



CITY OF RIVERSIDE

City Council Memorandum



HONORABLE MAYOR AND CITY COUNCIL

DATE: September 28, 2004

ITEM NO.: 12

SUBJECT: PLANNING CASE P03-1451 (Appeal by Jim Guthrie, Friends of Riverside's Hills, Robert and Susan Burton) : Proposed Tract Map 31930 by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to subdivide approximately 86.31 vacant acres into 29 residential and 5 open space lots, located southerly of terminus of Cresthaven Drive and northerly of Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones.

PLANNING CASE P03-1548 (Appeal by Jim Guthrie): Proposed revised planned residential development (PD-001-912) by Gabel, Cook and Becklund, on behalf of Jim Guthrie, consisting of 29 single family residences with private and common open space on approximately 86.31 vacant acres, located southerly of terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones.

PLANNING CASE P04-0260 (Appeal by Robert and Susan Burton) : Proposal by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to rezone approximately 7 acres from the O - Official Zone to the RC - Residential Conservation Zone located along the southerly portion of a 29-unit planned residential development, situated southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo.

BACKGROUND:

In 1994, the City Council approved the development of approximately 85 single family residential lots and open space on approximately 167.5 acres generally southerly of the Hawarden Hills ridgeline and northerly of the Alessandro Arroyo. Development of this sensitive site was the subject of extensive public controversy and review. During this process the project was modified to address the outstanding concerns, and it was ultimately approved with the support of the City and the neighborhood. Over time, portions of the project were developed. However, some of the entitlements expired before the project was fully implemented. Approximately 57 residential lots, encompassing approximately 81 acres, have been recorded.

Earlier this year the applicant refiled the necessary entitlements (Planning Cases P03-1451-Tract Map 31930/ P04-0260-Rezoning/ P03-1548-Revised Planned Residential Development (PRD)) to implement the previously approved project, with the addition of one extra residential lot.

Whereas the previous approval would have allowed 28 residential lots on approximately 86 acres, the applicant is now proposing 29 lots. The technical analysis of the proposal is included in the attached Planning Commission report. On August 19, 2004, the Planning Commission approved the project in part. Specifically, the Planning Commission approved 28 lots in lieu of the 29 lots as requested by the applicant, consistent with the previous approval from 1994. However, the Planning Commission did modify several conditions of approval from what was previously approved for the project.

Several appeals have been filed regarding the Planning Commission's action as discussed below, and the appeal letters are attached to this report.

- The applicant is appealing the action of the Planning Commission in denying the revised PRD (Planning Case P03-1548). The Planning Commission denial of the PRD results in approval of 28 lots in lieu of the 29 lots as requested. The applicant is further appealing condition 6 of Planning Case P03-1548 which requires the elimination of residential lot 53, consistent with the PRD denial.
- Adjacent property owners Robert and Susan Burton are appealing the Planning Commission's approval of Planning Cases P03-1451 (Tract Map) and P04-0260 (rezoning).
- The Friends of Riverside's Hills are appealing the Planning Commission's approval of Planning Case P03-1451 (TM 31930).

ANALYSIS:

In regard to the applicant's appeal, staff would note that the original project approval reflected a great deal of negotiation and compromise between the original project developer and the surrounding neighborhood. The removal of Lot 53 was specifically agreed to by the previous developer in the spirit of compromise. Staff is unaware of any changes in neighborhood circumstances that would support revisiting the conditions of approval, which reflect the previous compromises. As such, staff recommends denial of the applicant's appeal and that the project be limited to a maximum of 28 lots.

The appeals filed by the neighbors and Friends of Riverside's Hills raise issues related to compliance with the RC zone, grading and required grading exceptions, variances, and CEQA compliance, among others. In considering these comments, staff would note that the original project as approved in 1994 addressed in great detail the issues of site design, map layout, open space preservation and circulation consistent with the intent of the RC Zone. Specifically, the project was designed to reduce impacts on the steep slopes and major rock outcrops which occupy the center portion of the site, while still preserving the significant features of the Alessandro Arroyo and providing necessary loop circulation for emergency services and utilities. Additionally, there are a number of design constraints, such as street alignments, which have been fixed based upon the previous phases of the project which has been constructed consistent with the prior project approval. In regard to the requested variances and grading exceptions, the Planning Commission staff report includes the legally required findings in support of all such requests.

Staff would therefore recommend denial of all appeals related to this request, and recommend approval of the project as approved by the Planning Commission.

ALTERNATIVES:

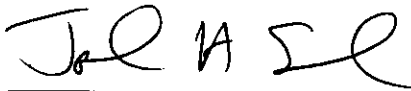
The City Council could act favorably upon any of the pending appeals. Should the City Council wish to approve the applicant's appeal and approve revised PRD Case P03-1548, recommended conditions of approval are attached to the Planning Commission staff report. If the City Council feels that this matter requires further analysis, it may wish to refer this matter to the Land Use Committee for further consideration.

RECOMMENDATION

That the City Council:

1. Find that the proposed project will not have a significant effect on the environment based on the analysis and mitigation measures described in the attached environmental initial study and adopt a Mitigated Negative Declaration.
2. Direct the City Attorney to prepare a resolution setting forth the findings in support of the Mitigated Negative Declaration and adopting a Mitigation Monitoring Program.
3. **UPHOLD** the Planning Commission's decision in approving Planning Cases P03-1451 and P04-0260 and denying Planning Case P03-1548.

Prepared by:

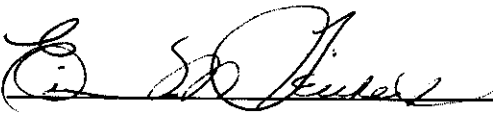


John A. Swiecki
Principal Planner

Approved by:

Thomas P. Evans
Interim City Manager

Approved as to form:



Gregory P. Priamos
City Attorney

Concurs with:



Ken Gutierrez
Planning Director

ATTACHMENTS

1. Recommended Conditions of Approval
2. Minutes of Planning Commission Meeting August 19, 2004
3. Correspondence Distributed at Planning Commission Meeting August 19, 2004
4. Planning Commission Staff Report Dated August 19, 2004

**CPC TRANSMITTAL & SUMMARY SHEET
CITY OF RIVERSIDE PLANNING DEPARTMENT**



TO CITY COUNCIL

APPEAL

WARD 4

Date: August 30, 2004

Applicant & Legal Owner

Mr. Jim Guthrie
4225 Garner Rd.
Riverside, CA 92501

Yang-Chang Hong
2193 Hackamore Pl.
Riverside, CA 92506

Project Description: PLANNING CASE P03-1451: Proposed Tract Map 31930 by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to subdivide approximately 86.31 vacant acres into 29 residential and 5 open space lots, located southerly of terminus of Cresthaven Drive and northerly of Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones.

PLANNING CASE P03-1548: Proposed revised planned residential development (PD-001-912) by Gabel, Cook and Becklund, on behalf of Jim Guthrie, consisting of 29 single family residences with private and common open space on approximately 86.31 vacant acres, located southerly of terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones.

PLANNING CASE P04-0260: Proposal by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to rezone approximately 7 acres from the O - Official Zone to the RC - Residential Conservation Zone located along the southerly portion of a 29-unit planned residential development, situated southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo.

Applicant's Representative: Bill Gabel
Gabel, Cook & Becklund
125 W. La Cadena, Ste. A
Riverside, CA 92501

Note: Applicable information is given and/or checked below

Action: Action Date: August 19, 2004

Approved: P03-1451 and P04-0260
 Denied: P04-1548
 Continued to:
 Conditions Attached

Appeal Date: September 3, 2004
Appeal Fee: \$825.00
Expiration Date: February 19, 2007
Transmittal Date: August 30, 2004

To: City Council

Appeal (written appeal attached)
 Mandatory City Council Hearing
 For City Council Consent Calendar
 For City Council Discussion Calendar

Planning Commission approved rezoning to: _____

Planning Staff recommended: approval

Planning Commission Vote: P03-1451

Ayes: 8 Noes: 0 Abstentions: 0

Planning Commission Vote: P03-1548

Ayes: 7 Noes: 1 Abstentions: 0

Planning Commission Vote: P04-0260

Ayes: 8 Noes: 0 Abstentions: 0

Environmental Finding

None Required No determination made

Determination made by City Planning Commission

Environmental Impact Report Required

**Mitigated Negative Declaration has been prepared; City Council may take action after:
September 3, 2004**

c: Rob Van Zanten - Public Works Dept.

APPROVED CONDITIONS

P04-0260 (Rezoning)

PLANNING COMMISSION HEARING DATE: August 19, 2004

CONDITIONS

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

Standard Conditions

● **Planning**

1. Prior to finalization of the rezoning case, the applicant shall obtain final authorization from the Riverside County Flood Control District or the applicant shall have acquired such property.
2. There shall be a two-year time limit in which to satisfy the approved conditions and finalize this action. Subsequent one-year time extensions may be granted by the City Council upon request by the applicant. Any extension of time beyond five years may only be granted after an advertised public hearing by the City Council.
3. When all of the conditions of approval have been completed, the applicant shall apply for a request for processing through the Public Works Department to initiate finalization of this rezoning. A fee may be required.
4. All necessary parcel description describing the exact area to be rezoned shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California for the area of the property to be rezoned. **Descriptions are required to be on 8½ inch by 11 inch paper with the title "Attachment A" at the top.**

GENERAL INFORMATION NOTES

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

APPROVED CONDITIONS

Case Number: P03-1451 (TM 31930)

Meeting Date: August 19, 2004

CONDITIONS

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

Case Specific

● **Planning**

1. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, the applicant's written justifications are referenced:
 - a. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (~~lots 23-27, 29-32, 35-37, 39-49, 51-56, 58-64 and 66-91~~) (37-39, 43-48, 50, 51, 53-55, 57-62 and 77-79);
 - b. a parcel less than five acres in size on lot 49 with an ANS of 30% or greater (~~lots 33-34, 38, 50 & 65~~);
 - c. landlocked parcels located along private streets.

2. The Commission makes the necessary findings in the applicant's favor to grant the following grading exceptions. As justification, the applicant's written justifications are referenced:
 - a. to permit lots ~~37-41, 43-49-51, 57-62, 77, 78~~, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road, a water quality basin, and a sewer line to encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
 - b. to permit slopes in excess of twenty-feet for portions of Cresthaven and Century Hills Drives.

Prior to Map Recordation

3. Within 30 days of the approval of the tentative map by the City the developer/subdivider shall execute an agreement, approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the

Developer/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

4. The applicant shall obtain final authorization from the Riverside County Flood Control District or the applicant shall have acquired such property.
5. An open space easement shall be recorded for all areas within the boundaries of the 100 year flood plain and all non-graded areas and for each lot all areas not proposed for grading under this review subject to the approval of the Planning Department and City Attorney's Office. The easement should clearly specify that these areas are intended for open space purposes only and that no grading, construction or fencing is permitted. The open space areas within the open space easement are to be maintained by a non-profit conservation organization such as the Riverside Land Conservancy subject to the approval of the Planning Department and City Attorney's Office. The property shall be transferred either in fee title or an easement established to facilitate maintenance/stewardship by such an organization.
- *6. Lots 53 and open space Lot 87 shall be combined as one open space lot.
- *7. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and other documents as necessary subject to approval of the Planning Department and City Attorney's Office. The CC&Rs shall contain the following conditions and restrictions:
 - *a. prohibiting any additional grading beyond the Arroyo setback and 50-foot development setback;
 - *b. establishing a Homeowner's Association;
 - *c. the keeping of livestock is prohibited;
 - *d. prohibiting further subdivision of any lots within this map.
- *8. The unused portion of right-of-way from the existing cul-de-sac bulb of Cresthaven Drive shall be vacated. A separate submittal and filing fee is required.
- *9. Lots 88 and 89 should be split at the phasing line to create two new, numbered open space lots.
- *10. Planning Cases P04-0260 and P03-1548 shall be finalized.
- ~~*11. Easements shall be recorded as necessary to provide water to the adjoining lots to the north of Rolling Ridge Road and that the developer stub the waters lines to all effected, contiguous properties.~~
11. A 10 ft wide private waterline easement along the northerly line of Lot 55

shall be recorded as necessary to provide for connection to the project water system of two off-site parcels lying westerly of Lots 54, 55 and 56. Two water service connections will be installed between the proposed water main in Crest Haven Drive and the westerly line of Crest Haven Drive. No water meters on the two service lines shall be installed. The property owners of these two off-site parcels shall be responsible to pay all City water connection, facility, zone elevations and miscellaneous fees required to provide water to their parcels. Said property owners shall install the required services across Lot 55 in said easement as necessary to provide water to their parcels.

Prior to Grading Permit Issuance

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

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

prepared subject to the satisfaction of the City's Attorney Office and Public Works Departments.

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

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

Prior to Building Permit Issuance

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

Standard Conditions

● **Planning**

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

● **Public Works**

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

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

● **Fire Department**

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

- a. On- and off-site fire protection facilities shall be provided to the specifications of the Fire Department.
 - b. The Building Division and Fire Department shall inspect and approve the property and structure for the intended use and all standards and regulations shall be met.
 - c. Residential fire sprinklers shall be installed per City Ordinance #6019.
 - d. A public water system shall be provided and maintained.
 - e. Streets and fire apparatus access roads shall meet public street standards.
- *64. Appropriate provisions shall be made and approved by the City resolution or agreement to insure streets are maintained and repaired when necessary in the event a homeowners association fails to do so.
 - *65. Cul-de-sacs, where islands are provided, shall be a minimum of 106-feet in diameter, curb-to-curb, with a maximum fifty-foot diameter island.
 - *66. Entry gate(s) shall meet Fire Department requirements for access and be equipped with key box (Knox) devices.
 - *67. All dead-ends, caused by recordation of individual phases of the map, in excess of 150-feet will be required to provide a temporary turnaround to the Fire Department's approval.

● **Public Utilities**

- *68. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
- *69. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
- *70. Consideration for acceptance of a City maintained water system within private developments requires the following:
 - a. Easements will be provided as required by the Water Utility. This will include the entire width of private streets (minimum 50-feet wide) and a graded strip (minimum 30-feet wide) elsewhere as needed.
 - b. Easements shall be kept clear of structures, trees and all other deep rooted plants which could interfere with the operation, maintenance

and/or replacement of City water facilities. This includes medians.

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

● **Park and Recreation**

- *75. The removal, relocation, replacement or protection of existing street trees to the specifications of the Park and Recreation, Public Works and Planning Departments.
- *76. The installation of new street trees in accordance with the specifications of the Park and Recreation Department. Street tree installation work may be deferred until issuance of building permit on each individual parcel. No Street Trees are required for private streets. All street trees shall be automatically irrigated and installed prior to occupancy.
- *77. Payment of all applicable park development fees (local and regional/reserve) as mitigation for impact to park development and open space needs as generated by the project (Note: Regional/Reserve Park fees not applicable to Open Space Lot acreages; However, all other lots including street lots are subject to Regional/Reserve Park fees).

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

GENERAL INFORMATION NOTES

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

August 30, 2004

Honorable Mayor and City Council
Planning Department
City of Riverside
3900 Main Street
Riverside, Ca. 92522

Attention: Honorable Mayor and City Council
Planning commission (CPC) Reviews

Reference: Appeal of Tract/Parcel Map
By Non-Applicant
Proposed TM 31930
Case Nos. PO 3-1451
PO 3-1548
PO 4-0260

Dear Honorable Mayor and City Council,

We own a residential estate home built on a five (5) acre lot that we purchased on June of 2000. Our address is 1998 Apostle Lane, Riverside, Ca. 92506. Our residence lies within the area which is commonly referred to as "Alessandro Heights" and is directly overlooking the Alessandro Heights Reserve Arroyo area at or near the southwest corner of the reserve specifically, our rear property line runs for 822' north and south and would be directly impacted to the west by proposed development of Lots 37 – 42 and Lots 77 – 79,

Thus, a major portion of our property, (approximately 3 ½ acres out of 5 acres) falls into the open space requirement under the Reservation Conservation Zone to wit we cannot improve, develop, fence, landscape or utilize in any way. However, should you allow development of the proposed project, it would serve to totally redefine the standards and guidelines put in place for this sensitive area.

Hence, the proposed development does not provide for the above a Reservation Conservation Zone set asides – see Lots 37 – 40 (also see overall proposed tract map).

This not only sets up an illogical double standard but totally disregards the original purpose of the Reservation Conservation Zone.

While we are not permitted to develop or utilize our own property area, the Planning Commission and the Planning Staff have totally overlooked this issue, and will allow the new development to go forward.

The Planning Commission Meeting, August 19, 2004

First please note that we did attend the Planning Commission Meeting on August 19, 2004, and spoke briefly in opposition to the proposed development. We also submitted two letters regarding our concerns about the proposed project. At this point we should

also want to state for the record that we were not properly notified and in a timely manner of the availability of the Planning Staff Report prior to the meeting. We had to contact Clara Miramontes on Monday, August 16, 2004. After which we requested the report and received the E-mail late on August 16, 2004. Immediately, we responded with our letter of concerns on August 17, 2004, by E-mail. The importance of this discussion is that several letters were not transmitted to the Planning commissioners until the actual meeting on August 19, 2004, and at the "last minute". Specific comments by the Commissioners regarding their concerns over not having read the studies and letters were lamented commissioners: Bill Densmoore and Harry Kurani. Last minute communications would fall on "deaf ears" since they could not digest all these concerns given to them by Planning Staff just before the hearing began." Decisions made in haste were un-informed decisions.

Hence, the specific concerns represented on these communications were subsequently ignored by the Planning Commission in their haste to approve the proposed development. Ergo, we now have arrived at an uneducated and uninformed decision by the Planning Commission to go forward on this disastrous project!

There was a strict three (3) minute time limit allowed for Home owners to present their issues. Three minutes is not sufficient to render decisions on a project filled with problems. Hence, a fair hearing regarding neighbors and Friends of Riverside Hills was also cut short along with their written report. Commissioner Bill Dinsmore complained that the "Planning Staff should have given them the complaining materials prior to the hearing to allow time to digest the neighborhood concerns" and the "Friends of Riverside Hills concerns regarding this flawed proposed development". Moreover, he remarked that the "Developers should have 'sat down' with the complaining parties and the neighbors to work out problems prior to this hearing". Commissioner Harry Kurani suggested that he did not "feel comfortable" going forward with the approval of this project without further review of all recently submitted concerns along with an actual on-site review of this proposal. Both Bill Dinsmore and Harry Kurani complaints were unilaterally overlooked notwithstanding serious concerns. The most important issue discussed for the Planning Commissioners involved concern over who would be responsible for the water meter, while totally disregarding violations of the Riverside Specific Plan, obvious grading encroachments into the Reserve and Arroyo Zone, improperly calculated density, invalidation of the Tiberon Park set aside plan, neighborhood concerns, wildlife concerns, et.al.

Thus, we will submit this appeal to the Planning commission Appeal of August 19, 2004 Meeting with the following serious concerns for proposed development:

1. Proposed Tract Map 31930 should not be treated as mere extension of 10 year old Tract Map 28728, which was allowed to lapse by the Developer and which was approved under circumstances that were different as to current state of the neighborhood development and current wild life impact.
2. Developer has provided no current Environmental Impact Study (E.I.R.) for what has to be considered one of the most – if not the most – environmentally sensitive areas remaining undeveloped in the City of Riverside. Planning Staff discussion regarding no negative impact is specious and inadequate.
3. The Tiberon Park Set Aside and public access Area

This Project disregards and violates the City of Riverside Specific Plan. While Bill Gable (Engineer), representing the Developers side, attempted to address this issue he could not explain how they would (or could) provide proper neighborhood access to this area at the Planning commission hearing. Also, the required acreage for the Tiberon Park is totally absent from the proposed Development due to extreme density, prescribed in the Riverside Specific Plan and lack of usable, quality open space.

4. Grading Encroachments into sensitive arroyos non-grading zone violates grading set back lines – see proposed map – and requires a myriad of city provided variances which would not be allowed to current homeowners in order to utilize homeowner owned vacant/natural portion of our parcel (5 acres of which 3 ½ is in this category).

5. a) Density calculations are bogus and skewed due to 17 acres of county owned land which is not owned by Developer, but was allowed to be included in the density calculations by Staff and Planning Commission. The 17 acre parcel sale was not even in escrow as of the date of the Planning Commission Hearing, but the Commissioners still treated the property as if it was owned by the Developer. The sale of the 17 acre parcel to the Developer has yet to take place, was not in escrow and has yet to be approved by the County Board of Supervisors.

b) Density calculations disregards 16 acre open space site set aside to be for Tiberon park requirement as per Riverside Specific plan – no provision indicated by Proposed Development Plan.

6. Neighborhood impact totally disregarded by Planning Staff, Planning Commission and Developer. Developer has failed to address neighborhood concerns (we included) or to even attempt to meet to discuss them (with the impacted neighbors).

The proposed development of 85 homes would necessarily require many years to complete and during the years of development there will exist serious problems regarding noise, blasting, heavy equipment, massive grading, dust and dirt abatement, animal migration onto neighborhood property, et.al.

The Planning Staff Report did not address this issue adequately (relying on outdated reports) as to neighborhood acceptance regarding this project.

7. The proximity of lot development to our property serves to treat our personal property as de-facto open space, that which is not being provided for by the Developer which will thus cause our property to bear the brunt of displaced wildlife and in effect become the refuge for wild life in the southwest portion of the Alessandro Arroyo. Since the Developer has not done an E.I.R. there is no concern or importance regarding wild life impact for this project. Planning Staff Report is patently inadequate regarding the wild life impact issue. We will not allow this to transpire.

8. Lotting Plan Proposed invades or comes dangerously close to Alessandro Arroyo and Tributaries. Either this matters to the City or it doesn't. If it doesn't we will request from the city the same variance treatment as given to

this Developer. Fair and balanced in order to utilize our property traversed by the Arroyo – please advise. We will expect equal consideration by the City as provided thus far by the Planning Commission.

9. Quality of open space provided by proposed development not commensurate with the existing Specific Plan. The open space proposed is primarily granite out-croppings – rocky, undevelopable land that was used to calculate open space but will not support displaced wildlife.

Therefore, the city of Riverside should not support, nor should the Neighborhood bear the brunt, or be responsible for the fiscal success of a "Developer". The "Developer" has already been given over ten (10) years to develop the project and allowed both maps to lapse. The neighborhood has been established and defined per 2004 standards. However, now the "Developer" has received special treatment in order to rationalize the excessive number of homes/lots (85) planned for this Reserve area.

The special treatment is found in the Planning Staff Report through the utility of a myriad of extra ordinary negotiated variances. The Staff's treatment of the neighborhood impact and the wildlife impact that has occurred in this area over the past ten (10) years was given a pass by Planning. The Development Plan does not provide a way out for the wildlife and will in effect cordon off major animal populations upsetting the natural balance. The "open space" described in the Report is virtually the only land left that could not be developed on this canyon due to the extreme rocky nature of the area. As "open space" it fails badly to provide density relief and is so rocky that it won't support wildlife.

For the above issues and many others, too numerous to even go into in this letter, we reject the Planning Staff Report and the Planning commissions vote to go forward regarding this badly flawed proposed development. We hereby, appeal to the City of Riverside City Council and the Honorable Major to fully reject this Proposed Development and thus; avoid a travesty in the making.

Sincerely,


Robert Burton
1998 Apostle Lane
Riverside, Ca. 92506
951-776-1467


Susan Burton
1998 Apostle Lane
Riverside, Ca. 92506
951-776-1467

CC: Dr. Len Nunney, Friends of Riverside's Hills
County Board of Supervisors
The Press Enterprise
The Sierra Club, Department of Real Estate, Local Congressman

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September 2, 2004

HAND DELIVERED

Ms. Clara Miramontes
3900 Main Street
Riverside, California 92522

Re: Appeal Condition of Approval 6 for Tract Map 31930, Case No. P03-1451
and the denial of Planned Residential Development, Case No. P03-1548

Dear Clara:

Our firm represents Jim Guthrie with regard to the above-referenced entitlements. On his behalf, we hereby appeal Condition of Approval 6 for TM 31930, which requires the deletion of lot 53, and the denial of Planned Residential Development ("PRD") P03-1548. As submitted to the Planning Commission, TM 31930 contained 29 residential and five open space lots on 86.31 acres. The purpose of the PRD was to retain lot 53, which had previously been deleted during the public hearing for TM 28728-3 and -4 (a map identical to TM 31930). Please find enclosed a check for \$825, to pay the fee for this appeal. Because the rationale for approving the PRD and deleting condition 6 are identical, these issues are discussed together below.

Justification for Approval of PRD Case No. P03-1548 and Deletion of Condition of Approval 6 of TM 31930

TM 31930 contains 86.31 acres, of which 22.30 acres is designated as flood plain. After subtracting the un-developable acreage, TM 31930 consists of 64.01 net acres. At first blush, it appears that the 29 lots proposed in TM 31930 would not require a density bonus, because the resulting density is 1 unit per 2.2 acres. However, it would be inaccurate to base the density for TM 31930 on the acreage contained in the current map. Actually, the density of TM 31930 relates back to the density previously approved for TM 23027, the larger project which included TM 28728-3 and -4 and TM 31930. TM 23027 consisted of 167.5 gross or 145 net acres. A density bonus of 19% was requested to increase the density from the 72 to 86 residential lots (PRD PD-00-912). The City Council approved 85 lots and required the deletion of one lot (lot 53), to appease the concern of two neighbors who lived near that lot. This appeal is a request to retain lot 53, and the PRD is the mechanism which facilitates this request.

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Lot 53 is located in the northwest corner of the property, adjacent to two residences located to the north ("Next Door Neighbors") (see the location of the adjacent lots, highlighted in green on the attached vicinity map). During the entitlement process for TM 28728-3 and -4, the Next Door Neighbors objected to the development of the open space in their backyards. The objection was based, in part, on the fact that the Next Door Neighbors have developed a tee area on lot 60 and a putting green on lot 53 (see the pictures of the improvements on lots 53 and 60, attached). The development of lot 53 would interfere with their use of the property as a driving range and putting green. The developer responded by offering to delete lot 53, which the City Council approved. The City Council also required TM 28728 to provide an alternative source of water for use by the Next Door Neighbors by extending a water line to their properties.

Our client was not involved in the project when the previous developer agreed to give up lot 53. However, the City Code contains specific criteria which justify the approval of a density bonus for lot 53. Based on the following criteria in the PRD Ordinance (City of Riverside Municipal Code § 12.65(b), lot 53 should be retained and Condition of Approval 6 should be deleted.

Criteria that Support a 25% Density Bonus for Property in the RC Zone:

1. *The property is well located in close proximity to schools, shopping, and public and semipublic facilities.*

A. Schools:

Public Schools Serving the Project Area: Taft Elementary School (K-6), Victoria Elementary School (K-6), Washington Elementary School (K-6), and Castleview Elementary School (K-6); Gage Middle School (7-8) to the north; Poly High School (9-12) to the north.

Private Schools Within a 10-mile Radius: Riverside Christian Day School (K-6); Woodcrest Christian Middle School (6-8); Woodcrest Christian High School (9-12); Hawarden Hills Academy (1-8); Emanuel Lutheran School (K-6); Riverside Christian School (K-12); and Montessori School on Indiana (preschool).

B. Shopping:

Groceries- Within a 5-minute drive to the southeast of the project, on the southwest corner of Alessandro and Trautwein, is the Mission Grove Plaza shopping center, which contains Ralphs, K-Mart, Steinmart (a clothing store), a Cinema Star theater, and a variety of fast food restaurants.

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Groceries and Restaurants – Within a 10-minute drive to the northwest of the project is the Riverside Plaza shopping center, which contains grocery and general merchandise stores including Trader Joes, Sav-On Drugs, and Sees Candy. Sit-down restaurants and fast food eateries include: Islands, Fazollis, Spoons, and Wendy's.

Regional Mall – Within a 15-minute drive from the project is the Tyler Mall, located southwest of the project, off the 91 Freeway at the Tyler exit.

Freeway Access: Access to the 91 Freeway is about 10-minutes away, off Arlington Avenue, to the northwest of the project. Access to the 215 freeway is about 15-minutes away, off Alessandro Boulevard, to the east of the project.

C. Public Facilities:

Taft Park, Castleview Park, and Sycamore Canyon Wilderness Park.

2. *The property enjoys excellent access from the following adjoining public streets:*

Alessandro Boulevard, the main circulation street, from Trafalgar to the west, and Century to the east.

3. *The design of the project exhibits superior utilization of the site as evidenced by the following criteria:*

(a) *Varied placement of buildings demonstrating sensitivity to the natural topographic features of the site.* The lots have been clustered around the proposed streets to maximize the remaining acreage into the largest possible open space lots. In this case, the open space lots include lot 88 at 34.67 acres, lot 89 at 4.54 acres, lot 91 at 1.69 acres, and lot 92 at .25 acres, for a total of 41.15 acres of open space. Without clustering the 86-acre site would be subdivided, and the open space would consist of the ungraded areas outside the building pad on each individual lot. The open space lot resulting from clustering would be far superior as a mechanism to preserve open space in perpetuity, that the open space areas on individual lots. Because open space lots can be deed restricted so the open space can be preserved in perpetuity, open space on privately owned lots cannot be preserved by deed restriction.

