

Supporting Explanation: These mitigation measures will reduce impacts to a level of less than significant because they will ensure the replacement of similar riparian vegetation and the creation of waters of the U.S. to mitigate jurisdictional waters lost to the development of TM 31930. The applicant has obtained a U.S. Army Corps of Engineers Nationwide Permit for a Linear Transportation Project. The permit authorizes the placement of fill for linear transportation projects permanently affecting less than ½ acre of waters of the U.S. (for the whole project.) The applicant has also obtained a California Department of Fish and Game ("CDFG") 1600 Streambed Alteration Agreement for the 0.077 acres of CDFG jurisdiction that would be permanently affected by implementation of the project. The expansion of the unnamed drainage downstream of the Century Hills Drive road crossing, and adjacent to the water quality basin, will create 0.028 acres of waters of the U.S. The project will also be required to install native grasses (riparian vegetation) in the mitigation site. To ensure the establishment of the native cover, a 3-year maintenance and monitoring plan will be required. The impacts to wetland habitats would therefore be reduced to a less than significant level.

(5) Potentially Significant Impact: TM 31930 will result in potential adverse impacts to wildlife resources.

Finding: Implementation of the following mitigation measure will reduce potential impacts to wildlife resources to a less than significant level.

Mitigation Measure:

The payment of fees pursuant to Section 711.4 of the Fish and Game Code is required. (IS., p. 22.)

Implementing this mitigation measure is feasible and the Commission adopts and incorporates this measure into the Project.

C. Geology and Soils

(1) Potentially Significant Impacts: Grading on slopes with an average natural slope greater than 10 percent could result in a potentially significant impact. The Project area is characterized by slopes ranging between about 10 and 30%, with an average natural slope of about 26%. The Grading Ordinance regulates project grading. Portions of the following lots, building pads, and Project access roads are located in areas defined as (i) the Alessandro Arroyo, and (ii) the 50' development setback from the Alessandro Arroyo, according to the map attached to the Grading Ordinance, labeled Exhibit "D" ("Exhibit 'D'"): lots 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 57, 58, 59, 60, 61, 62, 77, and 78; and, Crest Haven Drive, Century Hills Drive and Grass Valley Way, and the sewer line extension.

Finding: Implementation of the following Condition of Approval will reduce potential grading impacts to a less than significant level:

Condition of Approval 17: The Commission makes the necessary findings in the applicant's favor to grant the following grading deviations. As justification, the applicant's written grading exception findings are referenced:

(i) 37-41, 43-49, 57-62, 77, 78, Crest Haven and Century Hills Drives, the water quality basin, the sewer line extension, and the Alessandro Arroyo Dam Access Road, 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

(ii) To permit slopes in excess of twenty-feet for portions of Crest Haven, and Century Hills Drives.

Supporting Explanation: Although the lots, building pads, streets and sewer, identified above encroach within the areas identified as Alessandro Arroyo and 50' development setback on Exhibit "D", the location of the 50' setback on many of the lots does not comply with the definition of Alessandro Arroyo contained in the Grading Ordinance (land within the watercourse area, the adjacent slopes having an average natural slope of 30% or greater" Grading Ordinance § 17.28.020(14)(b.)) In addition, pursuant to the City's administrative review process, grading can occur within the limits of the 50' setback and within the tributary if the area to be graded is not sensitive. Sensitivity, in this context, is defined as the absence of (i) riparian vegetation, (ii) habitat for rare or endangered species, (iii) significant rock outcroppings or (iv) other unique topographic features. The findings for the grading exceptions referenced above are hereby incorporated by reference as if set forth in full herein.

(2) Potentially Significant Impacts: Erosion, changes in topography or unstable soil conditions from excavation grading, or fill could create a significant impact. Project construction pursuant to a Nationwide General Permit (No. 14) issued by the U.S. Army Corps of Engineers will result in the placement of 0.028 acres of fill into a streambed. To mitigate potential impacts due to erosion, the California Regional Water Quality Control Board has issued a Section 401 quality standards certification, which identified the following required mitigation measures:

On-site mitigation measures: (i) the construction of one water quality basin, with a containment volume of 7,900 cubic feet of water storage area, to remove pollutants from nuisance and "first-flush" discharges, (ii) immediately downstream of the water quality basin, the Project will enhance the existing drainage to create an additional 0.084 acres of waters of the U.S., and (iii) comply with additional mitigation measures proposed in the Storm Water Pollution Prevention Plan prepared for the Project.

Section 401 Conditions of Approval:

(i) The water quality basin shall be clearly marked with signage identifying the basin's purpose and management restrictions.

- (ii) A conservation easement shall be placed upon the water quality basin for the purpose of assuring its continued function for the life of the project. The conservation easement shall be recorded with the Riverside County Recorder's Office prior to occupancy of any residence within the project area.
- (iii) All disturbed slopes shall be stabilized for the purpose of preventing discharges of sediment-laden runoff during and after the conclusion of construction activities at the project site.
- (iv) The applicant, Sanda Group, Ltd., the owner, or its successors and assignees, shall fully implement the monitoring plan component described in the Mitigation Plan. Sanda Group, Ltd., the owner, or its successors and assignees, shall submit an annual report, due on or before September 30th, to the Regional Board for a period of five years. The annual report shall document the maintenance, monitoring and success of the proposed water quality mitigation. If these measures are not properly implemented and maintained, corrective measures must be implemented per consultation with the RWQCB and the resource agencies.
- (v) The phrase "NO DUMPING-DRAINS TO CREEK," or similar wording, shall be permanently affixed to catch basins throughout the project area to discourage dumping of pollutants into the storm drain system.
- (vi) Educational literature shall be distributed to homeowners and tenants to encourage reduction of non-point source pollution.

Implementing this mitigation measure is feasible and the Commission adopts and incorporates this measure into the Project.

Supporting Explanation: The Hydrology Study prepared by Gabel, Cook and Becklund, determined the size of the water quality basin required for the Project. Condition of Approval 12 requires the installation of a water quality bio swale) to pre-treat urban runoff before it enters the basin. A conservation easement will be recorded to ensure the continued use of the water quality basin for drainage purposes, and the Home Owner's Association for TM 31930 will be required to maintain the bio swale in perpetuity (Conditions of Approval 12 and 13). The impacts related to erosion, changes in topography or unstable soil conditions would therefore be reduced to a less than significant level. (IS, p. 8.)

(3) Potentially Significant Impact: The development of the Project could require grading which would impact unique geologic or physical features resulting in a significant impact. The main branch of the Alessandro Arroyo, and Alessandro Arroyo tributaries located within the Project site, are defined in the Grading Ordinance, and the Arroyo is designated for protection in the General Plan.

Finding: Implementation of the following condition of approval will reduce potential impacts to unique geologic or physical features to a less than significant level.

Conditions of Approval:

No. 1: An open space easement shall be recorded for all areas within the boundaries of the 100 year flood plain and the setback there from (and) 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 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.

No. 9: 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: CDFG, ACOE, the U.S. Fish and Wildlife Service, and the California Regional Water (Quality) 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.

No. 16: 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 riprap 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 subject 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.

No. 29: Grading activity shall be in substantial compliance with the grading plan on file with this application.

Compliance with these Conditions of Approval is feasible and the Commission adopts and incorporates these measures into the Project.

Supporting Explanation: The Arroyo tributaries will be retained within the open space easement, except areas for which administrative exceptions have been approved, based on findings that the tributary areas did not contain sensitive resources, pursuant to the Grading Ordinance, at section 17.28.020 (14)(a). Rock outcroppings located in the open space lots, and will be protected by the Conservation Easement. Certain areas inside the lots but outside the building pads will also be designated as open space. Grading, the construction of structures, and fencing, will be prohibited on the open space lots and in the areas covered by the conservation easement. Ownership of the Open Space lots will be transferred to a non-profit organization and an endowment set aside to provide for their long-term maintenance and management. Should no non-profit organization agree to own and maintain the open space lots and conservation easement areas, a home owner's association for TM 31930 will be established to maintain the open space areas and Covenants, Conditions and Restrictions will be imposed to ensure the perpetual maintenance and management of the open space lots and easement areas. (IS, p. 10.) All potential impacts to unique geologic or physical features would therefore be reduced to a less than significant level. (IS, p. 9.)

D. Hazards

(1) **Potentially Significant Impact:** The Project will expose people to risks from airport operations because the Project is located within the March Air Reserve Base influence area.

Finding: Implementation of the following mitigation measure will reduce potential risks from airport operations to a level of less than significant.

Conditions of Approval:

No. 35: Submit documentation of approval by the Riverside County Airport Land Use Commission (ALUC) 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.

No. 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 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.

Implementing these conditions of approval is feasible and the Commission adopts and incorporates this condition into the project.

Supporting Explanation: These mitigation measures will reduce impacts to a level of less than significant for the following reasons. The ALUC has jurisdiction over the March Air Reserve Base influence area. During the required Project review, ALUC will confirm that the light generated from the residences in TM 31930 will result in a less than significant impact on airport operations. Any conditions required such as shielding light sources, will be imposed on the Project prior to map recordation. The imposition of an avigation easement will ensure that in the future, no buildings taller than ALUC requirements are constructed in the Project. The exposure of people to risks from airport operations would therefore be reduced to a level of less than significant. (IS., pg. 23.)

E. Land Use and Planning

(1) Potentially Significant Impact: The Project will potentially conflict with policies of the following listed agencies with jurisdiction over the project: affect waters of the United States and waters of the State, which fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE), and the California Department of Fish and Game (CDFG). The Initial Study identified the following resource agencies as potentially having jurisdiction over the Project: the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service, and the California Regional Water Quality Control Board.

In 2003, the property owner obtained the following permits from resource agencies for phases 3 and 4 of TM 28728, a residential tract map consisting of 28 residential and 6 open space lots on 86.31 acres.

- (i) Streambed Alteration Agreement Application FG2023, for one road crossing would result in the permanent loss of 0.077 acres of CDFG jurisdictional waters (Streambed Alteration Permit, pgs. 1,2.)
- (ii) Nationwide Permit (No. 200300713-DPS), for the permanent discharge of up to 0.028 acres of fill material in an unnamed tributary to the Allesandro Arroyo.
- (iii) Formal Section 7 Consultation (No. 200300713-DPS) (Biological Opinion), for impacts to (i) 21-acres of habitat suitable for the federally endangered Stephens' kangaroo rat, and (ii) the removal of 3.91 acres of

Riversidean sage scrub 2.91 acres which falls within designated gnatcatcher critical habitat, and increased habitat fragmentation.

(iv) Clean Water Act Section 401 Water Quality Standards Technically Conditioned Certification for TM 28728 to mitigate impacts from discharges of pollutants into an unnamed drainage tributary to the Alessandro Arroyo.

The development proposed for this Project consists of the same footprint proposed for TM 28728, except that TM 31930 proposes one additional lot on a portion of what was previously identified as open space.

Finding: Implementation of the following condition of approval will reduce potential impacts due to conflicts with applicable environmental plans or policies adopted by agencies with jurisdiction over the project to a less than significant level:

Condition of Approval 9: 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: CDFG, USACE, 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. (Staff Report, pg. 14)

Implementation and compliance with this condition of approval is feasible and the Commission adopts and incorporates this condition into the Project.

Supporting Explanation: The mitigation measures in the above-referenced permits are specifically incorporated into the Biological and Water findings, at sections 2 and 10, respectively. Implementation of Condition of Approval 9 will assure that impacts due to conflicts with applicable plans of resource agencies with jurisdiction over the Project are reduced to a less than significant level in order for the Project to obtain a grading permit.

F. Noise

(1) **Potentially Significant Impact:** TM 31930 may expose people to severe noise levels, including construction noise. 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 pursuant to the General Plan.

Finding: Implementation of the following mitigation measure will reduce impacts to noise to a less than significant level:

Mitigation Measures:

City of Riverside Ordinances:

The California Building Code requires that prior to building permit issuance, adequate noise reduction measures be incorporated into the house design to attenuate interior noise levels to 45 dBA.

The City's noise ordinance (Title 7) limits construction noise levels that would disturb a residential neighborhood to between 7:00 a.m. and 7 p.m. weekdays, and between 8 a.m. to 5 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.

Blasting will require a special permit issued by the City Fire Department and must occur during the house construction is permitted in the City.

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

Supporting Explanation: Compliance with the City Code requirements will mitigate interior noise for the residences in TM 31930 from the increased ambient noise levels related to MARB. Implementing the construction time limits will ensure that construction noise will occur during the evening hours and on Sundays and holidays. This will protect the neighborhood from noise during the times residents would be more sensitive to it. If blasting is proposed, the Fire Department permit will ensure that it is conducted at an appropriate time and in compliance with City requirements. Therefore, these measures will reduce severe noise, including construction noise, to a level of less than significant. (IS., pg. 24.)

G. Public Services

(1) Potentially Significant Impact: TM 31930 may have an effect upon, or result in a need for new or altered government services related to fire protection.

Finding: Implementation of the following mitigation measures will impacts related to the use of fire protection services to a less than significant level:

Conditions of Approval:

No. 19: Final driveway grades and configurations will be subject to review and approval of the Fire Department.

No. 59: Prior to map recordation the Fire Department requires the following conditions be included in a recorded covenant to the satisfaction of the Legal 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 No. 6019.
- d. A public water system shall be provided and maintained.
- e. Streets and fire apparatus access roads shall meet public street standards.

Appropriate provisions shall be made and approved by the City resolution or agreement to insure streets are maintained and repaired when necessary in the even a homeowner's association fails to do so.

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.

Entry gates shall meet Fire Department requirements for access and be equipped with key box (Knox) devices.

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

Supporting Explanation: These mitigation measures will reduce impacts related to providing fire services to a less than significant level because they will require the following improvements to be constructed to comply with the following standards: (i) on and off-site fire facilities shall be provided to the satisfaction of the Fire Department, (ii) all residences constructed for TM 31930 shall be inspected by the Building and Safety Department and the Fire Department to confirm that all standards required for a residential use are complied with, (iii) residential sprinklers shall be provided in each residence, (iv) a public water system shall be installed and maintained in compliance with all applicable City standards, (v) streets and fire department access roads shall comply with all City requirements, (vi) a provision shall be recorded to provide for the maintenance and repair of all streets in TM 31930 should the homeowner's association fail to take action, (vii) Grass Valley Way, a cul-de-sac in TM 31930 shall be constructed to comply with the Fire Department's required standards to provide for adequate access in the event of an emergency, (viii) the gated entries at Crest Haven Drive and Century Hills Drive shall be equipped with Knox entry systems to provide for access by the Fire Department in the event of an emergency. These measures will ensure that potential impacts to the Fire Department's ability to provide service to TM 31930 are mitigated to a level of less than significant.

H. Recreation: The Project would not result in significant impacts in the following areas:

(1) Potentially Significant Impact: The Project may affect existing recreational opportunities, including trails. The City's Trails Master Plan identifies a multi-purpose recreational trail through the Alessandro Arroyo. Upon further review, it was determined that the location for such a trail shall be identified at the time of Project development.

Finding: Implementation of the following mitigation measure will reduce impacts to existing recreational opportunities for trails, to a less than significant level.

Conditions of Approval:

No. 74: A multi-purpose recreational trail easement shall be granted to the City along an alignment within the Alessandro Arroyo as approved by the Planning, the Parks and Recreation, and the Public Works Departments, and the Recreational Trails Steering Committee. It is anticipated that trail alignment will remain within the 100-year flood plain.

No. 75: A minimum 10' wide multi-purpose recreational trail designated for non-motorized use shall be constructed to the specifications of the Public Works, Planning and Parks and Recreation Departments.

No. 76: Trail signage shall be placed along the trail prior to recordation of the tract map, or shall be incorporated into the performance/labor material bonds executed for construction of the trail.

Implementing these Conditions of Approval is feasible and the Commission adopts and incorporates these requirements into the Project.

Supporting Explanation: The conditions of approval will reduce impacts to a level of less than significant because they will ensure that a trail easement is granted along the Alessandro Arroyo. Use of the trail shall be non-motorized only and identification signs shall be required along the trail. Impacts to existing recreational opportunities would therefore be reduced to a less than significant level. (IS., at pg. 29.)

I. Transportation

(1) Potentially Significant Impact: The development of TM 31930 will expose people to risk from airport operations because the site is located within the March Air Reserve Base ("MARB") influence area.

Finding: Implementation of the following mitigation measure will reduce potential air traffic impacts.

Condition of Approval 35: Submit documentation of approval by the Riverside County Airport Land Use Commission (ALUC) 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.

Implementing this mitigation measure is feasible and the commission adopts and incorporates this measure into the Project.

Supporting Explanation: The implementation of the condition of approval will reduce potential impacts to a level of less than significant because it requires that the ALUC approve the Project prior to recordation of the tract map. Or, alternatively, if the ALUC does not approve the project, it grants to the City Council the authority to resolve any inconsistencies between the Project and the Air Port Land Use Plan. (IS., p. 17.)

J. Water

(1) Potentially Significant Impact: The development of the Project will result in changes to the absorption rates, drainage patterns, and the rate and amount of surface runoff because of the increase in impermeable surfaces. (IS, p. 10.) The applicant has received a Clean Water Act Section 401 Water Quality Standards Technically Conditioned Certification for the Proposed TM 28728, to mitigate impacts from discharges of pollutants to an unnamed drainage tributary to the Alessandro Arroyo, a tributary to the Santa Ana River.

Finding: Implementation of the following conditions of approval and mitigation measures contained in the Clean Water Act Section 401 Certification, will reduce potential impacts to water quality to a less than significant level:

Condition of Approval 9: The approval of the California Regional Water Quality Control Board will be required prior to the issuance of a grading permit and the applicant is responsible for compliance with all requirements and conditions contained therein.

Condition of Approval 12: A water quality bio-swale will be installed immediately 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.

Condition of Approval 14: 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 Quality Control Board.

