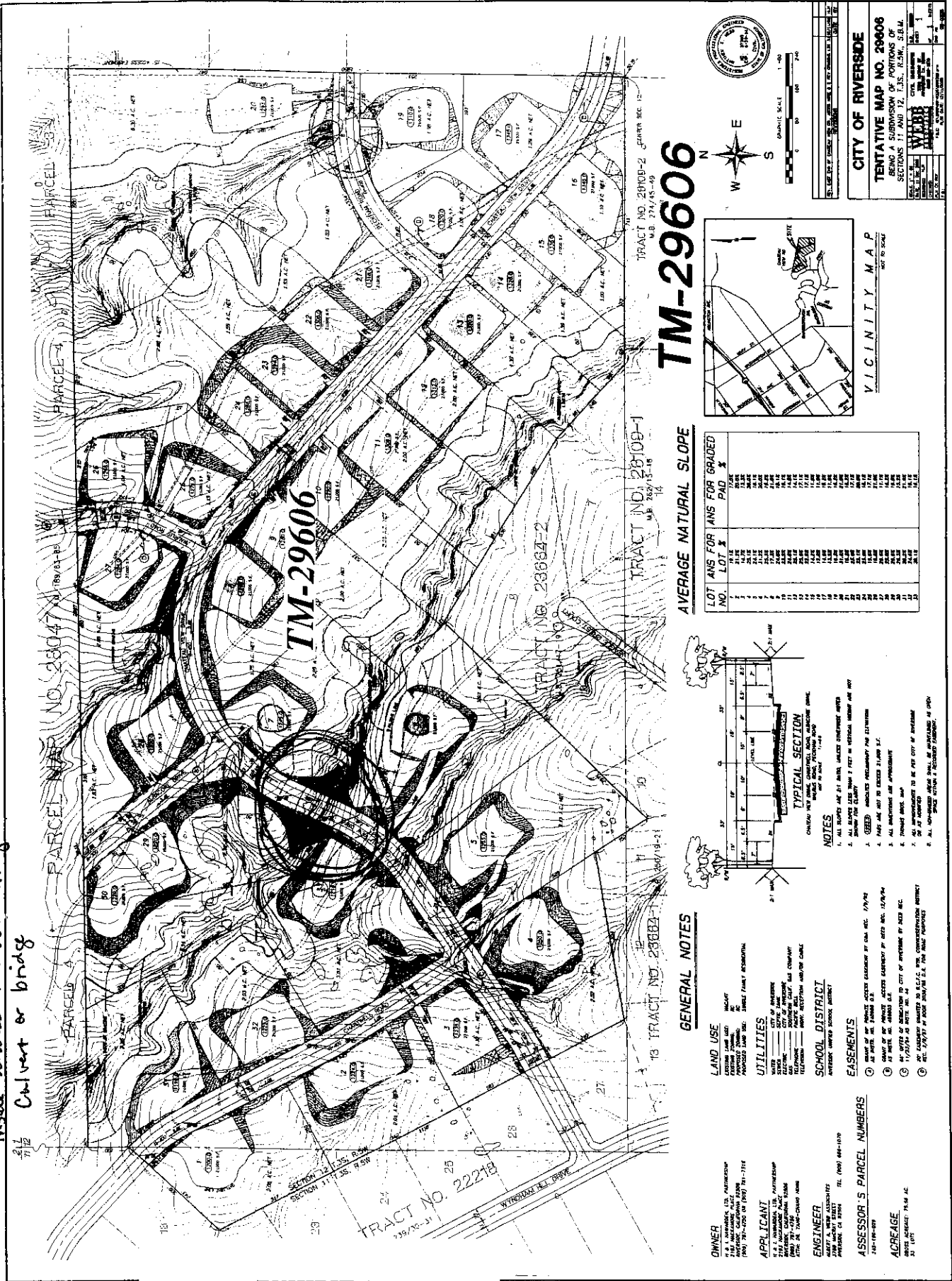
**EXHIBIT A**  
**(9 of 9)**

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Fixed Street Alignment (egs grading inside setbacks & inside Arroyo)

Wildlife Corridor

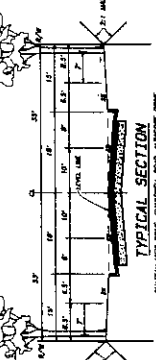
1/2 Culvert or bridge



# TM-29606

### AVERAGE NATURAL SLOPE

LOT NO.	LOT AREA	AVERAGE NATURAL SLOPE
1	11.16	11.16%
2	11.16	11.16%
3	11.16	11.16%
4	11.16	11.16%
5	11.16	11.16%
6	11.16	11.16%
7	11.16	11.16%
8	11.16	11.16%
9	11.16	11.16%
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24	11.16	11.16%
25	11.16	11.16%
26	11.16	11.16%
27	11.16	11.16%
28	11.16	11.16%
29	11.16	11.16%
30	11.16	11.16%
31	11.16	11.16%
32	11.16	11.16%
33	11.16	11.16%



- NOTES**
1. ALL SLOPES ARE 2% UNLESS OTHERWISE NOTED
  2. ALL SLOPES SHALL BE MINIMUM 2 FEET IN VERTICAL HEIGHT AND NOT LESS THAN 12 INCHES IN WIDTH
  3. (SEE) INDICATES OCCUPANCY THE ELEVATION
  4. MAX. GROUND TO BE EXCEEDED 2.000 FT.
  5. ALL IMPROVEMENTS ARE APPROXIMATE
  6. THICKNESS SHALL BE APPROXIMATE
  7. ALL DIMENSIONS TO BE PER CITY OF RIVERSIDE
  8. ALL DIMENSIONS SHALL BE PER CITY OF RIVERSIDE
  9. ALL DIMENSIONS SHALL BE PER CITY OF RIVERSIDE

### GENERAL NOTES

- LAND USE**
- RESIDENTIAL
  - COMMERCIAL
  - INDUSTRIAL
  - AGRICULTURAL
  - RECREATION
  - UNDEVELOPED
  - WATER
  - WETLANDS
  - WILDLIFE
  - WINDYBELL DRIVE
- UTILITIES**
- WATER
  - SEWER
  - ELECTRIC
  - TELEPHONE
  - CABLE
  - TELEVISION
  - INTERNET
  - WINDYBELL DRIVE
- SCHOOL DISTRICT**
- WINDYBELL DRIVE
- EASEMENTS**
- 1. GRANT OF EASEMENT TO CITY OF RIVERSIDE BY CH. SEC. 17/9/92
  - 2. GRANT OF EASEMENT TO CITY OF RIVERSIDE BY CH. SEC. 17/9/92
  - 3. GRANT OF EASEMENT TO CITY OF RIVERSIDE BY CH. SEC. 17/9/92
  - 4. GRANT OF EASEMENT TO CITY OF RIVERSIDE BY CH. SEC. 17/9/92
  - 5. GRANT OF EASEMENT TO CITY OF RIVERSIDE BY CH. SEC. 17/9/92

**OWNER**  
 T. S. WINDYBELL, LTD.  
 1000 WINDYBELL DRIVE  
 RIVERSIDE, CALIFORNIA 92507  
 (951) 774-1111

**APPLICANT**  
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 (951) 774-1111

**ENGINEER**  
 ALBERT A. WINDYBELL  
 1000 WINDYBELL DRIVE  
 RIVERSIDE, CALIFORNIA 92507  
 (951) 774-1111

**ASSESSOR'S PARCEL NUMBERS**  
 148-119-001

**ACREAGE**  
 1.0000 AC.

EXHIBIT A (1 of 9)