(b) *Retention of unique natural features of the site and incorporation of such features into the project's overall design.* By clustering the lots around the streets outside the Arroyo area, the project proposes to dedicate to open space 28% of the developable acreage contained in the original 165-acre project (TM 23027).

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(c) *Majority of dwelling units afford direct access to common usable open areas well designed for their intended purposes.* All of the 29 lots proposed in TM 31930 have direct access to common open space, although the open space to which lot 55 has access is within that parcel. Except for lot 55, every lot in TM 31930 has direct access to an open space lot.

(d) *An efficient internal circulation system consisting of private streets and driveways that follow natural courses in the case of hilly land.* The streets providing internal circulation for the project include Crest Haven Drive, Century Hills Drive, and Grass Valley Way. These streets follow the natural course of the land because they are located in flatter areas where the topography is less than 30% average natural slope. See the topographic map, attached, which identifies the flatter areas in red and the steeper areas (with ANS of greater than 30%) in blue.

4. *The project reflects sensitivity to the impact of buildings on surrounding properties.*

Properties surrounding TM 31930 include three residences in TM 23663-1, located on the opposite side of the Arroyo from lots 37, 38, 39, 40, 42-44 (see the lots highlighted in yellow on the following pages), and Next Door Neighbors located adjacent to the proposed lot 53, discussed above. Lots 37-44 are located on the opposite side of the Arroyo about 200-300' from the property line for the three residences in TM 23663. This distance will preserve the privacy of the existing homes.

Regarding the views of TM 31930 from the Next Door Neighbors' residences: (i) The closest adjacent residence to lot 53 (identified as Neighbor 1 on the map) is located near the top of the crest of the hill. Neighbor 1 has a view of lot 53 and the surrounding areas of TM 31930, but the primary view is to the west. (ii) Neighbor 2 is separated from TM 31930 by Neighbor 1's residence, and has no view of lot 53 because his primary view is also to the west.

With only four existing residences adjacent to the proposed project, few surrounding properties will be impacted by project development, and the impacts will be naturally mitigated by the distance between the lots in TM 23663-1, and the fact that the Next Door Neighbors' residences are oriented to enjoy a view to the west. Lot 53 is in their backyards, and therefore outside their view.

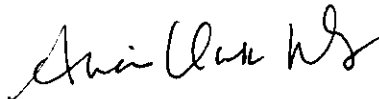
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5. *The project contains varied building elevations exhibiting excellence of design that complement each other and the surrounding area.*

TM 31930 will be required to submit all proposed elevations to the Design Review Board for review and approval. This review process will ensure that the project will comply with the City's parking and RC-zone standards.

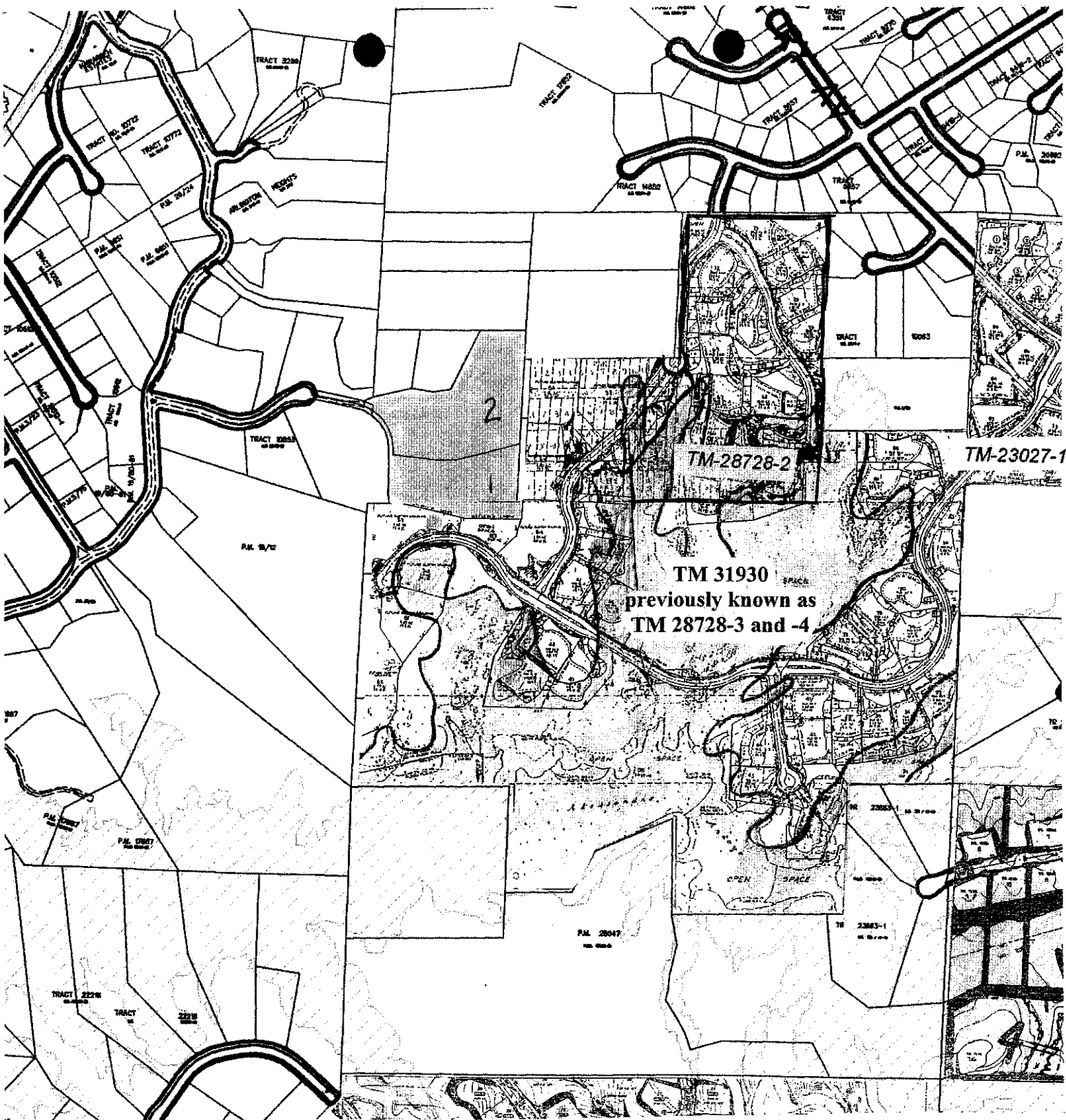
In summary, Lot 53, which was deleted from TM 28728 in 1998, should be retained in TM 31930, based on the PRD criteria referenced above, and the City Council should also delete TM 31930 Condition of Approval 6.

Very truly yours,



Alicen Clark Wong, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

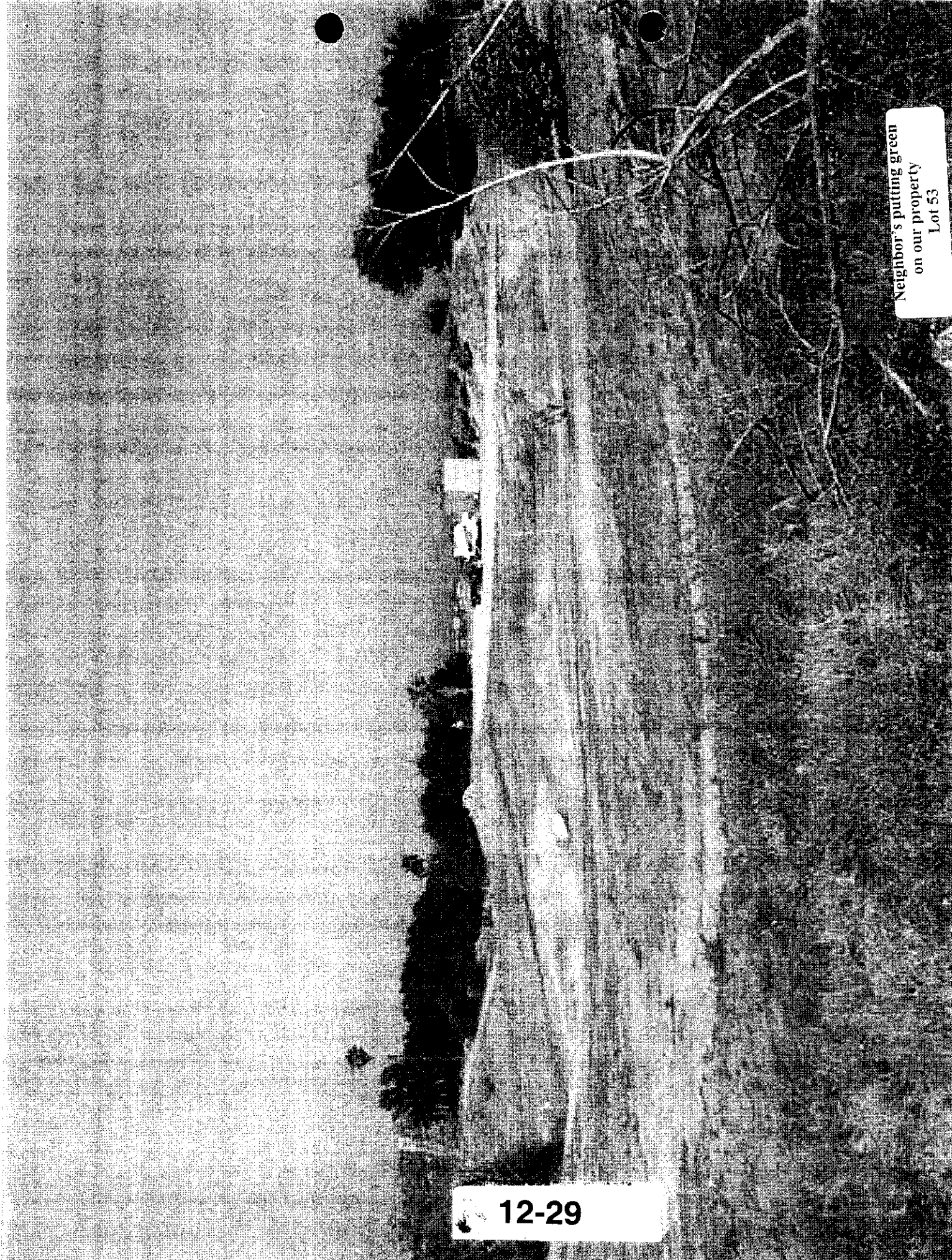
Enclosures



- Neighbors' properties who have objected to lot 53
- Location of tee area on lot 60 and putting green on lot 53

Pad 60-view
(12732)

12-28

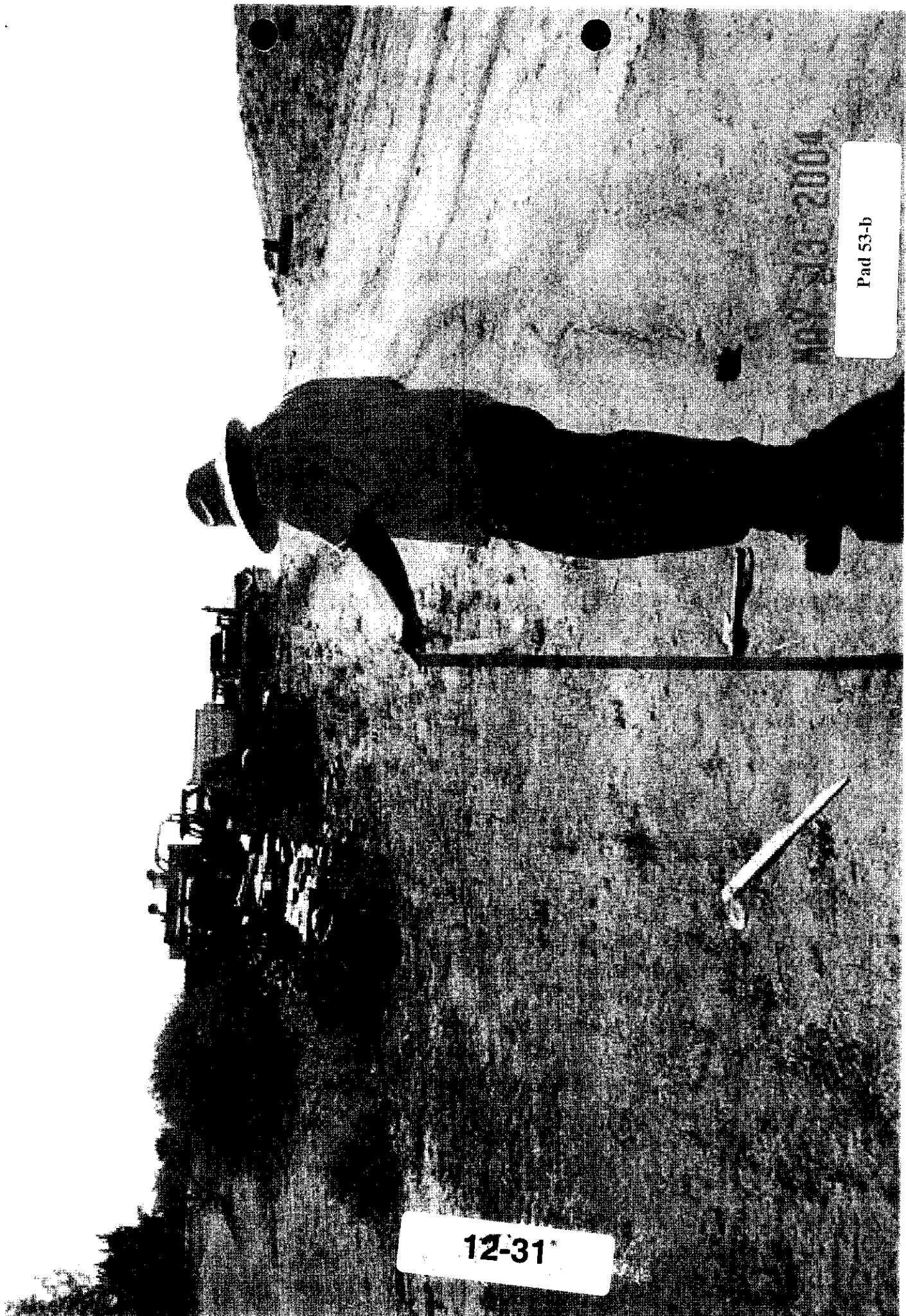


Neighbor's putting green
on our property
Lot 53

12-29

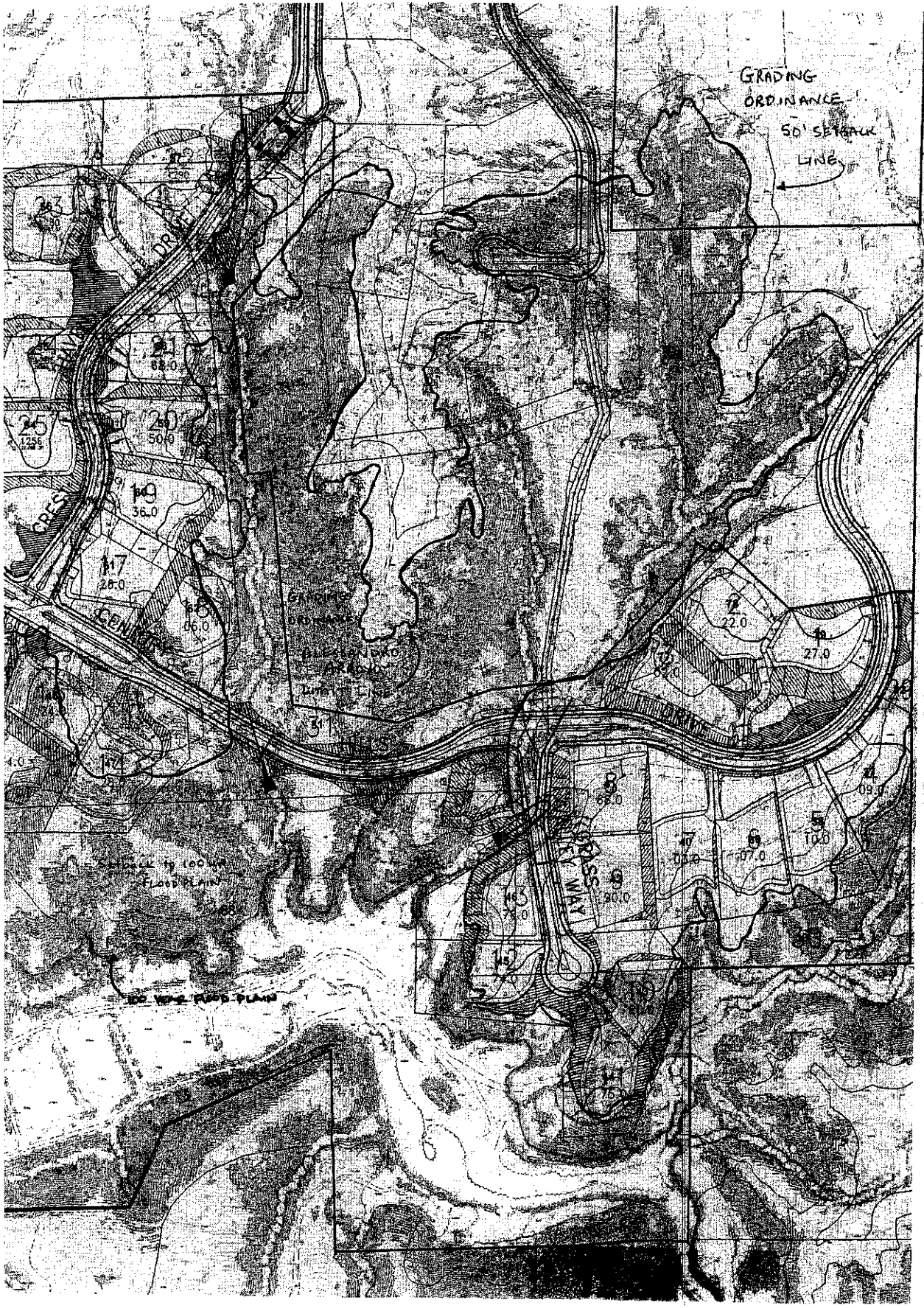
Pad 53-a

12-30



1002-ER-100
Pad 53-b

12-31



**TOPOGRAPHIC MAP
TM 31930**

Legend:

RED SHADING:
Areas shaded in red
Indicate flatter areas
with ANS
less than 30%

BLUE SHADING:
Areas shaded in blue
Indicate steeper areas
With ANS
greater than 30%

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

From: Friends of Riverside's Hills

Re: Appeal of Planning Case P03-1451

26 Aug 2004

(revised 2 Sept 2004)

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

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

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

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

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

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

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

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

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

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

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

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

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

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Riverside CA92507
(951) 781 7346
Watkinshill@juno.com

EXHIBIT 1 -
Recommended Conditions of Approval

CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004

EXHIBIT 1

RECOMMENDED CONDITIONS

Case Number: P03-1451 (TM 31930)

City Council Meeting Date: September 28, 2004

CONDITIONS

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

Case Specific

● **Planning**

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

Prior to Map Recordation

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

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

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

Prior to Grading Permit Issuance

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

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

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

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

operations;

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

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

Prior to Building Permit Issuance

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

Standard Conditions

● **Planning**

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

● **Public Works**

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

50. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications. Security gates shall be keypad activated to provide access to the project for trash collection service.
- *51. Minimum design speed for residential streets should not be less than 25 miles per hour with a 150 foot minimum sight distance.
- *52. Installation of sewers and sewer laterals to serve this project to Public Works specifications. However, septic tanks will be allowed for lots that cannot reasonably be served by a gravity sewer.
- *53. Onsite disposal system (septic tank) acceptability shall be obtained for each lot of this map not served by sewer, to the satisfaction of the County Department of Environmental Health, prior to this map recording.
- *54. Removal and/or relocation of irrigation facilities, as required.
- *55. All property subject to flooding from a 100-year storm shall be placed in the WC (or other appropriate Zone) prior to or concurrently with recordation of this map.
- *56. Ownership of property to be undivided prior to this map recording.
- *57. Trash collection service will not be provided on the common drive serving Lots 50-53. An area shall be provided along Century Hills Drive to accommodate the placement of containers for automated collection. This requirement shall be incorporated in the CC&R's for this project.
- **Fire Department**
- *58. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.
- *59. Construction plans shall be submitted and permitted prior to construction.
- *60. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
- *61. Fire Department access is required to be maintained during all phases of construction.
- *62. Prior to map recordation the Fire Department recommends the following conditions be included in a recorded covenant to the satisfaction of the City Attorney's Office and Fire Departments to ensure that future buyers are informed of these requirements:
- a. On- and off-site fire protection facilities shall be provided to the specifications of the Fire Department.
 - b. The Building Division and Fire Department shall inspect and approve the property and structure for the intended use and all standards and regulations shall be met.
 - c. Residential fire sprinklers shall be installed per City Ordinance #6019.

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

● **Public Utilities**

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

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

● **Park and Recreation**

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

plain.

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

GENERAL INFORMATION NOTES

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

RECOMMENDED CONDITIONS

Case Number: P03-1548 (PRD)

City Council Meeting Date: September 23, 2004

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

Standard Conditions

● **Planning**

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

Fire Department Advisory Conditions:

4. Single family residences shall meet all the following requirements prior to issuing a building permit.
 - a. Public fire hydrant capable of delivering 1,000 G.P.M. available at 20 P.S.I. residual pressure.

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

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

Water Utilities advisory conditions:

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

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

EXHIBIT 2 -

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

CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004

DRAFT UNAPPROVED MINUTES - August 19, 2004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Raftery recommended that this be included in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Kurani thanked Mr. Gutierrez for the clarification.

The public hearing was officially closed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Swiecki suggested taking each case individually.

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

MOTION CARRIED unanimously.

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

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

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

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

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

MOTION CARRIED unanimously.

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

Vice-Chair Singletary advised of the appeal procedure.

EXHIBIT 3 -

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

CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004

CORRECTED RECOMMENDED CONDITIONS

Case Number: P03-1451 (TM 31930)

Meeting Date: August 19, 2004

CONDITIONS

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

Case Specific

● **Planning**

1. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, the applicant's written justifications are referenced:
 - a. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (~~lots 23-27, 29-32, 35-37, 39-49, 51-56, 58-64 and 66-91~~) (37-39, 43-48, 50, 51, 53-55, 57-62 and 77-79);
 - b. a parcel less than five acres in size on lot 49 with an ANS of 30% or greater (~~lots 33-34, 38, 50 & 65~~);
 - c. landlocked parcels located along private streets.

2. The Commission makes the necessary findings in the applicant's favor to grant the following grading exceptions. As justification, the applicant's written justifications are referenced:
 - a. to permit lots 37-41, 43-49-51, 57-62, 77, 78, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road, a water quality basin, and a sewer line to encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
 - b. to permit slopes in excess of twenty-feet for portions of Cresthaven and Century Hills Drives.

Prior to Map Recordation

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

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

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

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

Prior to Grading Permit Issuance

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

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

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

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

Prior to Building Permit Issuance

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

Standard Conditions

- **Planning**

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

- **Public Works**

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

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

● **Fire Department**

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

informed of these requirements:

- a. On- and off-site fire protection facilities shall be provided to the specifications of the Fire Department.
 - b. The Building Division and Fire Department shall inspect and approve the property and structure for the intended use and all standards and regulations shall be met.
 - c. Residential fire sprinklers shall be installed per City Ordinance #6019.
 - d. A public water system shall be provided and maintained.
 - e. Streets and fire apparatus access roads shall meet public street standards.
- *64. Appropriate provisions shall be made and approved by the City resolution or agreement to insure streets are maintained and repaired when necessary in the event a homeowners association fails to do so.
- *65. Cul-de-sacs, where islands are provided, shall be a minimum of 106-feet in diameter, curb-to-curb, with a maximum fifty-foot diameter island.
- *66. Entry gate(s) shall meet Fire Department requirements for access and be equipped with key box (Knox) devices.
- *67. All dead-ends, caused by recordation of individual phases of the map, in excess of 150-feet will be required to provide a temporary turnaround to the Fire Department's approval.

● **Public Utilities**

- *68. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
- *69. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
- *70. Consideration for acceptance of a City maintained water system within private developments requires the following:
- a. Easements will be provided as required by the Water Utility. This will include the entire width of private streets (minimum 50-foot wide) and

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

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

● **Park and Recreation**

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

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

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

GENERAL INFORMATION NOTES

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

CORRECTIONS

ISSUES (AND SUPPORTING INFORMATION SOURCES):

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

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

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

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

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e. Grading on natural slopes over 10 percent? (Source: GIS MAPS & GENERAL PLAN EXHIBIT 4 — SLOPE ANALYSIS)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The project area is characterized by slopes that range between approximately 10 and 30 percent, with an average slope of approximately 26%. The proposed grading for this project is regulated by the Public Works Department and the City's Grading Ordinance. The project requires grading exceptions to allow manufactured slopes up to a height of 30 feet for portions of proposed Cresthaven and Century Hills Streets. As well, portions of the proposed pads and streets are located within the limits of the Alessandro Arroyo. In addition, the Grading Ordinance requires a 50-foot development setback from the limits of the Arroyo.

The Grading Ordinance allows the granting of grading exceptions provided findings can be made that exceptional or special circumstances apply to the property. Such as exceptional or special circumstances shall include such characteristics as unusual lot size, shape or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason of prior existing recorded subdivisions or other characteristics of contiguous properties.

Portions of lots 37-41, 43-49 51, 57-62, 77, 78, Cresthaven Drive, Century Hills Drive, Grass Valley Way, a Flood Control access road, a water quality basin and a sewer line encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance. The limits of the Alessandro Arroyo and the required fifty-foot setback established under the Grading Ordinance were established based on an analysis of topographical maps and aerial photos.

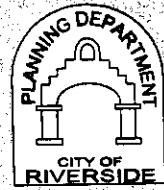
ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact Potentially Significant Unless Mitigation Incorporated Less Than Significant Impact No Impact

The limits of the arroyo are defined as those areas with slopes over 30% and which are identified on the Alessandro Arroyo map exhibit to the grading ordinance. However, it is often necessary to actually inspect the site to determine more precisely the Arroyo limits. Lots 37-40 have been daylighted to avoid slopes within proximity to the main Arroyo. The grading for these lots allows for an open space corridor that lines up with the open space areas of the adjacent maps to the northeast

The remaining lots 41-44 41, 43-51, 57-62 46-49, 57-68 and 77-78 are located outside the main branch of the arroyo and lie on relatively flat surfaces or within portions of tributaries which are not topographically or visually significant. Additionally, lot 45 contains significant rock outcroppings in the rear portion of the pad which are noted for protection.

Although the proposed street alignment has already been approved under the PRD, grading exceptions are now necessary to construct some of these streets. However, none of the proposed streets lie within the actual arroyo. A grading exception is also required for the installation of a water quality basin. The purpose of this feature is to provide pretreatment of urban run off prior to discharge into the drainage feature further south. Finally a grading exception is required for the installation of the sewer line and a Flood Control access road. The road already exists and will be formalized as part of this project to allow access for maintenance. Additionally, the sewer line originates from the adjacent residential development to the north and flows to the south until it reaches the intersection of Grass Valley Way and Century Hills Drive and minimal grading is necessary in non-significant portions of the site not on any ridgelines. For the reasons stated above, staff can support all of the requested grading exceptions for encroachments into the Arroyo and its tributaries. Staff has made the necessary findings in support of these exceptions and are attached as part of this report.



CASE NUMBER: TM-31930

HEARING DATE: August 19, 2004

STAFF SUPPLEMENTED GRADING EXCEPTION FINDINGS:

- Grading Exceptions:
- A) to permit lots 37-41, 43-49, 50, 51, 57-62, 77, 78, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road, a water quality basin and a sewer line to encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
 - B) To permit slopes in excess of twenty feet for portions of Crest haven, and Century Hills Drive

FINDINGS:

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

Deviation A — Arroyo Limits and Setback Encroachments

Lots 37 through 40 - The strict application of the provisions of this Title would not permit reasonably sized building pads to be created on these minimum one-acre lots due to the required fifty-foot setback and arroyo limits. The applicant has revised the proposed grading on these lots to eliminate a second pad that was originally proposed at the rear of the lots thereby greatly reducing the amount of grading encroaching into the setback and arroyo limits. As well, the applicant has created a new open space lot, Lot 93, from a portion of lot 37 opening up the open corridor that connects to the open space areas of the maps to the east. The affected area is a tributary of the arroyo with the main branch of the arroyo further south. From a field visit to the site staff noted that the area proposed for grading does not have the characteristics (i.e., riparian area, 30% slopes, unique topographical features, etc.) that the Grading Ordinance endeavors to preserve. Therefore, it would be an unnecessary hardship to eliminate these pads and/or lots completely as the proposed grading is not in the more environmentally sensitive areas of the arroyo and ample open space is provided.

Lots 41, 46 and Grass Valley Way - These lots encroach into another tributary of the Alessandro Arroyo. This tributary extends from the arroyo to the south, northerly up a steep slope breaking out into two fingers. The steep slope is generally characterized with large rock outcroppings which the applicant proposes to preserve. The strict application of the provisions of this Title would not permit the proposed building pads

and street due to their encroachment into the setback and arroyo limits. During a field visit, staff noted that this portion of the map area does not visually appear as a part of an arroyo and there are no significant rock outcroppings or other notable features being removed. Since the intent of the Grading Ordinance is being maintained with the grading as proposed, it would be an unnecessary hardship not to permit the grading as proposed.