- (i) The applicant shall construct one vegetated water quality basin, with a containment volume of 7,900 cubic feet, for the purpose of pollutant removal from nuisance and "first-flush" discharges from the project site as described in the Mitigation Plan.
- (ii) Immediately downstream of the water quality basin, the applicant shall enhance the existing drainage to create an additional 0.084 acres of waters of the US as described in the Mitigation Plan.
- (iii) The water quality basin shall be clearly marked with signage identifying the basin's purpose and management restrictions.
- (iv) A conservation easement shall be placed upon the water quality basin for the purpose of assuring its continued function for the life of the project. The conservation easement shall be recorded with the Riverside County Recorder's Office prior to occupancy of any residence within the project area.
- (v) All disturbed slopes shall be stabilized for the purpose of preventing discharges of sediment-laden runoff during and after the conclusion of construction activities at the project site.
- (vi) The applicant, Sanda Group, Ltd., the owner, or its successors and assignees, shall fully implement the monitoring plan component described in the Mitigation Plan. Sanda Group, Ltd., the owner, or its successors and assignees, shall submit an annual report, due on or before September 30th, to the Regional Board for a period of five years. The annual report shall document the maintenance, monitoring and success of the proposed water quality mitigation. If these measures are not properly implemented and maintained, corrective measures must be implemented per consultation with the RWQCB and the resource agencies.
- (vii) The phrase "NO DUMPING-DRAINS TO CREEK," or similar wording, shall be permanently affixed to catch basins throughout the project area to discourage dumping of pollutants into the storm drain system.
- (viii) Educational literature shall be distributed to homeowners and tenants to encourage reduction of non-point source pollution.

Implementing these conditions of approval and mitigation measures is feasible and the Commission adopts and incorporates these conditions and measures into the Project.

Supporting Explanation: The Conditions of Approval in Mitigation Measures referenced above will reduce impacts to a level of less than significant because implementation of the mitigation measure would reduce water quality impacts by providing for the 79,000 cubic foot vegetated water quality basin immediately below a bio-swale. The bio-swale is intended to pre-treat urban runoff from TM 31930 prior to discharge into the drainage feature. Maintenance of the bio-swale and drainage and water quality basin will be assigned to the homeowner association. Construction of the vegetated water quality basin will contain water from on-site to remove pollutants from

nuisance and first-flush discharges. Because the Project is over one acre, a State Water Resources Control Board's general permit for stormwater discharges associated with construction activity, Water Quality Order 99-08DWQ, is required, as is the preparation of a storm water pollution prevention plan ("SWPPP") to control discharges from the Project site. Additional on-site mitigation measures will be proposed in the SWPPP to further control discharges from TM 31930.

(2) Potentially Significant Impact: TM 31930 will discharge into surface waters or otherwise result in the alteration of surface water quality.

Finding: Implementation of the following mitigation measures will reduce the potential impacts related to discharge into surface waters or other alteration of surface water quality.

Mitigation Measures

7. A water quality bio-swale will be installed immediately downstream of the road crossing [the Arroyo]. 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.

9. The applicant shall be required to obtain necessary approvals and permits prior to any grading from the . . . California Regional Water [Quality] Control Board.

11(c). A grading plan shall be revised, subject to Planning Department review and approval, to: indicate an interim erosion control program to be certified by the project engineer subject to Public Works Department review and approval.

20. The Regional Water Quality Control Board requires the preparation and implementation of a Storm Water pollution prevention Plan (SWPPP.)

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

Supporting Explanation: The mitigation measures identified above will reduce impacts related to discharge into surface waters or other alteration of surface water quality to a level of less than significant. Prior to grading on the site, the applicant shall complete the bio-swale as required by the California Regional Water Quality Control Board requirements. The bio-swale will filter on-site runoff prior to its collection in the "first flush" basin, thereby protecting water quality in the adjacent drainage area. An interim erosion control plan shall be incorporated into the grading plan to protect water quality during construction, and the preparation of a SWPPP will also be required, to

provide additional protection for on-site drainage that will flow into the adjacent watercourse.

(3) Potentially Significant Impact: The increase in runoff from TM 31930 may increase the amount of surface water in the adjacent Alessandro Arroyo.

Finding: Implementation of the following Condition of Approval will reduce potential impacts from water that drains into the Arroyo to a less than significant level.

Condition of Approval 45: Storm drain construction will be contingent¹ on engineers' drainage study.

Implementing this mitigation measure is feasible and the Commission adopts and incorporates these measures into the Project.

Supporting Explanation: The Hydrology study prepared for TM 28728 identifies the amounts of water that flow into the Alessandro Arroyo from the hydrology basin that contains TM 31930. The data in that report confirmed that TM 28728, and therefore TM 31930, will not increase the amount of water in the Alessandro Arroyo to a level that exceeds the holding capacity of the existing water course. The existing dam, to the west of the Project, will accept water from a spillway located north of the dam. The water generated from TM 31930 will be contained in the Alessandro Arroyo, and also, if necessary, will be carried in the spillway into the existing dam.

(4) Potentially Significant Impact: The Project will increase the amount of surface water that drains into the Alessandro Arroyo.

Finding: Implementation of the mitigation measures identified in J(3) above, will reduce the potential impacts related to changes in the amount of surface water in the Alessandro Arroyo to a less than significant level.

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

Supporting Explanation: The mitigation measures identified in J(3) above, will reduce impacts to a less level of less than significant. Although the Project will increase the impermeable surfaces in the Project site, the construction of the bio swale directly below the Century hills Drive road crossing, and the vegetated water quality basin, will remove pollutants from nuisance and 'first-flush' discharges and provide adequate containment to ensure that off-site flows are no greater than the pre-Project conditions.

K. Mandatory Findings of Significance:

(1) Potentially Significant Impact: The Project has the potential to degrade the quality of the environment, by reducing the number and restricting the range of the

¹ Hydrology Study for TM 28728 submitted to City during review of TM 31930.

endangered Stephens' Kangaroo Rat, and restricting the range of the California Gnatcatcher by developing TM 31930 within a portion of the designated Final Critical Habitat. The reductions in SKR and California Gnatcatcher habitat will be mitigated by the payment of fees (the SKR replacement habitat) and the preservation of Riversidian Sage Scrub in open space (for the California Gnatcatcher) to a level of less than significant.

Finding: Implementation of the following mitigation measures will reduce impacts to biological resources to a level of less than significant:

Mitigation Measures:

- i) 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.
- ii) The permanent loss of RSS will be mitigated at a greater than 3:1 ratio through the onsite preservation of 20.6 acre of RSS (9.6 acres of moderate quality and 11 acres of lot quality) adjacent to the Alessandro Arroyo.
- iii) Riparian vegetation will be installed within the mitigation site consisting of native grasses.
- iv) 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. (IS., pgs. 19 and 20.)

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

Supporting Explanation: The mitigation measures will reduce impacts to biological resources to less than significant because the dedication to open space of land located along the Arroyo consisting of CAGN Critical Habitat and containing RSS, will mitigate the loss of unoccupied CAGN habitat, moderate and low quality RSS within the Critical Habitat area, by more than the required 3:1 ratio. The payment of the fee required for the SKR Habitat Conservation Plan Assessment Area will mitigate impacts resulting from the loss of low-density, occupied SKR habitat. As a result, impacts to biological resources will be reduced to less than significant. (IS., pgs. 19 and 20.) Compliance with these Mitigation Measures will ensure that the Project will not result in the substantial loss of SKR and California Gnatcatcher habitat. The Project does not contain any examples of major periods of California history or pre-history.



**CITY OF RIVERSIDE
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that public hearings will be held before the City Council of the City of Riverside in the Art Pick Council Chamber, City Hall, 3900 Main Street, Riverside, California, at 3 p.m. on Tuesday, September 28, 2004, relative to the standards of Title 19 (Zoning Regulations), as follows, to wit:

CASE P03-1451 - Appeal by the Friends of Riverside's Hills and Robert and Susan Burton of the decision of the Planning Commission in approving Tract Map 31930 and an appeal by Jim Guthrie of the conditions of approval of Tract Map 31930 to subdivide approximately 86.31 vacant acres into 29 residential and five open space lots located southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in Zones RC and O (Residential Conservation and Official Zones). (This case will be heard concurrently with Cases P03-1548 and P04-0260.)

CASE P03-1548 - Appeal by Jim Guthrie of the decision of the Planning Commission in denying a revised planned residential development (PD-001-912) consisting of 29 single-family residences with private and common open space on approximately 86.31 vacant acres located southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in Zones RC and O (Residential Conservation and Official Zones). (This case will be heard concurrently with Cases P03-1451 and P04-0260.)

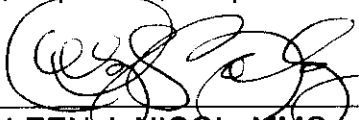
CASE P04-0260 - Appeal by Susan and Robert Burton of the decision of the Planning Commission in approving the rezoning of approximately seven acres from Zone O (Official Zone) to Zone RC (Residential Conservation Zone) located along the southerly portion of a 29-unit planned residential development situated southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo. (This case will be heard concurrently with Cases P03-1451 and P03-1548.)

In conjunction with the above cases, consideration will also be given the determination by the Planning Commission that the proposed projects will not have a significant effect on the environment and that Mitigated Negative Declarations be adopted.

All persons interested in the above matters are invited to appear at the time and place herein specified, either in support or opposition thereto. Persons unable to attend said hearings may forward a written statement of their grounds of opposition to, or support of, the matters to the City Clerk, City Hall, 3900 Main Street, Riverside, CA 92522.

If you challenge the above proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk of the City of Riverside at, or prior to, the public hearings.

Dated: September 18, 2004


for COLLEEN J. NICOL, MMC
City Clerk of the City of Riverside

Publish: September 18, 2004
G:\HEARINGS\P03-1451,P03-1548,P04-0260.9-28-04

AFFIDAVIT OF MAILING
NOTICE OF HEARING

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF RIVERSIDE)

I, the undersigned, say that I am a citizen of the United States and a resident or employee of the City of Riverside, in the County of Riverside, State of California, over the age of 18 years; that my business address is City Hall, 3900 Main Street, Riverside, CA 92522; that on the 17th day of September, 2004, I deposited a copy of the attached notice to each of the persons as shown on the list attached regarding Case P03-1451, P03-1548, P04-0260 that said notice was served by depositing same enclosed in a sealed envelope, with the postage thereon fully prepaid, in the United States Post Office mail box at Riverside, California; that there is either delivery service by United States Mail at the place so addressed, or regular communication by mail between the place of mailing and the place so addressed said notice was mailed pursuant to Title 19 of the Municipal Code of the City of Riverside.

I certify or declare under penalty of perjury that the foregoing is true and correct.

Dated this 17th day of September, 2004.


Signature



Notice of Public Hearing

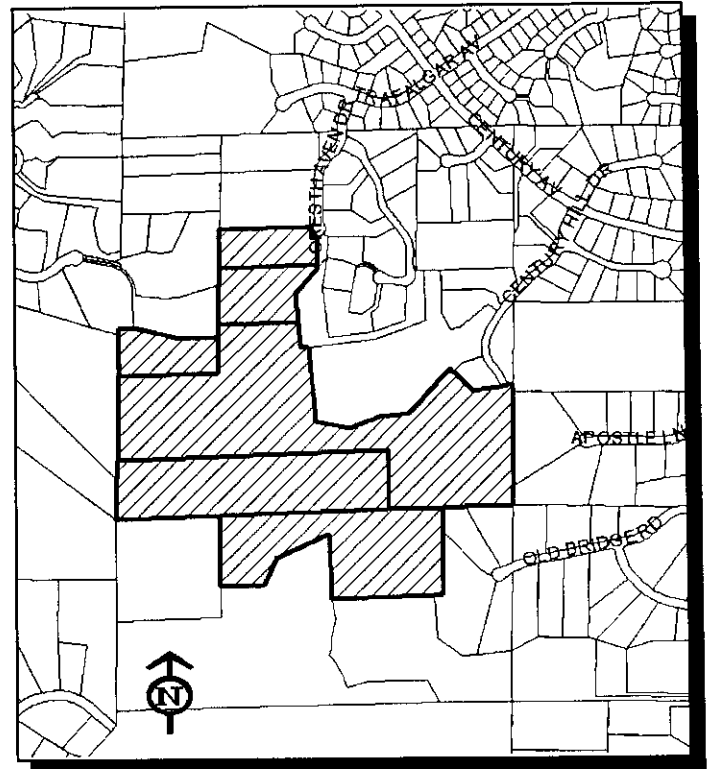
YOU ARE INVITED TO ATTEND a Public Hearing before the **PLANNING COMMISSION** of the City of Riverside regarding the following item:

CASE NUMBER: P03-1451/P03-1548/P04-0260

APPLICANT: Gabel, Cook and Becklund, on behalf of Jim Guthrie

LOCATION: southerly of terminus of Cresthaven Drive and northerly of Alessandro Arroyo

PROPOSAL: **P03-1451:** Proposed Tract Map 31930 to subdivide approximately 86.31 vacant acres into 29 residential and 5 open space lots, located in the RC - Residential Conservation and O - Official Zones. **P03-1548:** Proposed revised planned residential development (PD-001-912), consisting of 29 single family residences with private and common open space on approximately 86.31 vacant acres; **P04-0260:** Proposal to rezone approximately 7 acres from the O - Official Zone to the RC - Residential Conservation Zone. Related variances and grading exceptions may also be considered.



ENVIRONMENTAL DETERMINATION: The Planning Department has determined that the proposed project will not have a significant effect on the environment and is recommending that a Negative Declaration be adopted.

* * *

Interested parties may contact the Contact Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The Negative Declaration and department case file are available for inspection at the Planning Department on June 25, 2004. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to property owners within 300 feet of this project site. Interested parties may appear and speak in opposition to or support of the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

If you challenge any of the above proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Department of the City of Riverside at, or prior to, the public hearing.

PLANNING COMMISSION HEARING

City Council Chambers, City Hall
3900 Main Street
Riverside, CA 92522

MEETING DATE: August 5, 2004

MEETING TIME: 9:30 a.m.

CONTACT PLANNER: Clara Miramontes

PHONE: (909) 826-5277

E-MAIL: cmiramontes@riversideca.gov

CPC TRANSMITTAL & SUMMARY SHEET
CITY OF RIVERSIDE PLANNING DEPARTMENT

DATE 9-14-04

ITEM NO.: 23



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

Jal ASE

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: P03-1548

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

GRESHAM SAVAGE NOLAN & TILDENA PROFESSIONAL CORPORATION
LAWYERS • FOUNDED 1910FOR THE FIRM:
Alicen Clark Wong
e-mail: Alicen.Wong@greshamsavage.com550 EAST HOSPITALITY LANE, SUITE 300
SAN BERNARDINO, CALIFORNIA 92408-4205
(909) 884-2171 • FACSIMILE (909) 888-2120
www.greshamsavage.com

September 2, 2004

HAND DELIVEREDMs. Clara Miramontes
3900 Main Street
Riverside, California 92522Re: 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.

September 2, 2004
Page 5

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

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:

Leonard Nunney
4477 Picacho Drive
Riverside CA92507
(951) 781 7346
Watkinshill@juno.com

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

Barbara Dye
APN: 241130011
2460 Rolling Ridge Rd
Riverside CA 92506

Steven & Catherine Larson
APN: 241130012
2440 Rolling Ridge Rd
Riverside CA 92506

Julia Fitchford
APN: 241140014
6240 Hawarden Dr
Riverside CA 92506

Helga Kienle
APN: 241140027
6626 Hawarden Dr
Riverside CA 92506

OCCUPANT
APN: 241140027
6266 Hawarden Dr
Riverside CA 92506

Robert Miller
APN: 241480001
6300 Hawarden Dr
Riverside CA 92506

SWIFT VALLEY INVESTMENTS LL
APN: 243161001
511 N Brookhurst St #200
Anaheim CA 92801

OCCUPANT
APN: 243161001
~~*no Site Address*~~
CA

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

OCCUPANT
APN: 243170003
~~*no Site Address*~~
CA

John & Bonnie Jane Mylne II
APN: 243170005
6190 Hawarden Dr
Riverside CA 92506

OCCUPANT
APN: 243170005
~~*no Site Address*~~
CA

Michael & Georgianne Rafter
APN: 243170021
2400 Rolling Ridge Rd
Riverside CA 92506

Bennie Joe Mays
APN: 243170025
8133 Magnolia Ave
Riverside CA 92504

OCCUPANT
APN: 243170025
2420 Rolling Ridge Rd
Riverside CA 92506

~~CA~~ unknown

RIVERSIDE COUNTY FLOOD CONT
APN: 243180003
~~*no Site Address*~~
CA

SANDA GROUP
APN: 243180004
2193 Hackamore Pl
Riverside CA 92506

Legal
owner
Sup

OCCUPANT
APN: 243180004
~~*no Site Address*~~
CA

John & Leisa Plocher
APN: 243180008
6370 Century Hill Dr
Riverside CA 92506

Scott & Eva Rose
APN: 243180009
6381 Century Hill Dr
Riverside CA 92506

Wayne & Sheree Skiles
APN: 243180010
6353 Century Hill Dr
Riverside CA 92506

RIVERSIDE CENTURY HILLS INC
APN: 243180012
1131 W 6th St #110
Ontario CA 91762

OCCUPANT
APN: 243180012
6367 Century Hill Dr
Riverside CA 92506

RIVERSIDE COUNTY FLOOD CONT
APN: 243190001
1995 Market St
Riverside CA 92501

OCCUPANT
APN: 243190001
~~*no Site Address*~~
CA

Louis Carhart
APN: 243190032
Hc 37 Box 849
Kingman AZ 86413

OCCUPANT
APN: 243190032
6932 Lucia Cir
Riverside CA 92506

Claudia Freeson
APN: 243190033
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Silverton OR 97381

OCCUPANT
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Raj Sindher
APN: 243370007
2139 Old Bridge Rd ✓
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Kenneth Browning
APN: 243370008 ✓
2179 Old Bridge Rd
Riverside CA 92506

Mark & Aline Keicner
APN: 243370030 ✓
1043 Bay Ridge Cir
Riverside CA 92506

OCCUPANT
APN: 243370030
2198 Old Bridge Rd ✓
Riverside CA 92506

BOWLUS PACIFIC VENTURE CORP
APN: 243370031 ✓
PO Box 2859
Riverside CA 92516

OCCUPANT
APN: 243370031
no Site Address
CA

DATILO
APN: 243370032 ✓
2191 Old Bridge Rd
Riverside CA 92506

Hak Ja Choe
APN: 243470005 ✓
1978 Apostle Ln
Riverside CA 92506

Robert Allen Burton
APN: 243470006
1998 Apostle Ln
Riverside CA 92506

Appellant

Richard & Yvonne Shimko
APN: 243470007
1971 Apostle Ln ✓
Riverside CA 92506

Barbara Dedrick
APN: 243170026

A [REDACTED]
A [REDACTED]
unknowns

SANDA GROUP
APN: 243180013

APN [REDACTED]
unknowns

SANDA GROUP
APN: 243190002

*Alicia Clark Wong, of
William Savage
Notus + Tilden
550 East Hospitality Lane Suite 300
San Bernardino, CA 92408-4205*