## Proposed Subdivision Map



SEE SHEET 1

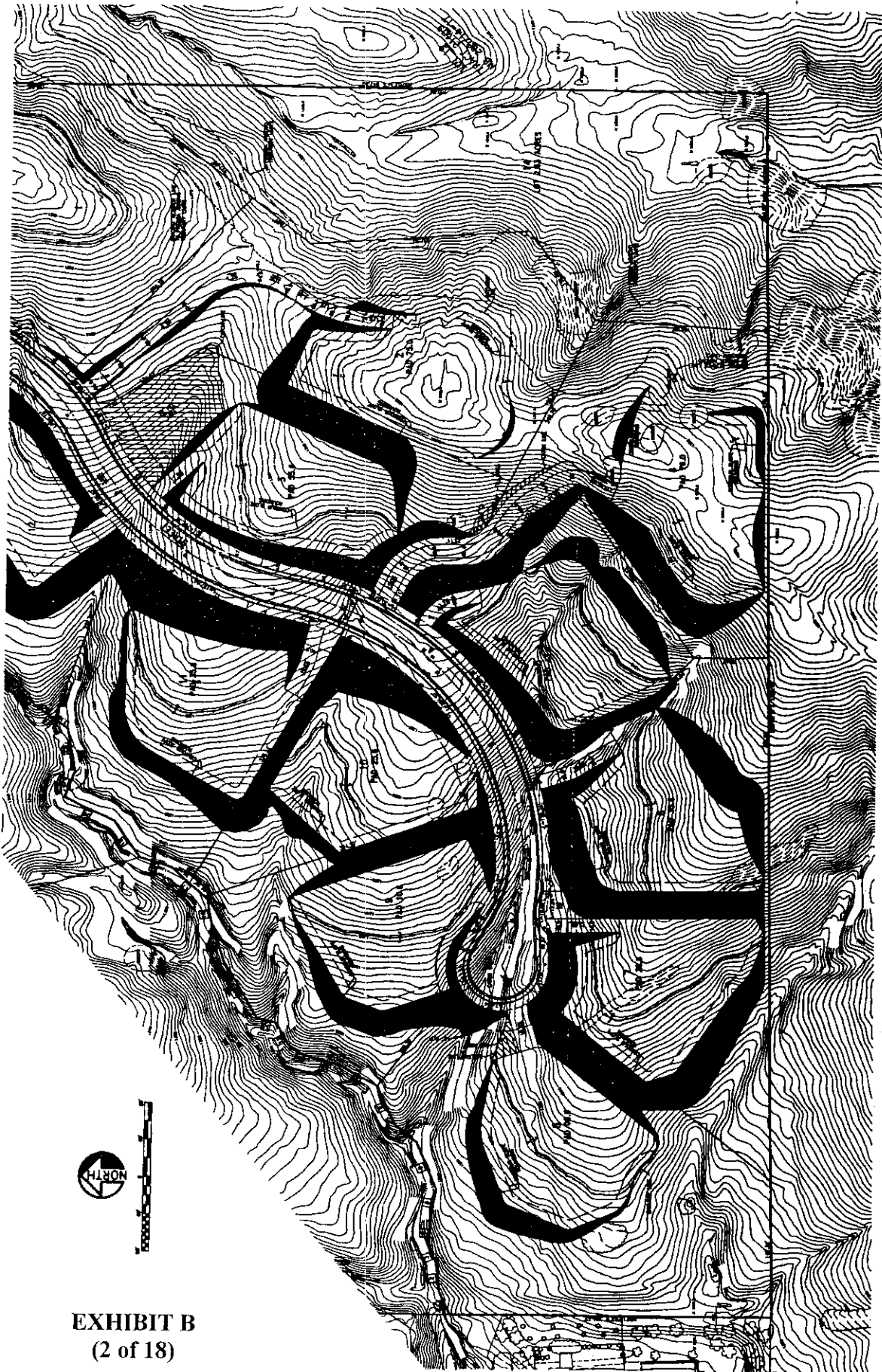


EXHIBIT B  
(2 of 18)



CITY OF WINTER	
GRADING PLAN	
TRACT 31859 & PLANNED	
RESIDENTIAL DEVELOPMENT	
DATE: 11-1-88	SHEET 2 OF 2
PROJECT: WINTER TRACT 31859 & PLANNED RESIDENTIAL DEVELOPMENT	SCALE: AS SHOWN
DESIGNED BY: [Name]	CHECKED BY: [Name]
DRAWN BY: [Name]	DATE: 11-1-88

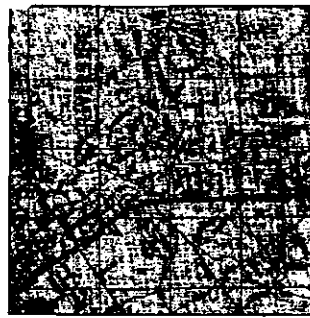
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Underground Services Alert  
 CALL TOLL FREE 1-800-227-2800  
 For information call 1-800-227-2800

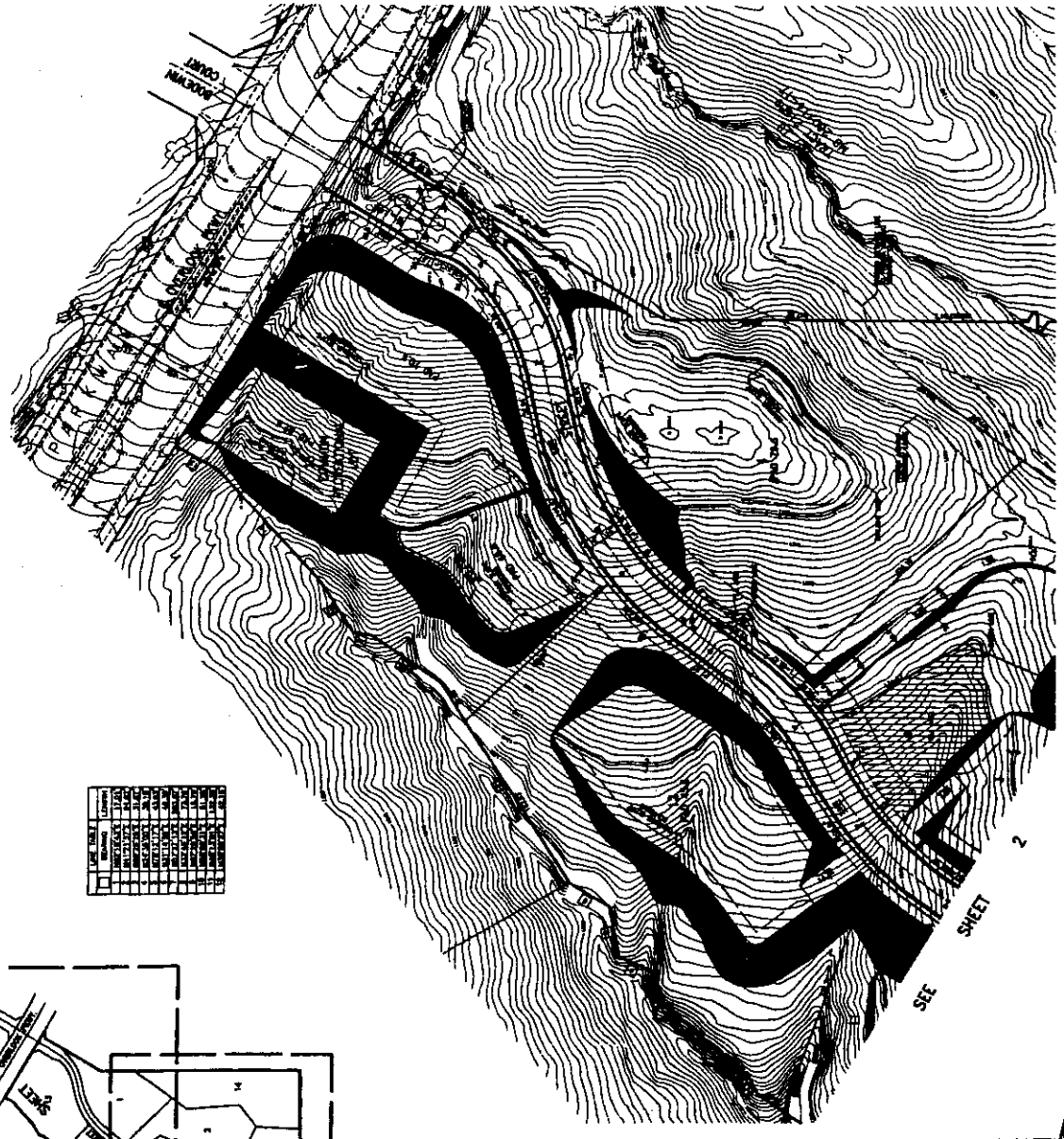
THE CITY ENGINEER HAS REVIEWED THE GRADING PLAN AND FINDS THAT THE PROPOSED GRADING IS IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS FOR GRADING PLANS. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE GRADING PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE GRADING PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

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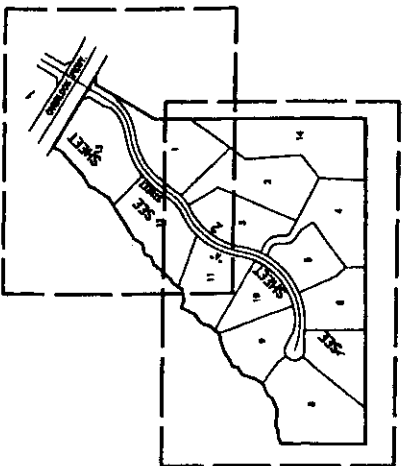
SECURITY MAP  
 441-1181

CITY OF BRIDGE  
 GRADING PLAN  
 TRACT 31859 & PLANNED  
 RESIDENTIAL DEVELOPMENT



SCALE 1"=40'  
 NORTH  
 0 10 20 30 40 50 60 70 80 90 100

NO.	DESCRIPTION	SYMBOL
1	PROPOSED GRADING	(Thick solid line)
2	EXISTING GRADING	(Thin solid line)
3	PROPOSED ELEVATION	(Number in circle)
4	PROPOSED ELEVATION	(Number in square)
5	PROPOSED ELEVATION	(Number in triangle)
6	PROPOSED ELEVATION	(Number in diamond)
7	PROPOSED ELEVATION	(Number in hexagon)
8	PROPOSED ELEVATION	(Number in octagon)
9	PROPOSED ELEVATION	(Number in circle)
10	PROPOSED ELEVATION	(Number in square)
11	PROPOSED ELEVATION	(Number in triangle)
12	PROPOSED ELEVATION	(Number in diamond)
13	PROPOSED ELEVATION	(Number in hexagon)
14	PROPOSED ELEVATION	(Number in octagon)
15	PROPOSED ELEVATION	(Number in circle)
16	PROPOSED ELEVATION	(Number in square)
17	PROPOSED ELEVATION	(Number in triangle)
18	PROPOSED ELEVATION	(Number in diamond)
19	PROPOSED ELEVATION	(Number in hexagon)
20	PROPOSED ELEVATION	(Number in octagon)