Lots 43 and 44 - The strict application of the provisions of this Title would not permit the proposed building pads in that the grading necessary for these lots encroach into the arroyo limits and setback. Based on a field inspection, staff noted that these lots are sitting on knolls above the main arroyo and are not within the arroyo. The applicant has designed the grading to daylight with no exposed slopes to the arroyo and to blend in with the natural terrain. The area directly abutting the rear property lines of these lots has been reserved as an open space lot that will link to open space areas in adjacent maps. It would be an unnecessary hardship to not permit these encroachments given that the encroachments will not affect sensitive areas of the arroyo and the actual sensitive areas behind these lots have been reserved as part of an open space lot. These encroachments will be consistent with the intent of Title 17.

Lot 45 - The strict application of the provisions of this Title would not permit the proposed building pad in that the grading necessary for this lot encroaches into the arroyo limits and setback. The limits of the arroyo and setback were established based on an analysis of topographical maps and aerial photos which depicted those areas with slopes over 30%. Per a field visit, the proposed pad will not be situated over sensitive areas of the arroyo limits or within the arroyo itself. However, staff did note that significant rock outcroppings exist in the rear portion of the pad and are noted for protection on the map. To insure that these rock outcroppings are protected, staff is recommending that a detailed grading plan be submitted for this lot showing the precise location of these rock outcrops and insuring their preservation in order to meet the intent of Title 17. Given these circumstances, it would be an unnecessary hardship to not permit grading as proposed for this lot.

Lots 47, 48, 49, 50 and 51- These lots encroach into another tributary of the Alessandro Arroyo. This tributary extends from the arroyo to the south, northerly up a slope generally characterized with large rock outcroppings which the applicant proposes to preserve. The strict application of the provisions of this Title would not permit the proposed building pads in this location as they are within the arroyo limits and setback. However, from both a review of the grading plan as well as a field visit to the site, staff noted that these lots are not truly in the tributary but sit on a relatively flat knoll next to the tributary. The area proposed for these pads is relatively flat and does not contain any significant rock outcroppings or sensitive areas of the arroyo. In fact, there are some rock outcroppings directly easterly of lot 47 which have been reserved within an open space lot. As well, these lots have been designed to preserve significant rock outcroppings between lots 47-49 and 50-51. It would be an unnecessary hardship not to allow these minimal encroachments given that the intent of Title 17 will be met.

Lot 57 and Cresthaven Street - Actual grading for lot 57 has not been proposed at this time. However, a portion of lots 57 and C encroach into the arroyo and setbacks as defined by the Grading Ordinance. Therefore, the strict application of the provisions of this Title would not permit the construction of street lot C and would limit grading on lot 57. However, this area is actually just to the west of one of the tributaries of the arroyo. The areas proposed for grading do not have any of the characteristics of an arroyo. When this map was originally approved, careful

south.

Deviation B — Slope Height

Century Hills Drive and Cresthaven Drive - The strict application of this Title would not permit the construction of these streets since slopes higher than twenty feet will be required. To build proposed Crest Haven Di there is an area, just southerly of the Cresthaven Drive cul-de-sac, where slopes will reach a maximum of 26-feet for a distance of thirty-feet. For Century Hills Dr, there is an area, located approximately midway in the length of the street, where the maximum slope height will reach thirty-feet for a distance of seventy-feet. For street H there are two areas where slopes will exceed twenty-feet. The first area is the southerly portion of lot 76, where a maximum height of 29-feet over a distance of seventy-feet will be needed. The second area is on the easterly side of the knuckle of street H with street F where a maximum height of thirty-feet for a distance of forty-feet is needed. These slopes are not out of character with the area and will be contour graded to blend with the area. As mentioned previously, the street configuration, as proposed, was based on a study of the natural terrain of the project site to limit grading. This proposal shows the same streets as approved before under the map and the slopes will be contour graded. It would be an unnecessary hardship to not allow these slopes for these streets given that the slopes are not in sensitive areas of the arroyo and the intent of Title 17 will be met.

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

Deviation A: — Arroyo Limits and Setback Encroachments

Lot 37 through 40 - Per a field visit, the portions of the building pads and manufactured slopes of these lots encroaching within the arroyo limits and setback areas are from a visual standpoint not readily identifiable as part of the arroyo. Also, all of the sensitive natural features in the area, particularly the rock outcroppings, will not be affected. These factors are considered exceptional circumstances.

Lot 41, 46 and Grass Valley Way - The portion of the building pad and manufactured slopes lying within the arroyo limits and setback areas are within a tributary and not the main branch of the arroyo. From a site visit to this site, staff noted that this area is not identifiable as part of the arroyo and this is considered an exceptional circumstance.

Lot 43 and 44 - Per a field visit, the portions of the building pads and manufactured slopes of these lots lying within the arroyo limits and setback areas will not affect sensitive natural features of the arroyo. When staff went out to the site, it was noted that these lots are sitting on knolls above the main arroyo. The applicant has designed the grading to daylight with no visible slopes and to blend in with the natural terrain. In fact, there is a portion adjacent to the rear property line of this lot that is sensitive to the arroyo and will be reserved as part of an open space lot.

Lot 45 - As noted under finding 1, the proposed pad will not be situated over sensitive areas of the arroyo limits or within the arroyo itself. However, staff did note that significant rock outcroppings exist in the rear portion of the pad and are noted for protection on the map. Since, this grading is not actually within the arroyo, this an exceptional circumstance.

Lots 47, 48, 49, 50 and 51 - From both a review of the grading plan as well as a field visit to the site, staff noted that these lots are not truly in the tributary but sit out on a relatively flat knoll next to the tributary. The area proposed for these pads is relatively flat and does not contain any significant rock outcroppings or sensitive areas of the arroyo. As a matter of fact, there are some rock outcroppings directly easterly of lot 47 which have been reserved within an open space lot. Lot 48 is further to the north outside the main branch of the arroyo. As well, these lots have been designed to preserve significant rock outcroppings between lots 47-49 and 50-51. These are considered exceptional circumstances.

Lot 57 - This area is actually just to the west of one of the tributaries of the arroyo. The areas proposed for grading do not have any of the characteristics of an arroyo. When this map was originally proposed careful consideration was given to the proposed street alignment through the map to insure that grading would be minimized. This portion of the site is not steep and will not impact the lower, steeper portions of this tributary. These are considered exceptional circumstances.

Lots 58 through 62 - Per a field visit, the proposed pads will be situated on a relatively flat area and away from the sensitive lower portion of a tributary segment of the arroyo. This is considered an exceptional circumstance.

Lots 77 and 78 - The proposed pads will be situated on a relatively flat portion of the site, and not within the arroyo. This is considered an exceptional circumstance.

Streets (Glen haven and Century Hills Dr) - The proposed street location will stay out of areas with significant scattered rock outcroppings just northerly of the proposed street location and the main arroyo which runs just southerly of the street. The streets were designed to limit the amount of grading to the maximum extent. Staff believes these to be considered exceptional circumstances.

Flood Control access road and sewer line - Per a field visit, the portions of the areas to be graded for a Flood Control access road and sewer line encroaching within the arroyo limits and setback areas are from a visual standpoint not readily identifiable as part of the arroyo.

Water Quality Basin - The purpose of this feature is to provide pretreatment of urban run off prior to discharge into the drainage feature further south. This is considered an exceptional circumstance in that it will provide protection for the arroyo to the south.

Variance B: — Slope Height Exceptions

Streets (Glen haven and Century Hills Dr- The street configuration for this project was based on a study of the natural terrain to limit the grading needed. As a result, the proposed slopes up to thirty-feet in height are needed for the street configuration. To redesign the streets in a different configuration would require even more grading than proposed. These are considered exceptional circumstances.

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

Deviation A:

Lots 37 through 40 - The proposed grading does not affect the actual arroyo as noted by a site visit. Also, all of the sensitive rock outcroppings within the arroyo limits and setbacks will be preserved. The proposed grading will have not be detrimental to the public or the area.

Lot 41, 46 - The proposed grading on these lots will not affect the sensitive portions of the tributary segment of the arroyo. Although the Grading Ordinance defines this area as part of the arroyo tributary staff noted that the tributary if further west and these lots are not within the tributary.

Lots 43 & 44 and Grass Valley Way- The proposed grading on this lot will not affect sensitive portions of the arroyo and no sensitive rock outcroppings within the arroyo and setbacks will be impacted. The proposed grading will have no adverse impact to this neighborhood.

Lot 45 - The proposed grading on this lot, as conditioned for the preservation of the rock outcroppings in the rear of the pad, will not affect sensitive portions of the arroyo. On this basis, the proposed grading will have no adverse impact on the neighborhood.

Lots 47, 48, 49, 50 and 51: The proposed grading on this lot, as conditioned, will not affect sensitive portions of the arroyo. This map has been approved previously and these lots will not change. The proposed grading will have no adverse impact to this neighborhood.

Lot 57 - The proposed grading on these lots will facilitate the construction of Street C which is in the least sensitive location possible. The proposed grading will not affect sensitive areas of a tributary segment of the arroyo. The proposed grading will have no adverse impact to this neighborhood.

Lots 58 through 62 - The proposed grading on these lots will not affect sensitive portions of a tributary segment of the arroyo. The proposed grading for these lots is the same as previously approved and will have no adverse impact to this neighborhood.

Lots 77 and 78 - The proposed grading for these lots will not affect sensitive areas of the arroyo and its tributaries. Additionally, these lot configurations have been approved once previously. The proposed grading will have no adverse impact to this neighborhood.

Crest Haven and Century Hills Drives - The proposed alignment of this street has already been approved previously and it was determined that it would not affect sensitive areas of the arroyo. The proposed grading will have no adverse impact to this neighborhood.

Flood Control access road and sewer line - The portions of the areas to be graded for a Flood Control access road and sewer line are minimal and are not intended to be used for public access. As such, these features will not impact this neighborhood in any form

Water Quality Basin - The purpose of this feature is to provide pretreatment of urban run off

prior to discharge into the drainage feature further south. This feature is designed to protect the arroyo and will not impact this neighborhood.

As noted above the actual effects to the arroyos are insignificant and the applicant has designed the map and grading as sensitively as possible. Therefore, this project should not be detrimental to the public or area.

Deviation B: — Slope Height Exceptions

Glen Haven and Century Hills Drives - As mentioned previously, the street configuration and alignment have already been approved under the map based upon extensive studies and previous public input to limit the amount of grading to the extent possible. Per a field visit, the proposed slopes up to 30-feet will not affect sensitive areas of the arroyo and will not have an adverse impact to the neighborhood.

Flood Control access road and sewer line - These features will not impact any adjacent neighborhood but rather improve sewer facilities and maintenance into the Flood Control District area to the south the project. As noted above the actual effects to the arroyos are insignificant and the applicant has designed the map and grading as sensitively as possible. Therefore, this project should not be detrimental to the public or area.



Variance Justifications (CORRECTED) EXHIBIT L

CASE NUMBER: P03-1451, P03-1548 and P04-0260

HEARING DATE: August 19, 2004

- Variances:**
- a. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (lots 37-39, 43-48, 50, 51, 53-55, 57-62 and 77-79);
 - b. parcel less than five acres in size on lot 49 with an ANS of 30% or greater;
 - c. landlocked parcels located along private streets

STAFF VARIANCE JUSTIFICATION FINDINGS:

FINDINGS:

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

Variances A and B: 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.

Variance C: The strict application of the Zoning Code would not allow the proposed private street design in which this would be considered an unnecessary hardship given that all lots will have access to public streets.

2. There 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.

Variances A and B: 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.

Variance C: This map is designed as a planned residential development with private streets and that all lots will have access to a public street. These are considered exceptional circumstances.

3. The granting of this request prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

Variances A, B & C: 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 setback variances. As well, all lots will be served by a private street connecting to a public street.

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.

cc:Clara E. Miramontes

CITY OF RIVERSIDE PLANNING DEPARTMENT



Grading Exceptions (APPLICANTS) EXHIBIT

CASE NUMBER: P03-1451, P03-548, P04-0260 HEARING DATE: August 19, 2004

APPLICANT PROVIDED GRADING EXCEPTION FINDINGS:

- Grading Exceptions:
- a) to allow lots 37-41, 43-49, 50, 51, 57-62, 77-78, portions of Crest Haven Drive, Century Hills Drive, Grass Valley Way, the water quality basin, the Flood Control access road, and the sewer line extension, to encroach within the limits of the Alessandro Arroyo and the 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
 - b) to allow slopes in excess of twenty-feet for portions of Crest Haven and Century Hills Drives.

Relevant Standards from the City of Riverside Grading Ordinance

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

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

Definitions:

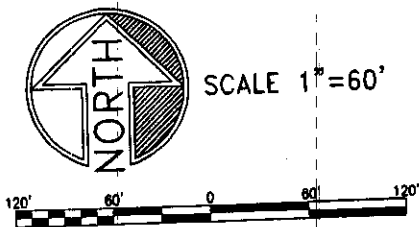
1. The Alessandro Arroyo is defined in the Grading Ordinance as follows: "the limits of the arroyos shall include all that land within the water course area, the adjacent slopes having an average natural slope of 30% or greater, and all other areas within the boundaries shown on Exhibits "A-F" (emphasis added.) (Id., at § 17.28.020(14)(b).) Exhibits "A-F" are maps attached to the Grading Ordinance that identify the Arroyos and tributaries. Exhibit "D" is attached below.
2. Alessandro Arroyo Study definition of Arroyo. The direction of the water flow in the Arroyo that occurs during periods of heavy rain is from east to west.
3. The topographic maps incorporated for illustration purposes herein identify in red all slopes less than 30%, and in blue all slopes greater than 30%. The 50' setback and limits of the Alessandro Arroyo identified on Exhibit "D" are identified on the topographic maps used herein. The southerly line identifies the Arroyo limit, and the northerly line identifies the outer edge of the 50' setback. The location of the Alessandro Arroyo (the "Arroyo") and the 50' setback are interrelated. The Arroyo limit line establishes the beginning of the 50' setback, which extends 50' away from the Arroyo. For ease of reference, in these findings, the Arroyo limit and the 50' setback will be referred to together as the "setback ribbon", unless the context requires that they be identified individually.

GRADING EXCEPTIONS

Exhibits to Finding 1

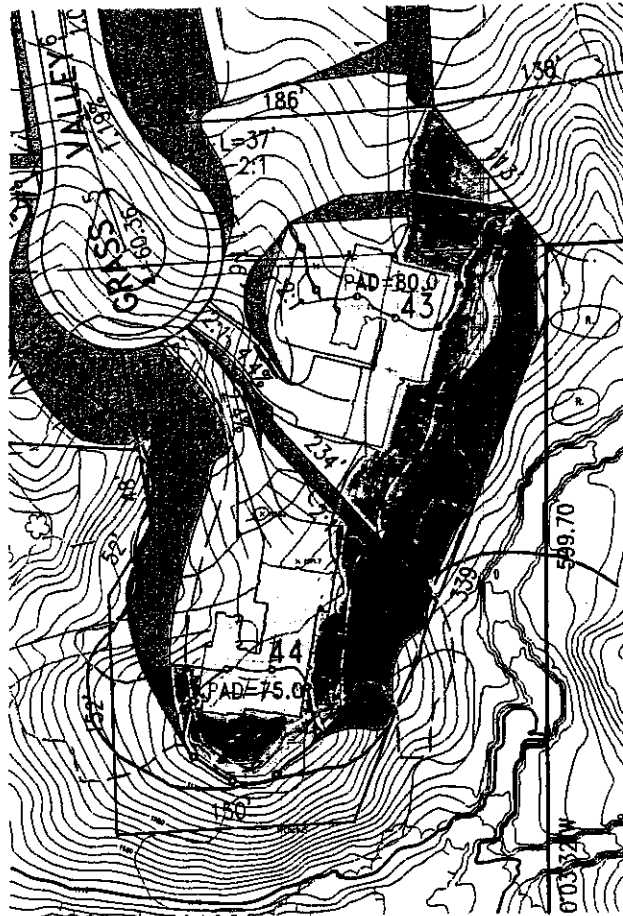
The house footprints highlighted in yellow on the following pages represent a typical one-story house size in the neighborhood surrounding TM 31930.

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..



LOTS 37-40

12-86

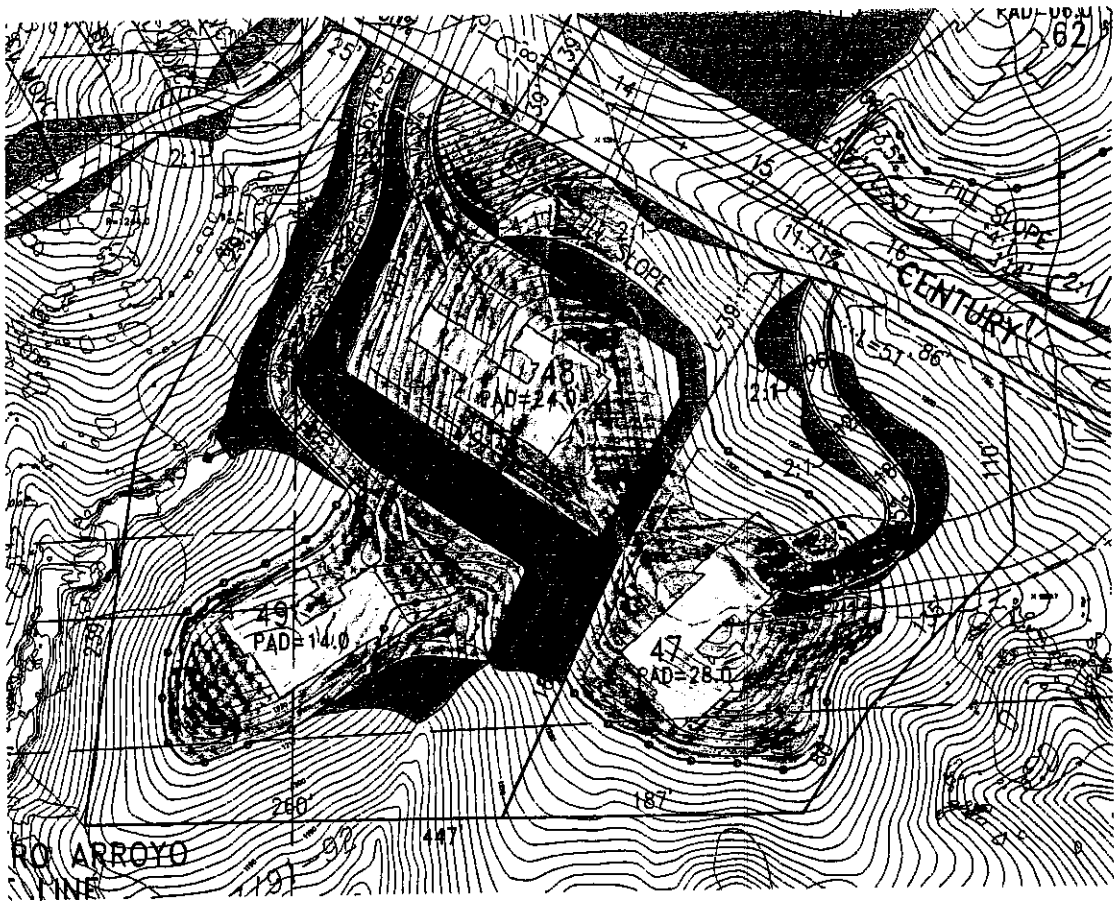


SCALE 1" = 60'



LOTS 43-44

12-87

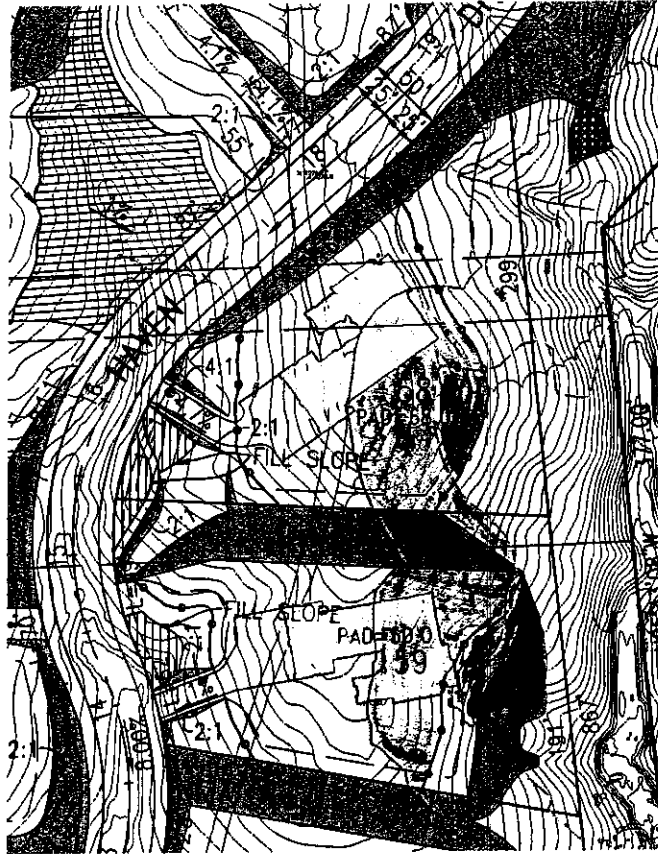


SCALE 1"=60'

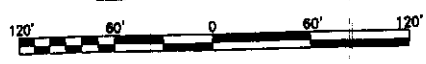


LOTS 47-49

12-89

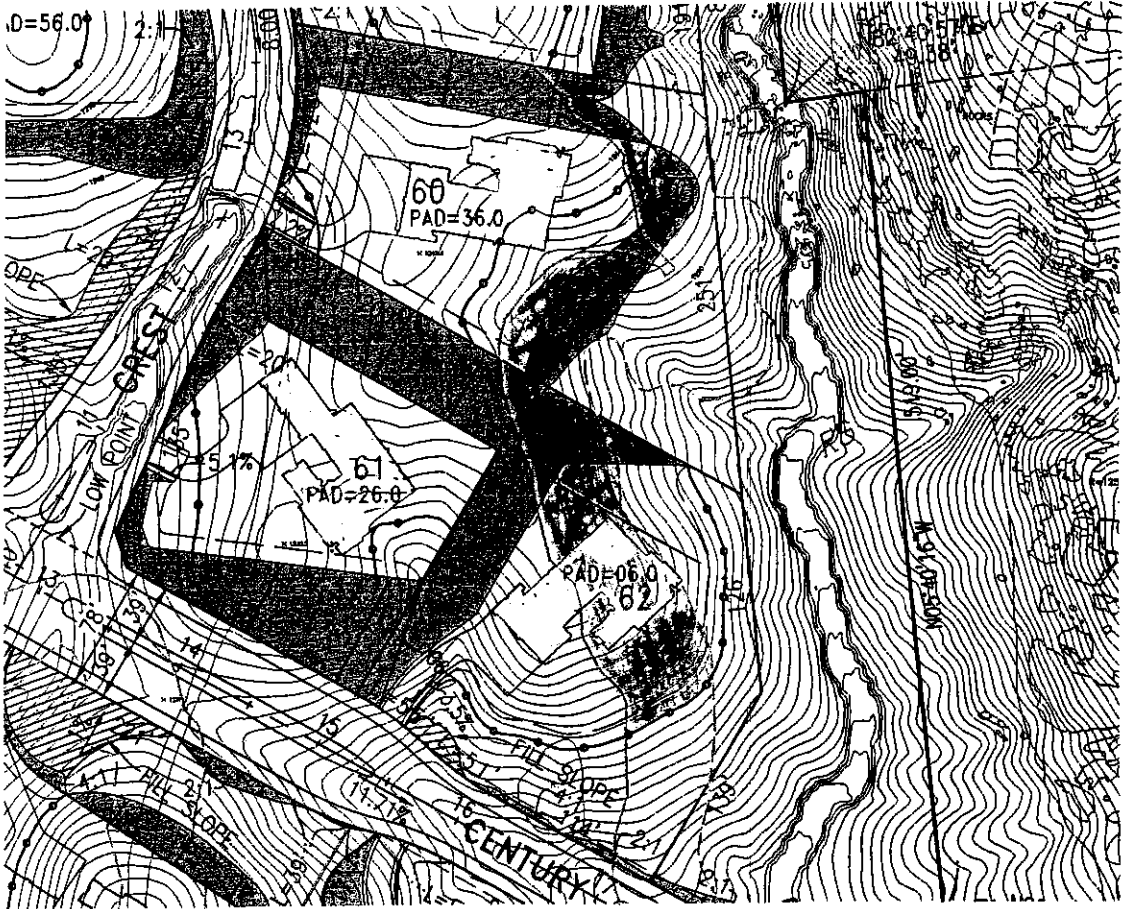


SCALE 1"=60'

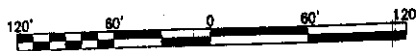


LOTS 58-59

12-92

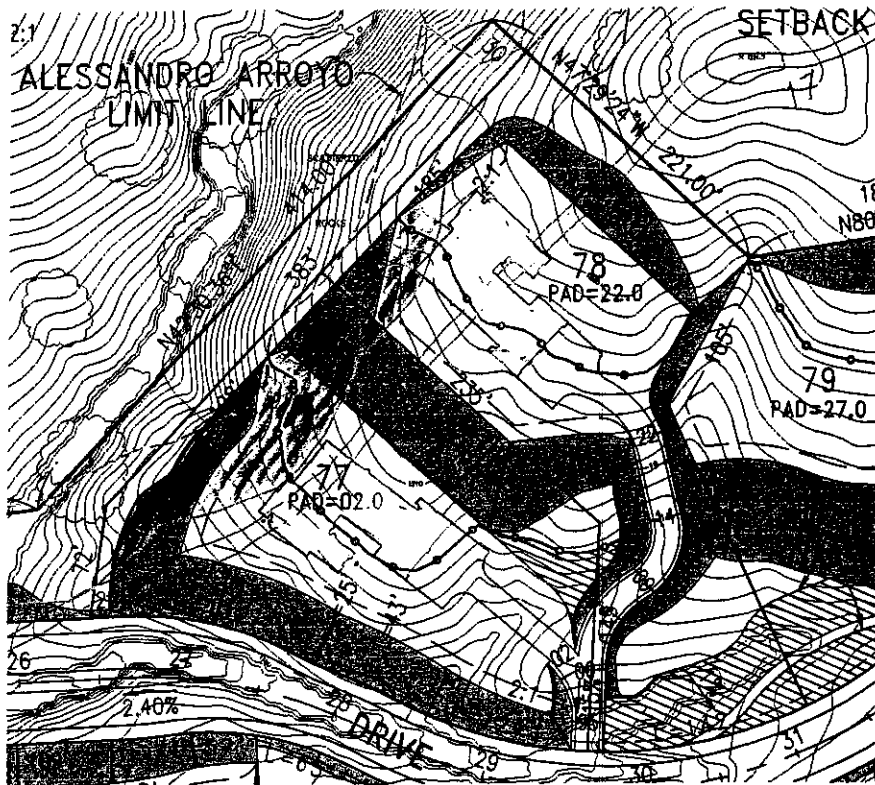


SCALE 1"=60'

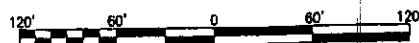


LOTS 60-62

12-93



SCALE 1"=60'



LOTS 77-78

12-94

Supplemental CEQA Finding for Substituted Air Quality Mitigation Measure

A. Air Quality

(2) **Potential Significant Impacts:** The Project could potentially violate a daily construction emissions air quality standard or contribute to an existing or projected air quality violation during the construction phase. This is a potentially significant impact (Initial Study, p. 14.)

Finding: The following fugitive dust mitigation measures are hereby substituted for the mitigation measures identified as number 5(a), in the Air Quality section of the Initial Study on page 14. The substituted mitigation measures identified below are equivalent or more effective in mitigating or avoiding potential significant construction air quality effects than the mitigation measures identified in the Initial Study in number 5(a), and the substitution of these mitigation measures will not cause any potentially significant effect on the environment.

Condition of Approval 36, identified below, identifies the substituted mitigation measures related to fugitive dust.

Substituted Mitigation Measures for Fugitive Dust:

Condition of Approval 36: Compliance with SCAQMD Rules 402 and 403 shall be followed in order to minimize air pollutant construction emissions. Additionally, the applicant will implement the following:

- (a) Regular watering, at least three times a day, of the construction site, including all unpaved parking or staging areas or unpaved road surfaces, shall be utilized in order to reduce the fugitive dust generated during grading and construction operations.
- (b) Replace ground cover in disturbed areas as quickly as possible.
- (c) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM10 generation. \

Implementing the substituted mitigation measures above, is feasible and the Commission adopts and incorporates these measures into the Project.

Supporting Explanation: The Initial Study identified that short term air quality impacts related to project construction would temporarily exceed the South Coast Air Quality Management District ("SCAQMD") daily thresholds of significance for fugitive dust (PM10) and oxides of nitrogen (NOx).

1. **Fugitive Dust (PM10):** Specifically, the Air Quality Analysis, dated June 2004, identified that peak grading day PM10 emissions resulting from construction equipment exhaust would amount to 13.0 lbs per day. (Air Quality Analysis, LSA Associates, Exhibit E, page 20.) When combined with other peak grading day emissions, the total PM10 emissions would be

197.2 lbs. per day. This exceeds the SCAQMD daily construction threshold for PM10 of 150 lbs. per day. The following mitigation measures are required to comply with SCAQMD Rules 402 and 403, and were utilized in the impact analysis to reduce potential PM10 emissions by 50%.