Appellant ✓

*App **

*Mr. Jim Guthrie
4225 Garner Rd. ✓
Riverside CA 92501*

*Friends of Riverside's Hills
Leonard Nunnery
4477 Picacho Drive
Riverside CA 92507*

Appellant ✓

*Legal
owner **

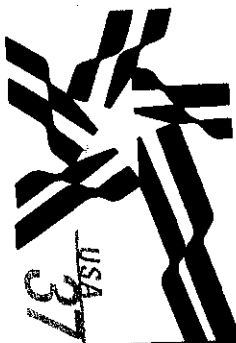
*Yang-Chang Hong
2193 Hackamore Pl ✓
Riverside CA 92506*

*Robert + Susan Burton
1998 Apostle Lane
Riverside CA 92506*

Appellant ✓

*Rep
* Bill Gabel
Gabel, Cook, & Becklund
125 W La Cadenita St
Riverside CA 92501*

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City Hall
3900 Main Street
Riverside, CA 92522-0111



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Helga Kientle
APN: 241140027
6626 Hawarden Dr
Riverside CA 92506

9/23/04

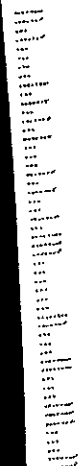
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RIVERSIDE CENTURY HILLS INC
APN: 243180012
1131 W 6th St #110
Ontario CA 91762

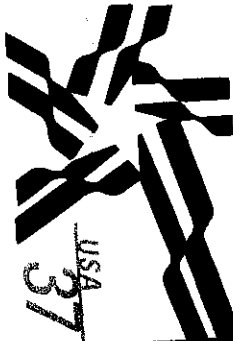
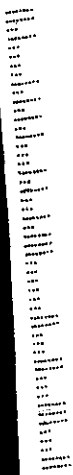
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P.O. # 260*

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OCCUPANT
APN: 243370030
2198 Old Bridge Rd
Riverside CA 92506

*Warrant
not
out*



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Corona-Norco Independent, Elsinore Sun-Tribune,
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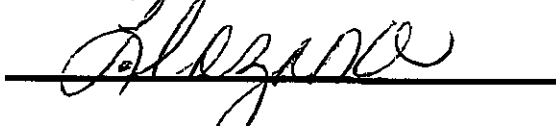
Ad Desc.: P03-1451

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09-18-04

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Sep. 18, 2004
At: Riverside, California



RIVERSIDE CITY CLERK
3900 MAIN ST
RIVERSIDE CA 92522

Ad #: 6195177

PO #:

Agency #: _____

Ad Copy:

CITY OF RIVERSIDE NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that public hearings will be held before the City Council of the City of Riverside in the Art Pick Council Chamber, City Hall, 3900 Main Street, Riverside, California, at 3 p.m. on Tuesday, September 28, 2004, relative to the standards of Title 19 (Zoning Regulations), as follows, to wit:

CASE P03-1451 - Appeal by the Friends of Riverside's Hills and Robert and Susan Burton of the decision of the Planning Commission in approving Tract Map 31930 and an appeal by Jim Gulhrife of the conditions of approval of Tract Map 31930 to subdivide approximately 86.31 vacant acres into 29 residential and five open space lots located southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in Zones RC and O (Residential Conservation and Official Zones). (This case will be heard concurrently with Cases P03-1548 and P04-0260.)

CASE P03-1548 - Appeal by Jim Gulhrife of the decision of the Planning Commission in denying a revised planned residential development (PD-031-912) consisting of 29 single-family residences with private and common open space on approximately 86.31 vacant acres located southerly of the terminus of Cresthaven Drive and northerly of the Alessandro Arroyo in Zones RC and O (Residential Conservation and Official Zones). (This case will be heard concurrently with Cases P03-1451 and P04-0260.)

CASE P04-0260 - Appeal by Susan and Robert Burton of the decision of the Planning Commission in approving the rezoning of approximately seven acres from Zone O (Official Zone) to Zone 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 will be heard concurrently with Cases P03-1451 and P03-1548.)

In conjunction with the above cases, consideration will also be given the determination by the Planning Commission that the proposed projects will not have a significant effect on the environment and that Mitigated Negative Declarations be adopted.

All persons interested in the above matters are invited to appear at the time and place herein specified, either in support or opposition thereof. Persons unable to attend said hearings may forward a written statement of their grounds of opposition to, or support of, the matters to the City Clerk, City Hall, 3900 Main Street, Riverside, CA 92522.

If you challenge the above proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk of the City of Riverside at, or prior to, the public hearings.

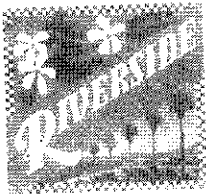
Dated: September 18, 2004
COLLEEN J. NICOL, MMC
City Clerk of the City of Riverside

9/18

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28 SEP 2004

CITY OF RIVERSIDE
CITY CLERK'S OFFICE



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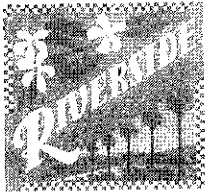
Leonard Nunney
4477 Picacho Drive
Riverside, CA 92507

P03-1451/P03-1548/P04-0260

#12

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PLANNING & BUILDING DEPARTMENT

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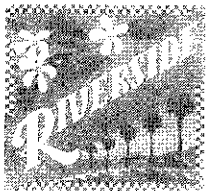
Gresham Savage Nolan & Tilden
Alicen Clark Wong
550 East Hospitality Lane, Suite 300
San Bernardino, CA 92408-4205

P03-1451/P03-1548/P04-0260

#12

PLANNING & BUILDING DEPARTMENT

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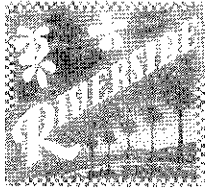
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Jim Guthrie
4225 Garner Rd.
Riverside, CA 92501

P03-1451/P03-1548/P04-0260

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City Hall - 3900 Main Street
Riverside, California 92522



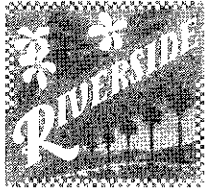
*"People Serving
People"*

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

P03-1451/P03-1548/P04-0260

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CITY OF RIVERSIDE
PLANNING & BUILDING DEPARTMENT
City Hall - 3900 Main Street
Riverside, California 92522



*"People Serving
People"*

Bill Gabel
Gabel, Cook & Becklund
125 W. La Cadena, Ste. A
Riverside, CA 92501

P03-1451/P03-1548/P04-0260

#12

DATE 9-28-04

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ITEM NO.: 12

SEP 28 2004

26 September, 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

CITY OF RIVERSIDE
CITY CLERK'S OFFICE

We would like to summarize our objections to the approval of the tract map 31930 (case P03-1451) and its associated Neg Dec, our objections to the rezoning of 7 acres of O Zone property to the RC zone (case P04-0260), and our objections to the planned residential development of 29 (or 28) single family residences (P03-1548).

- **The tract map is characterized by the excessive granting of grading exceptions. Grading within the arroyo and/or its setback was approved on 22 of the 28 lots (79%), on 100% of the streets, on the Flood Control access road, the water retention basin, and on the sewer line and its associated access road (see Appendix A, dark green areas).** The Findings associated with these exceptions are in many cases false and in other cases unsubstantiated (see our letter of 18 August 2004 pp3-7). Granting of such a huge percentage of 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.
- **The tract map is characterized by the excessive granting of variances. Lot size variances were approved for 23 of the 28 lots (82%), and variances for landlocked parcels were granted on 100% of the lots.** The Findings state that the lot size variances allow clustering to further the City's goal of environmental preservation; however, as we note in our letter of 18 August 2004 (pp7-8), the tract map fails in many respects to achieve these goals. In particular, clustering under the Planned Residential Development (PRD) ordinance is expected to be on land with a less than 10% slope. The PRD ordinance is explicit on this matter since it includes the provision for a 50% density reduction "to minimize and discourage unnecessary and undesirable grading" (Section 19.65.050.C.3) in cases when slopes exceed 10%. In the present case ALL of the areas to be graded have a slope exceeding 10% and 7 of those areas have slopes exceeding 20%.
- **The tract map is characterized by lots with both grading exceptions and lot size variances. Of the 28 lots, 20 lots (71%) require both a lot size variance and an exception for arroyo grading.** Clustering lots to preserve the landform is often a very positive way of protecting the natural environment if it eliminates the grading on hillsides and arroyos prohibited by ordinance (unless exceptions are granted). This can create a beneficial trade-off between lot size variances and grading exceptions. In this tract map, there is no trade off. The granting of a very large number of lot size variances fails to preserve the landform, since arroyo grading remains rampant even on the lots of reduced size. In two recent Friends of Riverside's Hills vs. City of Riverside et al cases, the Court has supported the view that granting variances and grading exceptions in such large measure is tantamount to changing the zone, which violates Measures R and C (and hence violates the City General Plan).

Distribution:

- ✓ Mayor
- ✓ City Councilmembers
- ✓ Interim City Manager
- ✓ City Attorney
- ✓ City Clerk
- ✓ Planning Director

- **Failure to Consider and Incorporate the Tiburon Knoll Trail Corridor.** The **Hawarden Hills Specific Plan (HHSP)**, which was incorporated in the **City General Plan in 1977**, included an approximately 15 acre trail corridor from Tiburon Knoll to the Alessandro Arroyo occupying the western portion of the area of this tract map (see appendix B). The developer noted in public testimony that an attempt will be made to incorporate a trail; however, since lots 54 to 56 block the route for even a narrow trail, the suggestion was made that perhaps Crest Haven Drive could serve as a trail. The sidewalk of this street is not a trail, and it is certainly not a “trail corridor”. A failure to redesign of this tract map to incorporate this corridor violates the City’s General Plan.
- **Failure to reduce housing density close to the Alessandro Arroyo.** The **HHSP states that lots should be as large as 3 to 4 acres close to the arroyo.** Seven lots (43-49) border and intrude into the main part of the Alessandro Arroyo. All of them require lot size variances and all of them involve grading into the arroyo (as well as the arroyo setback). Lot 49 lies in its entirety within the arroyo at the top of a very steep slope, where the home will be highly visible. These 7 lots are particularly extreme in their violation of the intent of measures R and C to protect our arroyos. They also violate the intent of the HHSP by being clustered together on small lots adjacent to and within the Alessandro Arroyo.
- **The Tract Map cannot be justified by an expired Planned Residential Development (PRD) plan.** The original tract map 23027 received a permit for a PRD in 1994. This tract map expired and the PRD expired with it. Tract map 28728 was approved in 1998 and the PRD was reactivated (possibly without appropriate opportunity for public comment). This second tract map expired and again the PRD permit expired with it, since the use for which the permit was granted ceased to exist (that use being the development of the approved tract map) (see Municipal Code Section 19.64.170). Tract maps have a finite life under City Code and State Law. A PRD permit is associated with that finite life, otherwise the PRD could be used to justify a tract map in perpetuity. The approval of TM 31930 is just such a case where an expired PRD is being used to reinstate an expired tract map without adequate review. The major feature of the tract map (lot number) is justified by the developers based on the continued existence of the old PRD, a PRD that no longer exists.
- **The Flood Control Land still not purchased after 10 years. The density calculations of the original tract map were contingent on the purchase 17.45 acres of Flood Control Land. The rezoning of part of this property is premature until the conditions of the sale are established.** We understand that even at this late stage the applicant has not followed the required procedure set by the Flood Control District for the sale of this property. This tract map should not be considered for approval until the land is sold to the applicants (or at least in escrow), because it is so crucial to the density calculations of this Map.
- **The Tract Map cannot be justified by a non-conforming PRD.** The original expired PRD did not satisfy the PRD ordinance’s requirements. Even today, the application does not include the elevations and floor plans required for the approval of a PRD. We can find no evidence that the required conditions of a PRD application were ever satisfied.
- **A PRD for this tract map qualifies for a density reduction, not a density bonus.** The applicant, in their appeal letter from of 2nd September 2004 from their lawyers (GSNT), suggest that the current tract map qualifies for a further PRD density bonus. We find that the current tract map, if viewed as a PRD, qualifies for a density reduction.

Criteria for a density bonus (followed by our comments) are:

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

GSNT state that the development is in close proximity to Public and Private schools, Shopping, Groceries and Restaurants, a Regional Mall, Freeway Access, and Public Facilities. Unfortunately, GSNT do not appear to understand the concept of “close proximity”. Proximity means nearness, and close proximity emphasizes that something is very near. GSNT consider a 10-mile radius to be “close proximity” for private schools, and likewise that driving distances of 5 to 15 minutes to be “close proximity”. In reality, “close proximity” is used as one step beyond adjacent – typically implying a short walk. In fact, this property is very poorly placed for schools, shopping, and public and semipublic facilities. Almost no facilities are within a reasonable walking distance.

2. The property enjoys excellent access from the adjoining public street or streets;

GSNT argue for excellent access based on three streets that do not directly adjoin the project. Indeed, Alessandro Blvd is a considerable distance from the project. In fact, the development has poor access to adjoining public streets, since many of the residents are a long distance from the nearest public street.

3. The project is designed or otherwise intended for occupancy by adults demonstrated by a low bedroom-to-unit ratio for the project;

This does not apply in this case.

4. The design of the project exhibits superior utilization of the site as evidenced by the following:

a. Varied placement of buildings demonstrating sensitivity to the natural topographic features of the site,

The lots are placed on the only available sites. Everywhere else further violates the boundaries of the Alessandro Arroyo. GSNT state that clustering preserves open space. This is irrelevant to the issue of “varied placement”

b. Retention of unique natural features of the site and incorporation of such features into the project's overall design,

GSNT state that clustering outside of the arroyo area is beneficial. This would be true if the project avoided the arroyo area; however, this ignores the 22 lots that require grading exceptions. It also ignores the roads, sewer line, and retention basin that seriously compromise the open space. Century Hills Drive has a particularly detrimental effect on the open space, and the detention basin and Grass Valley Way effectively destroy an important riparian area.

c. Except in the RC zone relatively level land set aside for active recreation pursuits,
Not applicable.

d. Majority of dwelling units afforded direct access to common usable open areas well designed for their intended purposes,

Here we can agree with GSNT, but this is inevitable given the topology.

e. An efficient internal circulation system consisting of private streets and driveways that follow natural courses in the case of hilly land;

The internal circulation system is very poor, forming a long loop. This loop has a very detrimental effect on the natural landform. For example, Century Hills Drive cuts completely across the open space, and results in the very damaging filling of arroyo tributaries. It also cuts off much of the open space from the Alessandro Arroyo and in doing so creates a significant barrier to the movement of wildlife.

5. The project reflects sensitivity to the impact of buildings on surrounding properties; The project has failed to provide the necessary information required under the PRD ordinance on elevations and floor plans of all of the buildings. As such, this criterion cannot be evaluated (contrary to the view of GSNT who appear to believe that the impact of buildings can be evaluated before such factors as height are known).

6. The project contains varied building elevations exhibiting excellence of design that complement each other and the surrounding area; Again, because the applicants have failed to comply with the PRD ordinance, this criterion cannot be evaluated.

Based on these criteria, we find no valid argument for a density bonus.

The GSNT letter fails to consider the other set of criteria listed under the PRD ordinance, the one for a density reduction. Three criteria are the reverse of items 1, 2 and 4 above. Thus we find that the property is poorly located in terms of the listed facilities, that much of the project has poor access to public streets, that the internal circulation system is poor, and that the excessive arroyo grading and the road placement fail to incorporate the natural features of the area into the project design. Finally, and most importantly, is the criterion #3 for a density reduction:

3. The property is characterized by steep slopes necessitating extensive grading for project development. In cases where slopesexceed ten percent, the Commission may reduce unit density by up to fifty percent of the benchmark density to minimize and discourage unnecessary and undesirable grading.

Under the PRD, clustering is encouraged if it places houses on a flat part of the land. That is violated in this tract map. As noted above, the areas being graded, and in particular the areas of arroyo grading, are much steeper than 10%. The PRD ordinance wisely suggests that this is a sign that the density is too high, and we concur with this view. Many fewer than 28 lots should be built on this property to reduce the excessive grading of steep arroyo slopes and setbacks.

- **The PRD ordinance that applies to RC-zoned land is invalid, since it was passed on the same day as the voters approved Measure C.** The ordinance was originally adopted by the City Council (with the dubious claim that it was to further the purposes of Measure R, even though it violates the lot size and other provisions of Measure R) on the same day in 1987 as the people of Riverside passed Measure C, which forbids any such amendment without a vote of the people. The statutory deadline for a facial challenge of the PRD ordinance adopted in 1987 has of course long since passed, but the very recent California Supreme

Court decision in Travis vs. County of Santa Cruz shows that an as-applied challenge in this case would be timely.

2. Negative Declaration

We oppose the granting of a Negative Declaration for this tract map. In our letter of 18th August 2004 we pointed out that the responses to questions (1a), (1b), (3e), (3i), (4a), (4b), (15b), and (16a) are incorrect. To these we can add:

(4) Water. We are concerned about the lack of study on the range of Water issues considered in questions (4c) and (4d) which address the effect of the discharge of water into the Alessandro Arroyo. The impact of the water retention basin on the riparian area where it is sited, and the impact of the release from that basin into the main arroyo have not been examined.

(7) Biological Resources. (a) and (d). It is stated that there is no wetland affected. However, the jurisdictional study was completed in December 2002 after a period of extreme drought. Such conditions make the evaluation of the criteria for a wetland extremely difficult. However, RB Riggins previously noted three areas of potential wetland. One in particular is the site of extensive grading (the site of the water retention basin). The jurisdictional study dismissed this site as being limited to "ruderal species and scarce mulefat". In contrast, a group that walked the area with Mr Guthrie in March 2004 noted the extensive riparian and wetland vegetation in that area (Appendix C) more in agreement with the RB Riggins observations. Since this area is slated for extensive grading, it illustrates that further study is merited to determine the true extent of the wetland and riparian areas during the rainy season.

(11) Public Services. (a) Fire Protection. The excessive exceptions for arroyo grading granted on this project result in pads being sited at the top of steep slopes, which puts them at a greater risk of fire. The grading ordinance, which mandates that pads be set back 50 feet from the point at which the arroyo slopes drops below 30%, is an important fire safety feature that is being largely ignored in this development. As a result there is a potentially significant impact on the ability of the Fire Services to protect these residences.