INDEX MAP  
 TRACT 31859

- NO. 1 PROPOSED GRADING
- NO. 2 EXISTING GRADING
- NO. 3 PROPOSED ELEVATION
- NO. 4 PROPOSED ELEVATION
- NO. 5 PROPOSED ELEVATION
- NO. 6 PROPOSED ELEVATION
- NO. 7 PROPOSED ELEVATION
- NO. 8 PROPOSED ELEVATION
- NO. 9 PROPOSED ELEVATION
- NO. 10 PROPOSED ELEVATION
- NO. 11 PROPOSED ELEVATION
- NO. 12 PROPOSED ELEVATION
- NO. 13 PROPOSED ELEVATION
- NO. 14 PROPOSED ELEVATION
- NO. 15 PROPOSED ELEVATION
- NO. 16 PROPOSED ELEVATION
- NO. 17 PROPOSED ELEVATION
- NO. 18 PROPOSED ELEVATION

EXHIBIT B  
 (3 of 18)



TYPICAL CONTOUR GRADING (1:10)  
 10' TO 12'

PO3-1336/1337

Underground Service Alert  
 1-800  
 227-2800  
 Call TOLL FREE  
 For information on service, visit us at  
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## ***Tract Map/Planned Residential Development***

PLANNING COMMISSION HEARING DATE: January 22, 2004

**PLANNING CASE P03-1336:** Proposed Tract Map 31859 by Bill Gabel, on behalf of Overlook Park Associates LLC, to subdivide approximately 24.64 vacant acres into 12 single family residential lots, 1 common recreation lot and 1 open space lot, situated on the south side of Overlook Parkway, east of Talcey Terrace and west of Bodewin Court in the RC - Residential Conservation Zone. (*This case is being heard concurrently with P03-1337.*)

**PLANNING CASE P03-1337:** Proposed planned residential development by Bill Gabel, on behalf of Overlook Park Associates LLC, to establish a 12 detached single family dwellings private and common open space on approximately 24.64 acres, situated on the south side of Overlook Parkway, east of Talcey Terrace and west of Bodewin Court, in the RC - Residential Conservation Zone. (*This case is being heard concurrently with P03-1336.*)

### **BACKGROUND**

The project area is the easterly portion of a previous map and Planned Residential Development (Tract 24016, and a, PD-006-901), approved by the City Planning Commission in September 17, 1992 with an expiration date of March 17, 1995 (see Exhibit 8). The original map proposed the subdivision of approximately 42.2 vacant acres into 21 single family residential lots and 3 open space lots. The map obtained two one-year time extensions authorized by State actions and three one-year time extensions approved by the City Planning Commission extending the map until March 17, 2001. The map and PRD subsequently expired, and the applicant is proposing a new map and PRD encompassing the easterly half of the original tract map.

### **PROJECT DESCRIPTION**

The project proposes to subdivide approximately 24.64 vacant acres into 12 single family residential lots, 1 common recreation lot and 1 open space lot. The map depicts residential lots located on either side of the private street, with the common recreation lot located adjacent to Overlook Parkway and the project entrance. The Prenda Arroyo runs along the southeast corner of the project area and the proposed grading plan will not encroach into the limits of the arroyo and 50-foot development setback. The site is generally characterized by a central ridgeline with drainages on the east and west sides. There are a few rock outcrops toward the south project boundary, which are planned to be preserved on-site. The average natural slope of the property is approximately 18 percent, with individual slopes ranging between 10 and 30 percent.

### **ANALYSIS**

In reviewing this project, staff has the following comments:

EXHIBIT B  
(4 of 18)

- **General Plan/Zoning Considerations**

The subject site is zoned RC - Residential Conservation with a corresponding General Plan designation of RHS - Hillside Residential. The RC Zone requires an minimum average net lot size of 2.0 acres. The proposed subdivision provides an average residential lot size of approximately 1.54 acres. This is consistent with the provisions of the City's PRD standards, which permit a benchmark density of .5 units per gross acre, and in this case would permit up to 12 units. An analysis of the PRD is provided later in this staff report.

This project does require variances to allow landlocked parcels and to allow substandard lots sizes as a result of the Planned Residential Development application. Although the proposed project complies with the density allowed under a PRD, the lots sizes are now substandard in size and require lot size variances. Staff is able to make findings in support of both variance requests since adequate street access will be provided for all resulting lots and given that this project involves a PRD designed to cluster lots with the intent to preserve open space.

- **Location and Access**

The project area is located on the south side of Overlook Parkway, between Chabot and Bodewin Courts. The property is currently vacant.

The proposed lots will take access from a single gated private street, approximately 1500 feet long, off of Overlook Parkway. The original map, 24016, had an approved street in roughly this same location, although that street connected with Talcey Terrace. The entry design appears to conform with the City standard design already, but modifications may be required by the Public Works Department if it does not when street plans are designed.

- **Map Design**

Staff is supportive of the overall map design. However, since all the residential lots are located along a private street, without direct frontage on a public street, the Code considers them landlocked. These lots require variances to allow as proposed. Given that the proposed private street provides adequate access from this project staff is supportive of this request

*Grading*

The proposed residential lots range in size from 1.03 to 2.34 acres, with individual average natural slopes ranging from 13.75% to 22.67%. Lots 1, 3-7, 9, 11 and 12 all have average natural slopes of more than 15% and the Code requires a minimum lot size of 2 acres when this occurs. However, each of the proposed lots is less than 2 acres in size and each requires a lot size variance to allow this configuration. The following chart details the specifics of each lot.



Lot	Lot Size	Lot ANS	Pad ANS	Proposed Pad Size	Allowed Pad
1	1.84 acres	16.39%	14.11%	21,000 SF	27,000 SF
2	2.03 acres	16.24%	13.00%	21,000 SF	27,000 SF
3	1.47 acres	16.72%	16.37%	21,000 SF	21,000 SF
4	1.71 acres	19.06%	18.44%	21,000 SF	21,000 SF
5	1.07 acres	22.39%	22.59%	20,800 SF	21,000 SF
6	1.26 acres	22.67%	21.74%	21,000 SF	21,000 SF
7	1.19 acres	18.83%	19.14%	20,440 SF	21,000 SF
8	2.34 acres	18.48%	13.58%	20,800 SF	27,000 SF
9	1.31 acres	21.53%	15.90%	20,260 SF	21,000 SF
10	1.03 acres	13.75%	13.28%	21,000 SF	27,000 SF
11	1.47 acres	18.85%	13.47%	20,990 SF	27,000 SF
12	1.76 acres	18.69%	15.68%	21,000 SF	21,000 SF
13	2.00 acres (Common Recreational Lot)	21.49%	21.20%	36,850 SF	21,000 SF
14	2.63 acres (Open Space)	N/A	N/A	N/A	N/A

The proposed grading involves the creation of residential pads ranging in size from 18,800 to 21,000 square feet. The average natural slopes of the areas to be graded ranging between 13% and 22.59%. For those pad areas with less than 15% slope, the grading ordinance allows pads up to 27,000 square feet. For areas exceeding 15%, the grading ordinance allows up to 21,000 square feet of level pad area. In this instance, the applicant has limited all residential grading to a maximum of 21,000 square feet, regardless of whether additional area is permitted.

The proposed pad for the recreational lot, at 36,850 square feet with an average natural slope of 21.2%, exceeds the maximum allowable graded by 15,850 square feet and it requires a grading exception to allow as proposed. As this lot is intended to reduce the amount of future grading by providing typical residential amenities thereby minimizing the likelihood that each individual residence will propose similar construction in the future, staff is able to support this request.

Five of the proposed lots, 1, 2, 8, 10 and 11, have pads at or below 21,000 square feet where the grading ordinance would allow up to 27,000 square foot pads on each of these lots. The overall savings in grading on the residential lots by this limitation is 30,210 square feet.

While the pad proposed for the common recreation lot is 15,850 square feet larger than allowed, this area is less than the amount of grading that could be done as a matter of right on these five residential lots. This results in a net savings of approximately 14,360 square feet of graded area, even though the pad on Lot 13 is somewhat larger than allowed. Based on this net reduction in the amount of grading proposed with the maximum allowed within this project, staff is able to support the requested graded exception.

#### *Recreation Lot*

A common recreation lot is located on the west side of the private street, directly adjacent to Overlook Parkway. This recreation area is planned to have a playground, turf area and tennis court and will be for exclusive use of the residents on within the gated development. The intent of this common recreation area is to decrease the likelihood of residents constructing private improvements on individual lots and possible requiring additional grading.

#### *Prenda Arroyo/Biological Issues*

A portion of the Prenda Arroyo crosses the southeast corner of the property. The design of the map locates all residential grading and street construction outside the designated arroyo boundaries and setback. No disturbance of this area is proposed. The biological report for this project concluded that no significant impacts would result from the development of this project. The entire project area is located in designated Stephen's Kangaroo Rat habitat and will be subject to compliance with the County's Habitat Conservation Plan, which involves the payment of mitigation fees. No permits from any State agency will be required for this project.

#### *Lot 14*

One the final map submitted for recordation, staff recommends that Lot 14 be converted to a lettered lot. The City requires all numbered lots to be provided with utilities connections for adequate service. As this lot is planned to be passive open space, with no need for utilities service, converting it to a lettered lot will eliminate this connections requirement.