Mitigation Measures Proposed in Air Quality Analysis and Incorporated into Initial Study to Reduce Fugitive Dust Emissions from Construction Activities by 50% to 184 lbs or Less Per Day:

(1) During construction, the contractor shall be responsible for ensuring that all mitigation measures listed in Table H are implemented. Note that to achieve the particulate control efficiencies shown, it was assumed that finished surfaces would be stabilized with water and/or dust palliatives and isolated from traffic flows to prevent emissions of fugitive dust from these areas. In addition, the following water application rates have been assumed.

-Roads traveled by autos, rock trucks, water trucks, fuel trucks, and maintenance trucks – up to twice per hour.

-Roads traveled by scrapers and graders; active excavation area – up to three times per hour.

-Finish grading area – up to once every two hours.

(2) All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor will ensure that all construction equipment is being properly serviced and maintained.

(3) The construction contractor shall utilize, as much as possible, pre-coated/natural colored building materials, water-based or low VOC coating, and coating transfer or spray equipment with high transfer efficiency, such as high-volume, low-pressure (HVLP) spray method, or manual coatings application such as paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge.

A follow-up Air Quality Analysis was prepared dated July 30, 2004, which identified additional mitigation measures which would increase the control efficiency from the standard 50% rate identified for the above-referenced Mitigation Measures, to 65 percent or more. Implementation of the following mitigation measures would increase the frequency of the required water applications identified in (1) above, and require additional measures, which together, would reduce dust emissions from construction activities from 369 pounds per day (unmitigated) to 129 lbs per day. (Air Quality Analysis, July 30, 2004, pg. 2.)

Substituted Mitigation Measures Proposed in Air Quality Analysis dated July 30, 2004:

(1) Regular watering, at least three times a day, of the construction site, including all unpaved parking or staging areas or unpaved road surfaces, shall be utilized in order to reduce the fugitive dust generated during grading and construction operations.

(2) Replace ground cover in disturbed areas as quickly as possible

(3) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM10 generation.

Implementation of the above-referenced substituted fugitive dust mitigation measures is feasible, and the Commission adopts and incorporates these measures into the Project.

2. Oxides of Nitrogen (NOx): Short term peak grading day NOx emissions from construction equipment exhaust was also estimated to exceed for a limited number of days, the SCAQMD daily threshold. The Air Quality Analysis identified peak construction NOx emissions at 220.5 lbs per day, compared to a construction threshold of 100 lbs per day.

Mitigation Measures Proposed in Air Quality Analysis, dated June 2004:

Construction Vehicle/Equipment Operations	
•	Configure construction parking to minimize traffic interference.
•	Provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person).
•	Provide on-site food service for construction workers.
•	Prohibit truck idling in excess of 10 minutes.
•	Apply 4-6 degree injection timing retard to diesel IC engines whenever feasible.
•	Use reformulated low-sulfur diesel fuel in all equipment whenever feasible.
•	Use catalytic converters on all gasoline powered equipment.
•	Minimize concurrent use of equipment through equipment phasing.
•	Use low NOx engines, alternative fuels, and electrification whenever feasible.
•	Substitute electric and gasoline powered equipment for diesel powered equipment whenever feasible.
•	Turn off engines when not in use.
•	Wash truck wheels before the trucks leave the construction site.
•	When operating on site, do not leave trucks idling for periods in excess of 10 minutes.
•	Operate clean fuel van(s), preferably vans that run on compressed natural gas or propane, to transport construction workers to and from the construction site.
•	Provide documentation to the County of Riverside prior to beginning construction demonstrating that the project proponents will comply with all SCAQMD regulations including 402, 403, 2224, and 1403.
•	Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).
•	All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained.

Implementation of the above-referenced exhaust emission mitigation measures will reduce, to the extent feasible, exhaust emissions during the short 5-6 week grading period

proposed for TM 31930. However, even with these mitigation measures, construction emissions from NOx would exceed the daily thresholds during the construction period.

Determination in the July 30, 2004 Air Quality Analysis

The Air Quality Analysis, dated July 30, 2004, identified that background concentrations of NOX at the Riverside Rubidoux monitoring stations (the monitoring station closest to the site) have not exceeded the State 0.25 parts per million (ppm) one-hour standard or the federal 0.053 ppm annual average standard within the past five years.

This is confirmed by the following levels of NOx recorded at the Riverside/Rubidoux monitoring station: in 2003, the one hour concentration was 0.099 ppm with an annual average concentration of 0.021 ppm; in 2002, the one hour concentration was 0.098 ppm with an annual average of 0.023 ppm; in 2001 the one hour concentration was 0.150 ppm with an annual average pf 0.024; in 2000 the one hour concentration was 0.094 ppm with an annual average of 0.022 ppm; in 1999, the one-hour concentration was 0.132 ppm, with an annual average concentration of 0.025 ppm.

Although the construction period will last 5-6 weeks, resulting in a temporary impact related to exhaust emissions from construction equipment, because ambient background concentrations identified for the past 5 years at the Riverside monitoring station have not exceeded the state or federal standards, the exhaust emissions related to construction activity for TM 31930 are not expected to result in new exceedances of the NOx ambient air quality standards. In addition, the proposed project was included as a residential development in the City's General Plan. As a result, emissions from the construction of the project have been taken into consideration in the preparation of the SCAQMD's Air Quality Management Plan ("AQMP"). Therefore, the emissions generated during construction will not delay the attainment of the ambient air quality standards. The proposed project will have a less than significant impact on local air quality.

August 17, 2004

Planning Department
City of Riverside
3900 Main Street
Riverside, Ca. 92533

Attention: Clara E. Miramontes

Reference: Proposed TM 31930
Case Nos.: PO 3-1451
PO 3-1548
PO 4-0260



Dear Clara,

Please be advised that we are in receipt of your E-mail of August 16, 2004 regarding the Staff Report for the above enumerated proposed developments.

We own a residential estate home on a five (5) acre lot that we purchased June of 2000. Our address is (for the record) 1998 Apostle Lane, Riverside, Ca. 92506.

Our rear (back yard) property line runs north and south for approximately 822 feet and abuts directly to Lot No. 37 at some point of the proposed development of Phase III. Specifically, we are impacted directly by the development of Lots 37 – 42, and Lots 77 – 79 according to a proposed lotting study received from your Planning Staff.

Further, you should note that a portion of the Alessandro Arroyo transverses our property to the northwest, and is just a few feet to the south and east rear lot line for proposed Lot 37 (proposed lotting study provided by Planning Staff).

Thus, this portion of our property falls within the regulations for no grading or development, no fencing, natural open space required under the Reservation Conservation Zone relief is dangerously close to the arroyo.

That being said, we have serious concerns regarding the overall project going forward:

1. The Developer has not (did not) provide an Environmental Impact Report (EIR), if there was ever a proposed development that warrants (requires!) an in depth environmental study, this would be the "model" for that requirement.

The Biological shown in your report addresses only the Stephens Kangaroo Rat and the Gnat Catcher. Totally overlooked however, was the whole creature culture that exist and thrive on this land. (Just for the record, you should note that we have seen Stephens kangaroo Rats on our own property – so we are sure they do exist in this reserve.)

Some of the larger creatures that have been overlooked by the Proposed Development Report include: Multiple Coyote families (?#s); a plethora of

rodents, squirrels, rabbits, being controlled by the Coyote families, and the large birds; Hawks, Egrets, Owls – just to name a few.

The Development proposal will severely impact the animal balance (survival?) for this area. Moreover, the lotting study proposal severely pinches off migrating movement and cordons off animal habitats. Thousands of creatures will either die or be driven into residential property – a disaster in the making! We know that you have stated the opposite to this in your report. However, all we can say is that you are gravely mistaken. Since we have lived here for four (4) years, and as such have direct experience with the extent of the wildlife on a daily basis, we have first-hand experience regarding this issue.

2. The original approval for Tract No. 28728 was approximately ten (10) years ago. The Developer allowed the map approval to lapse. The Developer then received an additional five (5) year map approval for Tract No. 28728 to wit a portion of that project was developed prior to the map expiration.

Note: Numerous new homes and developments that did not exist ten (10) years ago or even five (5) years ago have been developed. Thus, the open space conditions must be put into today's context as it relates to environmental impact and neighborhood impact and should not be treated merely as an additional term map extension without serious consequences.

Thus, Proposed Development TM 31930 should and must be considered on its own merits within the current and existing context for the state of development of for the Alessandro Heights area.

3. The "Natalie" project is going forward now and that further reduces open space for wild life habitat.
4. The density calculations should include a portion of land that the Developer does not own – may not acquire – and still requires additional institutional approval – Country owned Flood Zone.
5. So called "neighborhood" project approval as shown on Page #4 of your report reflecting so-called neighborhood and Developer compromises that support the development of this project going forward do not exist as far as we are concerned.

Note: We spoke by phone with Gable Engineering in December of 2003 to set up a meeting to discuss this project. He said he would get the message to Jim Guthrie. No call back was received by us (no conversation).

In January of this year, I accidentally met Jim Guthrie while visiting his current model complex and requested information. No follow-up to that request of Guthrie.

6. Overall development concept contradicts the Alessandro Heights Reservation Conservation Zone concept. Current residences are not permitted to extend fencing that would in effect cordon off animal habitat and/or landscape or further develop their property, notwithstanding their ownership.

7. Due to the size and scope of this project, there will occur ongoing and intrusive negative issues to the existing neighborhood (i.e. extensive grading, blasting, heavy equipment, dust abatement, noise pollution, traffic levels, et.al.) for several years to come.
8. Proposed development provides no public access to arroyo area per Tiberon Trails Requirement.
9. Proposed development plan includes lots which encroach into the Alessandro Arroyo grading restricted area – see lots. We are currently operating under the original agreement, since we purchased our property that strictly prohibits grading encroachments into these designated areas.
10. Proposed development intrudes on neighborhood esthetics, street scene, quiet enjoyment, privacy, natural and night light views.

The City of Riverside, nor the current Alessandro Heights residents, nor the collective animal culture, should be held responsible or be required to come to their aid regarding the success or failure of a developer or a development, through the incorporation of negotiated variances, non conforming justifications, or lapsed tract maps that will negatively impact an area so badly that it will never recover.

Hence, we feel that the City of Riverside should fully reject this proposed development thus avoiding the potentially hazardous consequences.

Sincerely,

Robert Burton

Susan Burton

CC: Friends of Riverside's Hills
Attn: Dr. Len Nunney

18 August, 2004

To: Honorable Chair and Members of the City of Riverside Planning Commission

From: Friends of Riverside's Hills, 4477 Picacho Dr., Riverside, CA 92507

Re: Tract Map 31930, cases P03-1451, P03-1548, P04-0260

The following comments add to our previous letter submitted on 25 March 2004, and are in response to the more detailed information contained in the latest Staff Report.

We wish to reiterate our opposition to the approval of Tract Map 31930 and the granting the draft negative declaration. The Tract map requires the excessive granting of the variances and grading exceptions. The project proposal includes 29 residences, 86% of which require lot size variances and 76% of which require grading exceptions, and 5 roads, all of which require grading exceptions. Furthermore, it has substantial unmitigated environmental impacts and an EIR should be required.

The need for such a huge deviation from the limits imposed by the zoning code and grading ordinance sends a clear message. For this development to conform to the standards of the RC zone, the Hawarden Hills Specific Plan, and the City of Riverside General Plan it should have fewer lots. The PRD ordinance clearly recognizes that a density reduction may be necessary when certain conditions prevail. Although the applicant is arguing for a density bonus, we believe that the PRD code indicates a density reduction of 50% given the prevailing conditions (see below for details). This would reduce the number of homes developed on this tract map to 12, and remove the need for excessive grading exceptions and variances.

The RC zoning code imposes an absolute maximum density of 1 dwelling unit per 2 acres (it also imposes another measure of maximum density that may apply in this case). This means that no more than 1 house per 2 acres may be built, but it does not mean that the maximum may be achieved. Yet, it has become an assumption that all developments MUST achieve that absolute maximum or more. Under ideal conditions, it may be reasonable for the absolute upper limit to become the norm. But, in steep terrain dissected by arroyos and steep hills (the very areas that the hillside grading and zoning ordinances were designed to protect), fewer than this maximum is typically appropriate. The granting of so many variances and grading exceptions in this case profoundly changes the nature of the RC zoning. RC zoning is designed to facilitate the intent of measures R and C. These measures were approved by the voters of the City of Riverside to protect the City's "scenic hills, ridgelines, arroyos and wildlife areas". In this case, approving such a huge number of variances and exceptions is tantamount to a legislative action undermining the intent of those measures.

General Background: This Tract map involves the development of about 49.0 acres and not 86.3 acres. This reduction in acreage arises because of open space requirements from prior development, and the undevelopable land within the 100 flood zone (see staff report). As part of the expired tract map, of which this acreage was a part, 57 homes have been developed on 81.2 acres. This completed development required an estimated additional acreage of about 14.8 acres to be set aside as open space (this calculation incorporates the original 18% density bonus when 85 homes were approved on 145 acres (167.5 total acres – 22.5 unusable acres). The open space was a condition of the previously built out portion of the tract map 28728. Thus the present development involves about $86.3 - 14.8 - 22.5$ acres = 49.0 acres.

1. Failure to Consider and Incorporate the Hawarden Hills Specific Plan.

Background. This tract map is contained completely within the area of the Hawarden Hills's Specific Plan. The Specific Plan was approved in 1977 and incorporated into the City of

Riverside's General Plan. This Specific Plan incorporated the land use proposals outlined under plan B in the 1976 Hawarden Hills Study (HHS).

- **Lot density close to the arroyo.** The Specific Plan states that lots would be as large as 3 to 4 acres close to the arroyo, with smaller lots (in the 1/2 acre range) on flatter land close set to Alessandro Boulevard. It is further noted that adopting this strategy could "easily be the difference between environmental conservation and environmental degradation" (p94, HHS).
- **Tiburon Knoll trail corridor.** The Hawarden Hills Specific Plan incorporates a trail corridor from the Tiburon Knoll to the northwest of this tract map to the Alessandro arroyo south of the tract map. It was anticipated that about 15 acres would be required for this trail corridor (see p99, HHS). This corridor lies within the boundaries of the proposed tract map (see Fig 16 HHS), but is not explicitly included in the current plan. This violates the City General Plan.
- **Issues Arising.**
 - A. **The size of lots close to the main branch of the Alessandro Arroyo is unacceptably small.** Seven lots (43-49) border and intrude into the main part of the Alessandro Arroyo. Furthermore, all of these lots (except lot 49), require lot size variances. These 6 lots average 1.13 acres, a 44% reduction below the two acre minimum required under the RC zoning of the area, and clearly far below the 3-4 acres expected for lots bordering the Alessandro Arroyo under the Hawarden Hills Specific Plan. Note that the wording of the land use in the Specific Plan states that "lots closer to the ridgeline and arroyo would be as large as 3 to 4 acres". A reasonable interpretation would include under this criterion many more than the 7 lots noted above should be 3-4 acres.
 - B. **Failure to incorporate the Tiburon Knoll trail corridor.** The "about 15 acres" supposedly to be set aside for the Tiburon Knoll trail corridor according to the Hawarden Hills Specific Plan are nowhere defined in the proposed tract map. According to Fig 16 of HHS, this area corresponds to the whole western edge of the tract map, apparently coinciding with the building lots 50-56.

2. Failure to purchase 17.45 acres Flood Control Land.

Background. The 17.45 acres flood control land was incorporated in the original map that was approved in 1994, and its purchase was a condition of the original (now expired) map. Ten years later, the land still has not been purchased. We understand that even at this late stage the applicant has not satisfied the required conditions set by the Flood Control District for the sale of this property.

Issue Arising. The applicant is proposing to have the Flood control land rezoned from O to RC. They have had ten years to purchase this land and bring the original map into conformance with a required condition of the original approval. The applicants have failed to do this. Now they want the City to repeat that approval process and furthermore have this land rezoned – but they still have not purchased the land. This rezoning cannot not be considered until the relevant flood control land is owned by the applicant, or at least in escrow. While the Flood Control District may have agreed to a potential sale (based on fulfilling a set of necessary conditions), this is a long way from an actual sale and rezoning the land is premature. This tract map should not be considered for approval until the land is sold to the applicants, because it is so crucial to the density calculations of this Map.

3. The tract map does not satisfy the PRD zoning ordinance's requirements, unless a density penalty is applied.

Background. We estimate that the project includes 49 acres that can be used to estimate density limits in for this tract map. Under the PRD ordinance this would limit the applicant to a maximum of 28 homes. However, a density bonus or a density penalty is possible depending upon a number of conditions (see below). In addition, a PRD application must include certain information (see below).

Issues Arising.

- A. The PRD Application is incomplete.** A PRD application requires "three copies of the elevations of the project's buildings indicating the type of exterior building materials and three copies of the floor plans showing interior and exterior dimensions for each type of dwelling unit" (19.65.200.B.3). This requirement has not been fulfilled. This is not merely a technical issue. The nature of the homes is a very important issue for the preservation of Riverside's scenic environment within the RC zone. In particular, knowledge of any height or story variances to be requested is crucial to evaluating the PRD.
- B. The PRD should be subject to a density penalty.** The criteria for reductions from the benchmark density are outlined in the Municipal Code 9.65.050.C under a series of 6 items. For example, the project does not have good access to schools, shopping or public and semipublic facilities (item 1); and the project does not have good access from the adjoining public streets (the design of the project puts most of the lots far from the public streets) (Item 2). More importantly, the project fails to adequately incorporate the natural features of the area into the PRD (Item 4). This last issue includes planning to build a road across the largest area of open space, with the result of drastically reducing the value of that open space, both visually, and for wildlife. Similarly, the access road for the sewer line and for the Alessandro Dam have to planned to cross critical open space areas, again reducing the value of the open space. In addition, the plan destroys part of the natural area close to the main Alessandro Arroyo (lots 43-49), profoundly reducing the natural beauty of this major arroyo. Finally, item 5 states that a 50% density penalty can be imposed on land where the slope exceeds 10% to "minimize and discourage unnecessary and undesirable grading". In this case, the slopes where the lots and roads will be graded are very steep (generally >15%, and sometimes >30%). To this we add the fact that 76% of the lots and all of the roads require grading exceptions clearly indicates excessive "undesirable" grading. Clearly, it follows that the criteria for a density bonus have not been met. Thus, at a minimum, the density bonus that is being requested should be denied (reducing the units to 24); however we believe that, given the conditions of this development, a **50% density reduction** is necessary, reducing the number of allowable units to 12.

4. The granting of grading exceptions on 22 out of 29 (76%) of the lots and on all of the roads is excessive.

Background. The grading exceptions on the lots refer to grading into the arroyo (18 lots) or its setback (an additional 4 lots). All 5 roads require grading exceptions. Thus a significant portion of Century Hills Road crosses the natural open space arroyo area, and includes slopes up to 30ft in height. Cresthaven Drive crosses part of an arroyo that will be filled creating a slope up to 30ft in height. The two service roads are both located in open space areas.

We feel that it is important to emphasize that importance of the 50ft setback to arroyos. One important aspect is reducing the risk of fire. The setback allows for development to occur away from

the steep slope of the arroyo, while allowing a space for fuel modification without damaging the arroyo itself. Proper fuel modification on the flatter land decreases erosion and sedimentation and decreases fire moving to the arroyo from homes and to homes from the arroyo. Of course, it also minimizes the impact on wildlife and on the visual aspects of the development on the arroyo.

- **Issue Arising:** Granting 76% of the lots grading exceptions amounts to abandoning the usual quasi-judicial role of approving exceptions under exceptional or special circumstances and assuming a legislative role that circumvents the grading ordinance. This is even more egregious given that the arroyo and hillside grading ordinance was put in place to further measures R and C. At a very minimum, the grading exceptions on the lots close to the arroyo (43-49) should be denied. In addition, Century Hills Drive should not traverse the open space. An emergency single track road could be incorporated if that is deemed essential by the fire department, provided that the arroyo crossings are bridged and not filled. The Flood Control access road could avoid the arroyo areas near its junction with Cresthaven given an environmentally sensitive redesign of the map. In summary, each case of a grading exception represents a negative impact on the City-defined environmentally sensitive area of the Alessandro Arroyo and its major branches
- 5. The granting of lot-size variances on 25 out of 29 (86%) of the lots is excessive. In addition, all lots require a variance for being landlocked away from a public street.**

Background. The lot size variances reduce lot sizes from 2 acres (20 lots) and 5 acres (5 lots) to a little above 1 acre. Such excessive lot size variances are of concern, and can amount to a legislative act. Clustering of lots on to relatively flat locations in order to preserve steep areas is often beneficial, a feature noted in the PRD ordinance; however, in this case the need for so many variances suggests this goal has not been achieved.

- **Issue Arising:** The need to grant lot-size variances on 86% of the lots illustrates that the lots are being clustered on very steeply sloping land. This reinforces our view that under a PRD a 50% density reduction is appropriate. In a PRD, clustering is intended to further the intent of Measures R and C, and to achieve this is meant to occur on relatively flat land so that steep slopes and arroyos are not destroyed. At a very minimum, all lot variances on very steeply sloping areas (>25%) should be eliminated, bearing in mind that the slope triggering severe concern under the PRD ordinance is 10%.

The variances for landlocked parcels are treated as routine. This is contrary to the need to consider the granting of variances as exceptional.

6. The findings for the variances and exceptions are inadequate.

Background. Two sets of Findings are provided, those of the Planning Staff and those of the applicant. We find that the views of the applicant provide useful background information, but those of the Planning Staff are the Findings that need to be approved to justify the variances and grading exceptions. Much of the justification by both Staff and the Applicant is predicated on retaining 29 lots. There is no specific requirement on the City to approve 29 lots, or any other number of lots, unless the plan conforms to the Municipal Code. In this case, the requirement for excessive variances and grading exceptions should cause the City to carefully consider if this number of lots is appropriate for the area. This point is particularly important given the Harwarden Hills Specific Plan recommendation of a lower housing density near the Arroyo.

- **Issue Arising:**

A. Grading Exceptions. Members of Friends of Riverside's Hills and other concerned groups walked the site with Planning Staff. Staff Findings for grading within the limits of the arroyo and setback are based primarily on part of the Grading Ordinance, 17.28.020.A.14. This states that

“No development or grading of any kind shall be permitted within fifty feet of the limits of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos and associated tributaries as shown on Exhibits A-F. The Zoning Administrator shall have the authority to administratively allow grading within designated arroyo tributaries depending on the sensitivity of the area. Sensitivity shall be determined by such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary.”

One concern that immediately arises is that the criteria for “designated arroyo tributaries” has never been established or made public, so that we are unable to insure that such designations are not contrary to the furtherance of measures R and C. In the absence of clear definitions, the intent of the original designation of arroyos is undermined and opens up the possibility for excessive granting of grading exceptions that we see in the present case.

Our concerns over Staff Findings are:

(i) Strict application would result in practical difficulties or unnecessary hardship: Grading into the arroyo or its setback.

Lots 37-40. The staff argues that without the exceptions, reasonable sized building pads could not be graded; however, this is caused by the excessive crowding of the lots, and as such is self-induced. They also argue that the areas proposed for grading “do not have the characteristics that the Grading Ordinance endeavors to preserve”. Here they are presumably invoking 17.28.020.A.14 as discussed above; however, this argument is insufficient since the ordinance includes the phrase “or in nearby segments of the same tributary”. In this case, the vegetation either on the site of the exceptions or nearby grades from high quality Riversidean Sage Scrub (RSS) into typical riparian vegetation, including willows and mulefat. This type of vegetation is habitat for rare and endangered species on this site, several of which we can expect on this site; indeed on our brief walk we saw Belding's orange-throated whiptails and San Diego black-tailed jackrabbits both of which are classified as rare by the California Dept. of Fish and Game (California Natural Diversity Database, January 2004). Finally, Staff appear to suggest that these arroyo areas do not have a 30% slope. We disagree, but if staff believe there is a genuine error in the mapping project, then they should provide historical data that supports this opinion, noting that if in some areas, the average slope has been altered by disking and other human activity, then this should have no bearing on the delineation.

Lots 41,46 and Grass Valley Way. The Staff state that this area does not appear to be part of an arroyo. This is false, and in fact, this arroyo drains a nearby wetland, with the vegetation typical of a wetland area (willow, mulefat, etc). Finally, the proposed grading is on the sides of a very well defined steep-sided arroyo, as can be seen by looking at the topographical map of the project.

Lots 43,44. Staff argue that these lots are not within the arroyo. Here the Staff are erroneously altering the City's definition of an arroyo, which is very clearly stated in the grading ordinance. These grading exceptions are unambiguously within the main Alessandro Arroyo, since they lie on the region of 30% slope (or within the 50ft setback) coming up from the arroyo bed.

Lot 45. The staff argues that without the exception the lot could not be built. This is a self-induced hardship. They also state that the area is not within the arroyo itself. This is false. The area of the exceptions is again unambiguously within the main arroyo, as defined by the grading ordinance.

Lots 47-49. Staff states that these lots encroach into a tributary of the arroyo. This is false. The areas of the exceptions are on the direct slope leading from the bottom of the Alessandro Arroyo where it is still at least 30% ANS or within the 50ft setback from where the slope drops below 30%. As such they are unambiguously within the main arroyo. Staff also states that the area proposed for the pads is relatively flat. This is partly true, but irrelevant, particularly since the areas of the exceptions on all 3 lots are steeply sloping.

Lot 57 and Cresthaven Street. The area involved is a well-defined tributary arroyo, and contrary to the Staff statement, the area that will be filled by Cresthaven Street does have the character of an arroyo. We would urge the City to insist that the developer agree to build a bridge across the arroyo or to use a very large box culvert to preserve the character of the landform and minimize fill.

Lots 58-62. Here the Staff argue that the tributary is further east than is shown on our maps. They have made no effort to say where the boundaries actually are. More to the point, the topographical map of the project does not support this unsubstantiated statement. This arroyo is a major landform, and as such should be protected.

Lots 77,78. These lots are stated to be east of a "tributary finger", and that strict application of the provisions would not allow the lots to be built. However, the siting of the lots was self-imposed. In fact the grading is directly above an important riparian area on top of an impressive rock slope. Allowing these grading exceptions would seriously impact this landform (particularly lot 77).

Century Hills Drive. The staff describes the impact of this street as minimal. In fact, this is far from the case. The creation of a street crossing the area directly adjacent to the main arroyo, resulting in the filling of three main landforms, where other arroyos feed into the Alessandro Arroyo, alteration of water flow and damage to the open space. Regarding hardships, it is not clear that this street is necessary for this development. If not it should be removed. If some form of connection is really needed, then the arroyos should be bridged and not filled, or at least filling minimized by the use of a large (e.g. 10 foot high) box culvert.

Flood Control Access road and Sewer line. Staff state that a strict provision of the Title would not allow the installation of access road or sewer line. In fact, both could be positioned differently. The sewer line is placed in one of the most environmentally sensitive areas of the whole project, starting in the wetland area that is directly above the Alessandro Arroyo. The line could also be built to follow one of the roads; however, we suspect that it is simply cheaper to place across the open space.

Slope height exceptions.

Century Hills Drive and Cresthaven Drive. Filling of the arroyo near to the western entrance in the source of the Cresthaven Drive exception. Bridging would resolve the need for the exception and preserve the landform. The precise location of the Century Hills Drive exceptions are not apparent because the wording of the Findings make no sense (referring to lots that do not exist). However, we believe that one of these exceptions is within the open space and again could be avoided by bridging. The other may be near the wetland area and, if so, could also be avoided by bridging. Staff simply state that not allowing these exceptions would be an unnecessary hardship because these slopes are not out of character with the area. We disagree. Such slopes should be avoided in visually sensitive areas such as this.

(ii) There are exceptional circumstances that do not apply generally.

Grading into the arroyo or its setback. The staff presents no additional information beyond that noted above. For each of the exceptions, Staff state that the area does not appear to be part of the arroyo (which is irrelevant, since, for example, the setback is by definition outside the arroyo), or that sensitive features such as rock outcrops are not affected (which is again irrelevant, since most arroyo areas are not densely covered with such features), or that the pads are on relatively flat areas (which again is irrelevant, since, as noted above, it is the site of the exception that is important). The Staff consider these observations define exceptional circumstances, whereas they are actually rather typical circumstances in RC zoned areas near to the top of an arroyo slope or within the 50ft setback (which is why all these sites fit in with them).

Slope height exceptions. It is argued, without justification, that a redesign of the streets would require even more grading. They do not consider the possibility of requiring bridges, or in the case of Century Hills, of not having the road cross the open space.

(iii) That the waiver will not be materially detrimental.

Grading into the arroyo or its setback The response for each exception is summarized by their final statement that "the applicant has designed the map and grading as sensitively as possible. Therefore the project should not be detrimental to the public or the area." We respectfully disagree. The applicant has tried to put too many lots on this very sensitive environment, and as a result the grading will have a seriously detrimental effect on the landform and hence on the public welfare.

Slope height exceptions. Staff considers that the road will not affect public welfare; however this is based on the assumption that no "sensitive areas" of the arroyo will be affected. We disagree. The filling of tributary arroyos will affect water flow, wildlife, and the visual appearance of the area. These will affect the public welfare.