(13) Aesthetics. (a) and (c). The siting of several homes very close to the Alessandro Arroyo (particularly lots 43-49) will have a serious negative impact on the view from the arroyo. In the City Master Trails Plan, the arroyo is has a major public trail and these homes will have a considerable impact on those using the trail. The City's PRD ordinance requires that the design of the homes be considered before approval to help evaluate such impacts; however, this requirement of the ordinance has not been satisfied by the applicant.

(16) Mandatory Findings (c) Cumulative effects. The cumulative effect of granting of exceptions to grade into the Alessandro Arroyo and its setback along its length is progressively undermining the value of this natural landform. The voters of Riverside attempted to prevent this from happening through the passage of measures R and C. This project, by granting such an excessive number of such grading exceptions, adds significantly to the problem. Another cumulative effect is the continuing failure of the City to insist on the development of a trail system along the Alessandro Arroyo. Each time they fail to define a route for the trail, the harder and harder it gets to find a route for such a trail and the more likely it becomes that it will never be built. These are potentially significant impacts.

Summary.

This project needs an EIR. It has excessive grading exceptions and variances. The excessive arroyo grading for pads and road building will adversely affect the landform. The project fails to comply with the HHSP (and hence the General Plan) by not considering a trail corridor from Tiburon Knoll to the Alessandro Arroyo (Appendix B). In the Neg Dec, Staff notes that the location of a trail (not a trail corridor) will be "identified at the time of Project development"; however, it is obvious that there is no possible open-space trail route (and certainly no space for a corridor) given the current tract map. The Alessandro Arroyo trail is not considered, nor the impact of homes that encroach into the arroyo on such factors as fire risk to those homes, aesthetics, and biodiversity. There has been no consideration of the impact of Century Hills Drive crossing the open space, resulting in a dissected open space and arroyos filled with dirt. There has been no study of the plan to construct a "bio-swale" to replace an existing riparian/wetland area (Appendix C). The requirement for a new PRD has not been considered, nor has the failure of the applicant to complete the application procedure by providing elevations, floor plans, and the siting of all homes.

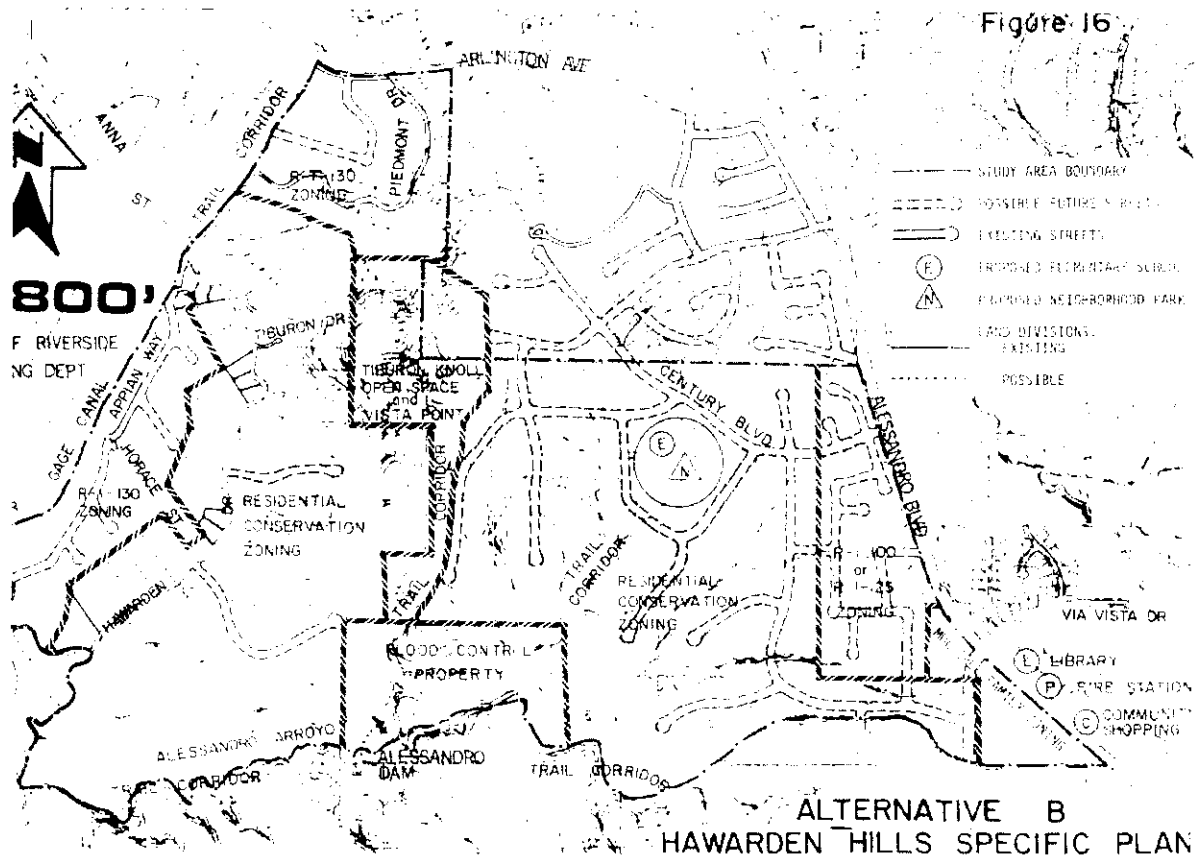
We request that an EIR be required, and following from an earlier precedent, that one very important alternative be evaluated as a development option. The staff recommendation for TM29628 (see Appendix D) was that based on the "objective of complying with the adopted grading ordinance to the maximum extent possible with special focus on maximizing the retention of environmentally significant drainage tributaries to the Alessandro Arroyo. Staff would not affix a density or number of units to this alternative; rather the design would dictate the number of units to be achieved." This alternative raises a crucial issue: the RC zoning ordinance defies a maximum density; however, this density is exactly that – a maximum. It does not guarantee that any area will support that number of units. In this case, there are about 49 acres of useable land (after correction – see p1 of our letter of 18 August 2004) on which 28 units are approved (and the developers would like 29). We find that all of the evidence points to a single conclusion, that this area cannot both support the building of 28 homes (including the currently planned road system) and uphold intent of measures R and C and of the Harwarden Hills Specific Plan. Only a carefully designed EIR will allow us to evaluate exactly how many homes are consistent with these requirements, requirements that our City is required to uphold.

Thank you for your attention.

Friends of Riverside's Hills
4477 Picacho Dr., Riverside, CA 92507
email: watkinshill@juno.com

Communicated for Friends of Riverside's Hills by Len Nunney
phone: (951)781-7346

APPENDIX B: HAWARDEN HILLS SPECIFIC PLAN (THE ADOPTED ALTERNATIVE B)
 SHOWING THE TRAIL CORRIDOR FROM TIBURON KNOLL.



APPENDIX C: RIPARIAN AND/OR WETLAND AREA AT THE JUNCTION OF CENTURY HILLS DRIVE/GRASS VALLEY WAY/ SEWER PIPE (lower left).



CITY OF RIVERSIDE

DATE: 6-7-00

ITEM NO.: 21a & 21b

CITY COUNCIL MEMORANDUM

DATE: June 6, 2000

ZONING CASE PD-006-990: Proposal of Hawarden Development Corporation to establish a planned residential development consisting of 38 single family residential lots and open space on approximately 71.7 vacant acres, situated westerly of Via Vista Drive, easterly of Overlook Parkway and south of Ranch View Road in the RC — Residential Conservation and RA — Residential Agricultural Zones. (This case is being heard concurrently with TM-29628.)

TRACT MAP 29628: Proposal of Hawarden Development Corporation to divide approximately 71.7 vacant acres into approximately 38 residential and 2 open space lots, situated westerly of Via Vista Drive, easterly of Overlook Parkway and south of Ranch View Road in the RC — Residential Conservation and RA — Residential Agricultural Zones. (This case is being heard concurrently with Case PD-006-990.)

SUPPLEMENTAL REPORT

On May 4, 2000 the City Planning Commission reviewed the environmental initial study prepared for the above-noted project. The staff report and initial study presented to the Planning Commission are attached as Exhibit 1. By unanimous vote, the Planning Commission determined that the proposed project (38 lots) could have a significant effect on the environment and recommended that an environmental impact report (EIR) be prepared for the project focusing on the topics of land use compatibility, grading and landform alteration, biology, aesthetics, traffic, light and glare, drainage, and noise. Additionally, the Planning Commission recommended two specific alternatives to be addressed in the EIR- a planned residential development at the adopted benchmark density for PRD's in the RC Zone (35 lots) and a conventional subdivision (approximately 32 lots).

At the Planning Commission meeting of May 4, a neighborhood group, the Alessandro Heights Property Owners Association, requested that the scope of the EIR be broadened, and that a specific alternative be evaluated under the EIR. Their written comments submitted subsequent to the hearing are attached as Exhibit 2. In considering their comments, the Planning Commission added the topics of drainage and noise to the list of issues to be addressed in the forthcoming EIR.

Although staff concurs with the scope of the EIR as recommended by the Planning Commission, further staff evaluation of potential development options of the subject property suggests that one more alternative should be evaluated in the EIR. Specifically, this alternative would be based on the objective of complying with the City's adopted grading ordinance to the maximum extent feasible with special focus on maximizing the retention of environmentally significant drainage tributaries to the Alessandro Arroyo. Staff would not affix a density or number of units to this alternative; rather the design would dictate the number of units to be achieved.

Received at meeting of: CC
Date: 9-28-04
Item No.: 12

26 September, 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

We would like to summarize our objections to the approval of the tract map 31930 (case P03-1451) and its associated Neg Dec, our objections to the rezoning of 7 acres of O Zone property to the RC zone (case P04-0260), and our objections to the planned residential development of 29 (or 28) single family residences (P03-1548).

- **The tract map is characterized by the excessive granting of grading exceptions. Grading within the arroyo and/or its setback was approved on 22 of the 28 lots (79%), on 100% of the streets, on the Flood Control access road, the water retention basin, and on the sewer line and its associated access road (see Appendix A, dark green areas).** The Findings associated with these exceptions are in many cases false and in other cases unsubstantiated (see our letter of 18 August 2004 pp3-7). Granting of such a huge percentage of 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.
- **The tract map is characterized by the excessive granting of variances. Lot size variances were approved for 23 of the 28 lots (82%), and variances for landlocked parcels were granted on 100% of the lots.** The Findings state that the lot size variances allow clustering to further the City's goal of environmental preservation; however, as we note in our letter of 18 August 2004 (pp7-8), the tract map fails in many respects to achieve these goals. In particular, clustering under the Planned Residential Development (PRD) ordinance is expected to be on land with a less than 10% slope. The PRD ordinance is explicit on this matter since it includes the provision for a 50% density reduction "to minimize and discourage unnecessary and undesirable grading" (Section 19.65.050.C.3) in cases when slopes exceed 10%. In the present case ALL of the areas to be graded have a slope exceeding 10% and 7 of those areas have slopes exceeding 20%.
- **The tract map is characterized by lots with both grading exceptions and lot size variances. Of the 28 lots, 20 lots (71%) require both a lot size variance and an exception for arroyo grading.** Clustering lots to preserve the landform is often a very positive way of protecting the natural environment if it eliminates the grading on hillsides and arroyos prohibited by ordinance (unless exceptions are granted). This can create a beneficial trade-off between lot size variances and grading exceptions. In this tract map, there is no trade off. The granting of a very large number of lot size variances fails to preserve the landform, since arroyo grading remains rampant even on the lots of reduced size. In two recent Friends of Riverside's Hills vs. City of Riverside et al cases, the Court has supported the view that granting variances and grading exceptions in such large measure is tantamount to changing the zone, which violates Measures R and C (and hence violates the City General Plan).

- **Failure to Consider and Incorporate the Tiburon Knoll Trail Corridor.** The Hawarden Hills Specific Plan (HHSP), which was incorporated in the City General Plan in 1977, included an approximately 15 acre trail corridor from Tiburon Knoll to the Alessandro Arroyo occupying the western portion of the area of this tract map (see appendix B). The developer noted in public testimony that an attempt will be made to incorporate a trail; however, since lots 54 to 56 block the route for even a narrow trail, the suggestion was made that perhaps Crest Haven Drive could serve as a trail. The sidewalk of this street is not a trail, and it is certainly not a “trail corridor”. A failure to redesign of this tract map to incorporate this corridor violates the City’s General Plan.
- **Failure to reduce housing density close to the Alessandro Arroyo.** The HHSP states that lots should be as large as 3 to 4 acres close to the arroyo. Seven lots (43-49) border and intrude into the main part of the Alessandro Arroyo. All of them require lot size variances and all of them involve grading into the arroyo (as well as the arroyo setback). Lot 49 lies in its entirety within the arroyo at the top of a very steep slope, where the home will be highly visible. These 7 lots are particularly extreme in their violation of the intent of measures R and C to protect our arroyos. They also violate the intent of the HHSP by being clustered together on small lots adjacent to and within the Alessandro Arroyo.
- **The Tract Map cannot be justified by an expired Planned Residential Development (PRD) plan.** The original tract map 23027 received a permit for a PRD in 1994. This tract map expired and the PRD expired with it. Tract map 28728 was approved in 1998 and the PRD was reactivated (possibly without appropriate opportunity for public comment). This second tract map expired and again the PRD permit expired with it, since the use for which the permit was granted ceased to exist (that use being the development of the approved tract map) (see Municipal Code Section 19.64.170). Tract maps have a finite life under City Code and State Law. A PRD permit is associated with that finite life, otherwise the PRD could be used to justify a tract map in perpetuity. The approval of TM 31930 is just such a case where an expired PRD is being used to reinstate an expired tract map without adequate review. The major feature of the tract map (lot number) is justified by the developers based on the continued existence of the old PRD, a PRD that no longer exists.
- **The Flood Control Land still not purchased after 10 years. The density calculations of the original tract map were contingent on the purchase 17.45 acres of Flood Control Land. The rezoning of part of this property is premature until the conditions of the sale are established.** We understand that even at this late stage the applicant has not followed the required procedure set by the Flood Control District for the sale of this property. This tract map should not be considered for approval until the land is sold to the applicants (or at least in escrow), because it is so crucial to the density calculations of this Map.
- **The Tract Map cannot be justified by a non-conforming PRD.** The original expired PRD did not satisfy the PRD ordinance's requirements. Even today, the application does not include the elevations and floor plans required for the approval of a PRD. We can find no evidence that the required conditions of a PRD application were ever satisfied.
- **A PRD for this tract map qualifies for a density reduction, not a density bonus.** The applicant, in their appeal letter from of 2nd September 2004 from their lawyers (GSNT), suggest that the current tract map qualifies for a further PRD density bonus. We find that the current tract map, if viewed as a PRD, qualifies for a density reduction.

Criteria for a density bonus (followed by our comments) are:

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

GSNT state that the development is in close proximity to Public and Private schools, Shopping, Groceries and Restaurants, a Regional Mall, Freeway Access, and Public Facilities. Unfortunately, GSNT do not appear to understand the concept of "close proximity". Proximity means nearness, and close proximity emphasizes that something is very near. GSNT consider a 10-mile radius to be "close proximity" for private schools, and likewise that driving distances of 5 to 15 minutes to be "close proximity". In reality, "close proximity" is used as one step beyond adjacent – typically implying a short walk. In fact, this property is very poorly placed for schools, shopping, and public and semipublic facilities. Almost no facilities are within a reasonable walking distance.

2. The property enjoys excellent access from the adjoining public street or streets; GSNT argue for excellent access based on three streets that do not directly adjoin the project. Indeed, Alessandro Blvd is a considerable distance from the project. In fact, the development has poor access to adjoining public streets, since many of the residents are a long distance from the nearest public street.

3. The project is designed or otherwise intended for occupancy by adults demonstrated by a low bedroom-to-unit ratio for the project;
This does not apply in this case.

4. The design of the project exhibits superior utilization of the site as evidenced by the following:

a. Varied placement of buildings demonstrating sensitivity to the natural topographic features of the site,

The lots are placed on the only available sites. Everywhere else further violates the boundaries of the Alessandro Arroyo. GSNT state that clustering preserves open space. This is irrelevant to the issue of "varied placement"

b. Retention of unique natural features of the site and incorporation of such features into the project's overall design,

GSNT state that clustering outside of the arroyo area is beneficial. This would be true if the project avoided the arroyo area; however, this ignores the 22 lots that require grading exceptions. It also ignores the roads, sewer line, and retention basin that seriously compromise the open space. Century Hills Drive has a particularly detrimental effect on the open space, and the detention basin and Grass Valley Way effectively destroy an important riparian area.

c. Except in the RC zone relatively level land set aside for active recreation pursuits,
Not applicable.

d. Majority of dwelling units afforded direct access to common usable open areas well designed for their intended purposes,

Here we can agree with GSNT, but this is inevitable given the topology.

e. An efficient internal circulation system consisting of private streets and driveways that follow natural courses in the case of hilly land;

The internal circulation system is very poor, forming a long loop. This loop has a very detrimental effect on the natural landform. For example, Century Hills Drive cuts completely across the open space, and results in the very damaging filling of arroyo tributaries. It also cuts off much of the open space from the Alessandro Arroyo and in doing so creates a significant barrier to the movement of wildlife.

5. The project reflects sensitivity to the impact of buildings on surrounding properties; The project has failed to provide the necessary information required under the PRD ordinance on elevations and floor plans of all of the buildings. As such, this criterion cannot be evaluated (contrary to the view of GSNT who appear to believe that the impact of buildings can be evaluated before such factors as height are known).

6. The project contains varied building elevations exhibiting excellence of design that complement each other and the surrounding area; Again, because the applicants have failed to comply with the PRD ordinance, this criterion cannot be evaluated.

Based on these criteria, we find no valid argument for a density bonus.

The GSNT letter fails to consider the other set of criteria listed under the PRD ordinance, the one for a density reduction. Three criteria are the reverse of items 1, 2 and 4 above. Thus we find that the property is poorly located in terms of the listed facilities, that much of the project has poor access to public streets, that the internal circulation system is poor, and that the excessive arroyo grading and the road placement fail to incorporate the natural features of the area into the project design. Finally, and most importantly, is the criterion #3 for a density reduction:

3. The property is characterized by steep slopes necessitating extensive grading for project development. In cases where slopesexceed ten percent, the Commission may reduce unit density by up to fifty percent of the benchmark density to minimize and discourage unnecessary and undesirable grading.

Under the PRD, clustering is encouraged if it places houses on a flat part of the land. That is violated in this tract map. As noted above, the areas being graded, and in particular the areas of arroyo grading, are much steeper than 10%. The PRD ordinance wisely suggests that this is a sign that the density is too high, and we concur with this view. Many fewer than 28 lots should be built on this property to reduce the excessive grading of steep arroyo slopes and setbacks.