#### ● **PRD Considerations**

Per Section 19.65.010 of the Zoning Code, planned residential developments are intended to provide a greater flexibility in the design of residential properties, to promote a more desirable living environment, and to encourage a more creative approach in land development; a variety of housing types and environments; a more efficient use of the land; the provision of greater amounts of open space and amenities for recreational and visual enjoyment; and the preservation and enhancement of valuable natural areas. It is adherence to these standards and the provision of a unique land use plan that determines whether the PRD application should be approved.



***Variance Justifications***

***EXHIBIT 7a***

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:

To allow lots 1-12 to be landlocked on private street.

**FINDINGS:**

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 Code would require the private street planned to serve this project to be converted to a public street. This conversion would require the street to comply with public street standards, requiring additional land area, grading and infrastructure construction. As this would disrupt the current design of the map, requiring a redesign, and would be counter to several environmental goals of the RC Zone, this strict application of the Code is considered an unnecessary hardship for the applicant and counter to sensitive development practices.

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.**

The private street will adequately serve the site and no public street is required at this time. The private street meets or exceeds the minimum design standards for private streets.

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.**

This is a common request in gated communities. Staff is not aware of any adverse impacts resulting from lots being located adjacent to private rather than public streets. As stated, the private street provides adequate access for residential and emergency access.

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

The General Plan does not pertain in this instance.

**EXHIBIT B**  
**(8 of 18)**



**Variance Justifications**

**EXHIBIT 7a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 1, with an ANS of 16.39% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



*Variance Justifications*

*EXHIBIT 7a*

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:

To allow Lot 3, with an ANS of 16.72% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



**Variance Justifications**

**EXHIBIT 7a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 4, with an ANS of 19.06% to provide less than the required two acre lot size.

**FINDINGS:**

- 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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

- 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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

- 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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



**Variance Justifications**

**EXHIBIT 7a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 5, with an ANS of 22.39% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



**Variance Justifications**

**EXHIBIT 7a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 6, with an ANS of 22.67% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.





**Variance Justifications**

**EXHIBIT 7A**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 7, with an ANS of 18.83% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



**Variance Justifications**

**EXHIBIT 1a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 9, with an ANS of 21.53% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



**Variance Justifications**

**EXHIBIT 7a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 11, with an ANS of 18.85% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.



**Variance Justifications**

**EXHIBIT 7a**

CASE NUMBER: P03-1336/P03-1337

HEARING DATE: January 22, 2004

**STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:**

To allow Lot 12, with an ANS of 18.69% to provide less than the required two acre lot size.

**FINDINGS:**

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 Code would require a redesign of the project to eliminate all variances, which would negate the need for the Planned Residential Development application. As the PRD application was filed to allow clustering of the proposed lots with the intent of maximizing the preservation of natural space within the project area, this strict application of the Code would be counter to the City's goal of environmental preservation and sensitive hillside development.

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.**

The clustering of lots proposed for this project, with the intent of maximizing open space preservation and retention of important natural drainages, is the environmentally superior option for this project.

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 lot is of comparable size to surrounding RC Zone lots and still exceeds the minimum lot size allowed in the RC Zone. The lot provides adequate building area to accommodate a residence without the need for a variance.

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

The General Plan does not pertain in this instance.

# Zoning

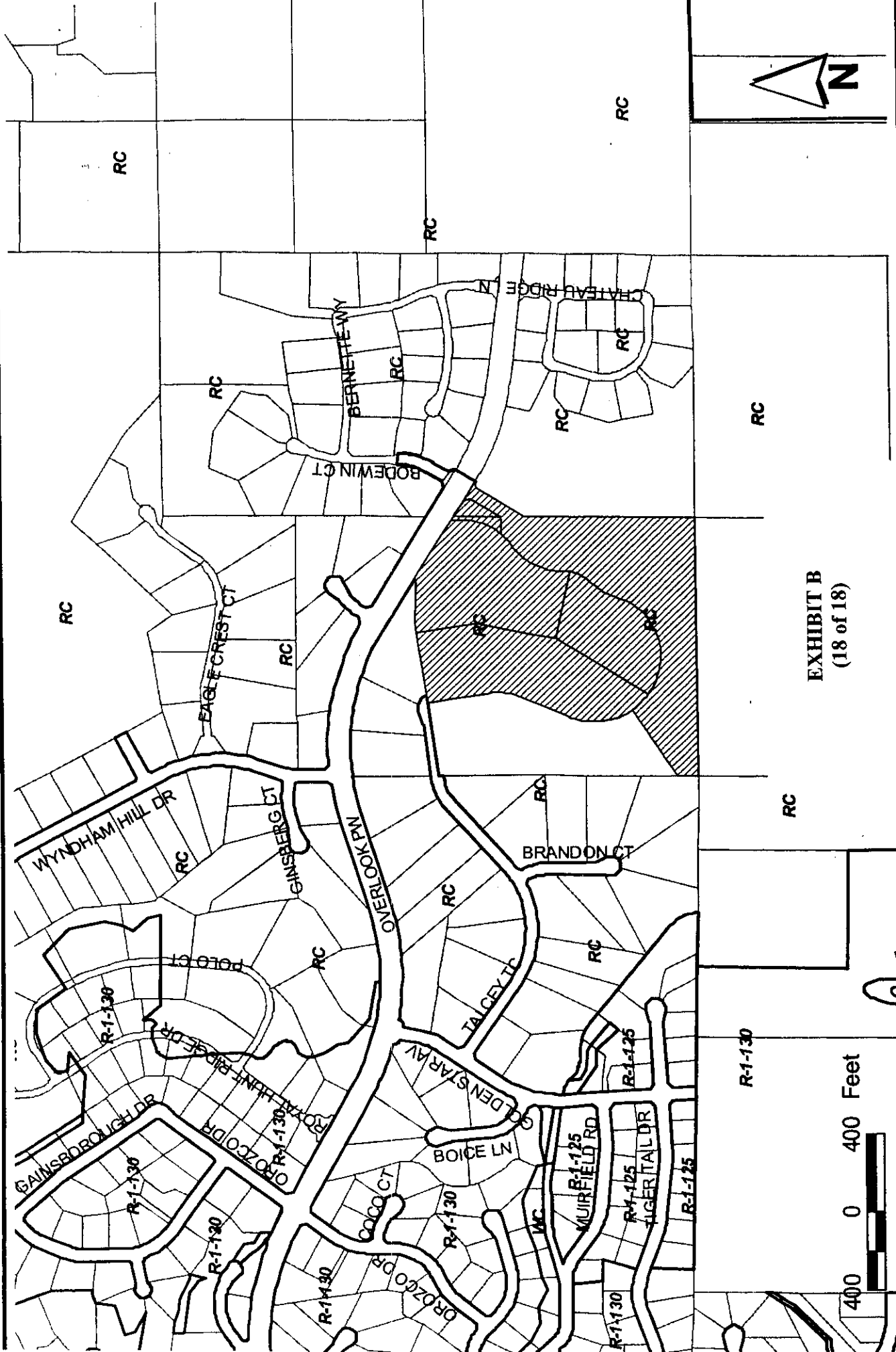
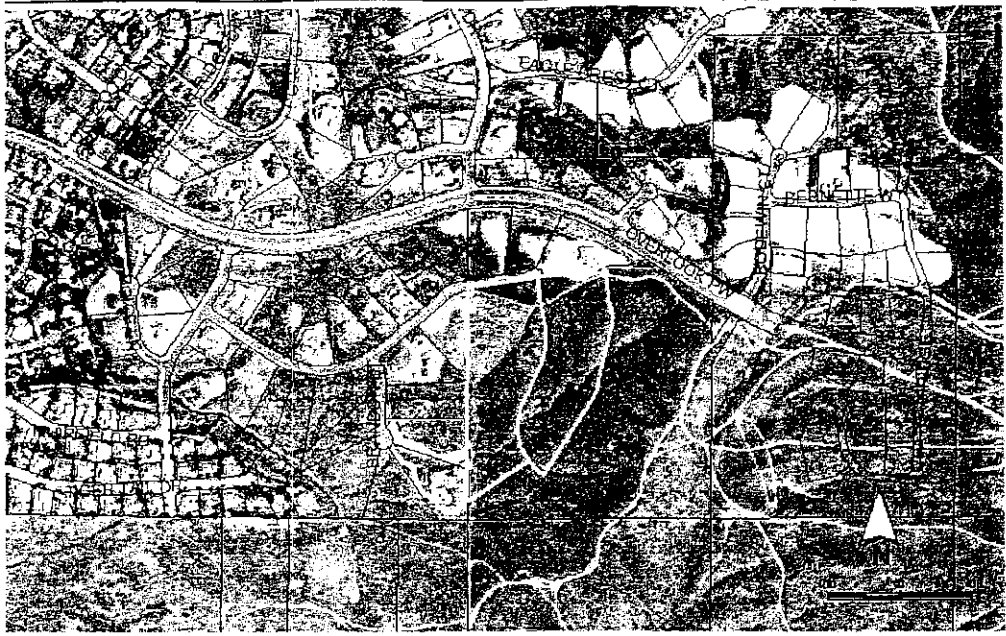