- B. Variances.** Three kinds of variances are requested: 20 lot size reduction variances where a 2-acre lot is needed; 5 lot size reduction variances where a 5-acre lot is needed; and 29 variances for landlocked parcels.

(i) Strict application would result in practical difficulties or unnecessary hardship:

Lot size reductions. Staff note that a PRD was filed to allow clustering, to further the City's goal of environmental preservation and sensitive hillside development. We noted earlier that this tract map fails in many respects to achieve those goals. In particular, the clustering is on very steep land, often >25% ANS. Appropriate application of the PRD ordinance would ensure that clustering occurs on relatively flat terrain (below 10% ANS) or that the density of

the PRD is reduced. Either of these changes would dramatically reduce the number of variances required, and achieve better level of environmental preservation and sensitive hillside development.

Landlocked parcels. Staff notes that the strict application of the zoning code would not allow the use of private streets. However, the decision to use private streets is self-imposed.

(ii) There are exceptional circumstances that do not apply generally.

Lot size reductions. Staff notes that clustering provides an environmentally superior option. However, this argument could be applied to any RC zone tract map, and so does not represent an exceptional circumstance. In addition, as noted above, if the development was truly environmentally superior and followed the guidelines of the PRD, then many fewer variances would be needed.

Landlocked parcels. Staff notes that the design with private streets creates exceptional circumstances. However, in fact, such circumstances are not exceptional.

(iii) That the waiver will not be materially detrimental.

Lot size reductions. Staff notes that all lots still exceed the minimum RC lot size, and adequate setbacks are incorporated. However, these lot size reductions result in the need for grading exceptions, which in turn has a detrimental effect on the landform. **Landlocked parcels.** Staff notes that all lots will be served by a private streets connecting to a public street. However, the distance to a public street is quite significant for some of the lots.

7. Negative Declaration.

Here are a few of the points where we disagree with the Staff conclusions in the Initial Study.

(1a) Land use and planning. Conflict with the General Plan or zoning.

The "less than significant impact" box is checked. In fact, given the conflict with the General Plan, there appears to be a potentially significant impact.

In particular, Staff fail to mention that the proposed tract map is in conflict with the Harwarden Hills Specific Plan, which is part of the General Plan, for the reasons outlined above (see Section 1).

The Alessandro Arroyo trail is part of the City General Plan, but its location has not been considered. Serious consideration of the location of this trail must be part of the evaluation of this tract map. This has not been done.

Staff comment that the proposed PRD complies with the maximum density bonus allowed; however they fail to note that the conditions needed for the density bonus are not satisfied.

Staff note that the project requires variances and grading exceptions; however, they fail to note that the granting of so many variances and grading exceptions amounts to abandoning the usual quasi-judicial role of approving exceptions and variances under exceptional or special circumstances and assuming a legislative role that circumvents the grading and zoning ordinances.

Staff also note that the rezoning O to RC is appropriate, without noting that this rezoning is being done while the official entity (Flood Control District) still owns the property, and the sale to the developer is not guaranteed.

(1b) Land use and planning. Conflict with applicable environmental plans or policies.

The response to this question is based on a previous approval for TM 28728; however, this does not guarantee the approval now. In any event, there is a significant change. There is a wetland/stream area at the intersection of Century Hills Drive and Grass Valley Way. This wetland will now be severely impacted by the settling ponds and sewage pumping station sited by the wetland. Furthermore the potential impacts of the sewage pumping station and sewage line on the Alessandro Arroyo and surrounding area have not been considered. This change has a potentially significant impact, and is not mentioned.

This wetland area was identified by R.B. Riggins in their Biological Assessment of 2001, but the March 2003 jurisdictional delineation by Michael Brandman Associates (MBA) considered the area to be part of a jurisdictional water, but not a wetland; however, MBA failed to provide any data associated with their determination. Solid, substantially more jurisdictional waters were identified in the 2001 study than were seen in a 2003 study. Given the importance of wetlands and jurisdictional waters, this difference of opinion should be resolved by an independent survey as part of an EIR. The fact that a 5-yr drought, the fire a few years ago, and weed clearance can temporarily modify the signatures used for wetland delineation was ignored. The delineation needs to be done again and after a good storm.

(3e) Geology and Soils. Grading on Natural Slopes over 10%.

Contrary to the view of Staff, we consider that the excessive grading on steep slopes proposed in the project is not justified by the Findings and has a potentially significant impact. Most of the statements in this section are taken from the Findings made by Staff. We disagree with the validity of many of these statements and have commented upon them earlier in section 5 (Findings).

(3i) Geology and Soils. Unique geologic or physical features? The Alessandro Arroyo and its major tributaries are recognized as a significant landform. The grading ordinance clearly delineates the arroyo system using objective criteria. The Staff recognize that this project will impact some major portions of the arroyo. In fact, the excessive grading impacts both the main arroyo and some of its major branches. In addition, where Century Hills Drive crosses the open space, it is within the area of the main arroyo and will result in extensive filling of these major branches. Such actions will have a potentially significant impact on the unique landform of the area.

Staff note the possibility that the long term maintenance and management of the arroyo open space may be left to the Home Owners Association (HOA). A HOA has no expertise in managing such an important resource, and approval of the CC&Rs by the Planning Staff and the City Attorney's Office does nothing to improve the situation, since they have no expertise in this area either. Allowing the possibility of long-term management by the HOA has a potentially significant impact.

(4a) Water. Change in absorption rates, drainage patterns... Staff fail to comment on the changes to the drainage patterns resulting from the filling of several tributary arroyos for the roads. In particular, the jurisdictional waters, and possible wetland area, at the intersection of Grass Valley Way and Century Hills Drive, will be impacted by both the roads, the sewage pumping station, and by the settling "bio-swale". This is a source of potentially significant impact.

(4b) Water. Discharge into surface waters... The impact of the settling pond, and the other sources of water that will be discharged into the Alessandro Arroyo as a result of the surface waters from streets etc running down to the open space areas. This could have a potentially significant impact. The cumulative impact of increased impermeable surfaces, changes in percolation and runoff patterns, and how this affects this important watershed need to be addressed in a thoughtful manor.

(15b) Recreation. Affecting existing recreational opportunities. Staff correctly note that the Harwarden Hills Specific Plan (HHSP), a part of the City General Plan, identifies a trail corridor from the Alessandro Arroyo to the Harwarden Hills Vista Point that passes along the whole western edge of the tract map. Staff suggest that this requirement will be satisfied by a trails easement identified at the time of project development. This is unlikely to be successful, since there is currently no way that a continuous open space trail can be placed within the tract map along the western edge of the property. It would have to pass directly through lots 54-56. Moreover, as noted earlier, the HHSP stated that about 15 acres should be set aside for the trail, and it is clear that no such provision has been made within the current project. This is a potentially significant impact.

Another potentially significant impact concerns the Alessandro Arroyo trail. This is part of the City General Plan, but its location has not been considered. Serious consideration of the options for the location of this trail must be part of the evaluation of this tract map.

(16a) Mandatory findings of significance. Does the project have the potential to degrade the quality of the environment... Staff response is no. However, they fail to recognize the importance of the lon-term management of the environment (see 3i) in maintaining the quality of the environment. Additionally, the problems of getting the settlement "bio-swale" to work effectively are not considered, and the potential dangers from the sewage line running across the open space area above the Alessandro Arroyo are not considered. In addition, the project does have the potential to reduce the number of rare animals (two species were mentioned earlier as being seen on site during our walk through, although neither was seen by Michael Brandman Associates during their survey).

In summary, this project is likely to have a number of potentially significant impacts, and for this reason the negative declaration should be denied and an EIR requested. The excessive variances and grading exceptions are indicative of the problems associated with this project, and should be denied. The PRD criteria for a density bonus are not satisfied and a density reduction is warranted, reducing the number of lots below 24. Finally, the requirements of the Harwarden Hills Specific Plan are largely ignored. Specifically, the Plan requires a substantial area to be dedicated to a trail from Tiburon Knoll to the Alessandro Arroyo, and a reduction in housing density close to the arroyo.

Thank you for your attention.

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EXHIBIT 4 -
Planning Commission Staff Report Dated
August 19, 2004

CITY COUNCIL MEETING DATE SEPTEMBER 28, 2004

12-112

CITY OF RIVERSIDE PLANNING DEPARTMENT



Tract Map, Rezoning and Planned Development

PLANNING COMMISSION HEARING DATE: AUGUST 19, 2004

PLANNING CASE P03-1451: Proposed Tract Map 31930 by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to subdivide approximately 86.31 vacant acres into 29 residential and 5 open space lots, located southerly of terminus of Cresthaven Drive and northerly of Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones.

PLANNING CASE P03-1548: Proposed revised planned residential development (PD-001-912) by Gabel, Cook and Becklund, on behalf of Jim Guthrie, consisting of 29 single family residences with private and common open space on approximately 86.31 vacant acres, located southerly of terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in the RC - Residential Conservation and O - Official Zones.

PLANNING CASE P04-0260: Proposal by Gabel, Cook and Becklund, on behalf of Jim Guthrie, to rezone approximately 7 acres from the O - Official Zone to the RC - Residential Conservation Zone located along the southerly portion of a 29-unit planned residential development, situated southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo.

BACKGROUND/PROJECT DESCRIPTION

In 1994, TM 23027 was approved allowing the subdivision 167.5-acres into 85-single family lots and 5 open space lots. In conjunction with this map, a Planned Residential Development PD-00-912) and a Rezoning Case RZ-006-912) was approved. Subsequently, only 20 lots recorded and the remainder of the map expired. In 1998, TM 28728 was approved to implement the formerly approved Planned Residential Development. This map approved the subdivision of the unrecorded 151.8-acres into 65 single family lots over four phases, and phase 1 (23 lots) subsequently recorded (see Exhibit F for phasing map). On February 21, 2002 the Planning Commission approved a time extension for phases 2-4 of TM 28728 until July 2003 with no eligibility for additional time extensions. By July 2003, phase 2 (14 lots) had recorded but phases 3 and 4 never recorded in time prior to expiration of the map. As such, 28 lots still remained to be recorded.

As such, the applicant is now proposing a new map to subdivide approximately 86.31 vacant acres to create 29 single family residential and 5 open space lots. Phases 3 and 4 of TM 28728 were previously approved for a total of 28 single family residential lots and four open space lots.

The following chart shows a sequence of map approvals in relation to this project:

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The overall number of proposed lots still lies within the allowable maximum yield pursuant to the City's density bonus provisions for PRDs. This is discussed in detail in the body of this report.

The project involves grading on slopes ranging between 10% and 30% and will require exceptions from the City's Grading Ordinance standards related to the encroachment of building pads and/or manufactures slopes into the 50-foot development setback and limits of the Alessandro Arroyo and to permit slopes in excess of 25-feet for streets.

The project also involves a request to rezone approximately 7-acres from the O - Official Zone to the RC - Residential Conservation Zone. As a matter of information, a rezoning case for the area in question was also approved in 1994 in conjunction with TM 23027 and PD-001-912. However, the applicant has chosen to refile a new rezoning request instead of requesting a time extension for multiple years.

ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Specific Plan/Zoning Considerations**

Rezoning

The project is consistent with the General Plan land use designations of RHS — Hillside Residential and NOS — Natural Resources Open Space. Except for approximately 7 acres generally located along the southern most portions of the project area, the property is zoned RC – Residential Conservation. Zoning Case RZ-006-912 was previously approved in conjunction with the original map and PRD (TM 23027 and PD-001-912) to rezone the southernmost 7-acres of the project area from the O — Official Zone to the RC — Residential Conservation Zone. Instead of filing a time extension for multiple years, the applicant is requesting a new rezoning application. This rezoning request will be in compliance with the previously approved PRD and Tract Maps 23027 and 28728. The site is surrounded by RC Zoned property and staff has no objection to the proposed rezoning request in order to comply with the original PRD for this property.

A portion of the area to be rezoned encompasses currently owned by the Riverside County Flood Control District, in which final approval of the County will be required in order to finalize the rezoning and map. Overall, 17.45-acres of the subject property is still owned by the Riverside County Flood Control District, in which the applicant plans to purchase this property. The applicant and County have been involved in on-going negotiations for the sale of this property. If the applicant is unable to acquire this property, the applicant will be required to revise the map to eliminate approximately 6 lots due to a loss of acreage in developable area, resulting in a maximum of 80 lots for the entire PRD.

Revised Planned Residential Development

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The original TM 23027 and PRD had 145 developable acres on an overall project area of 167.5 gross acres. Approximately 23 acres of the project area are located within the boundaries of the 100 year flood plain and are undevelopable. Based on the benchmark density of .5 units per gross acre, which is allowed for PRDs in the RC Zone, 72 lots would be allowed. However, under the Code's density bonus provisions, up to 90 lots could be permitted on the subject property. While TM 23027 as considered by the City Council in 1994 included 86 lots, the conditions of approval required the elimination of lot 53, reducing the yield to 85 lots. As discussed previously, the applicant is proposing to retain lot 53, thereby increasing the overall number of approved lots under the original PRD from 85 lots to 86.

In considering this request, staff would note that the project since its inception has been somewhat controversial and the subject of a great deal of neighborhood interest. The final approved design represented a compromise between the original developer and neighborhood, and the removal of Lot 53 was agreed to by the previous developer in the spirit of compromise. At this point staff is unaware of any changes in neighborhood circumstances that would support revisiting the conditions of approval, which reflect the previous compromises. As such, staff does not support allowing an additional lot, thereby recommending denial of the revised PRD.

The proposed higher density is permitted under the PRD provisions of the City's Zoning Code which: 1) provide for a density bonus of up to 25%, provided the project demonstrates certain design criteria resulting in superior site utilization; and 2) allows density to be calculated on a gross, rather than net, acreage basis (gross density allows the streets to be included in the lot size, thereby, increasing the overall number of permitted units). The criteria for justifying a density bonus include "Retention of unique natural features of the site and incorporation of such features into the project's overall design."

In this case, the significant natural features of the site include numerous massive rock outcroppings, rugged topography and steep arroyos traversing the site. The rock outcroppings, in particular, are a dominant visual feature which distinguishes the site from the more weathered, rolling terrain characterizing much of the Alessandro Heights area. On this basis, a density bonus under the PRD provisions of the RC Zone was approved. Staff believes that this project, of which this new map is a part, minimizes the grading in steep, highly visible areas and retains the significant natural features of the site to a large extent.

- **Access/Circulation**

Primary access to the site is provided from Century Avenue and Cresthaven Drive, 66-foot-wide secondary streets. A private street system is proposed to serve this development. The circulation system as proposed is adequate to serve this project.

- **Map Design**

This map is similar to the original project under TM-23027 and TM-28728, except for a proposed sewer line and changes to grading for some of the lots. As well, the approvals in

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both 1994 and 1998 required a number of conditions requiring design changes to meet grading, neighborhood compatibility and aesthetic concerns. This new map does not reflect all changes as conditioned and staff is recommending the same conditions of approval as approved by the City Council in 1998. The following discussion restates previously identified design concerns which are addressed in the recommended conditions of approval.

The previous map proposed custom grading for lots 54-57 and the applicant is now proposing to mass grade these lots in conjunction with the remainder of the project. All changes to pad elevations and lot widths for lots 54 through 57 have been incorporated into this new map, as conditioned under TM 28728.

The project also includes an access road to the Riverside County Flood Control dam site located along the southwesterly portion of the site. As well, lots 50-52 have been reconfigured, as conditioned under TM 28728, to provide long driveways for these lots and cul-de-sac Century Hills Drive along westerly end of the map. Finally, the project proposes installation of a new sewer line and access road in the open space area. The line originates from the adjacent residential development to the north (TM 28728-2) and flows to the south until it reaches the intersection of Grass Valley Way and Century Hills Drive.

Variances

This project also requires variances which the City may grant, provided that findings in support of the requests can be made. Variances are requested to permit parcels less than 2-acres for lots with an average natural slope (ANS) greater than 15% but less than 30% for lots 37 - 39, 43-48, 50-79, parcels less than 5-acres in size on lots with an ANS greater than 30% for lot 49, and landlocked parcels located along private streets for residential and open space lots. Staff can support the variances requested for lot size because of the overall benefits of the design with regard to preservation of open space and unique topographical features. Staff has made the necessary findings in support of these variances and has attached variance justifications.

Although many of the lots do not meet the required lot width of 130-feet as required by the RC Zone, a variance is not needed as these lots are not fronting on a public street. Since they do not have a front property line from which to measure the lot width at the front yard setback line, these lots do not technically need a lot width variance. To ensure that the placements of the homes on these lots are consistent with the intent of the RC Zone, staff is adding a condition that for purposes of measuring the front yard building setback line the private street will be considered a public street. All homes placed on these lots will have to be setback 30-feet from the private street property line and 25-feet from the side and rear property lines”

● **Grading**

The project area is characterized by slopes that range between approximately 10 and 30 percent, with an average slope of approximately 26%. The proposed grading for this project is regulated by the Public Works Department and the City's Grading Ordinance.

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The project requires grading exceptions to allow manufactured slopes up to a height of 30 feet for portions of proposed Cresthaven and Century Hills Streets.

As well, portions of the proposed pads and streets are located within the limits of the Alessandro Arroyo. In addition, the Grading Ordinance requires a 50-foot development setback from the limits of the Arroyo. This map has been revised to eliminate pad size variances and slope height variances for all residential lots.

Arroyo Grading Exceptions

The southerly boundary of the site is traversed by the main branch of the Alessandro Arroyo, a major arroyo which is a designated Natural Arroyo under the City's General Plan and Grading Ordinance. The map is designed to cluster lots around large, connected open space areas which are intended to include the prominent physical features of the site, such as rock outcroppings and the main branches of the Alessandro Arroyo. A number of tributaries to the Alessandro Arroyo also traverse the site.

The Grading Ordinance allows the granting of grading exceptions provided findings can be made that exceptional or special circumstances apply to the property. Such as exceptional or special circumstances shall include such characteristics as unusual lot size, shape or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason of prior existing recorded subdivisions or other characteristics of contiguous properties.

While portions of the tributaries will be retained as open space throughout the project, portions of lots 37-41, 43-49, 57-68, 77, 78, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road and a sewer line will encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance. The limits of the Alessandro Arroyo and the required fifty-foot setback established under the Grading Ordinance were established based on an analysis of topographical maps and aerial photos. The limits of the arroyo are defined as those areas with slopes over 30% and which are identified on the Alessandro Arroyo map exhibit to the grading ordinance. However, it is often necessary to actually inspect the site to determine more precisely the Arroyo limits. Lots 37-40 have been daylighted to avoid slopes within proximity to the main Arroyo. The grading for these lots allows for an open space corridor that lines up with the open space areas of the adjacent maps to the northeast. Additionally, lot 45 contains significant rock outcroppings in the rear portion of the pad which are noted for protection

The remaining lots 41-44, 46-49, 57-68 and 77-78 are located outside the main branch of the arroyo and lie on relatively flat surfaces or within portions of tributaries which are not topographically or visually significant.

Although the proposed street alignment has already been approved under the PRD, grading exceptions are now necessary to construct some of these streets. However, none of the proposed streets lie within the actual arroyo. For the reasons stated above, staff can support all of the requested grading exceptions for encroachments into the Arroyo and its tributaries.

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Staff has made the necessary findings in support of these exceptions and are attached as part of this report.

Slope Height

The Grading Ordinance permits manufactured slopes no higher than twenty-feet. The project requires grading exceptions to allow manufactured slopes up to a height of 30 feet for portions of proposed Cresthaven Drive and Century Hills Drive. There are two instances where slopes higher than twenty-feet are necessary for certain segments of the streets. The street configuration, as proposed, was based on a study of the natural terrain to limit the amount of grading needed and are therefore not recommended for change. Since these slopes will not affect the arroyo and are necessary to construct the streets as approved, staff can support these exceptions and has attached grading exceptions.

- **Biological Issues**

A biological Assessment for the proposed map and a biological due diligence survey for the proposed sewer line was prepared by Michael Brandman Associates on July 9, 2004 and December 15 2003, respectively. Additionally, a wetland delineation was prepared March 2003 by Michael Brandman Associates. The updated biological assessment concurs with the findings of a biological Assessment prepared by RB Riggan Associates 2001.

Based on the current plant communities occurring within the project site and the location of known recorded special status species, Stephen's kangaroo rat (SKR), which occurs in disturbed scrub and grassland habitats, has a moderate potential for occurrence due to the lack of suitable habitat. No sensitive plant communities were observed on the site. As well, it was determined that the project site does not contain any suitable habitat for burrowing owl or narrow endemic plant species. The site is within the current Riverside County Multi-Species Habitat Conservation Plan (MSHCP) and a separate habitat assessment is not required by the County prior to issuance of grading permits.

As a matter of information, a biological study focusing on the California Gnatcatcher (CAGN) was prepared for TM 28728 in September 2001. The study reported that potential habitat for the Gnatcatcher within the project area are not occupied by such species. A follow-up focused survey was conducted in October 2002 and there was no siting of CAGN.

- **Neighborhood Compatibility Considerations**

Throughout the process for both maps, TM 23027 and TM 28728, there was substantial neighborhood concern with and input into the project. The approved map design and grading-related conditions addressed the concerns raised. Finally, since the lots would be large enough to maintain livestock and the surrounding area is not livestock oriented, staff recommends that the keeping of livestock be prohibited to maintain neighborhood compatibility.

RECOMMENDATION

That the City Planning Commission:

1. **APPROVE** Planning Cases P03-1451 (TM 31930) and P04-0260 (Rezoning), including variances and grading exceptions attached to this report, subject to the recommended conditions of approval based on the following findings:
 - a. the development, as conditioned, is consistent with the Zoning Code and General Plan and with the intent of the Grading Ordinance; and
 - b. staff can make the necessary findings to support grading exceptions and variances as detailed in Exhibits K, L, M, N.
2. **DENY** Planning Cases P03-1548 (Revised PRD), based on the following findings:
 - a. there have been no changes in the project area to warrant any changes from the originally approved PRD;
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; and
 - b. there is evidence before the City that 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

- A. Location/Zoning Map
- B. General Plan Map
- C. Aerial Photo
- D. Proposed Rezoning Map
- E. Approved Tract Map-28728 dated 1998
- F. Approved Phasing Map 28728 dated 2002
- G. Proposed Subdivision Map TM 31930
- H. Planning Commission Staff Report Dated February 21, 2002 for TM 28728
- I. Final Approved Conditions for TM 28728
- J. Correspondence Received
- K. Staff Prepared Grading Exceptions
- L. Staff Prepared Variance Justifications
- M. Applicant Prepared Grading Exceptions
- N. Applicant Prepared Variance Justifications
- O. Biological Reports and Wetland Delineation Report
- P. CEQA Findings Prepared by Applicant

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RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: P04-0260 (Rezoning)

Meeting Date: August 19, 2004

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

Standard Conditions

● **Planning**

1. Prior to finalization of the rezoning case, the applicant shall obtain final authorization from the Riverside County Flood Control District or the applicant shall have acquired such property.
2. There shall be a two-year time limit in which to satisfy the approved conditions and finalize this action. Subsequent one-year time extensions may be granted by the City Council upon request by the applicant. Any extension of time beyond five years may only be granted after an advertised public hearing by the City Council.
3. When all of the conditions of approval have been completed, the applicant shall apply for a request for processing through the Public Works Department to initiate finalization of this rezoning. A fee may be required.
4. All necessary parcel description describing the exact area to be rezoned shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California for the area of the property to be rezoned. **Descriptions are required to be on 8½ inch by 11 inch paper with the title "Attachment A" at the top.**

GENERAL INFORMATION NOTES

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

RECOMMENDED CONDITIONS

Case Number: P03-1451 (TM 31930)

Meeting Date: August 19, 2004

CONDITIONS

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

Case Specific

● **Planning**

1. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, the applicant's written justifications are referenced:
 - a. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (lots 23-27, 29-32, 35-37, 39-49, 51-56, 58-64 and 66-91);
 - b. parcels less than five acres in size on lots with an ANS of 30% or greater (lots 33-34, 38, 50 & 65);
 - c. landlocked parcels located along private streets.

2. The Commission makes the necessary findings in the applicant's favor to grant the following grading exceptions. As justification, the applicant's written justifications are referenced:
 - a. to permit lots **37-41, 43-49, 57-62, 77, 78**, Grass Valley Way, Cresthaven Drive, Century Hills Drive, a Flood Control access road and a sewer line to encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance; and
 - b. to permit slopes in excess of twenty-feet for portions of Cresthaven and Century Hills Drives.

Prior to Map Recordation

3. Within 30 days of the approval of the tentative map by the City the developer/subdivider shall execute an agreement, approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this subdivision, which action is brought within the time period provided for in Section

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66499.37 of the Government Code. The City will promptly notify the Developer/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

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

Prior to Grading Permit Issuance

- *12. The proposed project affects waters of the United States and waters of the State, which fall under the jurisdiction of the United States Army Corps of Engineers (USACE) and the California Department of Fish and Game (CDFG), respectively. As such, the following agencies have jurisdiction over this project, as necessary: the California Department of Fish and Game; the Army Corps of Engineers; the U.S. Fish and Wildlife Service; and the California Regional Water Control Board. These agencies' approval will be required prior to grading permit issuance and the applicant is responsible for compliance with all requirements and conditions of these agencies.
- *13. Permanent loss of RSS will be mitigated at a greater than 3:1 ratio through the onsite preservation of 20.6 acres of RSS (9.6 acres moderate quality, 11 acres low quality) adjacent to the Alessandro Arroyo.
- *14. The permanent loss of jurisdictional waters will be offset by the expansion of the unnamed drainage feature at a 1:1 ratio. The mitigation site will be located immediate downstream of the road crossing and adjacent to the proposed upland water quality bio-swale. It is anticipated that the bio-swale will provide sufficient hydrology to support riparian vegetation.
- *15. A water quality bio-swale will be installed immediate downstream of the road crossing. The bio-swale will be installed in an upland location to provide pretreatment of urban runoff prior to discharge into the drainage feature. The HOA will provide long term maintenance, consisting of installation of native grasses, and sediment removal as needed.
- *16. A three year maintenance and monitoring plan is proposed to ensure the successful establishment of the native cover within the mitigation area. Riparian vegetation will be installed within the mitigation site consisting of native grasses.
- *17. The project site is located within the Riverside County SKR Habitat Conservation Plan Fee Assessment Area, and therefore subject to current fee requirements as administered by the City of Riverside.
- *18. The grading plan shall be revised, subject to Planning Department review and approval, to:
 - *a. clearly indicate all pad and lot drainage, subject to review and approval by the Planning and Public Works Departments. Cross lot drainage covenants, if necessary, shall be subject to Public Works and City Attorney's office Departments' review and approval.
 - *b. Indicate that all rip-rap will be natural rock (not blasted) and all visible

drainage features will be color treated to blend in with the natural surroundings.

- *c. Indicate an interim erosion control program to be certified by the project engineer subject to Public Works Department review and approval.
 - *d. Reflect City adopted contour grading policies. Prior to issuance of a building permit, the applicant's engineer shall submit a letter certifying the contouring of such required slopes in accordance with City adopted standards.
 - *e. Indicate that grading operations will be restricted to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
 - *f. Indicate the 100 year flood limits of the blue line stream to the satisfaction of the Public Works Department.
- *19. Prepare a detailed grading plan at 1"=40' scale for lot 45 showing protection of the existing rock outcroppings, subject to Planning Department approval.
 - *20. Final driveway grades and configurations will be subject to review and approval of the Fire Department.
 - 21. Tract Map 31930 shall be recorded.
 - *22. Provide a trail across the subject property, between the Alessandro Arroyo and the northerly boundary of the subject property for eventual connection to Tiburon Knoll, subject to approval of the Planning Department.
 - *23. Landscaping and irrigation plans for all manufactures slopes in excess of five feet in vertical height shall be submitted to and approved by the Planning Department. The applicant's engineer or landscape architect shall submit a letter certifying to the installation of such required landscaping and irrigation facilities prior to the release of utilities.
 - *24. In the event that joint access driveways are proposed, covenants shall be prepared subject to the satisfaction of the City's Attorney Office and Public Works Departments.
 - *25. The grading plan shall be revised to reflect all design changes recommended in this City Planning Commission report.
 - *26. Adjacent property owner's approval shall be obtained for all off-site grading. Also, slope maintenance agreements for all slopes crossing property lines shall be recorded subject to approval of the Planning and Public Works Departments and City Attorney's Office

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

Prior to Building Permit Issuance

- *35. The applicant is advised that the project is in an area impacted by a CNEL noise level between 60 and 70 dBA. Dwelling units constructed within the noise impacts areas will have to be sound insulated to the specifications of the Building Division.

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

Standard Conditions

● **Planning**

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

● Public Works

43. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.
44. Full improvement of interior streets based on private residential street standards.
45. Storm Drain construction will be contingent on engineer's drainage study as accepted by the Public Works Department.
46. Off-site improvement plans to be approved by Public Works prior to recordation of this map.
47. The proposed private streets are to be designed and fully improved per the standards governing private streets, Resolutions 12006 and 15531.
48. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to recordation of this map.
49. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to recordation of this map.
50. Size, number and location of driveways to Public Works specifications.
51. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications. Security gates shall be keypad activated to provide access to the project for trash collection service.
- *52. Minimum design speed for residential streets should not be less than 25 miles per hour with a 150 foot minimum sight distance.
- *53. Installation of sewers and sewer laterals to serve this project to Public Works specifications. However, septic tanks will be allowed for lots that cannot reasonably be served by a gravity sewer.
- *54. Onsite disposal system (septic tank) acceptability shall be obtained for each lot of this map not served by sewer, to the satisfaction of the County Department of Environmental Health, prior to this map recording.