- **The PRD ordinance that applies to RC-zoned land is invalid, since it was passed on the same day as the voters approved Measure C.** The ordinance was originally adopted by the City Council (with the dubious claim that it was to further the purposes of Measure R, even though it violates the lot size and other provisions of Measure R) on the same day in 1987 as the people of Riverside passed Measure C, which forbids any such amendment without a vote of the people. The statutory deadline for a facial challenge of the PRD ordinance adopted in 1987 has of course long since passed, but the very recent California Supreme

Court decision in Travis vs. County of Santa Cruz shows that an as-applied challenge in this case would be timely.

2. Negative Declaration

We oppose the granting of a Negative Declaration for this tract map. In our letter of 18th August 2004 we pointed out that the responses to questions (1a), (1b), (3e), (3i), (4a), (4b), (15b), and (16a) are incorrect. To these we can add:

(4) Water. We are concerned about the lack of study on the range of Water issues considered in questions (4c) and (4d) which address the effect of the discharge of water into the Alessandro Arroyo. The impact of the water retention basin on the riparian area where it is sited, and the impact of the release from that basin into the main arroyo have not been examined.

(7) Biological Resources. (a) and (d). It is stated that there is no wetland affected. However, the jurisdictional study was completed in December 2002 after a period of extreme drought. Such conditions make the evaluation of the criteria for a wetland extremely difficult. However, RB Riggins previously noted three areas of potential wetland. One in particular is the site of extensive grading (the site of the water retention basin). The jurisdictional study dismissed this site as being limited to "ruderal species and scarce mulefat". In contrast, a group that walked the area with Mr Guthrie in March 2004 noted the extensive riparian and wetland vegetation in that area (Appendix C) more in agreement with the RB Riggins observations. Since this area is slated for extensive grading, it illustrates that further study is merited to determine the true extent of the wetland and riparian areas during the rainy season.

(11) Public Services. (a) Fire Protection. The excessive exceptions for arroyo grading granted on this project result in pads being sited at the top of steep slopes, which puts them at a greater risk of fire. The grading ordinance, which mandates that pads be set back 50 feet from the point at which the arroyo slopes drops below 30%, is an important fire safety feature that is being largely ignored in this development. As a result there is a potentially significant impact on the ability of the Fire Services to protect these residences.

(13) Aesthetics. (a) and (c). The siting of several homes very close to the Alessandro Arroyo (particularly lots 43-49) will have a serious negative impact on the view from the arroyo. In the City Master Trails Plan, the arroyo is has a major public trail and these homes will have a considerable impact on those using the trail. The City's PRD ordinance requires that the design of the homes be considered before approval to help evaluate such impacts; however, this requirement of the ordinance has not been satisfied by the applicant.

(16) Mandatory Findings (c) Cumulative effects. The cumulative effect of granting of exceptions to grade into the Alessandro Arroyo and its setback along its length is progressively undermining the value of this natural landform. The voters of Riverside attempted to prevent this from happening through the passage of measures R and C. This project, by granting such an excessive number of such grading exceptions, adds significantly to the problem. Another cumulative effect is the continuing failure of the City to insist on the development of a trail system along the Alessandro Arroyo. Each time they fail to define a route for the trail, the harder and harder it gets to find a route for such a trail and the more likely it becomes that it will never be built. These are potentially significant impacts.

Summary.

This project needs an EIR. It has excessive grading exceptions and variances. The excessive arroyo grading for pads and road building will adversely affect the landform. The project fails to comply with the HHSP (and hence the General Plan) by not considering a trail corridor from Tiburon Knoll to the Alessandro Arroyo (Appendix B). In the Neg Dec, Staff notes that the location of a trail (not a trail corridor) will be "identified at the time of Project development"; however, it is obvious that there is no possible open-space trail route (and certainly no space for a corridor) given the current tract map. The Alessandro Arroyo trail is not considered, nor the impact of homes that encroach into the arroyo on such factors as fire risk to those homes, aesthetics, and biodiversity. There has been no consideration of the impact of Century Hills Drive crossing the open space, resulting in a dissected open space and arroyos filled with dirt. There has been no study of the plan to construct a "bio-swale" to replace an existing riparian/wetland area (Appendix C). The requirement for a new PRD has not been considered, nor has the failure of the applicant to complete the application procedure by providing elevations, floor plans, and the siting of all homes.

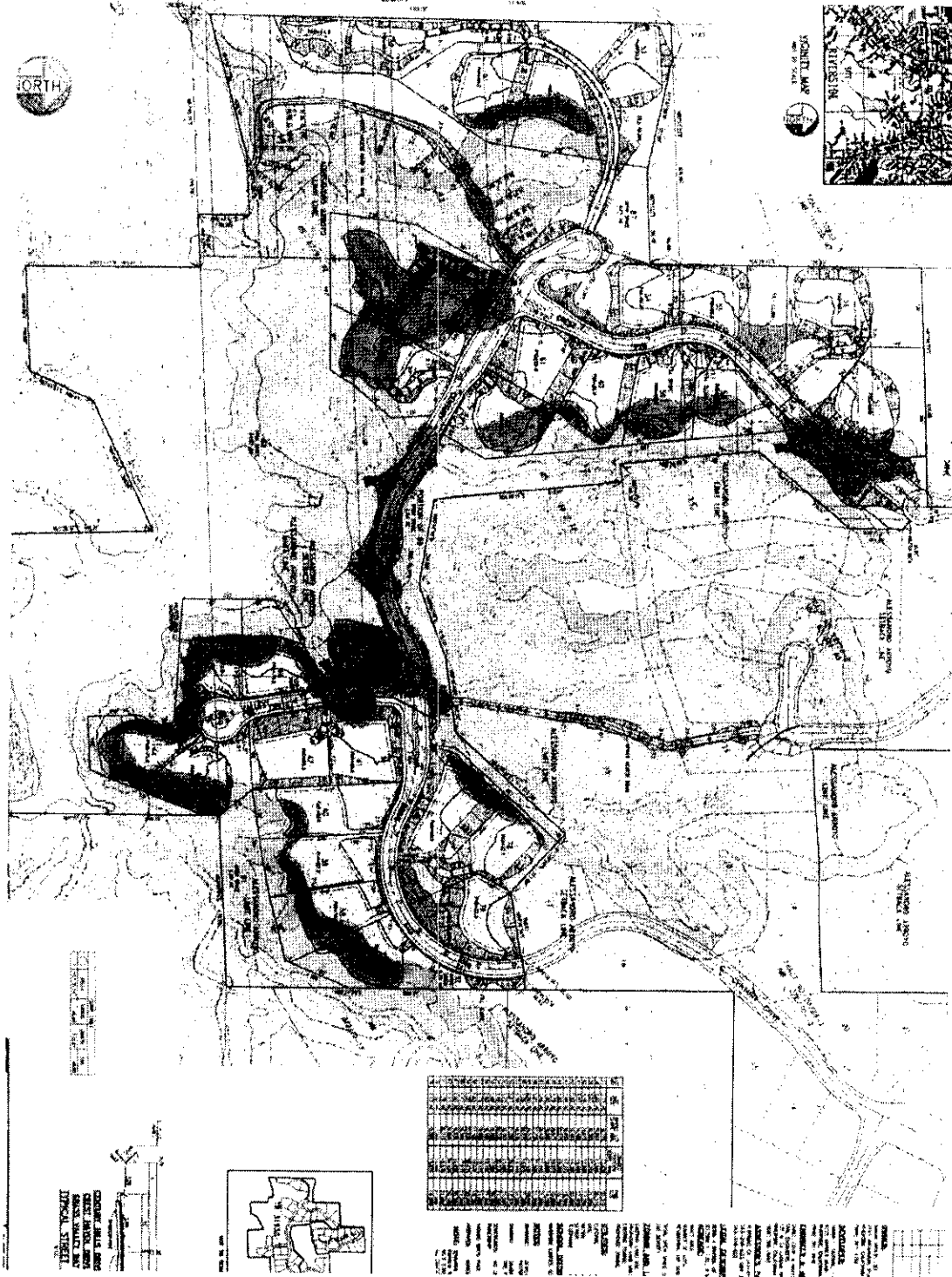
We request that an EIR be required, and following from an earlier precedent, that one very important alternative be evaluated as a development option. The staff recommendation for TM29628 (see Appendix D) was that based on the "objective of complying with the adopted grading ordinance to the maximum extent possible with special focus on maximizing the retention of environmentally significant drainage tributaries to the Alessandro Arroyo. Staff would not affix a density or number of units to this alternative; rather the design would dictate the number of units to be achieved." This alternative raises a crucial issue: the RC zoning ordinance defies a maximum density; however, this density is exactly that – a maximum. It does not guarantee that any area will support that number of units. In this case, there are about 49 acres of useable land (after correction – see p1 of our letter of 18 August 2004) on which 28 units are approved (and the developers would like 29). We find that all of the evidence points to a single conclusion, that this area cannot both support the building of 28 homes (including the currently planned road system) and uphold intent of measures R and C and of the Harwarden Hills Specific Plan. Only a carefully designed EIR will allow us to evaluate exactly how many homes are consistent with these requirements, requirements that our City is required to uphold.

Thank you for your attention.

Friends of Riverside's Hills
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Communicated for Friends of Riverside's Hills by Len Nunney
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APPENDIX A: TTM 31930. DARK GREEN AREAS SHOW AREAS REQUIRING GRADING EXCEPTIONS FOR ARROYO GRADING.



APPENDIX C: RIPARIAN AND/OR WETLAND AREA AT THE JUNCTION OF CENTURY HILLS DRIVE/GRASS VALLEY WAY/ SEWER PIPE (lower left).



CITY OF RIVERSIDE

DATE: 6-7-00

ITEM NO.: 21a & 21b

CITY COUNCIL MEMORANDUM

DATE: June 6, 2000

ZONING CASE PD-006-990: Proposal of Hawarden Development Corporation to establish a planned residential development consisting of 38 single family residential lots and open space on approximately 71.7 vacant acres, situated westerly of Via Vista Drive, easterly of Overlook Parkway and south of Ranch View Road in the RC — Residential Conservation and RA — Residential Agricultural Zones. (This case is being heard concurrently with TM-29628.)

TRACT MAP 29628: Proposal of Hawarden Development Corporation to divide approximately 71.7 vacant acres into approximately 38 residential and 2 open space lots, situated westerly of Via Vista Drive, easterly of Overlook Parkway and south of Ranch View Road in the RC — Residential Conservation and RA — Residential Agricultural Zones. (This case is being heard concurrently with Case PD-006-990.)

SUPPLEMENTAL REPORT

On May 4, 2000 the City Planning Commission reviewed the environmental initial study prepared for the above-noted project. The staff report and initial study presented to the Planning Commission are attached as Exhibit 1. By unanimous vote, the Planning Commission determined that the proposed project (38 lots) could have a significant effect on the environment and recommended that an environmental impact report (EIR) be prepared for the project focusing on the topics of land use compatibility, grading and landform alteration, biology, aesthetics, traffic, light and glare, drainage, and noise. Additionally, the Planning Commission recommended two specific alternatives to be addressed in the EIR- a planned residential development at the adopted benchmark density for PRD's in the RC Zone (35 lots) and a conventional subdivision (approximately 32 lots).

At the Planning Commission meeting of May 4, a neighborhood group, the Alessandro Heights Property Owners Association, requested that the scope of the EIR be broadened, and that a specific alternative be evaluated under the EIR. Their written comments submitted subsequent to the hearing are attached as Exhibit 2. In considering their comments, the Planning Commission added the topics of drainage and noise to the list of issues to be addressed in the forthcoming EIR.

Although staff concurs with the scope of the EIR as recommended by the Planning Commission, further staff evaluation of potential development options of the subject property suggests that one more alternative should be evaluated in the EIR. Specifically, this alternative would be based on the objective of complying with the City's adopted grading ordinance to the maximum extent feasible with special focus on maximizing the retention of environmentally significant drainage tributaries to the Alessandro Arroyo. Staff would not affix a density or number of units to this alternative; rather the design would dictate the number of units to be achieved.

Received at meeting of: CC-

Date: 9-28-04

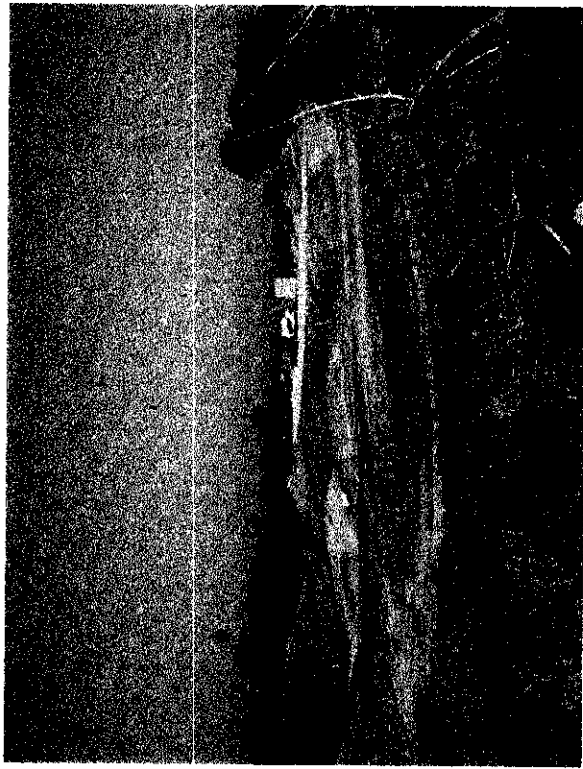
Item No.: 12

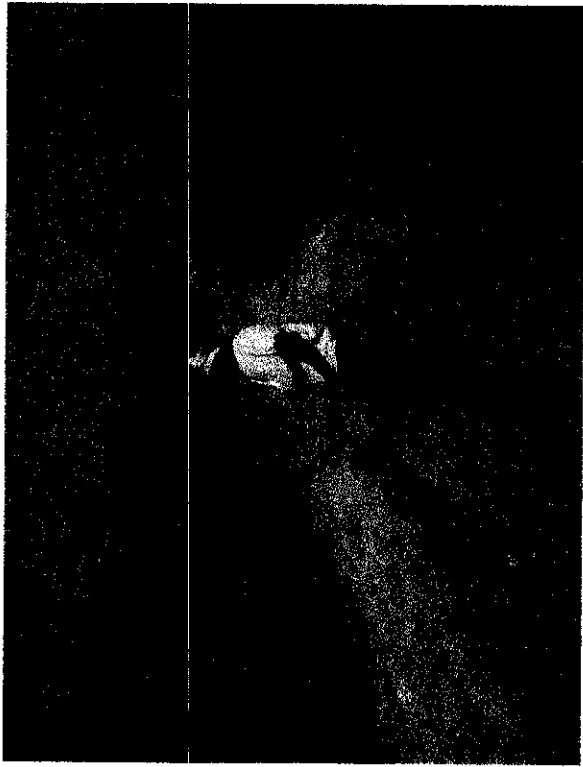


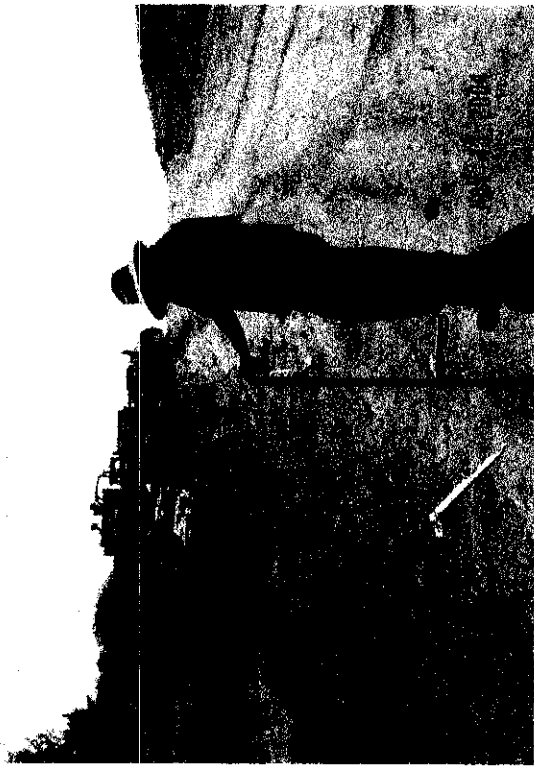
Neighbor's putting green
on our property
Lot 53

Pad 53-a













Neighbor's putting green
on our property 1
Lot 50



Pad 50-a

Pad 60-view
(12732)

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Received at meeting of: CC
Date: 9-28-04
Item No.: 12

September 28, 2004

HAND DELIVERED

Honorable Members of the City Council
City of Riverside
3900 Main Street
Riverside, California 92522

Re: Response to Letters Objecting to TM 31930

Dear Members of the City Council:

Our firm represents Jim Guthrie, the applicant for PO3-1451, P03-1548, and P04-0260 (collectively, the "Project"). Several objection letters were submitted to the City prior to the Planning Commission hearing on August 5, 2004. This letter responds to the issues raised in those letters. We have assigned numbers to the issues in the objection letters (see Attachment "A"). The numbers below correspond to the numbers in the right hand margin of the objection letters.

Letter from Len Nunney, on behalf of Friends of Riverside's Hills, dated August 18, 2004:

1. EIR Required for Project: The letter asserts that an EIR should have been required for the Project. The California Environmental Quality Act ("CEQA") provides the following guidance regarding when a negative declaration is appropriate:

(c) If the lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project in either of the following circumstances:

(1) There is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.

(2) An initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence in light of the whole

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record before the lead agency that the project, as revised, may have a significant effect on the environment.

(d) If there is substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

(e) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence in light of the whole record before the lead agency that the project, as revised, may have a significant effect on the environment. *Cal. Pub. Res. Code* § 21080 (c), (d), and (e.)

The City Council, as the final decision maker, is authorized to approve the mitigated negative declaration prepared for this Project if there is no substantial evidence that it will result in a significant impact to the environment. The purpose of this letter is to clarify that the objections raised to this Project do not qualify as substantial evidence, and for that reason, an EIR is not required.

2. The Project Contains 86.3 Acres: The commenter suggests that the Project acreage is actually 49 acres. The method of calculation subtracted the 22.5-acre portion twice (first to arrive at the 145 acres and again, at the end) reducing the actual acreage erroneously to 49 acres. The commenter also suggests that TM 31930 "owes" the City open space for TM 28728. Any such objections to TM 28728 are untimely at this point and should have been raised in 1998 when the City approved the map.