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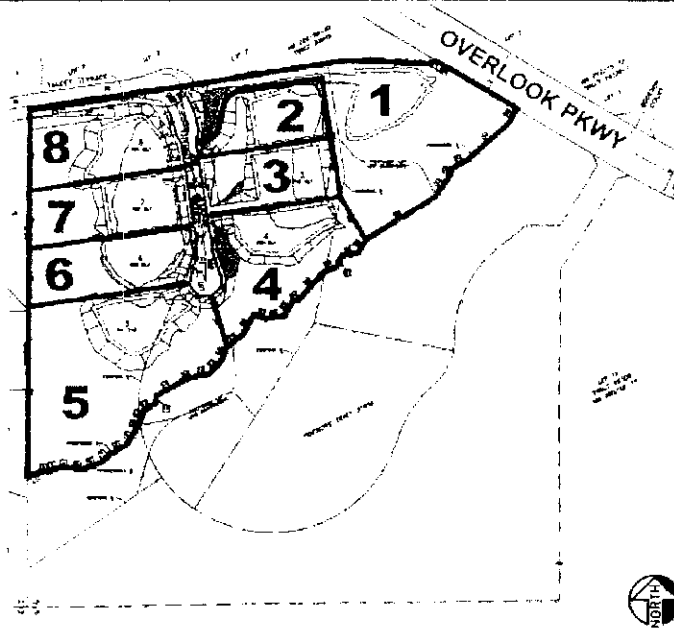
CPC 1/22/04



CPC 2/19/04

P03-1530

**Proposed Subdivision (Tract Map 32042)**



CPC 2/19/04

P03-1530

**EXHIBIT C**  
**(1 of 6)**



## Tract Map

PLANNING COMMISSION HEARING DATE: February 19, 2004

**PLANNING CASE P03-1530:** Proposed Tract map, TM 32042 by Gabel, Cook and Becklund, Inc., to subdivide approximately 16.79 vacant acres into 8 single family residential lots, located at the easterly terminus of Talcey Terrace, southwest of Overlook Parkway in the RC - Residential Conservation Zone.

### BACKGROUND/PROJECT DESCRIPTION

The project area is the westerly portion of a previous map, Tract 24016, and a Planned Residential Development application, PD-006-901, both approved by the City Planning Commission in September 17, 1992 with an expiration date of March 17, 1995. The original map proposed the subdivision of approximately 42.2 vacant acres into 21 single family residential lots and 3 open space lots. The map obtained two one-year time extensions authorized by State actions and three one-year time extensions approved by the City Planning Commission extending the map until March 17, 2001. The map subsequently expired and the applicant is proposing a new map which encompasses the easterly half of the original tract map. A separate subdivision and PRD has been submitted separately for the westerly half of the map. The original map has been split to provide independent street access for both the east and west portions. The original map proposed a private street connecting both sides of the map.

The project proposes to subdivide approximately 16.79 vacant acres into 8 single family residential lots. The map depicts residential lots located on either side of the north-south private street that is an extension of Talcey Terrace. The site is generally characterized by two gentle rolling hills on the east and west sides with minor drainages running through the project center and along the east project boundary. The average natural slope of the property is approximately 18 percent, with individual slopes ranging between 10 and 30 percent. Lots range between approximately 1.0 and 3.8 acres in size.

The Planning Commission approved a tract map and planned residential development application, P03-1336 and P03-1337, on the easterly portion of the previous tract map in January 2004. This project requires several variances related to landlocked parcels on a private street and two lots that are substandard sizes per the RC Zone standards. These variances are described in detail in the staff report.

### ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

The subject site is zoned RC - Residential Conservation with a corresponding General Plan designation of RHS - Hillside Residential. The RC Zone requires an minimum average net lot size of 2.0 acres. The proposed subdivision provides an average residential lot size of

approximately 1.99 acres. With a recommended modification to reduce the private street width consistent with City requirements, the net area within the project will be increased sufficiently to increase the average lot size to the required two acres.

This project requires variances to allow landlocked parcels as these lots are located along private street. The street complies with the minimum private street standards and it will adequately serve the eight lots. As such, staff is able to make findings in support of this request.

Two of the individual lots, 7 and 8, require variances from the minimum two acre lot size standard for lots with average natural slopes of more than 15%. These lots, with average natural slopes of 17.66% and 16.10%, are required to provide at least two acres. Lot 7 is 1.38 acres and Lot 8 is 1.54 acres. Given that the overall project complies with the average lot size requirement and that there would be no benefit in adjusting the lot lines solely to comply with the lot size standards, staff is able to make findings in support of the variance requests.

- **Location and Access**

The project area is located on the south side of Overlook Parkway, at the easterly end of Talcey Terrace. The property is currently vacant.

The proposed lots will take access from a single private street, approximately 480 feet long, off of Talcey Terrace. The original map, 24016, had an approved street in roughly this same location, although that street connected with Overlook Parkway east of this project area.

The entry design does not appear to conform with the City standard design for a gated entry and this will need to be redesigned if a gated private street is planned. It appears that there is sufficient space to provide a City standard turnaround without disrupting the project

Talcey Terrace, and its off-shoot street Brandon Court, is currently an approximately 2,100 foot long cul-de-sac off Golden Star Way that currently serves 23 existing and planned houses. This project will extend that cul-de-sac to a length of approximately 2,600 feet and add eight additional residences along its length. The City's Subdivision Ordinance limits cul-de-sac streets to no more than 600 feet in length and limits the number of residences along a cul-de-sac to no more than 16. The Subdivision Ordinance does make an exception for situations where the topography requires cul-de-sacs of greater length and it is under this provision that staff is supportive of the proposed extension. The area surrounding the project is characterized by rolling hills that make the creation of multiple streets and access points impractical and counter to the intent of the Grading Ordinance and RC Zone of preserving the hillside through sensitive development. The proposed design is also superior in that it eliminates a previously approved street crossing of the significant drainage feature that runs along the east boundary of this project. This design allows for that feature to be preserved while still allowing the existing and proposed houses to have adequate access. Additionally, neither the Fire Department nor the Public Works Department object to the circulation as shown.



- **Map Design**

The proposed design situates four lots on either side of the private street that runs roughly through the center of the project. The lots on the west side of the street, Lots 5-8, are regularly shaped lots. The proposed residential lots range in size from 1.01 to 3.79 acres, with individual average natural slopes ranging from 11.78% to 20.06%. The following chart details the specifics of each lot.

Lot	Lot Size	Lot ANS	Pad ANS	Proposed Pad Size	Allowed Pad
1	3.61 acres	15.43%	11.08%	21,926 SF	27,000 SF
2	1.01 acres	11.78%	11.99%	20,870 SF	27,000 SF
3	1.19 acres	14.76%	15.34%	21,000 SF	21,000 SF
4	2.04 acres	19.85%	13.59%	20,600 SF	27,000 SF
5	3.79 acres	20.06%	13.58%	18,650 SF	27,000 SF
6	1.43 acres	14.92%	13.71%	20,780 SF	27,000 SF
7	1.38 acres	17.66%	15.30%	21,000 SF	21,000 SF
8	1.54 acres	16.10%	16.10%	20,050 SF	21,000 SF

Staff is supportive of the overall map design.

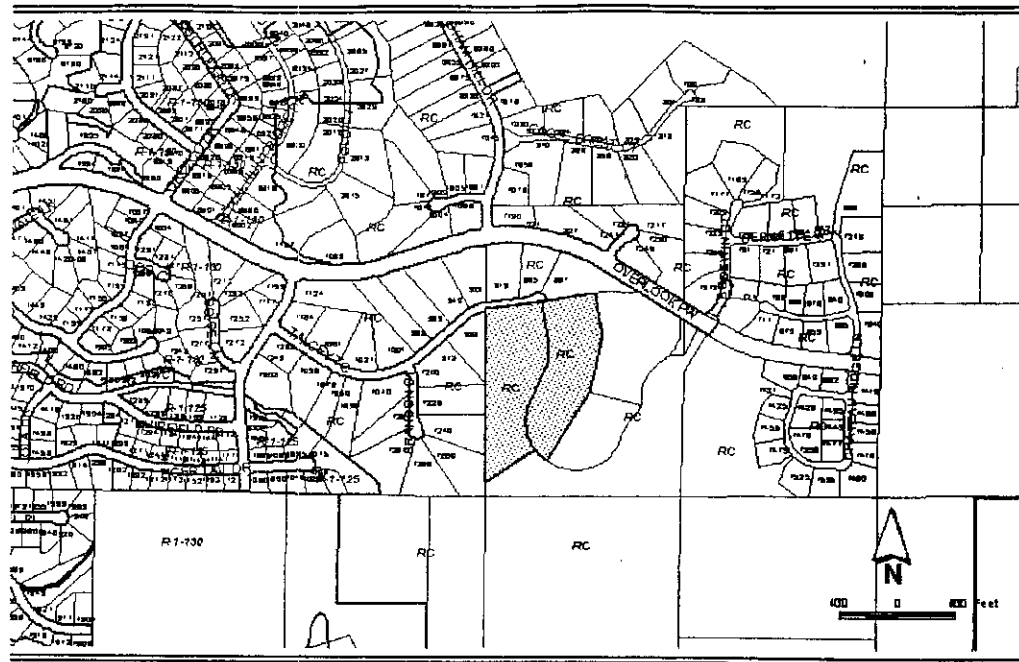
*Grading*

The proposed grading involves the creation of residential pads ranging in size from 18,650 to 21,926 square feet. The average natural slopes of the areas to be graded ranging between 11% and 16.1%. For those pad areas with less than 15% slope, the grading ordinance allows pads up to 27,000 square feet. For areas exceeding 15%, the grading ordinance allows up to 21,000 square feet of level pad area. In this instance, the proposed grading complies with all established standards of the hillside grading provisions of the Grading Ordinance.