- *55. Removal and/or relocation of irrigation facilities, as required.
- *56. All property subject to flooding from a 100-year storm shall be placed in the WC (or other appropriate Zone) prior to or concurrently with recordation of this map.
- *57. Ownership of property to be undivided prior to this map recording.
- *58. Trash collection service will not be provided on the common drive serving Lots 50-53. An area shall be provided along Century Hills Drive to accommodate the placement of containers for automated collection. This requirement shall be incorporated in the CC&R's for this project.

● **Fire Department**

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

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agreement to insure streets are maintained and repaired when necessary in the event a homeowners association fails to do so.

- *65. Cul-de-sacs, where islands are provided, shall be a minimum of 106-feet in diameter, curb-to-curb, with a maximum fifty-foot diameter island.
- *66. Entry gate(s) shall meet Fire Department requirements for access and be equipped with key box (Knox) devices.
- *67. All dead-ends, caused by recordation of individual phases of the map, in excess of 150-feet will be required to provide a temporary turnaround to the Fire Department's approval.

● **Public Utilities**

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

ation.

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

● **Park and Recreation**

- *75. The removal, relocation, replacement or protection of existing street trees to the specifications of the Park and Recreation, Public Works and Planning Departments.
- *76. The installation of new street trees in accordance with the specifications of the Park and Recreation Department. Street tree installation work may be deferred until issuance of building permit on each individual parcel. No Street Trees are required for private streets. All street trees shall be automatically irrigated and installed prior to occupancy.
- *77. Payment of all applicable park development fees (local and regional/reserve) as mitigation for impact to park development and open space needs as generated by the project (Note: Regional/Reserve Park fees not applicable to Open Space Lot acreages; However, all other lots including street lots are subject to Regional/Reserve Park fees).
- *78. All reverse frontage and public landscape plans shall be subject to review and approval of the Park and Recreation, Planning and Public Works Departments.
- *79. Installation of full reverse frontage and public landscape improvements, walls and hardscape for all public landscape areas as may be required by the Planning Department, in accordance with the specifications of the Park and Recreation, Planning and Public Works Departments.
- *80. Irrigation systems serving public landscape areas shall be metered, controlled and valved separately from any private landscape areas for both electrical and water services, as well as for irrigation valve control.
- *81. All public landscape areas and private open space areas and parkways shall be maintained through a Homeowner's Association.
- *82. Provide landscape and wall easements, subject to the approval of the Park and

Recreation and Public Works Departments and City Attorney's Office, for all reverse frontage and public landscape improvements that extend beyond the public right of way.

- *83. A multi-purpose recreational trail easement shall be granted to the City along an alignment within the Alessandro Arroyo as approved by the Planning, Park and Recreation and Public Works Departments, and the Recreational Trails Steering Committee. It is anticipated the trail alignment will remain within the 100 year flood plain.
- *84. Trail signage shall be placed along the trail prior to recordation, or shall be incorporated into the performance/labor material bonds executed for construction of the trail.
- *85. A Covenant and Agreement for the maintenance of the landscaped parkways, reverse frontage and public landscape areas and medians, approved as to form by the City Attorney, must be executed by the developer. The agreement shall outline the responsibilities and liabilities being assumed by the Home Owners Association (HOA), upon acceptance of these landscape areas for private maintenance by the HOA.

GENERAL INFORMATION NOTES

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

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: P03-1548 (Planned Residential Development)

Meeting Date: August 19, 2004

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

Standard Conditions

● **Planning**

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

Fire Department Advisory Conditions:

4. Single family residences shall meet all the following requirements prior to issuing a building permit.
 - a. Public fire hydrant capable of delivering 1,000 G.P.M. available at 20 P.S.I. residual pressure.

EXCEPTION: Public fire hydrant capable of delivering 500 G.P.M available at 20 P.S.I residual pressure with an approved residential fire sprinkler system per N.F.P.A. 13(d).

- b. Public fire hydrant shall be within 350 feet from the driveway entrance as measured by route of travel
 - c. All exterior portions of the single family residence shall be within 300 feet from an approved water supply located on a public way, as measured by an approved route around the exterior of the building

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

Water Utilities advisory conditions:

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



Negative Declaration

1. **Case Number:** P03-1451, P03-1548, P04-0260
2. **Project Title:** Tract Map, Rezoning and Planned Residential Development
3. **Hearing Date:** August 19, 2004
4. **Lead Agency:** City of Riverside, Planning Department
3900 Main Street, 3rd Floor
Riverside, CA 92522
5. **Contact Person:** Clara Miramontes, Senior Planner
Phone Number: (909) 826-5277
6. **Project Location:** Northerly of the Alessandro Arroyo, easterly of Hawarden Drive, westerly of Alessandro Boulevard and southerly of Century Avenue
7. **Project Applicant:** Bill Gabel (909) 788-8092
Gabel, Cook and Becklund, Inc.
125 West La Cadena Drive, Suite A
Riverside, CA 92501
8. **General Plan Designation:** RHS — Hillside Residential and NOS — Natural Resources Open Space
9. **Zoning:** RC -SP — Residential Conservation and Specific Plan (Hawarden Hills) Combining Zone and O - SP — Official and Specific Plan (Hawarden Hills) Combining Zones
10. **Description of Project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)

This project proposes to implement the final two phases of a previously approved map TM 28728, subdividing 151.8 acres into 65 single family residential lots and 6 open space lots in the area bounded by Trafalgar Avenue to the north, Century Avenue to the east, the Alessandro Arroyo to the south and Rolling Ridge Road to the west. TM 28728 was originally approved in 1998 and was divided into four phases, in which phase 1 recorded subsequently (see Exhibit F for phasing map). TM 28728 was created to implement a formerly approved Planned Residential Development (PD-001-912) which was approved in 1994 along with Tract Map 23027 originally encompassing the subdivision of 167.5 acres into 85 lots. However, only 20 lots of TM 23027 were recorded in time before the map expired. As such, TM 28728 was created to implement the remaining 65 unrecorded lots. On February 21, 2002 the Planning Commission approved a time extension for phases 2-4 of TM 28728 until July 2003 with no eligibility for additional time extensions. By July 2003, phase 2 (lots 63-76, 90 and a portion of 89) had recorded but phases 3 and 4 never recorded in time prior to expiration of the map. As such, the applicant is now proposing a new map to subdivide approximately 86.31 vacant acres to create 29 single family residential and 5 open

space lots. Phases 3 and 4 of TM 28728 were approved for a total of 28 single family residential lots and four open space lots.

The proposed map does not comply with the previously approved number of lots under the originally approved PRD (PD-001-912) which approved a total of 85 lots whereas as the proposed map proposes 86 lots. As such, the applicant is also requesting an application for a revised PRD. The overall number of proposed lots still complies with the City's density bonus provisions for PRDs. This is discussed in detail in the body of this report.

The project involves grading on slopes ranging between 10% and 30% and will require exceptions from the City's Grading Ordinance standards related to the encroachment of building pads and/or manufactures slopes into the 50-foot development setback and limits of the Alessandro Arroyo and to permit slopes in excess of 25-feet for streets.

The project also involves a rezoning request to remove an O - Official Zoning designation from the southerly portion of the project area where development is proposed and placing the property in the RC - Residential Conservation Zone. The area to be developed has a General Plan land use designation of Hillside Residential, in which a General Plan Amendment is not required. As a matter of information, a rezoning case for the area in question was also approved in 1994 in conjunction with TM 23027 and PD-001-912. However, the applicant has chosen to refile a new rezoning request instead of requesting a time extension for multiple years.

11. Existing Land Uses and Setting:

The subject property is characterized by vacant, steeply sloping terrain traversed by a series of ridgelines and arroyo tributaries. The main arroyo, the Alessandro Arroyo is a blueline stream generally located along the southerly edge of the property. Numerous rock outcroppings and mature trees are located throughout the project area. The Alessandro Dam lies directly to the southwest of the subject property. Surrounding properties to the south and east are primarily vacant, but planned for large lot (RC Zoned) single family residential development. Properties to the north and west are characterized by a mix of vacant properties, conventional residential units and large lot single family residences along the Hawarden Hills ridgeline.

12. Surrounding Land Uses and Setting:

Adjacent existing land use:

North: Single Family Residential

East: Vacant

South: Vacant

West: Vacant

Adjacent zoning:

North: R-1-100 and R-1-130 — Single Family Residential Zones & RC — Residential Conservation Zone

East: RC — Residential Conservation Zone

South: RC — Residential Conservation and O — Official Zones

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West: RC — Residential Conservation Zone

13. **Other agencies whose approval is required:**

- a. California Department of Fish and Game
- b. United States Army Corps of Engineers
- c. Fish and Wildlife
- d. U.S. California Regional Water Quality Control Board

14. **Other Environmental Reviews Referenced in this Review:**

- a. Environmental Review of TM-28728/TM-23027/PD-001-912/RZ-006-912/EP-016-912 (On file with the Planning Department)
- b. Alessandro Heights Arroyo Study & EIR, and Grading Ordinance (On file with the Planning Department)
- c. Hawarden Hills Study/Specific Plan (On file with the Planning Department)
- d. Traffic Study TM 23027;1991 (On file with the Planning Department)
- e. Hydrology Study TM 23027 (On file with the Planning Department)
- f. Preliminary Geotechnical Investigation Report 1999 (On file with the Planning Department)
- g. Air Quality Analysis 2004 (On file with the Planning Department)

DETERMINATION:

On the basis of this initial evaluation which reflects the independent judgement of the Planning Department, it is recommended that:

The City Planning Commission find that the proposed project COULD NOT have a significant effect on the environment, and that a NEGATIVE DECLARATION be prepared.

The City Planning Commission find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the recommended mitigation measures have been added to the project (see attached recommended mitigation measures). A mitigated NEGATIVE DECLARATION will be prepared.

The City Planning Commission find there is no evidence before the agency that the proposed project will have any potential for adverse effect on wildlife resources, and the impacts of the project are de minimis pursuant to Section 711.4 of the Fish and Game Code.

Ken Gutierrez, Planning Director



Environmental Initial Study

Project Description: See Negative Declaration

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. An answer of "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. An answer of "Less than Significant Impact" is appropriate *only* in the event there is **no** substantial evidence that an effect is significant.
5. An answer of "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from a "Potentially Significant Impact" to a "Less than Significant Impact." A description of the mitigation measures is required, along with an explanation of how they reduce the effect to a less than significant level (mitigation measures from a previous analysis may be cross-referenced).
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. When an earlier analysis is used, the initial study shall:
 - a. **Reference earlier analyses used.** Identify earlier analyses. Unless noted otherwise, all previous environmental documents are available at the City of Riverside Planning Department.
 - b. **Note impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. **Identify mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

**ISSUES (AND SUPPORTING
INFORMATION SOURCES):**

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorpo- rated	Less Than Significant Impact	No Impact
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- 1. LAND USE AND PLANNING.**
Would the proposal:

ISSUES (AND SUPPORTING INFORMATION SOURCES):

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

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

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

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

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? *(Source:)*

The proposed project affects waters of the United States and waters of the State, which fall under the jurisdiction of the United States Army Corps of Engineers (USACE) and the California Department of Fish and Game (CDFG), respectively. As such, the following agencies may have jurisdiction over this project, as necessary: the California Department of Fish and Game; the Army Corps of Engineers; the U.S. Fish and Wildlife Service; and the California Regional Water Control Board. These agencies' approval will be required prior to grading permit issuance and the applicant is responsible for compliance with all requirements and conditions of these agencies.

On April 13, 2003, the applicant obtained a stream or lake alteration agreement from CDFG for the same -acre project in its previous iteration, TM 28728. The agreement authorized permanent impacts to .077 acres of State jurisdictional streams and associated habitat. Any changes from that stated in the agreement will require the applicant to request an amendment to the original agreement or submit a new notification to CDFG. The applicant has also obtained a Clean Water Act Section 401 Certification under the previous map TM 28728, the project qualifies for processing under the US Army Corps of Engineers Nationwide Permit NW39 under Section 404 of the Clean Water Act, and the US Fish and Wildlife Service has conducted a formal Section 7 consultation for the project.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. | Be incompatible with existing land use in the vicinity? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The proposal is in conformance with the General Plan. In addition, surrounding properties to the north have been developed with a similar density. This project is not expected to result in an adverse impact on the adjacent properties.

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. | Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? (Source: GENERAL PLAN EXHIBIT 10 — AGRICULTURAL RESOURCES) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Portions of the sites are designated as Farmland of Local Importance by the State of California. The City General Plan, while acknowledging the importance of retaining the City's agricultural capability, indicates that it is not feasible nor desirable to retain all potentially viable agricultural lands, based on land use considerations. Inasmuch as the General Plan proposes the conversion of these lands to development, and the designated areas have not been actively farmed, the impacts associated with the development of these lands are not considered significant.

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e. | Disrupt or divide the physical arrangement of an established community? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The proposed development will not disrupt the existing residential neighborhood to the north. This map will complete the final phase of previously approved map (TM 28728), which was part of the planned residential development originally approved in 1994.

2. POPULATION AND HOUSING.

Would the proposal:

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Cumulatively exceed official regional or local population projections? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

This project is consistent with the City of Riverside General Plan and the growth projections contained therein.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? (Source:)</p> <p>The project is located in an urbanized area and involves only the minor, incremental extension of existing infrastructure. The sewer extension will not directly or indirectly induce substantial growth because the capacity is directly proportional to the number of houses in the project.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Eliminate existing housing, especially affordable housing? (Source:)</p> <p>The project will not result in the removal of any residences.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. GEOLOGY AND SOILS.

Would the proposal result in or expose people to potential impacts involving:

<p>a. Fault rupture? (Source: GENERAL PLAN EXHIBIT 6 — SEISMIC HAZARDS)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Seismic ground shaking? (Source: GENERAL PLAN EXHIBIT 6 — SEISMIC HAZARDS)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Seismic ground failure, including liquefaction? (Source: GENERAL PLAN EXHIBIT 6 — SEISMIC HAZARDS)</p> <p>The Soil Study prepared by Gabel, Cook and Becklund for TM 28728 does not identify that the Project site contains soils subject to liquefaction or seismic ground failure.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d. Seiche hazard? (Source: GENERAL PLAN EXHIBIT 7 — HYDROLOGY)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e. Grading on natural slopes over 10 percent? (Source: GIS MAPS & GENERAL PLAN EXHIBIT 4 — SLOPE ANALYSIS)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The project area is characterized by slopes that range between approximately 10 and 30 percent, with an average slope of approximately 26%. The proposed grading for this project is regulated by the Public Works Department and the City's Grading Ordinance. The project requires grading exceptions to allow manufactured slopes up to a height of 30 feet for portions of proposed Cresthaven and Century Hills Streets. As well, portions of the proposed pads and streets are located within the limits of the Alessandro Arroyo. In addition, the Grading Ordinance requires a 50-foot development setback from the limits of the Arroyo.

The Grading Ordinance allows the granting of grading exceptions provided findings can be made that exceptional or special circumstances apply to the property. Such as exceptional or special circumstances shall include such characteristics as unusual lot size, shape or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason of prior existing recorded subdivisions or other characteristics of contiguous properties.

Portions of lots 37-41, 43-49, 57-62, 77, 78, Cresthaven Drive, Century Hills Drive, Grass Valley Way, a Flood Control access road and a sewer line encroach within the limits and 50-foot development setback of the Alessandro Arroyo as defined in the Grading Ordinance. The limits of the Alessandro Arroyo and the required fifty-foot setback established under the Grading Ordinance were established based on an analysis of topographical maps and aerial photos.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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The limits of the arroyo are defined as those areas with slopes over 30% and which are identified on the Alessandro Arroyo map exhibit to the grading ordinance. However, it is often necessary to actually inspect the site to determine more precisely the Arroyo limits. Lots 37-40 have been daylighted to avoid slopes within proximity to the main Arroyo. The grading for these lots allows for an open space corridor that lines up with the open space areas of the adjacent maps to the north-east

The remaining lots 41-44, 46-49, 57-68 and 77-78 are located outside the main branch of the arroyo and lie on relatively flat surfaces or within portions of tributaries which are not topographically or visually significant. Additionally, lot 45 contains significant rock outcroppings in the rear portion of the pad which are noted for protection.

Although the proposed street alignment has already been approved under the PRD, grading exceptions are now necessary to construct some of these streets. However, none of the proposed streets lie within the actual arroyo. For the reasons stated above, staff can support all of the requested grading exceptions for encroachments into the Arroyo and its tributaries. Staff has made the necessary findings in support of these exceptions and are attached as part of this report.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Source: The California Regional Water Quality Control Board has issued a Section 401 water quality standards certification which contains mitigation measures to protect water quality.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Subsidence of the land? (Source: GENERAL PLAN EXHIBIT 6 — SEISMIC HAZARDS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expansive soils? (Source: GENERAL PLAN EXHIBIT 5 — UNSUITABLE SOIL CONDITIONS) See Preliminary Soils Report prepared by Earth Technics dated November 22, 1999	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- i. Unique geologic or physical features? (Source:)
- | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

Adjacent to the site to the south is the main branch of the Alessandro Arroyo, a major arroyo which is a designated Natural Arroyo under the General Plan and Grading Ordinance. A number of tributaries to the Alessandro Arroyo traverse the site. While portions of the tributaries will be retained as open space throughout the project, development will reduce the size of some tributaries within the boundaries of the Arroyo. Staff can generally support the requested exceptions to the grading ordinance to permit grading within the Arroyo boundary and setback because the project design is sensitive to the natural terrain and incorporates the preservation of significant natural features in relatively large open space areas. In addition to the Arroyo, the site contains large areas of rock outcroppings within open space lot 88, a unique feature recognized by the City zoning ordinance. The map and grading plan have been designed to preserve rock outcroppings which are visible on the site where ever possible. Most of the major outcrops have been retained within the open space areas or in parcel areas outside the graded pad.

An open space easement shall be placed over all ungraded portions of the map consistent with the provisions of the Grading Ordinance. The easement shall designate these areas for natural open space purposes and shall prohibit fencing, grading, structures or vegetation removal. This open space shall be dedicated to an appropriate conservancy organization for purposes of long term maintenance and management.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Should no organization be found, a home owner's association (HOA) shall be established to maintain these areas. In the case an HOA is required, CC & R's will be required to insure maintenance and management of the open space, subject to approval of the Planning Department and City Attorney's Office.

4. WATER.

Would the proposal result in:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Source:) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
- project will result in increased impermeable area, thereby altering absorption rates and increasing surface runoff. The City of Riverside General Plan anticipated the impacts of development on drainage and addressed these impacts through the implementation of a master drainage plan for each of the City's drainage basins. Drainage improvements shall be consistent with the requirements of the City's Public Works Department.**

There are a few instances where grading crosses lot lines and/or the tract boundaries. Approval for all off-site grading will be required from all affected property owners and covenants will be required ensuring adequate maintenance of all such proposed facilities, subject to review and approval by the City Attorney's Office, Planning and Public Works Departments.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>b. Exposure of people or property to water related hazards such as flooding? (Source: GENERAL PLAN EXHIBIT 7 — HYDROLOGY; FEW. FLOOD INSURANCE RATE MAP PANEL 060260 0001-0030 B, ZONES A & C)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

As previously noted under the original map approval of the low-lying portion of the site is located in an area subject to inundation from the Mills Filtration Plant located to the east. No development is proposed within the 100-year floodplain and the probability of exposure to flood hazards is minimal.

The floodplain for the project area was identified in a hydrological study prepared by the applicant for TM-23027. The low-lying portion of the site is located in an area subject to inundation from the Mills Filtration Plant located to the south east. No development is proposed within the 100-year floodplain; and therefore, the probability of exposure to flood hazards is minimal. Floodplain areas within the project are required to be within an open space easement. The easement will specify that these areas are intended for open space purposes only and that no grading, construction or fencing is permitted. The open space easement is to be maintained by a Homeowner's Association or a conservation group such as the Riverside Land Conservancy subject to the approval of the Planning Department and City Attorney's Office.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c. Discharge into surface waters or other alteration of surface water quality? <small>(Source:)</small> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

The project will result in increased impermeable area, thereby altering absorption rates and increasing surface runoff. The City of Riverside General Plan anticipated the impacts of development on drainage and addressed these impacts through the implementation of a master drainage plan for each of the City's drainage basins. Drainage improvements shall be consistent with the requirements of the City's Public Works Department, the mitigation measures and standards contained in the Section 401 Certification, and the "First Flush" standards for retention basins imposed by the Water Quality Control Board.

In addition, impacts related to erosion and surface runoff will be addressed by adherence to City adopted erosion control policies.

As this project also involves the grading of more than one acre, state and federal requirements call for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) establishing erosion and sediment controls for construction activities. The City is not responsible for approving the SWPPP or ensuring that it is implemented. Rather, the Regional Water Quality Control Board is responsible for enforcing NPDES regulations.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d. Changes in the amount of surface water in any water body? (Source:)</p> <p>The existing property currently drains into the Alessandro Arroyo. This project continues to drain into the arroyo but will not change the course of the arroyo. Although the amount of surface water draining into the Arroyo will increase, the "First Flush" requirements noted in 4c and the NPDES requirement noted in 4d above will mitigate impacts to surface runoff in accordance with CWQCB and NPDES regulations.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e. Changes in the course or direction of water movement? (Source:)</p> <p>All grading and drainage facilities will be subject to Public Works Department approval and specifications to ensure that adequate drainage is provided.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f. Changes in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability? (Source:)</p> <p>This project does not involve either direct withdrawal or recharge of groundwater, nor does it alter the underlying aquifer. The project results in new impermeable surfaces, thereby potentially impacting groundwater recharge capability. However, due to the topography of the site, groundwater will runoff the new impermeable surfaces, into the proposed drainage facilities consistent with the City's master drainage plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g. Altered direction or rate of flow of groundwater? (Source: GENERAL PLAN EXHIBIT 6 — SEISMIC HAZARDS)</p> <p>No changes to the direction of groundwater flow will occur as a result of the proposed project, and a retention basin is proposed to catch and filter "First Flush" runoff before it percolates into the ground.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h. Impacts to groundwater quality? (Source: The project will not result in the discharge of groundwater contaminants.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Substantial reduction in the amount of local groundwater otherwise available for public water supplies? (Source: This project will not utilize local groundwater for water supply. Local groundwater is not utilized for domestic consumption.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. AIR QUALITY.

Would the proposal:

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Violate any air quality standard or contribute to an existing or projected air quality violation?
<small>(Source: AQMD URBEMIS 2002)</small> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

LSA Associates prepared an Air Quality Analysis for TM 31930, dated June and July 2004. The Analysis identifies that project construction will temporarily exceed the South Coast Air Quality Management District daily thresholds of significance for Nox and PM10. Compliance with SCAQMD Rules 402 and 403 shall be followed in order to minimize air pollutant construction emissions. However, because project construction is only proposed for 5-6 weeks, this short term impact is determined to be less than significant.

Additionally, the applicant will implement the additional mitigation measures:

- 1) Regular watering, at least 3-times a day, of the construction site, including all unpaved parking or staging areas or unpaved road surfaces, shall be utilized in order to reduce the fugitive dust generated during grading and construction operations; 2) Replace groundcover in disturbed areas as quickly as possible; and 3) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM 10 generation.**

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b. Create a CO hotspot, or expose individuals to CO concentrations above established standards? (Source:) This project is located in an area of the SCAQMD which is designated as attainment for CO. Because project traffic is not anticipated to result in a significant impact at intersections in the vicinity of the project, resulting CO levels from project traffic will not rise to a level of significance.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Expose sensitive receptors to pollutants? (Source:) Because the area surrounding the proposed Project is zoned RC, the lots for the most part range between 1 and 2 acres in size. The size of the lots coupled with the distance between them prevents the transfer of air pollutants between the proposed project and the existing homes to the northeast. Although sensitive receptors to the NE of the project may be exposed to an increase in PM10 as a result of project grading, this increase will be reduced with mitigation, temporary, and therefore, a less than significant impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d. Create objectionable odors? (Source:) This project will not result in emission odors likely to be found objectionable by reasonably sensitive persons in nearby neighborhoods.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e. Be subject to Transportation Demand Measures? (Source:) This project will not result in any new employees and therefore TDM requirements do not apply.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. TRANSPORTATION/CIRCULATION.
Would the proposal result in:

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a. Increased vehicle trips or traffic congestion? (Source:)</p> <p>In 1991, a traffic study was prepared for the original tract map (which includes the property contained in TM 31930) encompassing the subdivision of 167.5 acres into 86 single family residential lots and 5 open space lot. The study concluded that the widening of the intersection at Alessandro/Chicago/Arlington Avenues and of Alessandro Boulevard will mitigate any increase in trips that result from the development of this project. As such, any traffic impacts that result from increased trips and cumulative impacts that may result from the development of TM 31930 will result in an impact that is less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. Reduction in Level of Service (LOS) of intersections? (Source:)</p> <p>The City Traffic Engineer has reviewed the 1991 Traffic Study prepared for the original project, and has determined that the LOS for Century and Alessandro and Trafalgar and Alessandro identified in that document accurately describe conditions today. Project traffic will not result in a significant impact to the LOS at intersections carrying project traffic.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses? (Source:)</p> <p>This project will facilitate the construction of residences, which will not have an effect on the existing transportation corridors. All new private streets shall be required to comply with all Public Works requirements as to design.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Inadequate emergency access or access to nearby uses? (Source: The development of this project will include the construction of Century Hills Drive, which will connect the dead end at Cresthaven to the dead end that currently exists at Century. The connection of these 2 dead end streets will improve emergency access to the Project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Insufficient parking capacity on-site or off-site? (Source: The plans for the proposed homes will need to include the required on-site parking at the time of Design Review approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Hazards or barriers for pedestrians or bicyclists? (Source: No hazards or barriers for pedestrians or bicyclists are caused by this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: The project will result in the construction of 29 new single family residences and will not conflict with policies supporting alternate modes of transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Rail or air traffic impacts? (Source: The project site is not in the vicinity of rail facilities. The site is located within the March Air Reserve Base influence area. Approval from the Airport Land Use Commission (ALUC) will be required prior to building permit issuance. An aviation easement to the March Air Reserve Base (MARB) and the March Inland Port (MIP) to the satisfaction of the City Attorney's Office and MARB/MIP will be required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. BIOLOGICAL RESOURCES.

Would the proposal result in impacts to:

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <p>a. Federally endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? <i>(Source:)</i> A biological Assessment for the proposed map and a biological due diligence survey for the proposed sewer line was prepared by Michael Brandman Associates on July 9, 2004 and December 15 2003. As well a wetland delineation was prepared March 2003 by Michael Brandman Associates. The updated biological assessment concurs with the findings of a biological Assessment prepared by RB Riggan Associates 2001.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Based on the current plant communities occurring within the project site and the location of known recorded special status species, Stephen's kangaroo rat (SKR), which occurs in disturbed scrub and grassland habitats, has a moderate potential for occurrence due to the lack of suitable habitat. No sensitive plant communities were observed on the site. As well, it was determined that the project site does not contain any suitable habitat for burrowing owl or narrow endemic plant species. The site is within the current Riverside County Multi-Species Habitat Conservation Plan (MSHCP) and a separate habitat assessment is not required by the County prior to issuance of grading permits.