3. Impact of the Hawarden Hills Specific Plan on the Project: The commenter states that the Project is within the Hawarden Hills Specific Plan. John Swiecki, Principal Planner for the City, identified the City's stance on this issue at the Planning Commission hearing. He said that the Hawarden Hills Specific Plan is outdated (it was adopted in 1976), and contains standards, such as providing maximum lot sizes for lots near the Arroyo, that are inconsistent with Proposition R (enacted by the voters on November 13, 1979). In addition, the RC Zone, which was first adopted in 1977, and later revised in 1987 and 2001, provides updated density standards. For this reason, development standards in the RC zone supersede the Hawarden Hills Specific Plan. Based on this information, the Hawarden Hills Specific Plan, including the lot size standards and the Tiburon Knoll trail corridor requirements, do not apply to the Project.

4. Flood Control Land: The 17.45-acre flood control land was included in tract maps 23027 and 28728, and is now included as part of the Arroyo area in TM 31930. The commenter is incorrect that the purchase of the flood control land was a condition of approval for TM 23027 and TM 28728. The previously approved tract maps did not require the property

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owner to purchase the flood control land, and the phases of the tract map that were recorded did not include the flood control land. However, the flood control land is located in TM 31930, and the City has imposed the following two conditions regarding the flood control land: Prior to map recordation "[t]he applicant shall obtain final authorization from the Riverside County Flood Control District or the applicant shall have acquired such property" (Condition of Approval 4); and "[o]wnership of property shall be undivided prior to this map recording" (Condition of Approval 5). Based on these conditions, the applicant will be required to purchase the flood control land before recording TM 31930.

5. Authorization for the Rezone of the Flood Control Land from O to RC: The applicant has submitted to the City several letters from The Riverside County Flood Control District regarding the purchase of the 17 acres and including it in the Project (see Attachment "B"). The earliest, dated March 28, 1994, consists of a memorandum of understanding identifying the District's willingness to sell the flood control property to the applicant for fair market value upon the happening of certain conditions. A second letter, dated April 10, 2003, from Bill Gabel, the applicant's engineer, reflects continuing negotiations regarding several conditions to the acquisition. A third letter from the applicant, dated June 27, 2003, documents a meeting between the applicant and the District which occurred in early 2003, during which the District again agreed to sell the property. The most recent letter, dated April 6, 2004, reflects a telephone conversation which occurred among Stephen C. Thomas, Chief of Operations of the Flood Control District, City Councilman Frank Schiavone, and the applicant. The letter reflects the on-going nature of the negotiations regarding the purchase of the property, memorializes the commitment to sell contained in the 1994 letter, and asks the District to send written correspondence to the City if it does not want the property included in the Project. Because the City has received no written correspondence rescinding the District's 1994 letter, the flood control property continues to be included in the Project.

6. Elevations Missing from PRD Application Package: The aesthetic concerns raised by the commenter will be addressed after the approval of the entitlements, during the design review process. In this case, footprints for the homes cannot be proposed until the Project is approved, because the shape and size of the footprints depends on the approval of the Variances and Grading Exceptions. Therefore, the creation of elevations and landscape plans prior to Project approval would be premature. The City has imposed a Condition of Approval which requires that "[a]ll other applicable standards of the underlying RC – Residential Conservation Zone shall be met" (Condition of Approval 36). Compliance with the Design Review process is required for all developments in the RC Zone. The RC Zone specifies that no building permit shall be issued for any building or structure in the RC zone until slope planting and irrigation plans and the drawings required by Chapter 19.62 for design review have been submitted to and approved by the Design Review Board or City Council in accordance with the provisions of Chapter 19.62.

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The Design Review Board is required to consider the following items of particular concern in the RC zone:

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

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

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

Conditions may be applied when the proposed development does not comply with applicable standards and shall be such as to bring such development into conformity or the plans and drawings may be disapproved and the Board shall specify the standard or standards that are not met. City of Riverside Municipal Code, RC Zone § 19.09.090, emphasis added¹.

The aesthetic concerns raised in the comment will be addressed during the Design Review process by compliance with the standards in the City Code.

7. Density Penalty: The PRD section (§ 19.65B) provides for a density bonus of up to 25% if the project complies with certain specified criteria. The information below supports the City's grant of a density bonus for the Project.

Criteria Permitting a 25% Density Bonus:

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), Castlevew Elementary School (K-6); Gage Middle School (7-8) and Poly High School (9-12), to the north.

¹ From this point forward, all unreferenced citations are to the City of Riverside Municipal Code.

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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.

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, but not limited to: Trader Joes, Vons, Sav-On Drugs, and See's Candy. Sit-down restaurants and fast food eateries, include; Islands, Fazoli's, 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 are located within a 10-minute drive from the project, in the surrounding neighborhood.

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.* TM 31930 clusters the lots next to the streets to minimize grading, and combines all acreage outside the lots into open space. Clustering maximizes the size of the open space lots by packing the building pads and the streets close together. This preserves blocks of open space outside the lots and building pads for dedication as open space.

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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. If the Project did not cluster the lots and propose lot size/ANS variances, the open space would consist of the ungraded areas outside the building pads on each individual lot.

The open space lots proposed in TM 31930 are a far superior mechanism to preserve open space in perpetuity than open space areas on privately owned lots. The open space lots can be deed restricted and preserved in perpetuity. Conversely, open space on privately owned lots cannot be preserved by deed restriction, and relies on the City's Code Violation Department to prevent development on the open spaces.

(b) *Retention of unique natural features of the site and incorporation of such features into the project's overall design.* By clustering the lots and the streets on the west and the east of the Arroyo tributary, TM 31930 incorporates the arroyo into the project design.

(i) Building Century Hills Drive Across an Open Space Area: Only the placement of Century Hills Drive across the tributary area results in a potential conflict with the tributary area. However, the mitigation measures identified in the Streambed Alteration Agreement will mitigate any potential impacts to the arroyo tributary. The road connection between Crest Haven Drive and Century Hills Drive satisfies a public safety concern because it provides for internal circulation between what would otherwise have been two long unconnected cul-de-sacs.

(ii) Sewer Line Extension: The commenter objects to the sewer line crossing a "critical open space area". Actually, the sewer line will be installed at a depth of about 4 feet, and will disturb the natural ground only during installation. Post-installation, the ground will be returned to its natural state. An access road for the sewer line is proposed, but it will be dirt, not paved. The sewer extension is discussed in the Grading Exceptions, on pages 47-49, and in the Biological Assessment for the Sewer Line Extension, prepared by Michael Brandman, dated December 15, 2003. The Assessment determined that the extension of the sewer line would potentially impact SKR and that payment of the appropriate fee would mitigate potential impacts to the species.

(iii) Dam Access Road: The access road for the Alessandro Dam has been in its current location for years. TM 31930 is proposing minimal changes to the existing route, which is currently a dirt road, but these changes will not change the location of the existing road. The access road is discussed in the Grading Exceptions, on page 50.

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The commenter states that lots 43-49 will destroy part of the natural area close to the main Alessandro Arroyo. The Grading Exception findings provide the rationale for the development of lots 43-49, on pages 16-28. TM 31930 retains 28% of the Project acreage as open space, and incorporates the open space into lots which will be dedicated for open space use in perpetuity.

(b) *Majority of dwelling units afford direct access to common usable open areas well designed for their intended purposes.* With the exception of lot 55, all of the 29 lots proposed in TM 31930 have direct access to common open space. Lot 55 contains access to the open space area within that lot.

(c) *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% ANS. See the topographic map, attached as Attachment "C" which identifies the flatter areas in red and the steeper areas (with ANS of greater than 30%) in blue. Because the streets are located in areas primarily designated in red on the topographic map, the streets efficiently follow the natural course of the land.

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

Properties surrounding TM 31930 include three residences in TM 23663-1 on the south side of the Arroyo opposite lots 37, 38, 39, 40, 42-44, and two residences north of lot 53 (the "Next Door Neighbors"), highlighted in yellow and green, respectively, on Attachment "F".

Lots 37-44 are about 200-300' from the closest property line of the homes in TM 23663-1. This distance will preserve the privacy of the existing homes.

The Next Door Neighbors are located north of lot 53 near the top of the crest of the hill. Neighbor 1 has a view of lot 53 and TM 31930. The primary view is to the west, and the house backs up to lot 53. Neighbor 2 is separated from TM 31930 by Neighbor 1's residence, and has no view of lot 53 because the primary view is also to the west.

With only four existing residences adjacent to the proposed Project, few surrounding properties will be impacted by the development of the Project, and the impacts will be naturally mitigated by the distance separation (for the lots in TM 23663-1), and by the fact that the Next Door Neighbors' residences are oriented towards the view to the west.

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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.

8. Excessive Grading Exceptions: The fact that Grading Exceptions are required for 76% of the lots and all of the roads is not evidence that the proposed grading is "undesirable" unless the City is unable to make findings in support of the Grading Exceptions. The commenter asserts that the Grading Exceptions amount to a legislative change in the RC Zone. However, this comment fails to take into account the provision in the Grading Ordinance which provides relief from the standards contained therein. Where property qualifies for such relief, the Zoning Administrator is authorized 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." (§17.28.020 (A)(14)(a)) (the "Grading Relief Provision")

The commenter also suggests that, in approving TM 31930, the City will "abandon the usual quasi-judicial role . . . and assume a legislative role that circumvents the grading ordinance." This amounts to conjecture, and the commenter does not identify why there should be any limit on the number of grading exceptions that can be approved, assuming the City can make the appropriate findings. Because there is no evidence to support these statements, this objection amounts to conjecture, and does not constitute substantial evidence.

The commenter asserts that each grading exception represents a negative impact on an environmentally sensitive area. However, the commenter does not specifically identify any negative impacts. In this case, if the specific areas proposed for grading are not sensitive, based on the analysis contained in the Grading Exception findings, the City is authorized to grant relief from the strict provisions of the Grading Ordinance.

9. Lot Size Variances for 25 Lots: The commenter objects to the "excessive lot size variances" requested for TM 31930. The use of the word "excessive" is subjective and is not supported by any factual evidence.

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The commenter also opines that clustering on flat land to preserve steep area is beneficial, but the need for so many variances suggests the goal has not been achieved. First, the commenter provides no evidence to support the statement that clustering should be limited to flat land. Therefore, this statement amounts to an opinion unsupported by fact. We suggest that limiting clustering to relatively flat land is a less creative approach to project design because it artificially limits the use of clustering. Because clustering results in the preservation of large blocks of open space, and because the General Plan proposes the preservation of open space as a primary goal, the clustering of lots in flat areas only would limit the attainment of the General Plan goal.

10. Landlocked Parcel Variances: By definition, the City Zoning Code requires a lot to have access to a public street. Because the streets in gated neighborhoods, such as TM 31930, are not public, the lots are technically landlocked. The commenter objects that such variances are routine rather than exceptional. It should be noted that the private streets, which landlocked variances permit, require less grading, and therefore result in less of an impact on the environment. Although landlocked parcel variances are required for all projects with private streets, that fact does not prevent the City from approving these variances based on the exceptional nature of the situation, such as the reduction in grading accomplished by the use of private streets.

11. Grading In the Arroyo or its Setback: The commenter states that "findings prepared by the Planning Staff are the Findings that need to be approved to justify the variances and grading exceptions." This statement is inaccurate. The City has included the applicant's Variance and Grading Exception findings in the packet of information submitted to the City Council for review. The grading exception findings prepared by the applicant contain different reasoning from the findings prepared by the City. Because the City Council may choose to rely on the Staff and/or Applicant prepared findings, we respectfully submit that it is not necessary to prepare a written response to every objection to the City's findings identified in the August 18th letter. Rather, we submit the following responses to several general objections.

12. Designated Arroyo Tributaries: The commenter objects that the criteria for "designated arroyo tributaries" has never been established or made public. The City defines "arroyo" in the Grading Ordinance according to the following two-prong definition: (i) "[t]he limits of these arroyos shall include all the land within the water course area, the adjacent slopes having an ANS of 30% or greater, and (ii) all other areas within the boundaries shown on Exhibits A-F." Exhibit "D" identifies the general boundaries of the Alessandro Arroyo. The reason Exhibit "D" identifies general boundaries only is because of the disclaimer on the map which states, "For Illustrative Purposes Only, Please Contact the Planning Department for Precise Arroyo Boundaries" (see Exhibit "D" included in the applicant's Grading Exception findings at page 2.) Where proposed grading conflicts with the map of the Alessandro Arroyo on Exhibit "D", the Grading Exception provision in § 17.28.020A(14) provides an administrative

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mechanism for relief, or a Grading Exception request can be submitted to the City Council for approval.

13. Excessive Crowding of Lots: The commenter opines that the Grading Exceptions requested for the building pads on lots 37-40 should not be granted because they are caused by self-induced crowding. The crowding the commenter is referring to is the clustering of lots that provides for the preservation of large blocks of open space, in this case 41.15 acres or about 28% of TM 23027, the original 165-acre project. Although the commenter is correct that the "crowding" or clustering is self-induced, it facilitates the primary purpose of the Conservation Element of the General Plan, the preservation of open space.

14. "Or In Nearby Segments of the Same Tributary": The commenter objects that lots 37-40 should not qualify for a grading exception because they contain sensitive resources (namely, Riversidean Sage Scrub and riparian vegetation) "in nearby segments of the same tributary". For clarification, the phrase identified above must be considered in context. The complete provision states:

[s]ensitivity 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.** § 17.28.020(A)(14)

Based on the language above, if there are unique topographic features in a nearby segment of the tributary which contains the proposed graded area, that fact should be identified and considered by the City. Because Riversidean Sage Scrub ("RSS") is not a unique topographic feature, its presence in a nearby segment of the tributary is not relevant to the inquiry.

15. Sightings of Beldings Orange-Throated Whiptails or San Diego Black-Tailed Jackrabbits on the Project Site: The commenter states that in a previous site visit, the two species identified above were identified on the site, and that these species are "classified as rare by the California Department of Fish and Game (California Natural Diversity Database, January 2004)." According to the Biological Assessment prepared by R.B. Riggan, these species are designated as sensitive and were observed on the property during the biological survey. We submitted the citing information to Michael Brandman Associates for comment. Based on the information contained in the written response, the Orange-throated whiptail and the San Diego black-tailed jackrabbit are not federally or state listed as endangered, threatened or rare, and therefore, do not require protection under CEQA (see Attachment "D"). Under CEQA, a potential significant impact arises only where a proposed project may result, based on substantial evidence, in declining population levels or severely impacting the range or habitat of a species to make them vulnerable to extinction. The presence of a sensitive species alone does not rise to a level of significance without substantial evidence that the Project will drastically effect population levels. Because the comment is in error and these species have not been

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designated as "rare", the fact that they have been sighted on the property does not amount to substantial evidence that the Project will result in a significant impact to biology.

16. Lots 41, 46, and Grass Valley Way: The commenter suggests that this area "drains a nearby wetland", contains "vegetation typical of a wetland area (willow, mulefat, etc)", and contains "the sides of a very well defined steep-sided arroyo, as can be seen by looking at the topographical map of the project."

The riparian vegetation identified in the comment has been acknowledged in the Streambed Alteration Permit, dated April 13, 2003. A picture taken at the intersection of Grass Valley Way and Century Hills Drive also shows a narrow band of vegetation along the area. The area containing riparian vegetation which will be filled by the construction of Century Hills Drive, and, to a much lesser extent, by Grass Valley Way, has been identified in the Streambed Alteration Permit as being subject to California Department of Fish and Game ("CDFG") jurisdiction. Of this riparian area, the Streambed Alteration Agreement identifies 0.077 acres as a riparian resource that will be impacted by the road crossing. Although impacts to riparian resources are potentially significant without mitigation, in this case the impact will be mitigated by the expansion of an unnamed drainage downstream of the road crossing. The proposed mitigation amounts to the replacement of riparian area and satisfies the 1:1 replacement ratio required by the CDFG. (Streambed Alteration Permit, at page 2.)

17. Lots 41, 46, 43, 44, and 45, 47, 49, and Grass Valley Way: These Lots and the grading exceptions proposed for these Lots are based upon the maps previously approved under TM 23027 and TM 28728. The grading exceptions examine the potential impacts from the Lots' proximity to the arroyo, natural slope patterns, required service streets, and the sensitivity of the area. In this case, the grading exceptions sought for these Lots are not administrative exceptions, but are instead based upon substantive findings that the area is not sensitive and no unmitigateable impacts to the arroyo have been found.

18. Comments Regarding the Negative Declaration:

(i) Conflict with the General Plan: The commenter advises that impacts to the Land Use and Planning section of the Initial Study should have been identified as potentially significant because the Project conflicts with the General Plan. The commenter has not identified the conflict, so we are unable to respond specifically.

(ii) Trail Location: The commenter suggests that the Alessandro Arroyo trail is part of the General Plan and that it is missing from the tract map. The trail is identified on the site plan attached to the Section 7 Consultation, and is required by Condition of Approval 15.

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(iii) Effect of Drought on Proposed Location of Water Quality Basin and Sewage Pumping Station: The commenter suggests that the drought, fire several years ago, and weed clearance could have temporarily modified the area at the proposed intersection of Century Hills Drive and Grass Valley Way. This comment is speculative, and without supporting evidence. Because there is no evidence to support this comment, it does not amount to substantial evidence.

(iv) Objection Regarding the Maintenance of the Arroyo Open Space Area by the Home Owner's Association: The commenter objects that if the Home Owner Association maintains the open space, because of its lack of expertise, mismanagement would result that would constitute a potentially significant impact. This is conjecture and has no basis in fact. It is equally plausible that the Home Owner Association would contract with a non-profit organization to satisfy their maintenance obligations.

(v) Change in Drainage Patterns: The commenter identifies the areas subject to fill from road construction as "tributary arroyos" and suggests that the development of Century Hills Drive will change the drainage patterns and that the changes have not been studied. The applicant prepared a Hydrology Study and Storm Water Mitigation Plan, dated May 15, 2003 (the "Study"), which analyzed the impacts of the Project on drainage. That study identified two low points where Century Hills Drive would interfere with the natural flow of water in the tributary area. TM 32270 is proposing culverts in both low points to preserve the existing water flows according to pre-Project conditions. See Best Management Practices, identified in the Study at page 1, at Attachment "E".