- **Neighborhood Compatibility Considerations**

This project is generally consistent with the previously approved map from this property. The design review requirement for this entire project will ensure visual compatibility of the houses and recreational area with the surrounding development. With the recommended conditions, this project meets the average lot size requirement of the RC Zone and will be consistent with the surrounding development.

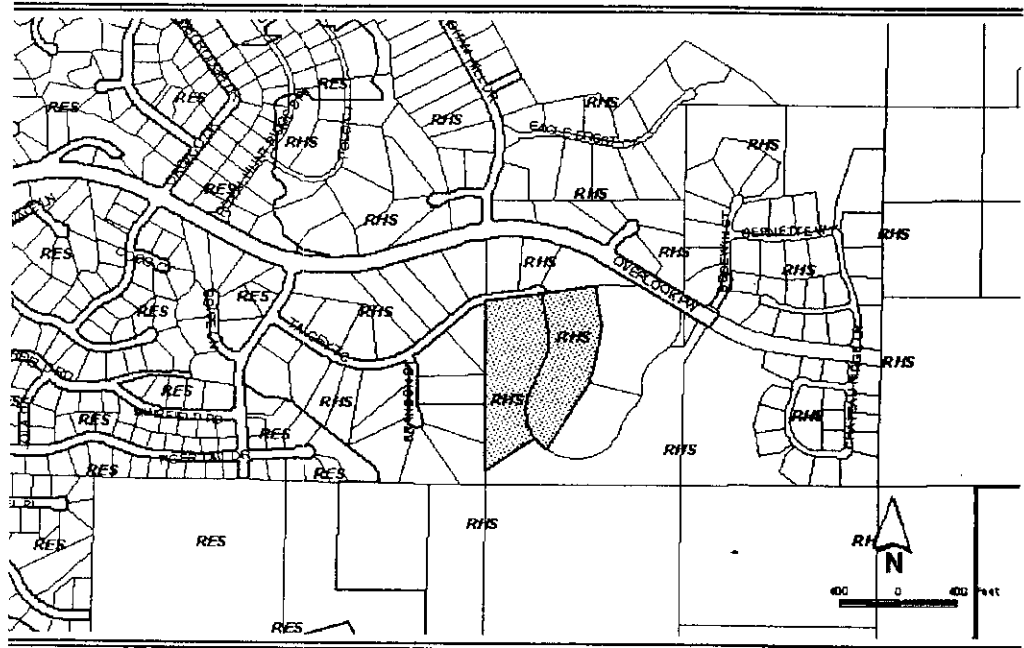
- Zoning



CPC 2/19/04

P03-1530

- General Plan

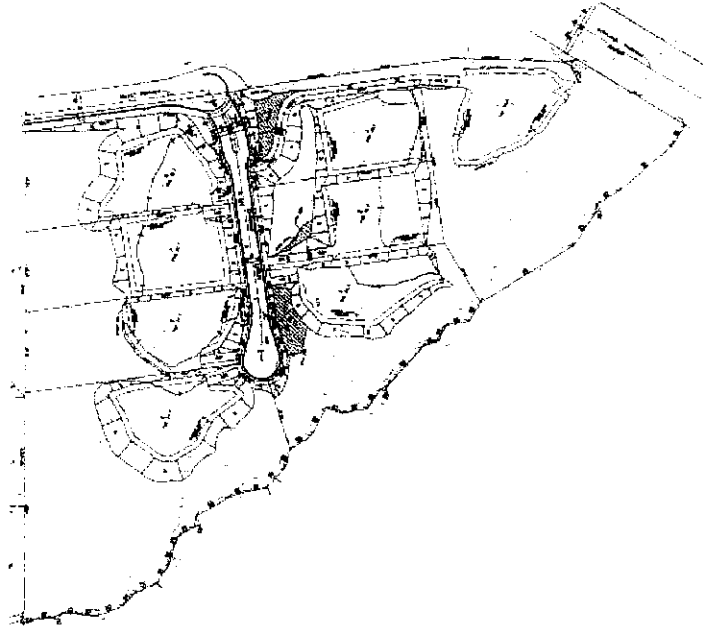


CPC 2/19/04

P03-1530

Proposed Grading Plan

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CPC 2/19/04

P03-1530

**EXHIBIT C**  
**(6 of 6)**

## Section V — Resource Conservation

### Key Natural Resource Issues

Natural Landforms and Features. Riverside's unique natural geography provides the City with much of its unique character. Preservation of significant blocks of various types of natural open space is a high priority.

Natural Habitat. Riverside, although located at the heart of a rapidly urbanizing region, has the opportunity to preserve significant areas of natural habitat which are home to a number of interesting, threatened, rare and/or endangered plant and animal species.

### Natural Resource Goals and Policies

**Goal NR 1** To preserve and protect ridgelines, hillsides, arroyos, the Santa Ana River corridor, and other significant natural features.

*Policy NR 1.1* The City shall limit the extent and intensity of uses and development in unstable soil areas, areas of steep terrain, floodplains, arroyos and other critical environmental or hazardous areas.

*Policy NR 1.2* The City shall control the grading of land to minimize the potential for erosion, landsliding, and other forms of land failure as well as to limit the negative aesthetic impact of excessive modification on natural landforms.

*Policy NR 1.3* The General Plan's land use designations and community design policies should recognize the value of ridgelines, hillsides and arroyos as significant natural and visual resources and should strengthen their role as features which define the character of the City and its individual neighborhoods.

*Policy NR 1.4* Development of property with an average natural slope of at least fifteen percent and not more than thirty percent shall not exceed 0.63 dwelling units per acre (one unit per one and two thirds acres). Development of property with an average natural slope exceeding thirty percent shall not exceed 0.2 dwelling units per acre (one unit per five acres). These densities shall be reflected in the land use designations of the General Plan Land Use Diagram (*Located in the Map Pocket of this Document*) for the General Plan Area. Within the incorporated City, these densities should be reflected in the City's development regulations and policies.



## Section V — Resource Conservation

*Policy NR 1.5* The City shall support maintenance of the existing open space character of Riverside's hillside and arroyo areas through its development regulations and policies.

*Policy NR 1.6* The City should use design guidelines and development regulations affecting building height, spacing of structures, and the preservation or use of native plants in landscaping, to retain ridgeline areas in their natural state, to the greatest extent feasible.

*Policy NR 1.7* The alignment studies and design standards used in constructing roadways included in the Transportation Element, and for local or neighborhood streets, shall minimize the roadways' effects on natural resources by following existing topography, minimizing the height of cut-and-fill slopes, and using other design techniques to reduce the visual impacts of roadways and associated traffic on the natural terrain.

**Goal NR 2 To protect the biotic communities and critical habitats for endangered species throughout the General Plan Area.**

*Policy NR 2.1* The City should design its plans, policies and implementation techniques to protect key wildlife habitats, habitats of rare, threatened, or endangered species, wetlands and other significant environmentally sensitive areas.

*Policy NR 2.2* Exhibit 9 (Page III - 12) shows the generalized locations of rare and endangered species habitat identified on the date of Plan adoption. This diagram shall be used by the City to identify areas for which more specific habitat analysis will be necessary as part of the development review process. The City shall update this diagram as more detailed habitat information is developed. The City may require habitat analysis for proposed developments in areas of potential habitat for other species listed in Exhibit 8 (Page III - 10), even though such habitat is not mapped in Exhibit 9 (Page III - 12). Site specific review may be required because the habitats for the sensitive species listed in Exhibit 8 (Page III - 10) range from pristine to disturbed areas.

*Policy NR 2.3* The City shall consider requiring development projects in areas identified in Exhibit 9 (Page III - 12) to undergo review to assess their impact on habitats of rare, threatened or endangered species. This review of habitat impacts should be conducted as part of the project's environmental review. Developers of projects found to have potential impacts on



## ***Section V — Resource Conservation***

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sensitive species may be required to mitigate the impacts of proposed habitat changes.

- Policy NR 2.4* The City shall cooperate with the County, State and Federal governments to protect the Stephens' Kangaroo Rat (SKR) by complying with the terms of the adopted short-term SKR Habitat Conservation Plan, including provisions for development regulations, mitigation fees, and the acquisition and operation of Sycamore Canyon Wilderness Park as an SKR reserve. The City shall encourage land donations or the dedication of land in lieu of park fees for the acquisition of additional portions of Sycamore Canyon as part of the park.
- Policy NR 2.5* The City should participate with the County, State, and Federal Governments in developing and implementing both a long-term Habitat Conservation Plan for the Stephens' Kangaroo Rat and a county-wide multi-species Habitat Conservation Plan.
- Policy NR 2.6* The City shall endeavor to protect native plant communities in the General Plan Area, including the inland sage scrub, riparian and vernal pool habitats.
- Policy NR 2.7* The City should protect and enhance known wildlife migratory corridors and help create new corridors whenever possible.
- Policy NR 2.8* The City should establish programs to identify, map and monitor the habitat for sensitive species listed in Exhibit 8 (Page III - 10), or for other species added to the State or Federal listings of rare, threatened or endangered species.