As a matter of information, a biological study focusing on the California Gnatcatcher was prepared for TM 28728 in September 2001. The study reported that potential habitat for the Gnatcatcher within the project area are not occupied such species. Additionally, a biological assessment was prepared for TM 28728 in August 2001 by RB Riggan and Associates. A follow-up focused survey was conducted in October 2002 and there was no siting of CAGN.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact Potentially Significant Unless Mitigation Incorporated Less Than Significant Impact No Impact

The updated biological assessment concurs with the findings of a biological Assessment prepared by RB Riggan Associates 2001. The biological assessment and wetland delineation for this project notes that the project will have the following impacts on existing biological resources:

- 1) *The loss of approximately 46 acres of low density, occupied habitat os the Stephens' Kangaroo Rat. (RB Riggan 2000)*
- 2) *Loss of 2.9 acres of Riversidean Sage Scrub (RSS) and 2.6-acres of heavily disturbed RSS within Critical Habitat for the California Gnatcatcher. These habitats are not occupied by the California Gnatcatcher.(RB Riggan 2000)*
- 3) *The loss of approximately 31.8 acres of non-native grassland, 2.9-acres of moderate quality Riversidean Sage Scrub (RSS) and 2.6-acres of low quality RSS within critical habitat area.(Wetland Study 2003)*
- 4) *loss of approximately .028 acres (370 linear feet) of USACE and .077 acres of CDFG jurisdictional waters. Affected vegetation is limited to ruderal species and scarce mulefat. No wetlands are present within the project impact area.(Wetland Study 2003)*

To mitigate these potentially significant impacts the following mitigation measures will be required:

- 1) *Approximately 43.78 acres of onsite CAGN critical habitat located along the Alessandro Arroyo will be dedicated as open space. This area contains approximately 10.5 acres of riparian/wetland vegetation.(Wetland Study 2003)*
- 2) *Permanent loss of RSS will be mitigated at a greater than 3:1 ratio through the onsite preservation of 20.6 acres of RSS (9.6 acres moderate quality, 11 acres low quality) adjacent to the Alessandro Arroyo. (Wetland Study 2003 and RB Riggins 2000)*

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- 3) *The permanent loss of jurisdictional waters will be offset by the expansion of the unnamed drainage feature at a 1:1 ratio. The mitigation site will be located immediate downstream of the road crossing and adjacent to the proposed upland water quality bio-swale. It is anticipated that the bio-swale will provide sufficient hydrology to support riparian vegetation. (Wetland Study 2003)*
- 4) *A water quality bio-swale will be installed immediate downstream of the road crossing. The bio-swale will be installed in an upland location to provide pretreatment of urban runoff prior to discharge into the drainage feature. The HOA will provide long term maintenance, consisting of installation of native grasses, and sediment removal as needed. (Wetland Study 2003)*
- 5) *Riparian vegetation will be installed within the mitigation site consisting of native grasses. (Wetland Study 2003)*
- 6) *A three year maintenance and monitoring plan is proposed to ensure the successful establishment of the native cover within the mitigation area. (Wetland Study 2003)*
- 7) *The applicant shall be required to obtain necessary approvals and permits prior to any grading from the California Department of Fish and Game; the Army Corps of Engineers; the U.S. Fish and Wildlife Service; and the California Regional Water Control Board. (Wetland Study 2003 and RB Riggins 2000)*
- 8) *The project site is located within the Riverside County SKR Habitat Conservation Plan Fee Assesment Area, and therefore subject to current fee requirements as administered by the City of Riverside. (Biological Assessment 2003)*

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b. Species identified as a sensitive or special status species in local or regional plans or listings maintained by the California Department of Fish and Game? (Source:)</p> <p>According to the biological report reference in 7.a. above, based on the current plant communities occurring within the project site and the location of known recorded occurrences of the above mentioned special status species, Stephen's Kangaroo Rat (SKR), which occurs in disturbed scrub and grassland habitats, a moderate potential to occur within the project. Therefore, the project is subject to current fee requirements as administered by the City of Riverside.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Locally important natural communities (e.g., sage scrub, etc.)? (Source:)</p> <p>Due to the loss of approximately 31.8 acres of non-native grassland, 2.9-acres of moderate quality Riversidean Sage Scrub (RSS) and 2.6-acres of low quality RSS within critical habitat area, the conditions of this project require the applicant to prepare a coastal sage scrub and riparian enhancement plan subject to review and approval of the Planning Department prior to issuance of grading permits.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. Wetland habitat (e.g. riparian and vernal pool)? (Source:)</p> <p>See response 7.a. above.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e. Wildlife dispersal or migration corridors? (Source:)</p> <p>The proposed open space along the Alessandro Arroyo will provide wildlife corridor movement opportunities.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f. Wildlife resources pursuant to Section 711.4 of the Fish and Game Code? (Source:)</p> <p>This project will result in potential adverse impacts to wildlife resources, and the payment of fees pursuant to Section 711.4 of the Fish and Game Code is required.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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8. ENERGY AND MINERAL RESOURCES.

Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Conflict with the General Plan Energy Element?
<small>(Source: CONSERVATION ELEMENT OF THE GENERAL PLAN)</small> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Use non-renewable resources in a wasteful and inefficient manner? <small>(Source:)</small>
The construction of residences is not a wasteful use of non-renewable materials.. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? <small>(Source: GENERAL PLAN - EXHIBIT 40 — MINERAL RESOURCES)</small>
The Project is not located in an area containing known mineral resources, therefore the construction of residences will not reduce the future availability of valuable mineral resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

9. HAZARDS.

Would the proposal involve:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals, or radiation)? <small>(Source:)</small>
Project does not involve the use of hazardous materials. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Possible interference with an emergency response plan or emergency evacuation plan? <small>(Source:)</small>
This project will not impact emergency response or evacuation plans. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. The creation of any health hazard or potential health hazard? <small>(Source:)</small>
This project will facilitate the construction of single family residences which would not result in health hazards. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Exposure of people to existing sources of potential health hazards? <small>(Source:)</small>
No hazardous sites are identified in the vicinity of the project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e. | Increased fire hazard in areas with flammable brush, grass, or trees? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project is planned for low density residential development with areas of natural vegetation. While a minimal risk of grassland fire exists, the Project contains streets which are accessible to emergency vehicles and will require the installation of fire hydrants per City requirements. In addition, City Code requires residences to include fire sprinklers. These factors ensure that fire risks will be reduced to a level of less than significant.

- | | | | | | |
|----|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| f. | Exposure of people to risk from airport operations? (Source:) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

The site is located within the March Air Reserve Base influence area. An application to and approval from the Airport Land Use Commission (ALUC) will be required prior to building permit issuance. The applicant shall comply with all conditions of ALUC prior to building permit issuance.

10. NOISE.

Would the proposal result in:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Increase in existing noise levels? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project does not involve uses, activities, or increased traffic levels that would result in an increase in ambient noise levels on the Project site.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b. Exposure to severe noise levels, including construction noise? (Source: GENERAL PLAN EXHIBIT 15 -- EXISTING NOISE CONTOURS) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Because of its proximity to the March Air Reserve Base (MARB), the project is located in an area of 60 - 70 dB CNEL. Noise levels of this intensity are considered Conditionally Acceptable for residential uses per the General Plan. The Building Code requires that, prior to building permit issuance, adequate noise reduction measures must be incorporated into the house design to attenuate interior noise levels to 45 dBA. Compliance with the building code is required and is not considered to be mitigation.

The project will result in temporary increases in noise levels due to construction/grading activity. Potential noise impacts will be limited by compliance with the City's Noise Ordinance (Title 7), which limits construction noise that would disturb a residential neighborhood to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays. Additionally, the applicant is advised that any blasting will require a special permit to be issued by the City Fire Department, and must occur during the hours construction is permitted by the City. Because compliance with the construction hours is required by City Code, compliance does not constitute mitigation.

11. PUBLIC SERVICES.

Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a. Fire protection? (Source:)</p> <p>The project shall comply with the requirements of the City Fire Department. The Fire Department requested a number of conditions of approval be required for the project to ensure adequate fire protection, including provision and maintenance of a public water system, provision of streets and fire apparatus access roads that meet public street standards, and that cul-de-sacs, where islands are provided, be a minimum of 106 feet in diameter curb-to-curb, with a maximum 50-foot diameter island. In addition, the grading plans shows several driveways in excess of 150 feet in length proposed. A condition of approval will be imposed requiring the driveways and site access on the grading plans to be submitted to the Fire Department for review and approval prior to the issuance of a building permit for the Project.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. Police protection? (Source:)</p> <p>The Project, will result in an incremental additional demand for public services. However, because the Project is consistent with the adopted General Plan, which provides for adequate public services, no significant adverse impacts will result from its implementation.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Schools? (Source:)</p> <p>The payment of school fees pursuant to the requirements of state law shall be required prior to project construction.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d. Maintenance of public facilities, including roads? (Source:)</p> <p>The Project will be conditioned to pay TUMF and Traffic and Transportation Fees in an amount established by City ordinance. Payment of these fees will reduce impacts related to this issue to a level of less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e. Other governmental services? (Source:)</p> <p>See response 11b.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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12. UTILITIES AND SERVICE SYSTEMS.

Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Power or natural gas? (Source:
The project will result in an incremental additional demand for utilities. However, it is consistent with the General Plan which provides, in conjunction with the City's Capital Improvement Program, for the adequate provision of infrastructure and utility services. Therefore no impacts in regard to infrastructure or services will result from the Project. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Communications systems? (Source:
See response 12a. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Local or regional water treatment or distribution facilities? (Source:
The Public Utilities Department indicated a concern regarding the proposed private street system relative to installation and maintenance of water lines and the provision of water to the subdivision. To address these concerns, conditions of approval have been imposed by the City Water Department. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Sewer or septic tanks? (Source:
The project will require the installation of a new sewer line and access road. Such sewer line shall be subject to the specifications and approval of the Public Works Department. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Storm water drainage? (Source:
See response 12c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Solid waste disposal? (Source:
See response 12c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Local or regional water supplies? (Source:
See response 12c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

13. AESTHETICS.

Would the proposal:

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a. Have a demonstrable negative aesthetic effect?
(Source:)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The grading and construction proposed for the development of TM 31930 may result in potential aesthetic impacts. There are significant natural features on the site including numerous massive rock outcroppings, rugged topography and steep Arroyo areas consisting of the main Arroyo and tributaries. The rock outcroppings in particular are a dominant visual feature which distinguish the site from the more weathered, rolling terrain which characterizes much of the Alessandro Heights area. Conditions of approval will be required to retain visible rock outcroppings on the site, and the Design Review process for future residences, will minimize any further aesthetic impacts related to the construction of residences on the site to a level of less than significant.

- b. Create light or glare? (Source:)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The development proposed by this Project will introduce new lighting sources normally associated with residential uses. Any ancillary lighting, such as tennis court lighting, will be reviewed by the Planning Department in the Design Review process. Any tennis court lighting will be required by a conditions of approval to be directed downward to avoid spillover light escaping from the boundaries of each individual lot. In addition, the design will avoid off-site light spillage.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>c. Affect a scenic vista or roadway? (Source:)</p> <p>Compliance with this City code provision, and the Design Review process, will ensure that the residences developed by this Project are situated in locations which blend into the surrounding terrain, and therefore, do not result in a significant aesthetic impact when viewed from adjacent roadways. Conditions of approval imposed during the Design Review process and compliance with the RC zone are required for the Project.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

14. CULTURAL RESOURCES.

Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <p>a. Disturb paleontological resources? (Source:)</p> <p>No identified paleontological resources or paleontologically sensitive areas are known to occur within the City.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b. Disturb archaeological resources? (Source:)</p> <p>The Alessandro Heights EIR included this site. As a part of that EIR, an archaeological study was completed, which identified four archaeological sites on the property. Three of the sites will be located within the open space areas. The remaining site is located within a proposed street and, therefore, will not be preserved. Because the archaeological study did not require but did recommend that these sites be retained, staff does not believe that loss of the one site constitutes a significant impact.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c. Have the potential to cause a physical change which would affect historical resources, including heritage trees? (Source:)</p> <p>No other historical or cultural resources are located on this site except as described in 14b.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>d. Have the potential to cause a physical change which would affect unique ethnic cultural values, including those associated with religious or sacred uses? (Source:)</p> <p>See response 14c.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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15. RECREATION.

Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The addition of 29 new residences will minimally increase the demand for neighborhood and regional recreational facilities, which will be accommodated through the City's existing park system.

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b. Affect existing recreational opportunities, including trails? (Source: GENERAL PLAN EXHIBIT 41 — NEIGHBORHOOD AND COMMUNITY PARKS; GENERAL PLAN EXHIBIT 42 — PROPOSED TRAIL SYSTEM) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

The project area is located within the Hawarden Hills Specific Plan area and designates the westerly portion of the site with a trail corridor connecting the Alessandro Arroyo to the Hawarden Hills Vista Point to the north. The City's Trails Master Plan does not identify this trail as planned or designated, but does show a multi-purpose recreational trail through the Alessandro Arroyo. Upon further review of the trail as shown in the HHSP, it was determined that the location for such trail shall be identified at the time of Project development. Staff is requiring as a condition of Project approval that a trail easement be provided connecting the Alessandro Arroyo and Hawarden Hills Vista Point, with the location to be approved by the Planning and Parks and Recreation Departments and City Attorney's Office.

16. MANDATORY FINDINGS OF SIGNIFICANCE.

ISSUES (AND SUPPORTING INFORMATION SOURCES):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (Source:) No. See responses in Section 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (Source:) The original project, consisting of Tract Maps 23027, 28728, 31930, proposes to preserve 60.44 acres, or 36 percent of the total 167.5-acre development. The 41.48 acres of open space proposed for preservation as part of TM 31930 consists of 48% of the property contained in the project. The preservation of open space is listed as a goal in the RC Zone, and is also identified as a goal on Measure C. As such, information contained in this initial study supports the conclusion that the Project will not delay the achievement of previously-identified long term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects.) (Source:)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The potential exists for the individual project to result in significant grading impacts due to land form alteration. TM 31930 is the third component of a 186-acre project, first approved as TM 23027. When TM 23027 expired, the lots remaining unrecorded at that time were incorporated into a new map, TM 28728, which was approved before the Grading Ordinance was adopted. At that time, the Alessandro Arroyo was defined as the boundaries of the 100-year flood plain, and the Arroyo setback was determined from that limit. In 1998, after the Grading Ordinance was adopted, the property owner applied for a time extension for TM 28728, and prepared grading exceptions which the City approved. Recently, the remaining unrecorded lots in exactly the same design previously approved for TM 28728, have been incorporated into TM 31930 (except for the addition of an off-site sewer line). The development of TM 23027 and TM 28728 did not result insignificant impacts to landform grading. Because TM 31930 does not incorporate any changes to the design or layout of the previously approved lots, its development is not anticipated to result in cumulatively considerable impacts to the environment. Together, the recordation of the three tract maps will result in the preservation of 36% of the total project acreage as open space. The open space dedications for each tract individually include, TM 23027 - no open space, TM 28728 - 14.4 acres, TM 28728 - 4.18 acres and TM 31930 - 41.86 acres. The acre-

ISSUES (AND SUPPORTING INFORMATION SOURCES):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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age dedicated to open space for the three tract maps totals 60.44 acres. Because each tract map individually did not result in significant grading impacts to landforms, grading related to their cumulative development is not expected to result in cumulatively considerable impacts. As such, no adverse cumulative impacts were identified in this initial study analysis.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

(Source:)

No. See response in Section 9.

FINDING (To be completed by the City Planning Commission)

It has been found that the project will not have a significant effect on the environment and a Mitigated Negative Declaration should be adopted by the City Council. As part of this determination, the approved mitigation measures shall be required for the project. The proposed Mitigated Negative Declaration reflects the independent judgement of the City of Riverside.

1. See conditions in report marked with an asterisk (*).

Limited to Case P03-1451/P03-1548/P04-0260

It has been found that the project may have a significant effect on the environment and an Environmental Impact Report should be required by the City Council.

There is no evidence before the agency that the proposed project will have any potential for adverse effect on wildlife resources, and the impacts of the project are found to be de minimis pursuant to Section 711.4 of the Fish and Game code.

Signature

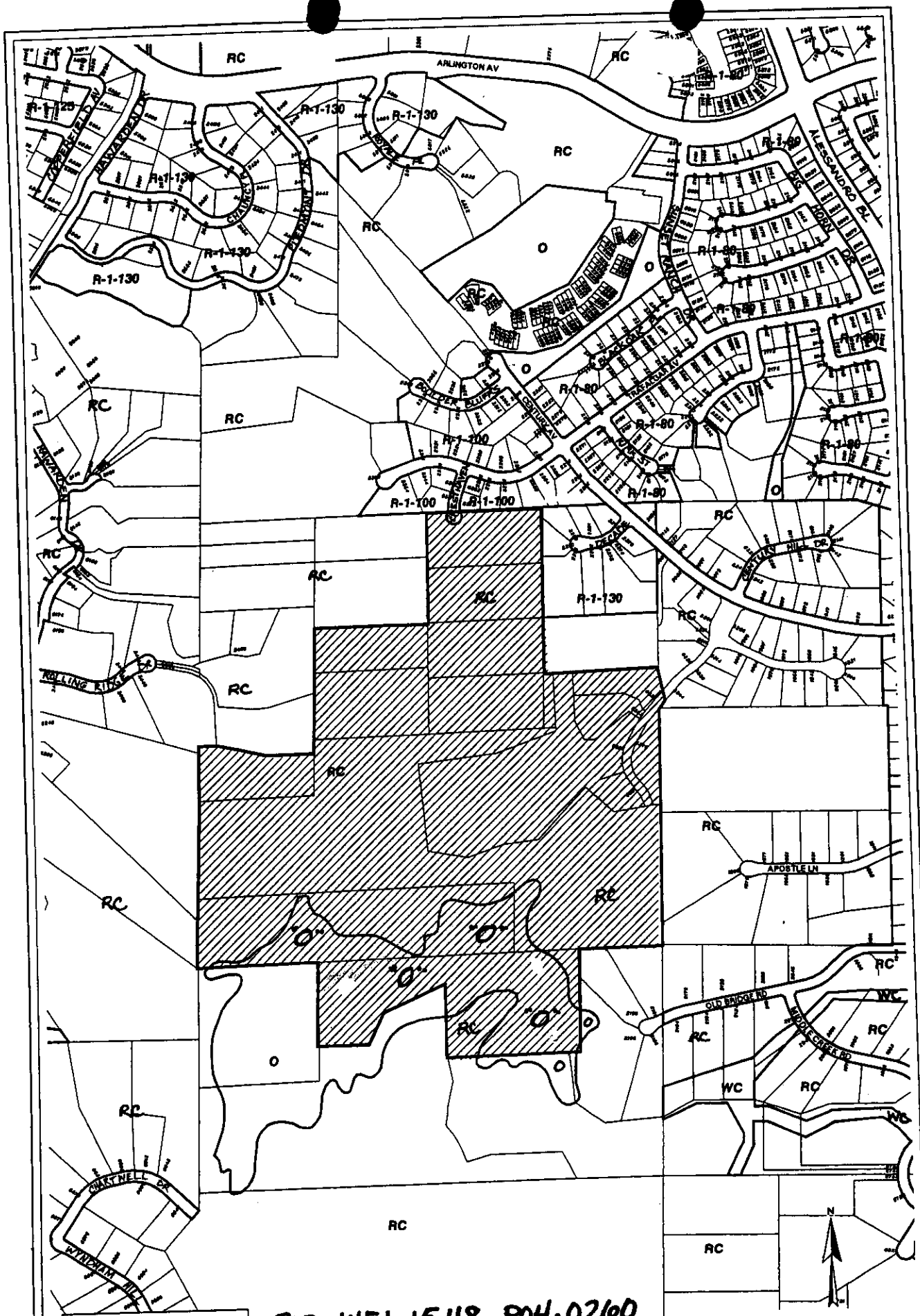


Date

8/19/04

City Planning Commission

Case Number: P03-1451/P03-1548/P04-0260

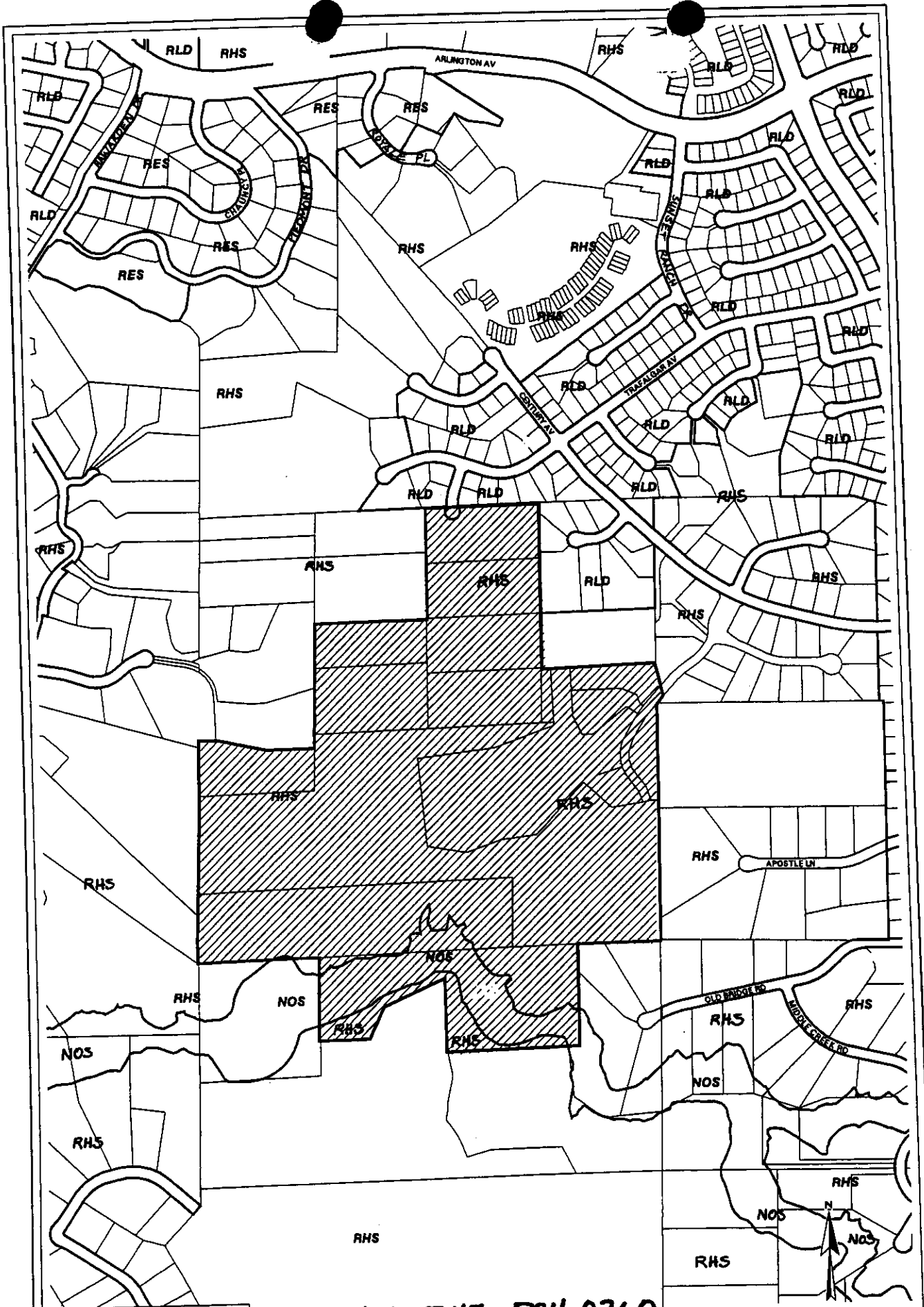


TM-28728 P03-1451-1548, P04-0260
12-174

EXHIBIT A- Location/Zoning Map

January 10, 2002
1 inch = 500 feet

Aerial photos taken April 1998. The City of Riverside makes no warranty as to the accuracy or content of the data shown on this map. This map shall not be reproduced or distributed without the written consent of the City of Riverside, California. © Copyright 2002, City of Riverside, California