The Study was also used to determine the type and size of the water quality basin necessary to mitigate storm water runoff (Id. at page 2). Other improvements related to drainage include a vegetated water quality basin southwest of the intersection of Century Hills Drive and Grass Valley Way, to comply with the Clean Water Act; and a water quality bio-swale, immediately downstream of the Century Hills Drive road crossing (TM 31930 Condition of Approval 15). The bio-swale will pre-treat urban runoff prior to its discharge into the drainage feature, and will be maintained by the Home Owner Association.

(vi) Trails: The commenter requests that the trail included in the Hawarden Hills Specific Plan be required as part of TM 31930. However, because the Hawarden Hills Specific Plan is not applicable to the subject Property, the trail to Tiburon Knolls, identified in that document, is not required in connection with the approval of TM 31930. However, as discussed above, a trail in the Alessandro Arroyo is proposed and will be required by a condition of approval.

(vii) Potential Impact of Sewer Line: The commenter is concerned regarding the Home Owner Association's ability to manage the sewer line extension on a long-term basis. The installation of the sewer line was analyzed in the Biological Assessment dated December 15,

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2003. No potential significant impacts to biological resources were identified. The commenter raises a concern regarding the future functioning of that line. This question is based on speculation and does not constitute substantial evidence of a potential environmental impact. All City and State legal requirements would have to be met with regard to the maintenance of the bio-swale. The ability of the Home Owner Association to maintain the bio-swale also is a matter of speculation which does not amount to substantial evidence.

Letter from Len Nunney on Behalf of Friends of Riverside's Hills, dated March 25, 2004

The issues that are discussed in this objection letter reflect many of the same issues contained in the letter dated August 18, 2004, and therefore, many responses to this letter are included in the information above.

1. The hearing on TM 31930 should be continued until the developer has some right to purchase the O zoned land from the Flood Control District. This issue is discussed in number 4, above.
2. The rezoning of 7 acres of O-zoned land to RC should not be permitted. The commenter does not provide any support for this assertion. We have been unable to identify a provision in the City Zoning Code which prohibits a zone change to the RC zone.
3. There are excessive grading exceptions for this tract. See response numbers 7 and 8, above.
4. Century Hills Drive is unacceptable because it is proposed within the arroyo area. See response number 17, above.
5. TM 31930 does not provide for public access trails, such as the Alessandro Arroyo trail identified in the Hawarden Hills Specific Plan, and in the General Plan. See the responses to numbers 3, and 20 (ii) and (iv) above.
6. General comment reiterating comments 1-5 above. Comment noted. No answer required.

Letter from Eva K. Rose, Chaffey College Honors Program, received by the City on April 13, 2004

This letter suggests that the only reason for the grading in the Arroyo is to create larger building pads. This comment does not take into account the small and irregular building pads that would result without the proposed Grading Exceptions. With Grading Exceptions, the proposed building pads will be consistent with the requirements of the Grading Ordinance, (27,000 square foot maximum for lots with an ANS between 10% and 15%, 21,000 square foot

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for lots with an ANS between 15% and 30%, and 18,000 square foot for lots with an ANS between 30% and 40%). These are not large building pads, they are adequate to construct one-story houses (required in the RC zone) with a garage (required by City Ordinance).

The commenter states “[a]s the land cannot be developed and the purpose of the grading is merely to satisfy the acreage needs of the developer, I find this misappropriation of this land a most serious violation of both the wildlife and all who are concerned with proper land management.” This comment apparently relates to the rezoning of the property zoned O to RC. This issue is discussed in response number 2 to Len Nunney’s March 25th letter, above.

Letter from Mark Juhasz Regarding P03-1358/P04-0015

This letter was included in the packet in error because the case numbers do not match the Project.

Very truly yours,



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

Enclosures

cc: Jim Guthrie
Jennifer Guenther

ATTACHMENT A
OBJECTION LETTERS

- Dated August 18, 2004, from Friends of Riverside's Hills
- Dated March 25, 2004, from Friends of Riverside's Hills
- Received April 13, 2004, from Eva K. Rose
- Received April 6, 2004, from Mark Juhasz

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

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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 Alessandra 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.

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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. 6
- 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. 7

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

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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%.

9

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

10

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.”

11

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.

12

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 Beldings 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.

13

14

15

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.

16

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.

17

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. (i)

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. (ii)

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.

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(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. (iii)

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 draught, 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. (iv)

(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. (v)

(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. (v)

(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. (vi)

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). (vii)

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.

Communicated for Friends of Riverside's Hills by Len Nunney
4477 Picacho Dr., Riverside, CA 92507
email: watkinshill@juno.com
phone: (909)781-7346

25 March, 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: P03-1451/P03-1548/P04-0260.

We would like to express our concerns over a project proposal submitted for your approval. Specifically, we oppose approval of the proposed tract map 31930 (P03-1451) as currently designed, and approval of the associated planned residential development (P03-1548). We also oppose the proposed rezoning of seven acres from O-zone to RC-zone (P04-0260), and the granting of a Neg. Dec. for this whole project. Our position is based on information that we have received in advance of the Staff Report on these three planning cases. We will present supplemental information after we have seen the opinion of the planning staff.

In brief summary, our points are:

1. The hearing should be continued until the developer has some right of purchase over Flood Control District land that is in the O-zone. The developer is proposing to purchase 17.5 acres within the Alessandro Arroyo and rezone 7 acres to RC-zone. The staff at the Flood Control District has informed us that, at present, the developer has no agreement to purchase this property. 1
2. The rezoning of the 7 acres of O-zone to RC-zone should not be permitted. The developer is requesting this rezoning to justify the density of lots in the tract map. This is based on the following calculation (based on what we believe to be accurate numbers). The proposed tract map is the final phase of a larger project. The first phases developed 56 homes on 59 acres, and this final phase is for 29 homes on 86 acres (including the 17.5 acres of O-zone). With the rezoning, this sums to 85 homes on 135 acres of RC-zoned land, which is a 26% density bonus over RC-zone standards. This bonus is excessive in such a sensitive area, and either exceeds or is very close to the 25% maximum density bonus allowed under the General Plan in such an environmentally sensitive area (NR 1.4). In any event, we see no justification for rezoning the 7 acres of land that is within the boundaries of the Alessandro Arroyo, as defined by the City's zoning ordinance, and hence cannot be developed. The residents of the City of Riverside gain nothing by this shell game, whereby land is rezoned simply to satisfy the acreage needs of the developer. In fact the City experiences a net loss, since the current proposal would result in grading and development within the Arroyo (see #3 below), contrary to the wishes of the citizens of the City as expressed in measures R and C. Without this rezoning, a 25% density bonus would permit only 23 homes in the current tract map. 2
3. There are excessive grading exceptions necessary for this tract map and PRD. To qualify for a density bonus, an RC-zone PRD project must retain important natural features of the landform. High on the list of such natural features are the City's arroyos, and for that reason the City's grading ordinance does not allow grading within 50 feet of an arroyo. In the project map that we have seen, it appears that 21 of the 29 lots would involved grading into the 50 ft. setback (72%), with 16 of these requiring grading within the arroyo itself (55%). This is an unacceptable number of grading exceptions in any development, since it would amount to a legislative action that circumvents the grading ordinance. It is even less acceptable in a development that is claiming the maximum density bonus for preserving the natural arroyo environment. Note that within the PRD ordinance, a criterion for substantial density 3

reduction is if "the property is characterized by steep slope necessitating extensive grading."

4. The roads require unacceptable grading exceptions. In particular, "Century Hills Drive" runs east-west across the open space and would be completely within the arroyo area. Its construction would require severe destruction of the landform. Furthermore, the road as currently designed requires filling tributary arroyos, and the destruction of a wetland area. This road must be removed or redesigned to minimize its environmental impacts. 4
5. No provisions are being made for public access trails. The City's General Plan includes an Alessandro Arroyo trail, and, by incorporating the Hawarden Hills Specific Plan, includes a trail from Tiburon Knoll to the Alessandro Arroyo. There appears to be no consideration of how these two trails will be integrated with the proposed tract map. In addition, there have been no decisions regarding how they open space will be managed. This is critical given that the sole reason for the density bonus given to this project appears to be the preservation of open space. 5
6. The Draft Negative Declaration should not be approved. Items 2-5 noted above all raise issues that are inadequately addressed in the Draft Negative Declaration. 6

We will expand on these objections and add others if this project is not significantly redesigned before the Planning Commission considers it. We would recommend a continuation so that this redesign can occur.

Thank you for your attention.

Respectfully submitted by Leonard Nunney

On behalf of Friends of Riverside's Hills

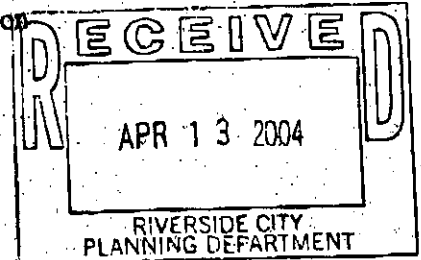
email: watkinshill@juno.com



Chaffey College Honors Program

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

From:
Scott and Eva Rose
6381 Century Hill Drive
Riverside, CA 92506



RE: P03-1451/P03-1548/P04-0260

As a concerned and soon to be greatly affected homeowner in the Hidden Canyon Estates, I would like to both articulate my apprehension and reaffirm the stated position expressed by my fellow homeowners and our representative of Friends of Riverside's Hills, Leonard Nunney.

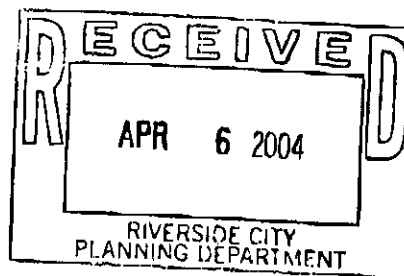
The heart of my apprehension lies in a couple of the central components of the aforementioned development proposals. I will briefly highlight these concerns as follows:

1. The proposed grading of the Arroyo for the sheer purpose of having "larger building pads" seems to me a most grave mismanagement of such a vital habitat for its dozens of species. As this land cannot be developed and the purpose of the grading is merely to satisfy the acreage needs of the developer, I find this misappropriation of this land a most serious violation of both the wildlife and all who are concerned with proper land management.
2. In my understanding of the proposals thusfar, there have been no formal provisions to develop public access trails according to the City's General Plan. In fact, the lack of such a provision seems to be indicative of an ethos that runs quite counter to that of the original intentions of the City Planners for this area and indeed the motivations for migrating to this area of most if not all of its current inhabitants. What was once the promise and most appealing element of living in this area (a close and non-obtrusive co-existence with the surrounding natural habitat) is now the very thing under serious attack.

In light of these and other concerns it is my strong suggestion, in solidarity with the community in which I find myself, to delay all such development until the concerns and desires of all affected parties are both acknowledged and respected. Thank you for your time and consideration.

Sincerely,

Eva K. Rose
Director, Chaffey College Honors Program
Professor, Dept. of Communication Studies



Joel Belding
Planning and Building Department, City of Riverside
3900 Main Street
Riverside, CA 92522

Regarding Proposals P03-1358/P04-0015

Dear Mr. Belding,

I am writing in regards to the proposed housing tract on the west side of Sycamore Canyon Park. As a resident of Riverside who has enjoyed the park for both hiking and bicycling, the proposed project concerns me. Construction of the tract could result in blocked access to two trails within the park that are frequently used by many runners, bicyclists, and hikers. These trails are connected to others within the park, which makes their accessibility even more valuable.

The housing tract would severely detract from the recreation opportunity provided by Sycamore Canyon Park if its construction blocks these trails. As fewer trails exist to provide public recreation, it is increasingly critical to preserve the ones that remain. It should be possible, and probably simple, to preserve access to these trails even with the construction of the proposed development. I am not opposed to the tract if the developer is required to provide trail access.

Please ensure that these concerns are voiced to the Planning Commission. I appreciate your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Juhasz".

Mark Juhasz

ATTACHMENT B

RIVERSIDE COUNTY FLOOD CONTROL DISTRICT LETTERS

- Dated March 28, 1994, from the District to William Gabel
- Dated April 10, 2003, from William Gabel to the District
- Dated June 27, 2003, from Jim Guthrie to the District
- Dated April 6, 2004, from Jim Guthrie to the District

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

March 28, 1994

Mr. William Gabel
Gabel, Cook & Becklund
125 West La Cadena Drive, Ste. A
Riverside, CA 92501

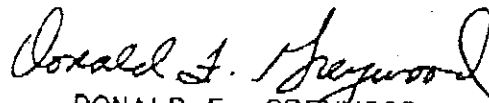
Dear Mr. Gabel:

Re: Alessandro Dam
Project No. 1-0-0043
Parcels 1043-2, 3 & 1B
Tract 23027
City of Riverside

In regard to your request concerning your client's acquisition of a portion of our Parcel Numbers 1043-2 and -3, I offer the following.

1. The District is willing to sell at fair market value that portion of Parcels 1043-2 and -3 located above the elevation of the top of the Alessandro Dam.
2. Fee simple for Parcel 1043-1B (currently an easement) be granted to the District.
3. Legal and physical mutually agreed upon access be provided from Tract 23027 to the vicinity of the Alessandro Dam Spillway.
4. The District will employ an independent appraiser to determine land values when you are ready to go forward with this project.

Very truly yours,



DONALD F. GREYWOOD
Chief of Operations

Attachment - R/W Maps

DFG:mcv
dg10323a

10 April 2003

Riverside County Flood Control & Water Conservation District
1995 Market Street
Riverside, CA 92501

Attn: Coen Cowenburg

Re: Tract 28728
City of Riverside
Alessandro Dam

Dear Coen,

Reference is made to our previous meeting concerning the above referenced project. Attending that meeting was my client, Jim Guthrie, myself, you and Dusty Williams. We discussed my client's desire to acquire a portion of a 17.38 acre parcel of land owned by the District and lying just northerly of your Alessandro Dam site. The majority of this parcel lies at an elevation above the top elevation of the dam, thus being outside all flooding limits. A small portion of the parcel is occupied by a portion of the dam's spillway and adjacent slopes. This parcel was shown by RS 67/91-92 and its APN is 243-180-003. The portion of the parcel my client desires to acquire is shown on the enclosed final map for Tract 28728 and contains 15.98 acres. This portion of the parcel will be incorporated within the tract's boundaries and, as you can see by the tract map, will largely be dedicated and reserved as an open space easement. This open space will be maintained by the project homeowner's association.

In the meeting, you indicated that the District could support the acquisition of this property by my client and that you would require the construction of an access road from the project's private street system to the spillway area of the dam. In addition, you would require that the project owner dedicate ingress and egress easement rights to the District over this access road and private street system.

I have also enclosed a copy of the project grading plans for your review showing the private road system, access road and the dam's spillway locations. We would propose the dedication of the required easements by separate deeds to record concurrent with the map's recordation.

Please review the enclosed plans and then call me so we might meet to discuss the next step in this process. You can reach me at 909-288-0602. Thank you for your consideration.

Respectfully,

Gabel, Cook & Becklund, Inc.

William D. Gabel
Civil Engineer

Enclosures

Riverside County Flood Control
1995 Market Street
Riverside, Ca 92501

June 27, 2003

Attention: Coen Couwenberg, P.E.

Re: Purchase of Alessandro Arroyo Property

Dear Coen:

Just a note to let you know that we are pursuing vigorously the purchase of the Prenda reservoir property. As you know, the Agency agreed to sell the property to Dr. Hong Per letter received in 1996. Based on that information, a map was pursued and a tentative was received (T.M.28728). In the beginning of 2003, a meeting was held with yourself and the now new director of the Flood Control that restated the sale of the property would be made to Dr. Hong to satisfy the conditions of the Map.

At the 2003 meeting, it was agreed that an appraisal would be needed that would set the price, less any benefits that we would provide to the flood control regarding access for future maintenance.

As you know, we have waited sometime for an answer from Flood Control about the actual ability to deliver the property. In the mean time our map will expire on July 21, 2003. We will be require to file and get a new number and have a new public hearing. This process will take approximately 90 days. We would hope that we could pursue and finalize a purchase within that time frame. We realize that the Flood Control process is controlled by the Board of Supervisors and that after a deal is struck regarding terms and conditions that it must be approved by the Board.

If you could let me know what we need to do to move this process forward please let me know as soon as possible.

So that there is no confusion, I have entered into a joint venture with Dr. Hong that is called Sanda-Guthrie LLC. That is the entity that will be purchasing the property.

Thanks so much for your time and consideration regarding this matter.

Jim Guthrie

April 6, 2004

Stephen C. Thomas, P.E. - Chief of Operations
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501

Dear Steve:

This letter is to confirm the details of my telephone conversation with you and Councilman Frank Schiavone on Friday, April 2, 2004.

It is understood that you have no objection to our going forward with the public hearing on the 16 acre property that is adjacent to the Alessandro Wash. We fully understand that there is an on-going negotiation to purchase the property owned by Riverside County Flood Control. We may not be successful in a final purchase; but, Riverside County Flood Control has agreed, in a prior letter, to sell the 16 acres under certain circumstances which have yet to materialize.

It is also our understanding that unless a written response is received from Riverside County Flood Control stating that they do not want to go forward with the public hearing including their property, we will assume that they have no objection. The meeting set for April 8th will then be postponed until April 22, 2004.

We appreciate the time and effort that you contributed to this issue. It is my intent to continue to move forward with the purchase this property as expeditiously as possible. Thank you again for your continued cooperation.