### **Recommendations for Implementation - Natural Resources (NR)**

- I-NR 1:* Continue to refine regulations limiting the development of areas with unstable soils, steep terrain, floodplains, arroyos and other critical environmental and hazardous areas.
- I-NR 2:* Develop regulations establishing grading standards to ensure soil stability and to minimize negative aesthetic impacts.
- I-NR 3:* Modify the subdivision and zoning regulations to expand the use of design review and design guidelines to regulate building height, building spacing, landscaping, grading and street alignment to retain ridgeline areas in their natural state to the greatest extent possible.



## Section V — Resource Conservation

- I-NR 4:* Require developments which include property identified as potential habitat for the rare or endangered species listed in Exhibit 8 (Page III - 10) to submit site-specific analysis of the effect of the proposed development on the affected rare or endangered species and to propose strategies for minimizing those effects.
- I-NR 5:* Continue active participation in Federal, State and local efforts to preserve rare, threatened and endangered species in the General Plan Area.
- I-NR 6:* Require site specific biological assessment and appropriate mitigation measures for all developments of property containing native plant communities and other potential habitats for sensitive species listed in Exhibit 8 (Page III - 10).
- I-NR 7:* Implement a program of research and field work to identify and map areas of habitat for sensitive species. Revise Exhibit 9 (Page III - 12) to reflect the results of this analysis. Periodically review and update this habitat information.

### **4. Energy**

Adequate and affordable energy is critical to the overall quality of life and economic growth of the City of Riverside. Energy sources are used for transportation, lighting, space heating and cooling and the operation of machinery and appliances. Energy policies relate both to energy supply and to the amount and type of energy that City residents and businesses consume. The City's ability to affect energy supply is limited primarily to electricity supplied by the Public Utilities Department. The consumption of energy can be regulated effectively through vehicular trip reduction incentives (such as mixed use zoning and increased densities) in areas where public transportation is available, and through the establishment of energy-efficient construction requirements.

Because of the importance of energy to the quality of life and economic health of the community, energy consumption should be managed in an imaginative and prudent fashion. Critical factors affecting the supply and consumption of energy resources include the following:

- the reliability of energy delivery, including electricity and natural gas;
- the affordability of energy, especially electricity;
- ensuring equity among all energy customers while accommodating users with special needs;
- encouraging energy conservation and effective load management;



## Chapter 19.09

RESIDENTIAL CONSERVATION (RC)  
ZONE

## Sections:

19.09.010	Generally.
19.09.020	Uses permitted.
19.09.030	Building height limit.
19.09.040	Area and yards generally.
19.09.050	Lot area.
19.09.060	Yards.
19.09.070	Parking requirements.
19.09.080	Grading.
19.09.090	Design review.
19.09.100	Subdivisions and parcel maps.

## 19.09.010 Generally.

Residential conservation zones are intended as single-family residential districts to be located on prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic features that warrant sensitive development to implement the objectives of the general plan and to achieve the following objectives:

A. To preserve and enhance the beauty of the City's landscape;

B. To maximize the retention of the City's natural topographic features, including but not limited to skyline profiles, ridgelines, ridgecrests, hilltops, hillsides, slopes, arroyos, ravines, canyons, prominent trees and rock outcrops, view corridors, and scenic vistas through the careful selection and construction of building sites and building pads on said topographic features;

C. To assure that residential use of said topographic features will relate to the surrounding topography and will not be conspicuous and obtrusive because of the design and location of said residential use;

D. To reduce the scarring effects of excessive grading for building pads and cut and fill slopes;

E. To prevent the construction of slopes inadequately protected from erosion, deterioration or slippage; and

F. To conserve the City's natural topographic features.

Except as specifically provided elsewhere in this title, any and every new use and any and every new building and premises or land in the RC zone shall be used for or occupied and every building shall be erected, constructed, established, altered, enlarged, maintained, moved into or within such RC zone, exclusively and only in accordance with the regulations set forth in this chapter. (Ord. 5585 § 16, 1987; Ord. 4399 § 1 (part), 1977)

## 19.09.020 Uses permitted.

The following uses shall be permitted in the residential conservation zone:

A. One-family dwellings of a permanent character placed in a permanent location and of not less than seven hundred fifty square feet ground floor area, exclusive of open porches and garage;

B. Planned residential developments subject to the granting of a planned residential development permit as set forth in Chapter 19.65;

C. Orchards, tree crops, field crops, truck gardening, berry and bush crops, flower gardening, growing of nursery plants, similar enterprises carried on in the general field of agriculture, aviaries and raising of chinchillas, guinea pigs and parakeets;

D. The keeping of not more than five poultry, including crowing fowl as defined by Section 19.04.097, and eighteen rabbits are permitted on any lot for noncommercial purposes, provided that such animals are housed, kept or penned at least fifty feet from any residence, excluding the residence on the lot where the animals are kept, on an adjoining lot or parcel; the keeping of not more than fifty poultry and forty-five rabbits on any lot for noncommercial purposes, provided that such animals are housed, kept or penned at least one hundred feet from any residence, excluding the residence on the lot where the animals are kept, on an adjoining lot or parcel. The maximum number of rabbits allowed shall be the aggregate of both adult and immature rabbits of any age. Additional poultry and rabbits for noncommercial or commercial purposes may be permitted subject to the granting of a conditional use permit.

E. The grazing, raising or training of



19.09.030

horses; provided, that the lot has a minimum area of one acre and animals are not housed or pastured within one hundred feet of a residence; and further, that not more than a total of two horses, colts or ponies or a total of two of any combination of horses, colts or ponies shall be kept on any lot with an area of one acre and that one additional animal may be kept for each half acre over one acre in any such premises;

F. The keeping of bees; provided, that all other conditions of this code or other City ordinances are complied with;

G. Parks and playgrounds of a non-commercial nature, subject to the granting of a conditional use permit;

H. Golf courses, subject to the granting of a conditional use permit;

I. Uses customarily incidental to any of the above uses, including hobby activities of a noncommercial nature;

J. Rented rooms in any one-family dwelling for occupancy of not more than four persons in addition to members of the family occupying such dwelling;

K. Accessory buildings and uses, including a private garage, accessory living quarters, recreation room, private stable, barn, greenhouse, lathhouse, corral, pen, coop or other similar structure, a building or room for packing products produced or raised on the same premises;

L. Nameplates and signs as provided in Chapter 19.76;

M. Agricultural field office as defined in Section 19.04.023 subject to the granting of a conditional use permit;

N. Auxiliary dwelling units as defined by Section 19.04.037 of this title subject to the granting of a minor conditional use permit and meeting the criteria contained in subsection N of Section 19.07.030 of this title. (Ord. 6176 § 4, 1994; Ord. 6119 § 3, 1994; Ord. 5586 § 3, 1987; Ord. 5585 §§ 17, 18, 1987; Ord. 5117 § 4, 1983; Ord. 4890 § 3, 1981; Ord. 4399 § 1 (part), 1977)

19.09.030 Building height limit.

The building height limit in the residential conservation zone shall be one story and not exceeding twenty feet. (Ord. 4684 § 5, 1979; Ord. 4399 § 1 (part), 1977)

19.09.040 Area and yards generally.

Lot width, depth and area, building area and yard requirements shall be as required in Sections 19.09.050 and 19.09.060; provided, however, that the zoning standards and requirements of the RC zone shall not apply to any buildings existing prior to or under construction on November 13, 1979, or to the restoration or rehabilitation of or to any additions to such buildings provided that the use, restoration, rehabilitation or addition shall conform to the current standards and requirements of the zoning in existence immediately prior to November 13, 1979. (Ord. 5585 § 19, 1987; Ord. 4399 § 1 (part), 1977)

19.09.050 Lot area.

A. The lot area requirements for land zoned RC prior to May 15, 1979, shall be as follows:

1. Every lot shall have a minimum width at the building line of one hundred thirty feet and a minimum area of one-half acre; provided, however, that the average lot size of the lots shown on any subdivision or parcel map shall be not less than two acres.

2. Notwithstanding the provisions of subdivision 1 of this subsection, every lot or parcel located within the Hawarden Drive special design area shall have a minimum width at the building line of one hundred thirty feet and a minimum area of two acres; provided, however, that where a lot or parcel located within said area has less width or less area than herein required and was a legally created lot of record prior to June 16, 1977, such lot may be occupied by a single-family residential use if the lot has a minimum area of one-half acre.

B. The lot area requirements for land zoned RC on or after May 15, 1979, shall be as follows:

1. Every lot with an average natural slope of less than fifteen percent shall have a minimum width at the building line of one hundred thirty feet and a minimum area of one-half acre; every lot with an average natural slope from fifteen percent to thirty percent shall have a minimum width at the building line of one hundred thirty feet and a minimum area of two acres; every lot with an average natural slope over thirty percent shall have a minimum width at the building line of two hundred feet and a minimum area of five acres; provided,

19.09.040  
0.60 = 1/2 acre

ANS 2-15%

1/2 acre

ANS 15-30%

2 acres

400 + 5 acre

700 + 5 acre

1100 + 5 acre

1400 + 5 acre

however, that the average lot size of the lots shown on any subdivision or parcel map shall be not less than two acres.

2. Notwithstanding the provisions of subdivision 1 of this subsection, individuals may construct one single-family dwelling on a lot existing as of May 15, 1979, of less than the minimum lot size required by this subsection if such individuals occupy the residence after construction.