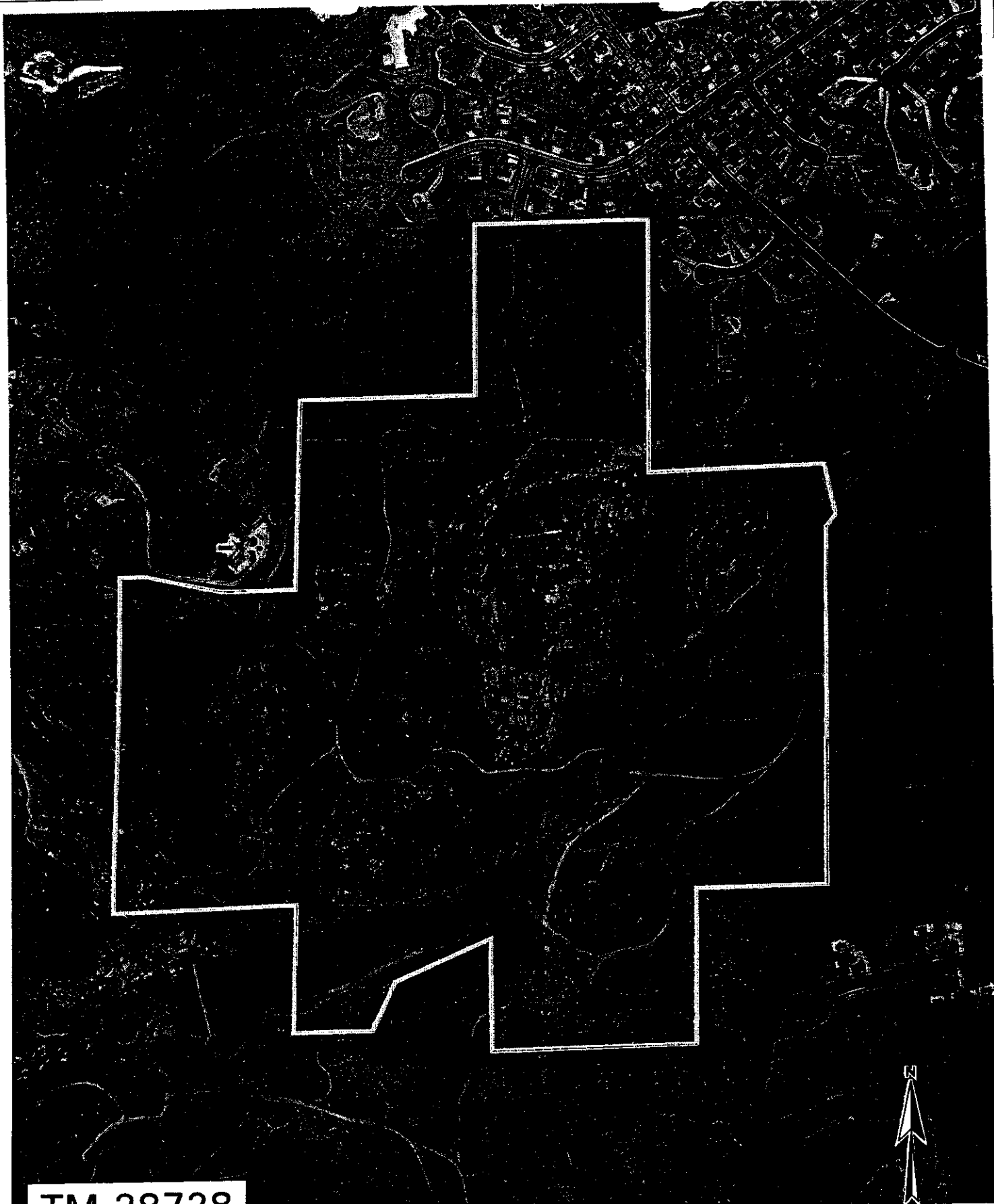


TM-28728 P03-1451-1548, P04-0260
12-175

EXHIBIT B - General Plan Map

January 10, 2002
1 inch = 500 feet

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TM-28728

EXHIBIT C- 1998 Aerial Photo

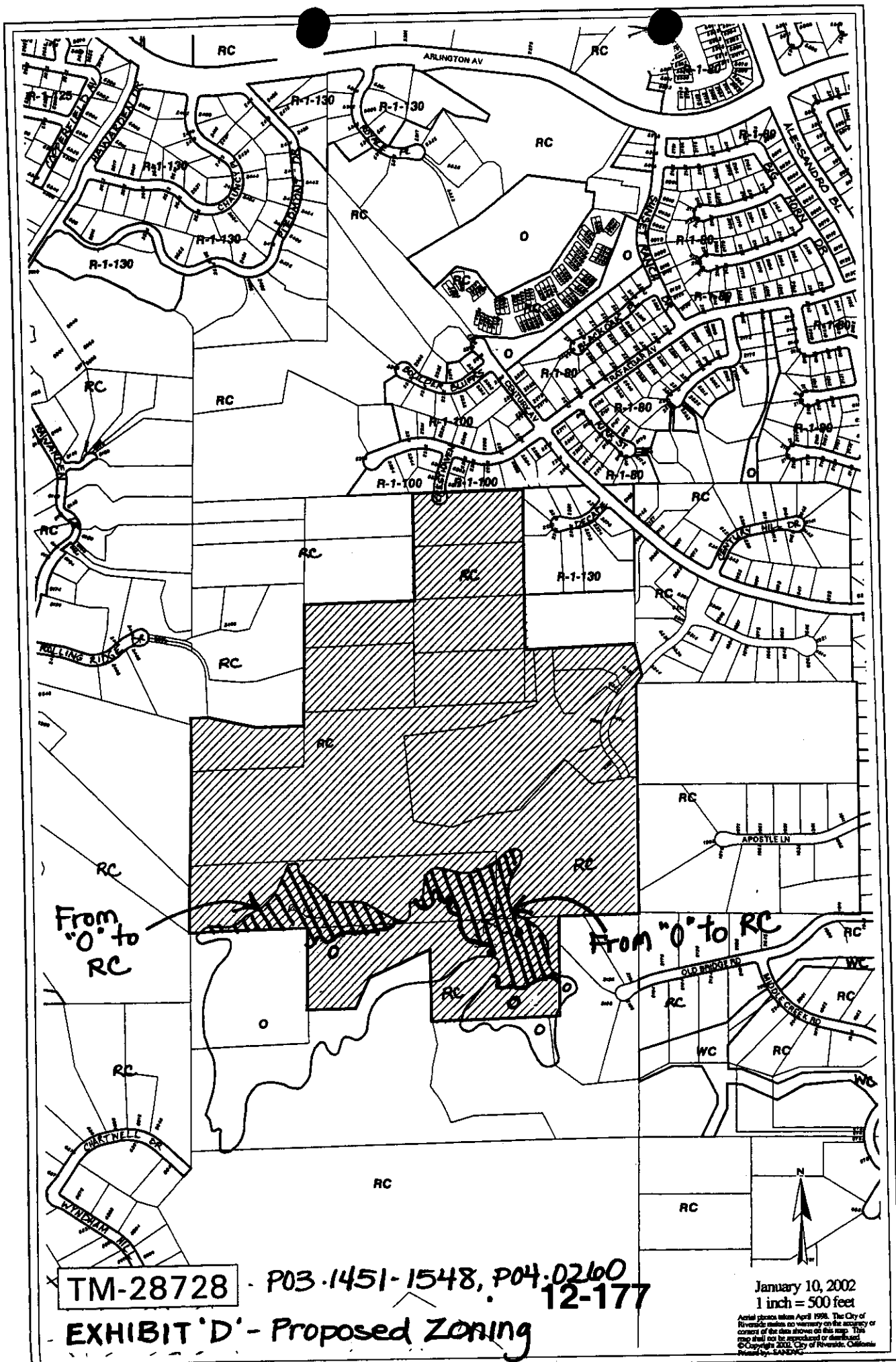
12-176

January 10, 2002
1 inch = 500 feet

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P03-1451-1548. P04-0260



TM-28728 - P03.1451-1548, P04.02160-12-177

EXHIBIT 'D' - Proposed Zoning

January 10, 2002
1 inch = 500 feet

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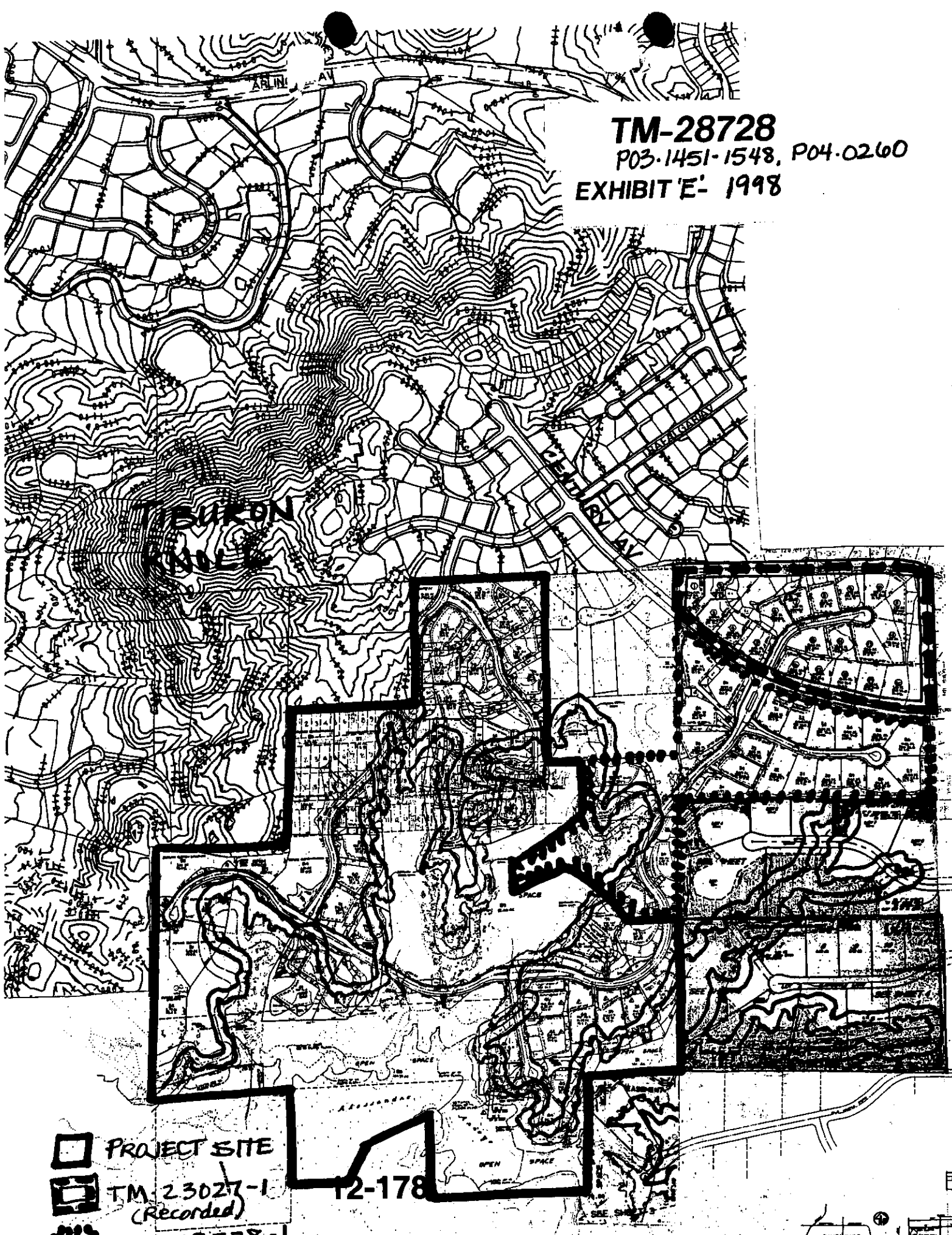
TM-28728
P03-1451-1548, P04-0260
EXHIBIT 'E' 1998

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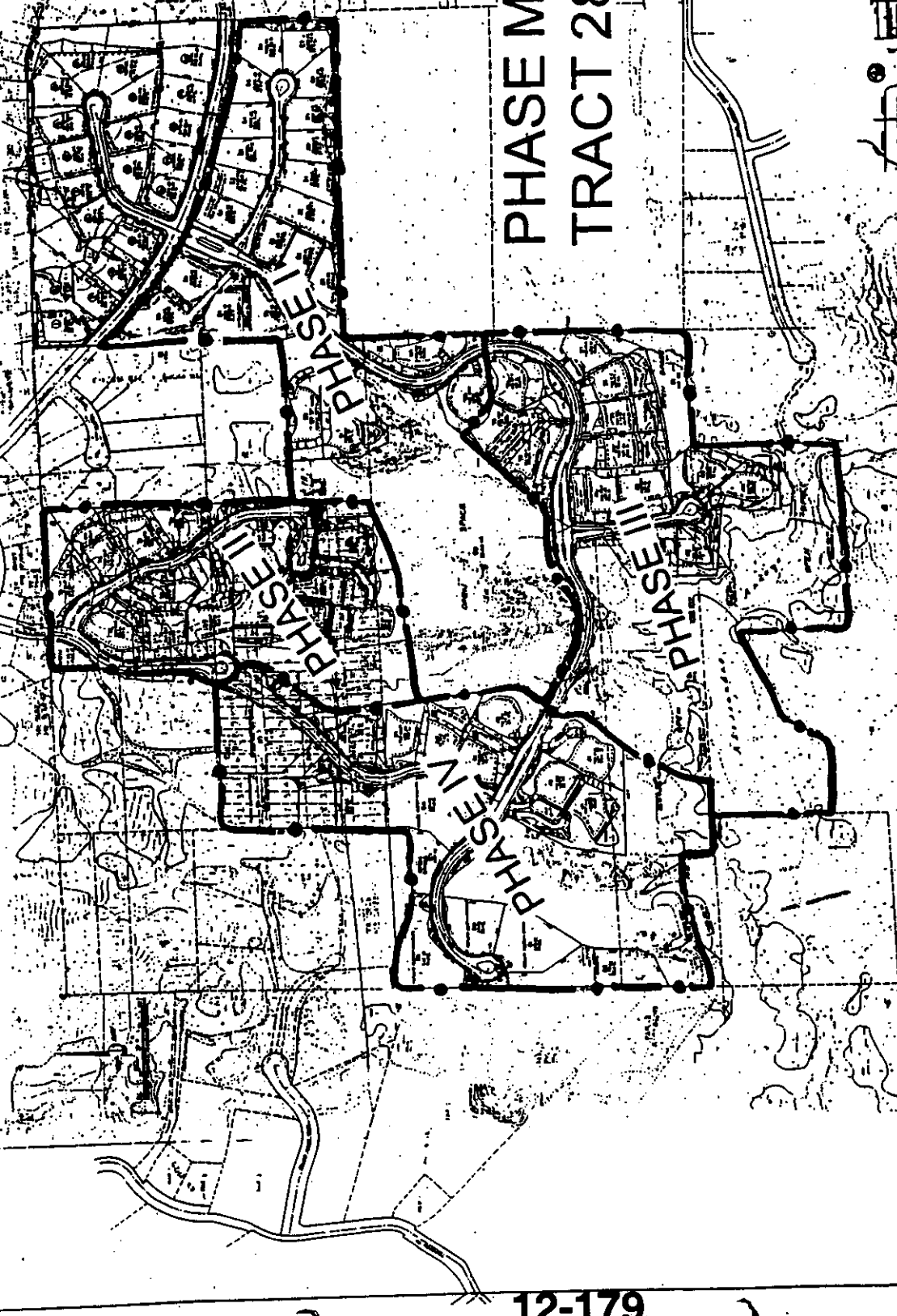
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■ TM 23027-1
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12-178

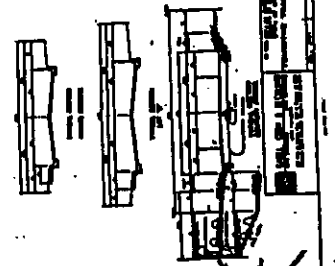
RIVERSIDE



TENTATIVE TRACT NO. 28728 A PROPOSED PRIVATE DEVELOPMENT



PHASE MAP TRACT 28728



12-179

P03-1451-1548, P04-0260 EXHIBIT 'F' - 2002



Supplemental Report **EXHIBIT 'H'**

PLANNING COMMISSION HEARING DATE: FEBRUARY 21, 2002

P03.1451.1548, P04.0260

TRACT MAP 28728 (Continued from February 7, 2002): Request of Gabel, Cook and Becklund, on behalf of Dr. Hong, for a two-year time extension in which to record tentative Tract Map 28728, the proposed subdivision of approximately 87.4 vacant acres into approximately 43 residential and five open space lots (Phases 2 - 4), generally situated northerly of the Alessandro Arroyo, easterly of Hawarden Drive, southerly of Century Avenue and westerly of Alessandro Boulevard in the RC — Residential Conservation and O — Official Zones. The Planning Commission will also review the grading plan for compliance with the City's Grading Ordinance. (To be heard concurrently with PD-001-912.)

BACKGROUND

This case was scheduled to be heard by the Planning Commission on January 17, 2002. However, the morning of the meeting, staff and the applicant received two letters regarding the project. The first letter was from the Burton's, who wanted to have a chance to look at the proposed plans. However, they did not provide their phone number or address and staff was unable to contact them. The other letter was from Arlee Montalvo. The applicant requested a continuance to today's meeting to allow time to adequately address the issues in this letter. In addition to the letters, the Commission also heard testimony from members of the audience on January 17th. This supplemental report addresses the issues raised in both written and verbal comments.

Ms. Montalvo's Letter

1. Time Extension

- **Comment — This Tract Map has expired, and no extension can legally be granted retroactively.**

As stated in the January 17, 2002 staff report, the applicant submitted a timely request for a one year time extension on July 19, 2000 where the map was due to expire on July 22, 2000. Although the City' Subdivision Ordinance, Title 18, requires time extension requests to be submitted thirty-days prior to map expiration (18.10.030), the State's Subdivision Map Act does not, and it has been the City's practice to defer to the Subdivision Map Act when our ordinance conflicts with the Act. The Act permits time extension requests up to the expiration date. Therefore, the request for the time extension was accepted and processed.

Due to the City's requirement to review the grading deviations in conjunction with the time extension request and the additional time needed for the applicant to conduct the needed surveys for the updated biological report, the case was still open on July 22, 2001 when a second one year time extension would have normally been required. Since the first time extension request was still open and being processed by staff,

there was no need for the applicant to formally request another one year time extension.

- **Comment — The granting of grading exceptions on 26 out of 44 (59%) of the lots on Phases 2-4 is excessive.**

The Grading Ordinance, Title 17, was created to further implement the goals and objectives of the General Plan and RC Zone by controlling excavation, grading and earthwork construction. The Ordinance permits conditional exceptions, or deviations, from the ordinance under Section 17.32.010, which states as follows:

“Generally. Conditional exceptions to the regulations contained in this chapter shall be permitted upon a finding by the Zoning Administrator that exceptional or special circumstances apply to the property. Such exceptional or special circumstances shall include such characteristics as unusual lot size, shape, or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason of prior existing recorded subdivisions or other characteristics of contiguous properties.”

The Planning Department is supporting the requested deviations for the detailed reasons outlined in the recommended findings. This subdivision and related grading plan were the subject of intense scrutiny by the community and many hours of study by the staff and property owner's representatives. Numerous field trips to the site were made by staff, the Planning Commission and the City Council. In staff's opinion, the resulting design is exceptionally sensitive to the natural topography of the property.

In further support of this conclusion, reference the following comments made by one of the most affected neighbors, Mr. Raftery, at the January 17th meeting.

“In working with the developer and their engineer, plus the City Planning Department, the group that I represent feels strongly that the City has probably come up with one of the best plans that I've seen in some forty years of law practice involved in this area and many others, under the circumstances of this property. I am a contiguous property owner that abuts this project. The developers, through their engineer, Mr. Gabel's firm, have been cooperative with the City and have been cooperative with people who had interest in the environment. I want the Commission to know that I think the project is one of the best that I've seen and been involved in here in the City. It is a highly sensitive area, but they have done a wonderful job with this project.”

- **Comment — The Tract Map cannot be justified by an expired Planned Residential Development (PRD) plan.**

It is correct that the related Planned Residential Development (PRD) case, PD-001-912, for this map has expired. The Code states that time extension requests are to

be submitted before the expiration date, which has passed for PD-001-012. However, longstanding practice of the City is to allow filing of retroactive time extensions for PRD's and Conditional Use Permits. To simplify matters, the applicant has submitted a request for the PRD time extension, and staff has prepared the report for the Commission's review at today's meeting.

- **Comment — The Tract Map cannot be justified by a non-conforming PRD.**

This is not a non-conforming PRD as the PRD ordinance permits up to a 25% density bonus for RC zoned projects based on a number of factors. The subject PRD was granted an 18% density bonus based on superior design and sensitivity to the natural terrain, and findings were made to support that bonus. The remaining unrecorded portions of the map and PRD have a density 0.48, which is less than the baseline density permitted without a density bonus.

The PRD was processed in accordance with normal procedures for a single family PRD, which are different than for multiple family PRD's. In the case of the former, the specifics of development for individual lots are not known at the time of approval, as custom homes are normally built on these lots. In the case of the latter, floor plans and elevations are required earlier in the process as the project is typically an apartment building under one ownership.

Finally, the PRD ordinance, as it applies to the RC Zone, was effective on the date of approval of TM-28728.

- **Comment — This Tract Map fails to satisfy legal requirements regarding lot size variances in the RC Zone.**

The request before the Commission today is a time extension and grading review. Since there have been no changes in the area or the Zoning Ordinance which would require another look at the requested variances, staff did not readdress this issue under the time extension. The City's discretion in approving a time extension on an approved map is limited to the length of the extension and new conditions or review of prior approvals is not permitted. When the map was approved in 1998, the Commission made the necessary findings to support the variances based upon the topographical constraints of the property and these findings are still applicable today, since there have been no pertinent changes to the Zoning Ordinance or the map that affect these variances.

The Commission is advised that the time extension request can be denied; however, nothing prevents the subdivider from agreeing to new conditions under the time extension in an effort to gain support for the time extension. It should also be noted that if the time extension is denied, the subdivider could reapply for a new map, which could result in a design that is not consistent with the phases of the map that have been previously approved and recorded in this area by this developer.

- **Comment — The findings for the variances and deviations are inadequate.**

The findings for the variances are not being revisited at this time as noted above. Both the staff and the applicant have prepared findings for the requested grading deviations. Based upon the site's topographical characteristics and constraints, including drainage issues, rock outcroppings, blue-line stream location, flood plain location, etc., staff was able to make the findings to support the deviations.

Negative Declaration

- **Comment — Mitigation for wetland and Riversidian coastal sage scrub is absent.**

Mitigation for wetland and Riversidian Coastal Sage Scrub is found in the mitigations noted in the Initial Study as well as in the conditions of approval. The applicant's representative, Campbell Bio Consulting, has prepared a detailed letter addressing the commentor's concerns (Exhibit V of this supplemental staff report). Staff is of the opinion that the initial study adequately addresses biological impacts and provides appropriate mitigation, reflected in the conditions of the map, to adequately mitigate any significant impact.

- **Comment — The homeowners association being listed as a possible manager of the open space easement undermines the proposed mitigation.**

At the last meeting staff recommended that condition 1 be modified to require the open space to be maintained by a non-profit conservation organization. This change is reflected in the latest recommended conditions.

- **The Tract Map is not consistent with the RC zoning and General Plan.**

The Planning Commission and City Council previously determined that the map is consistent with the General Plan and the RC Zone, and staff continues to concur in this previous finding.

Mr. Raftery's Testimony

Mr. Raftery is a contiguous property owner living at 2400 Rolling Ridge Road. Generally, he was very supportive of the project (see comments noted above). However, he did have two requests. The first was that a condition be added requiring the project to be gated. The second was to have private street "C" shortened to a cul-de-sac in front of open space lot 88. Long driveways could then be provided for lots 50, 51 and 52. This design would minimize the extent of grading. As noted by the letter submitted by the applicant's representative, the applicant agrees with these requests and appropriate conditions have been added.

Mr. Mylne's Testimony

The Hawarden Hills Study was adopted in 1977 and includes a trail corridor from the Alessandro Arroyo to Tiburon Knoll to the north of the subject property. Staff is recommending a condition that the applicant provide for this trail across the subject property subject to approval of the Planning Department.

RECOMMENDATION

That the City Planning Commission:

1. **APPROVE** Zoning Case TM-28728 subject to the recommended conditions of approval based on the following findings:
 - a. the development, as conditioned, is consistent with the Zoning Code, specifically the RC Zone, and General Plan and the intent of the Grading Ordinance;
 - b. staff can make the necessary findings to support deviations to the Grading Ordinance; and
 - c. there have been no significant changes in the surrounding area.
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

- I. Site Plan
- II. Original Staff Report and all Exhibits from January 17, 2002
- III. Biological Report
- IV. Letters of Opposition (2)
- V. Letter from Kathy Dale, Campbell Bio Consulting, Inc.
- VI. Letter from William Gabel (2)

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cw:Diane Jenkins, AICP

**APPROVED CONDITIONS FROM JANUARY 22, 1998 WITH RECOMMENDED
MODIFICATIONS & GENERAL INFORMATION NOTES**

Case Number: TM-28728

Meeting Date: February 7, 2002

CONDITIONS

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

Case Specific

● **Planning**

Prior to Map Recordation

- *1. An open space easement shall be recorded for all areas within the boundaries of the 100 year flood plain and the setback therefrom, ~~as well as all areas~~ designated as open space, and for each lot all areas not proposed for grading under this review subject to the approval of the Planning and Legal Departments. The easement should clearly specify that these areas are intended for open space purposes only and that no grading, construction or fencing is permitted. The open space areas within the open space easement are to be maintained by a ~~Homeowner's Association or by an agreement with~~ non-profit conservation organization such as the Riverside Land Conservancy subject to the approval of the Planning and Legal Departments. The property shall be transferred either in fee title or an easement established to facilitate maintenance/stewardship by such an organization.
- *2. Lots 54 - 57 shall be redesigned to widen the street frontage of Lot 56 to allow the building pad area to be located at a lower elevation as conceptually shown on the staff's exhibit, subject to Planning Department review and approval.
- *3. Lots 53 and open space Lot 87 shall be combined as one open space lot.
4. Shorten private street lot "C" to cul-de-sac in front of open space lot 88 with long driveways provided for lots 50, 51 and 52, subject to Planning and Public Works Departments approval.
5. Provide gates at the entrance/exits to the project. The gates should meet all Fire, Police, Public Works and Planning Departments' requirements for design, turnarounds and locks.
6. Provide a trail across the subject property, between the Alessandro Arroyo and the northerly boundary of the subject property for eventual connection to Tiburon Knoll, subject to approval of the Planning Department.

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7. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) and other documents as necessary subject to approval of the Planning and Legal Departments:

- *a. prohibiting any additional grading beyond the Arroyo Study standards;
- *b. restricting the pad elevations on Lots 54 - 57 as follows: Lot 54 - 1,260; Lot 55 - 1,265; Lot 56 - 1,280; and Lot 57 - 1,290;
- *c. establishing a Homeowner's Association;
- d. the keeping of livestock is prohibited;
- e. prohibiting further subdivision of any lots within this map.

8. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justification, the applicant's written justifications are referenced:

- a. an overall average density greater than .5 units/acre;
- b. parcels less than two acres in size on lots with an average natural slope (ANS) greater than 15% (lots 23-27, 29-32, 35-37, 39-49, 51-56, 58-64 and 66-91);
- c. parcels less than five acres in size on lots with an ANS of 30% or greater (lots 33-34, 38, 50 & 65);
- d. landlocked parcels located along private streets.

In addition to the applicant's findings, approval of these variances will not affect the overall density or functioning of the map. The design, which proposes some lots with less than the required area, will more effectively preserve the topography in a natural state and minimize grading. Although the lots will be technically landlocked, guaranteed access to a public street will be provided with maintenance being the responsibility of the affected property owners.

9. Reverse frontage walls shall be provided along Century Avenue for lots 21 - 26 and carried through on the side yards for lots 85 & 86 and along Cresthaven Drive for lots 69, 71 & 72. Plans for all reverse frontage shall be submitted for Design Review for the Planning, Public Works and Park and Recreation Departments approval. A Homeowner's Association shall be responsible for maintenance of this reverse frontage area.

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10. The reverse frontage wall for lots 21 - 26 should be placed at the top of the slope.
11. The reverse frontage areas should be combined into separate lots and maintained through a Homeowner's Association.
12. The unused portion of right-of-way from the existing cul-de-sac bulb of Cresthaven Drive shall be vacated. A separate submittal and filing fee is required.
13. Lots 88 and 89 should be split at the phasing line to create two new, numbered open space lots.
14. The phasing line for Phase 2 should follow the lot line of Lot C, the extension of Cresthaven Drive. Grading for the southerly extension of Cresthaven Drive shall be permitted to encroach into the designated open space.
15. Zoning Cases RZ-006-912 shall be adopted and PD-001-912 finalized prior to or concurrently with the adoption of this map. (Both cases have expired and will require retroactive time extensions.)
16. Easements shall be recorded as necessary to provide water to the adjoining lots to the north of Rolling Ridge Road and that the developer stub the waters lines to all effected, contiguous properties.

Prior to Grading Permit Issuance

17. The grading plan shall be revised, subject to Planning Department review and approval, to:
 - *a. clearly indicate all pad and lot drainage, subject to review and approval by the Planning and Public Works Departments. Cross lot drainage covenants, if necessary, shall be subject to Public Works and Legal Departments' review and approval.
 - *b. Indicate that all rip-rap will be natural rock (not blasted) and all visible drainage features will be color treated to blend in with the natural surroundings.
 - *c. Indicate an interim erosion control program to be certified by the project engineer subject to Public Works Department review and approval.
 - d. Reflect City adopted contour grading policies. Prior to issuance of a building permit, the applicant's engineer shall submit a letter

certifying the contouring of such required slopes in accordance with City adopted standards.

- e. Indicate that grading operations will be restricted to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
 - f. Indicate the 100 year flood limits of the blue line stream to the satisfaction of the Public Works Department.
18. The Commission makes the necessary findings in the applicant's favor to grant the following grading deviations. As justification, the applicant's written justifications and staff's supplemented justifications are referenced:
- a. to allow the building pad and/or manufactured slopes for lots 37-41, 43-49, 57-68, 77 and 78 and portions of street lots C, E, F, H and I to encroach into the limits of the Alessandro Arroyo; and
 - b. to permit slopes in excess of twenty-feet in vertical height for lots 49, 63, 64, and street lots C, E and H.
19. Prepare a detailed grading plan at 1"=40' scale for lot 45 showing protection of the existing rock outcroppings, subject to Planning Department approval.
20. Final driveway grades and configurations will be subject to review and approval of the Fire Department.
21. Tract Map 28728 shall be recorded.
22. Landscaping and irrigation plans for all manufactured slopes in excess of five feet in vertical height shall be submitted to and approved by the Planning Department. The applicant's engineer or landscape architect shall submit a letter certifying to the installation of such required landscaping and irrigation facilities prior to the release of utilities.
23. In the event that joint access driveways are proposed, covenants shall be prepared subject to the satisfaction of the Legal and Public Works Departments.
24. The grading plan shall be revised to reflect all design changes recommended in this City Planning Commission report.
25. Adjacent property owner's approval shall be obtained for all off-site grading. Also, slope maintenance agreements for all slopes crossing property lines shall be recorded subject to approval of the Planning, Legal and Public Works Departments.

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- *26. Prior to the issuance of grading permits for Phases 2-4, the applicant shall have a biological study prepared by a qualified biologist acceptable to the U.S. Fish and Wildlife Service to determine the presence or absence of the California Gnatcatcher. In the event portions of the site are occupied, the applicant shall obtain U.S. Fish and Wildlife Service prior to grading permit issuance.
- *27. The applicant shall prepare a Coastal Sage Scrub and riparian enhancement plan subject to review and approval of the Planning Department prior to grading permit issuance for Phases 2-4.
- 28. Manufactured slope ratios shall not exceed a maximum of 2:1.
- 29. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
- 30. Grading activity shall be in substantial compliance with the grading plan on file with this application.
- *31. Advisory: The Regional Water Quality Control Board requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- *32. Advisory: Any disturbance of the "blue line streams" will require permits and approval from the State Department of Fish and Game and U.S. Army Corps of Engineers.
- *33. The applicant shall comply with the long term Stephen's Kangaroo Rat (SKR) Habitat Conservation Plan (HCP) and the City's policies for implementing the HCP.

Prior to Building Permit Issuance

- *34. The 30-foot wide access road proposed for Lot 92 shall be graded, with slopes landscaped, a wall placed at the top of the slope and a gate installed at Century Avenue, on-site with adequate stacking space and vehicle turn-around area to Planning and Public Works specifications.
- *35. The applicant is advised that the project is in an area impacted by a CNEL noise level between 60 and 70 dBA. Dwelling units constructed within the noise impacts areas will have to be sound insulated to the specifications of the Building Division.
- 36. ~~An avigation easement shall be required to the specifications of March Air Reserve Base (MARB) and the Legal Department.~~

- *37. Submit documentation of approval by the Riverside County Airport Land Use Commission (ALUC) shall be submitted to the Planning Department. All Conditions imposed by the ALUC shall be met to its satisfaction prior to map recordation. In the event the ALUC finds this map to be inconsistent with the Airport Land Use Plan, the case shall be considered by the City Council at a public hearing concurrently with the ALUC appeal.
- *38. The applicant shall convey an avigation easement to the March Air Reserve Base (MARB) and the March Inland Port (MIP) to the satisfaction of the Legal Department and MARB/MIP. The applicant shall obtain approval of the Riverside County Airport Land Use Commission and submit documentation to Planning Department staff.
- *39. Any lighting other than normally associated with a residential use, such as tennis court lighting, will be reviewed by the Planning Department in the Design Review process. Any tennis court lighting is required to be hooded and directed downward. In addition, the design shall avoid off-site light spillage.
- 40. For purposes of measuring the front yard building setback line the private street will be considered a public street. All homes placed on these lots will have a front yard setback of 30-feet from the private street property line and 25-feet from the side and rear property lines. All other applicable standards of the underlying RC — Residential Conservation Zone shall be met.

Standard Conditions

- **Planning**

- 41. ~~There is a thirty month time limit in which to satisfy the conditions and record this map. Three subsequent one-year time extensions may be granted by the City Planning Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map. The new expiration date of the map will be July 22, 2002 and only one more time extension request is permitted.~~
- *42. In approving this case, it has been determined that the project has the potential for adverse effect on wildlife resources and the payment of fees pursuant to Section 711.4 of the Fish and Game Code is required.

- **Public Works**

- 43. Dedication of right-of-way for Cresthaven Drive to 30 feet from monument centerline to Public Works specifications.

44. Installation of curb and gutter at 18 feet from monument centerline, sidewalk and matching paving on Cresthaven Drive to Public Works specifications.
45. Full half-street improvements required on Cresthaven Drive for the portion not lying completely within the boundaries of the map, total R/W = 40 feet, curb and gutter at 18 feet from monument centerline to Public Works specifications. The unused portion of the right-of-way for the cul-de-sac on Cresthaven Drive shall be vacated prior to recordation of this map.
46. The proposed private streets are to be designed and fully improved per the standards governing private streets, Resolutions 12006 and 15531.
47. Storm Drain construction will be contingent on engineer's drainage study.
48. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to recordation of this map.
49. Size, number and location of driveways to Public Works specifications.
50. Minimum design speed for residential streets should not be less than 25 miles per hour with a 150 foot minimum sight distance.
51. Installation of sewers and sewer laterals to serve this project to Public Works specifications. However, septic tanks will be allowed for lots that cannot reasonably be served by a gravity sewer.
52. Onsite disposal system (septic tank) acceptability shall be obtained for each lot of this map not served by sewer, to the satisfaction of the County Department of Environmental Health, prior to this map recording.
53. Removal and/or relocation of irrigation facilities, as required.
54. All property subject to flooding from a 100-year storm shall be placed in the WC (or other appropriate Zone) prior to or concurrently with recordation of this map.
55. Ownership of property to be undivided prior to this map recording.
56. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.