3. "Average natural slope" means the average natural inclination of the ground surface of a lot or parcel expressed as a percent and as measured by the following formula:

$$S = \frac{0.002296 \times I \times L}{A}$$

here: S = average natural slope in percent  
I = natural contour interval in feet  
L = length of natural contours in feet  
A = acres of property (parcel of record existing on November 13, 1979)  
0.002296 = constant which converts square feet into acres and expresses slope in percent.

The average natural slope shall be computed from photogrametric maps, grading permit plans and other data or evidence approved by the Public Works Department. (Ord. 5585 § 20, 1987; Ord. 4564 §§ 1, 2, 1978; Ord. 4399 § 1 (part), 1977)

#### 19.09.060 Yards.

Except as the Planning Commission or Design Review Board may require additional dimensions to achieve the objectives of this chapter or Chapter 19.62, or except as may be modified under a planned residential development (PRD) permit, there shall be established and maintained the following minimum yards:

A. A front yard having a depth of not less than thirty feet;

B. Side yards having widths of not less than twenty-five feet each;

C. A rear yard having a depth of not less than twenty-five feet;

D. Notwithstanding subsection A of this section, no lot which fronts onto Hawarden Drive within the Hawarden Drive special design area shall have a front yard depth of less than fifty feet. (Ord. 5585 § 21, 1987; Ord. 4399 § 1

(part), 1977)

#### 19.09.070 Parking requirements.

Each dwelling unit shall be provided with a minimum of two parking spaces within a private garage or carport on the same lot in accordance with the provisions of Chapter 19.74. (Ord. 4399 § 1 (part), 1977)

#### 19.09.080 Grading.

No grading permit shall be issued for any grading in the RC zone until grading plans and, if required, special drawings showing grading and topography as viewed from critical locations within the neighborhood or community, have been submitted to and approved by the appropriate decisionmaker as set forth in the City's adopted rules for implementing the California Environmental Quality Act.

The decisionmaker shall consider the following items of particular concern in its review of grading proposals in the RC zone. Conditions may be applied in the approval of grading plans so as to achieve these objectives pursuant to adopted standards:

A. The maximum retention of vistas, natural plant communities and natural topographic features including ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines and canyons;

B. The avoidance of excessive building padding or terracing and cut and fill slopes to reduce the scarring effects of grading;

C. The encouragement of sensitive grading to ensure optimum treatment of natural hillside and arroyo features; and

D. The encouragement of imaginative grading plans to soften the impact of grading on hillsides including rolled, sloping or split pads; rounded cut and fill slopes and post and beam construction techniques. (Ord. 6352 § 1, 1997; Ord. 5585 § 22, 1987; Ord. 4399 § 1 (part), 1977)

#### 19.09.090 Design review.

No building permit shall be issued for any building or structure in the RC zone until slope planting and irrigation plans and the drawings required by Chapter 19.62 for design review have been submitted to and approved by the Design Review Board or City Council in accordance with the provisions of Chapter

19.09.100

19.62.

In addition to the standards established in this title and in Chapter 19.62, the Design Review Board shall consider the following items of particular concern in the RC zone and shall approve the plans and drawings if all applicable standards are met:

A. The encouragement of unique site design to ensure optimum treatment of natural hillside and arroyo features and avoid inharmonious, incongruent, conspicuous and obtrusive development;

B. The reduction of the scarring effects of grading and the protection of slopes subject to erosion, deterioration or slippage, and fire by the use of appropriate slope planting, irrigation and maintenance; and

C. The encouragement of structures which will relate spatially and architecturally with the environment and complement the natural land forms.

Conditions may be applied when the proposed development does not comply with applicable standards and shall be such as to bring such development into conformity or the plans and drawings may be disapproved and the Board shall specify the standard or standards that are not met.

All cut and fill slopes exceeding five feet in height shall be suitably landscaped with plant materials and adequately irrigated in accordance with approved plans and maintained on completion of the grading operations. The applicant or developer shall be responsible for the maintenance of all slope planting and irrigation systems until such time as the properties are occupied or until a homeowner's association accepts the responsibility to maintain the landscaping in common areas. (Ord. 5585 § 23, 1987; Ord. 4399 § 1 (part), 1977)

#### 19.09.100 Subdivisions and parcel maps.

In order to assure compliance with the provisions of this chapter and title where a planned residential development permit is not required, there shall be submitted along with every tentative subdivision map and parcel map filed for approval in accordance with the provision of title 18 in this zone a preliminary grading plan showing at least one practical usable building site which can be developed in accordance with the provisions of this chapter and title for each lot or parcel. (Ord. 4399 § 1

(part), 1977)

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify under penalty of perjury that the foregoing is a full, true and correct copy of Chapter 19.09 of the Riverside Municipal Code on file in my Office.

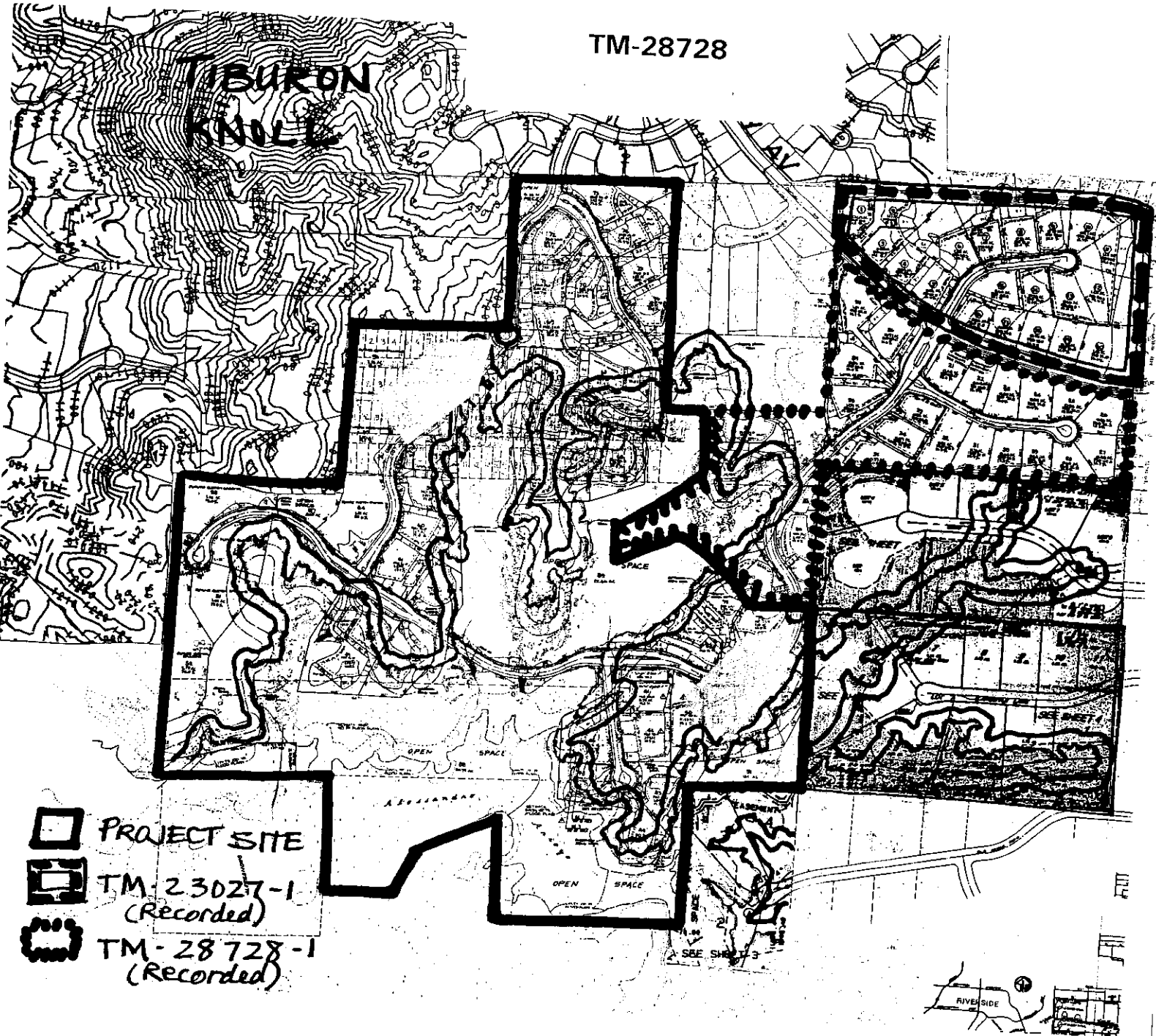





City Clerk of the City of Riverside

Dated this 12th day of March, 2001, at Riverside, CA.

TM-28728

TIBURON  
KNOLL



-  PROJECT SITE
-  TM-23027-1  
(Recorded)
-  TM-28728-1  
(Recorded)


 LOCATION OF CUL-DE-SAC DEAD END

EXHIBIT F

Office of the City Clerk  
City Hall  
3900 Main Street  
Riverside, CA 92522-0111

←-RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED

PHOENIX, AZ 85008 771 10/02 07:31

*Received Sept 25, 04*

*Case 005-1451*

*PO 5-1508*

*FE-1-0-00*

Barbara Dedrick  
APN: 243170003  
951 N Oxford Ln  
Chandler AZ 85225

9225 222-0111 771 10/02 07:31

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