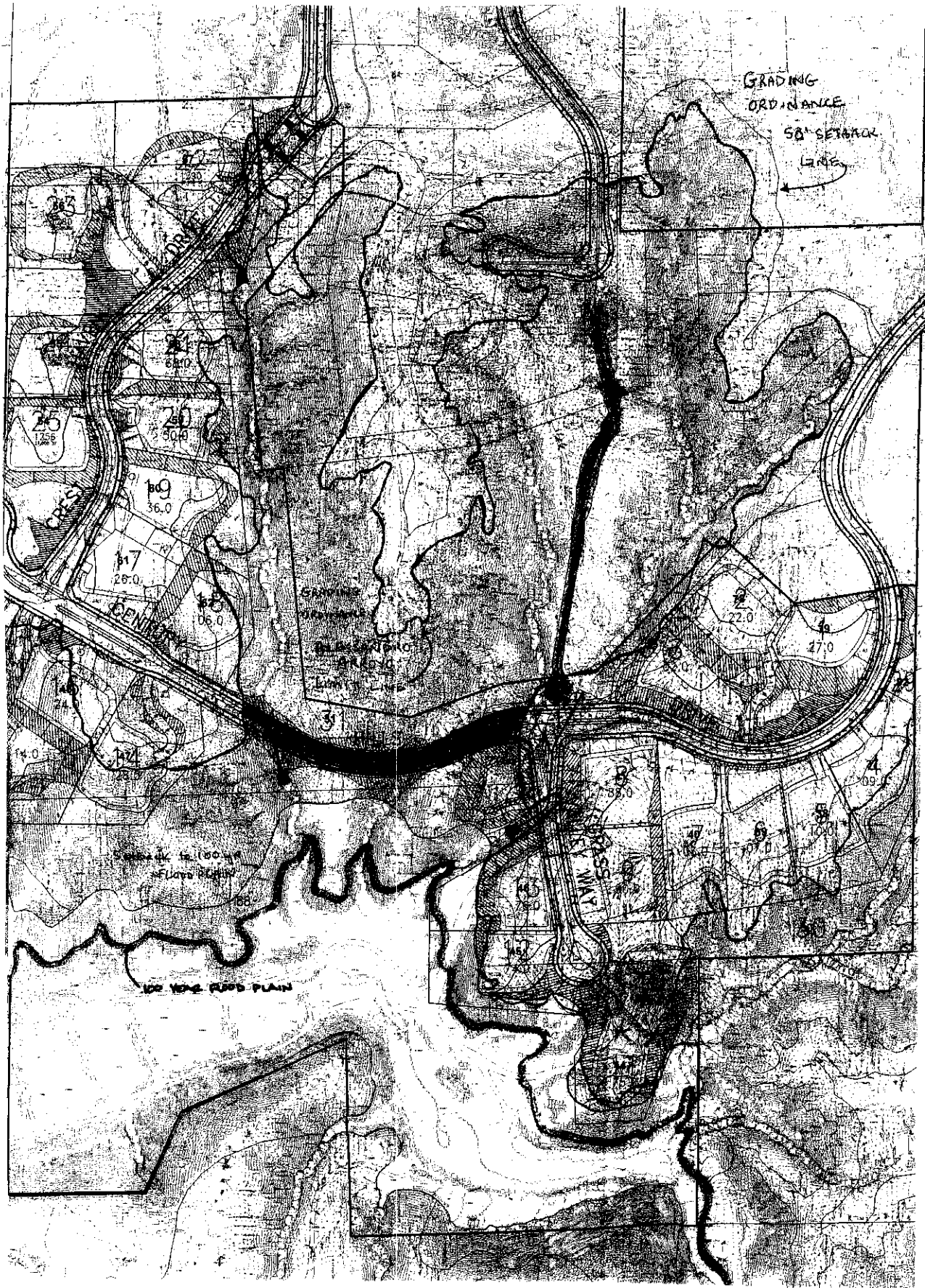
Respectfully,
SANDA-GUTHRIE L.L.C.

Jim Guthrie
Partner

JDG:dg

ATTACHMENT C

VICINITY MAP



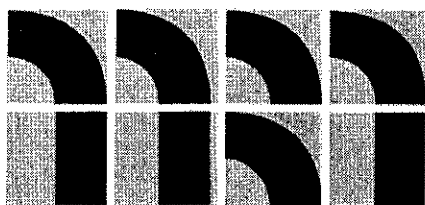
GRADING
ORDINANCE
50' SETBACK
LINE

CANYON
DRAINAGE

FOR NEW ROAD PLAN

ATTACHMENT D
BIOLOGICAL LISTING STATUS

- Dated September 16, 2004, from Michael Brandman Associates



Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

September 16, 2004

Ms. Alicen Clark Wong
Gresham, Savage, Nolan & Tilden
550 East Hospitality Lane, Suite 300
San Bernardino, CA 92408-4205

Subject: Listing Status for Orange-Throated Whiptail and San Diego Black-Tailed Jackrabbit

Dear Ms. Alicen Clark Wong:

Michael Brandman Associates (MBA) is pleased to submit this letter report addressing the listing status for orange-throated whiptail (*Aspidoscelis hyperythra*) and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), in accordance with special recognition granted by federal, state, or local resource agencies or organizations.

Status for Orange-Throated Whiptail and San Diego Black-Tailed Jackrabbit

Orange-throated whiptail and San Diego black-tailed jackrabbit are both listed as Species of Concern by the California Department of Fish and Game (CDFG). These two species are not federally or state listed as endangered, threatened, or rare. A California Species of Concern is an informal designation used by CDFG for declining wildlife species that are not protected by the Endangered Species Act, but are recognized as sensitive by CDFG. Under the California Environmental Quality Act (CEQA), these species require project-by-project evaluation to determine if the proposed project impacts will significantly affect the local and/or regional populations.

It is the goal and responsibility of the Department of Fish and Game to maintain viable populations of all native species. To this end, the Department has designated certain vertebrate species as "Species of Special Concern" because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as "Species of Special Concern" is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long term viability. Not all "Species of Special Concern" have declined equally; some species may be just starting to decline, while others may have already reached the point where they meet the criteria for listing as a "Threatened" or "Endangered" species under the State and/or Federal Endangered Species Acts.

220 Commerce, Suite 200, Irvine, CA 92602 714.508.4100 FAX 714.508.4110
Inland Empire Kern County Bay Area
909.856.2255 661.334.2755 925.830.2753
www.brandman.com email: mba@brandman.com

Ms. Alicen Clark Wong
Gresham, Savage, Nolan & Tilden
September 16, 2004
Page 2

If you have any questions regarding this report, please contact me at 714.508.4100.

Sincerely,

MICHAEL BRANDMAN ASSOCIATES

A handwritten signature in black ink, appearing to read 'Scott A. Crawford', written over the company name.

Scott A. Crawford, M.A
Senior Project Manager

KO:SAC:ji
H:\Client (PN-JN)\2488\24880004\24880004 - letter.doc

ATTACHMENT E
BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) Selection Criteria

- **Project Characteristics:** The final phase of the Tract 28728 consists of a residential area of 25 lots with an average lot size of 1 acre and some undeveloped area. This will be an exclusive neighborhood of large homes and private streets well maintained by homeowners' association. Grounds surrounding the homes will be well landscaped and maintained. For the purpose of this study, the project was divided into two main areas.
- **Area A** is in the North-West part of the project. It is bounded by "A" Street to the West and phase 1 to the North. Area A encompasses a drainage area of approximately 18.7 acres. It mainly consists of a natural wash just south of phase 2 of this tract. Flows from 4.4-acre area of phase 2, enter this natural wash. This flow is discharged through a 24-inch pipe under Century Hills Drive to continue down the natural wash. Except for discharge from 154-foot long section of street "A" the site is undeveloped. The discharge flow rates will be equal to or less than the existing discharge flow rates resulting from the undeveloped site.
- **Area B** includes large home sites of 1-acre. Area B encompasses a drainage area of approximately 49.6 acres. Flows from this area are routed through a filtration basin just West of "B" Street and South of Century Hill Drive and into the natural wash just south of Century Hill Drive. The discharge flow rates will be equal to or less than the existing discharge flow rates resulting from the undeveloped site. Off-site flows from the undeveloped area, just West of "A" street are assumed to be developed area with 1-acre lot size.
- **Site Factors**
 - **Slopes:** The natural flows are essentially North-South directions. Average slopes are less than three percent
 - **Water Table:** In this part of Riverside County the water table is generally low.
 - **Soils Permeability:** Soil survey for Western Riverside Area California¹ and Hydrology Manual prepared by Riverside County Flood Control and Water Conservation District were used to determine the soil type in the area. Types of soil in the area are BdC, MmC2, FbC2 FcD2, and FcF2¹. Please see attachment 1. It is a mixture of sandy loam, sandy clay loam, weathered granite, indurated hardpan, loam, clay and tonalite. This type of soil is ideally suited for infiltration BMPs such as infiltration basins. With this type of soil, the basins will drain in less than 48 hours. This will prevent the water from stagnating and preserve storage capacity for subsequent rain events.
 - **Proximity to Wells:** No drinking water wells are known to be present less than 500 feet from all site boundaries.

- Climatic Regions: Riverside County has Mediterranean type of climate with long dry season. Rains usually fall in winter and can be quite heavy at time. Generally rainfall is low. Thus wet ponds are not suitable BMP for this area as they would require some continuous flow (dry weather source) to keep them from stagnating or developing odor and mosquito problems. Provision of the continuous flow of water is also economically not feasible, as the site is located in semi-arid region where cost of water is high.
- Maximum Depth: Infiltration BMPs are suitable as the type of soil in the area provides optimal pollutant removal condition. Basins are designed so that water drains out (infiltrates) in less than 48 hours.
- Landscape Enhancement: The infiltration basin will be visually attractive and during some periods can serve as a park like area. Given the typical rainfall pattern in Riverside County, this open area should be available for recreational use most of the year.
- Pollutant Removal Capability. This final phase consists of homes with large lot size in an exclusive area. Home-owners' association will be maintaining streets and common areas within the community. Trash and debris are not expected to be strewn about the ground. Thus it is not necessary to provide inlet trash rack to the drainage system. All facilities will be used daily and maintenance will be continuous. The floors and side slopes of the infiltration basins will be planted, irrigated and maintained to promote a dense turf with an extensive root growth in order to enhance infiltration, prevent erosion and consequent sedimentation of the basin floor, and to prevent invasive weed growth. Through the maintenance program the vegetation growth will not be allowed to exceed 18 inches in height in the infiltration basins.
- Contributing Watershed Area: Off-site flows from phase 1 and 2 enter the project in undeveloped natural wash and continue through the same wash through a RCP under Century Hill Drive.
- Environmental Impact and Enhancement:
 - Low Flow Maintenance: Infiltration BMPs, which are selected for this site, can contribute significantly to groundwater recharge and may be able to help the watershed better mimic its predevelopment hydrologic behavior.
 - Habitat Creation: The discharge flow rates will be equal to or less than the existing discharge flow rates resulting from the undeveloped site.
- Conclusion: Infiltration BMPs is selected for this site. BMPs was designed to mitigate storm water runoff from the 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area. The calculations and references for each areas are detailed in the attachment that follows. The infiltration

basin is located "off-line" from the primary conveyance system; that is flows in excess of the water quality design flow rate bypass the infiltration basin.

ⁱ Soil Survey Western Riverside Area California Prepared by United States Department of Agriculture, Soil Conservation Service, United States Department of the Interior Bureau of Indian Affairs, and University of California Agricultural Experiment Station. Issued November 1971.

EXHIBIT F
SURROUNDING PROPERTIES



Neighbors' properties who have objected to lot 53

Location of tee area on lot 60 and putting green on lot 53

SITE PHOTOGRAPHS

TRACT MAP 31930



Beginning of Cresthaven
(12702)



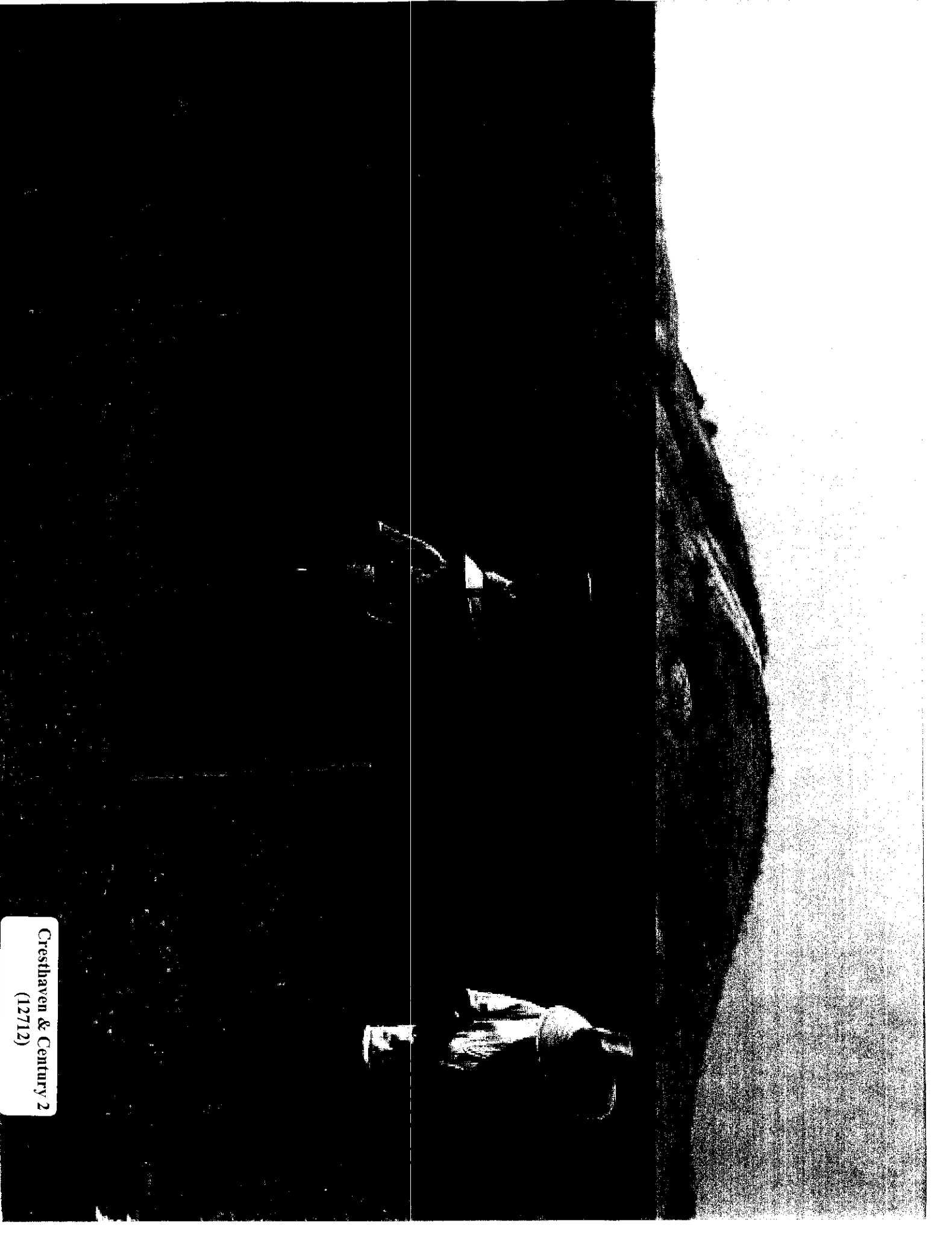
Cresthaven 1



Cresthaven 2
(12716)



Cresthaven & Century I
(12712)



Cresthaven & Century 2
(12712)



Cresthaven & Century 3
(12717)

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Century Hills Drive at Grass Valley Way
(12717)



View of Sewer Line Extension Area
(12729)



Lot 50-a



Neighbor's putting green
on our property
Lot 50

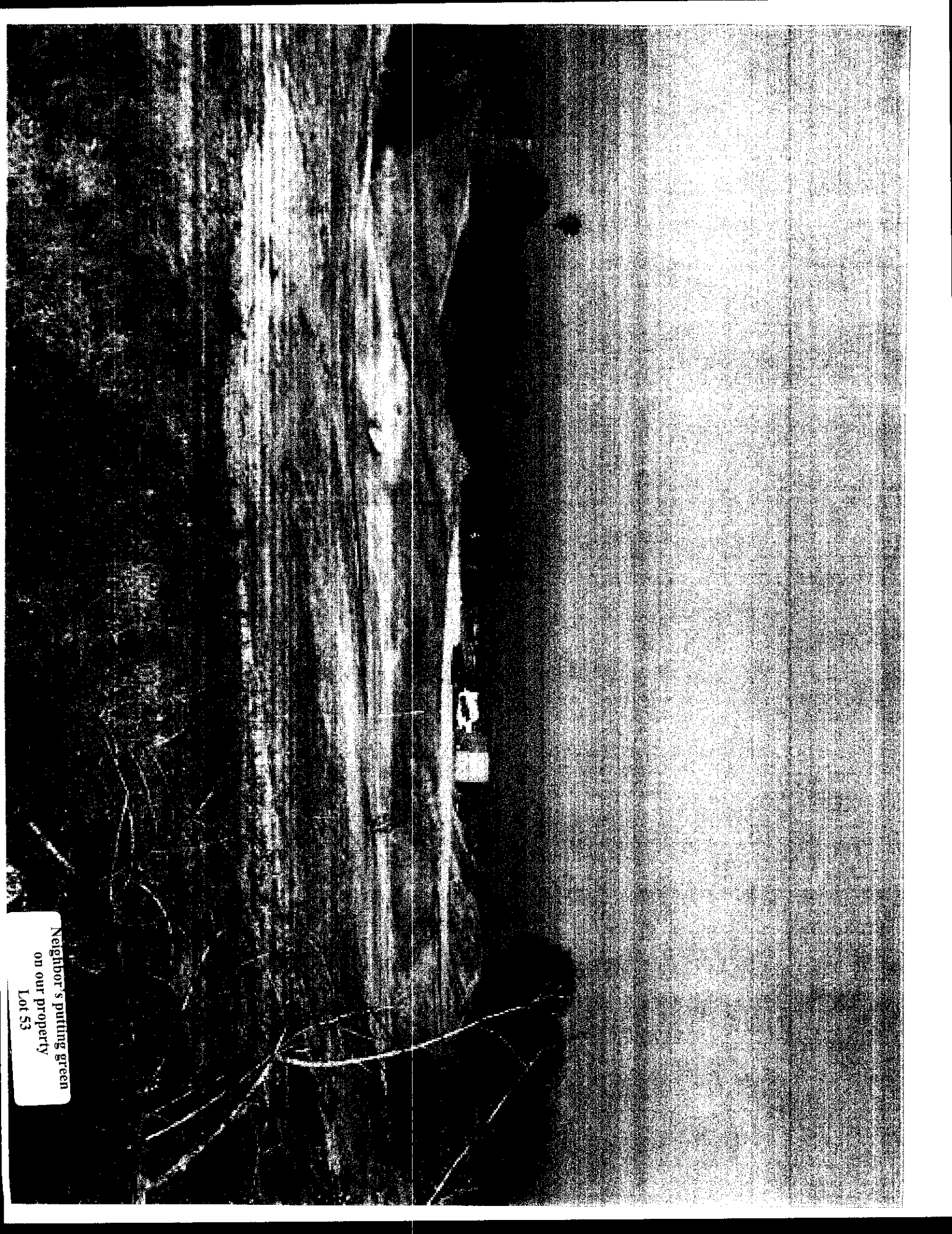
Lot 53-a



Lot 53-b

1000

Neighbor's putting green
on our property
Lot 53





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Lot 60-View
(12732)



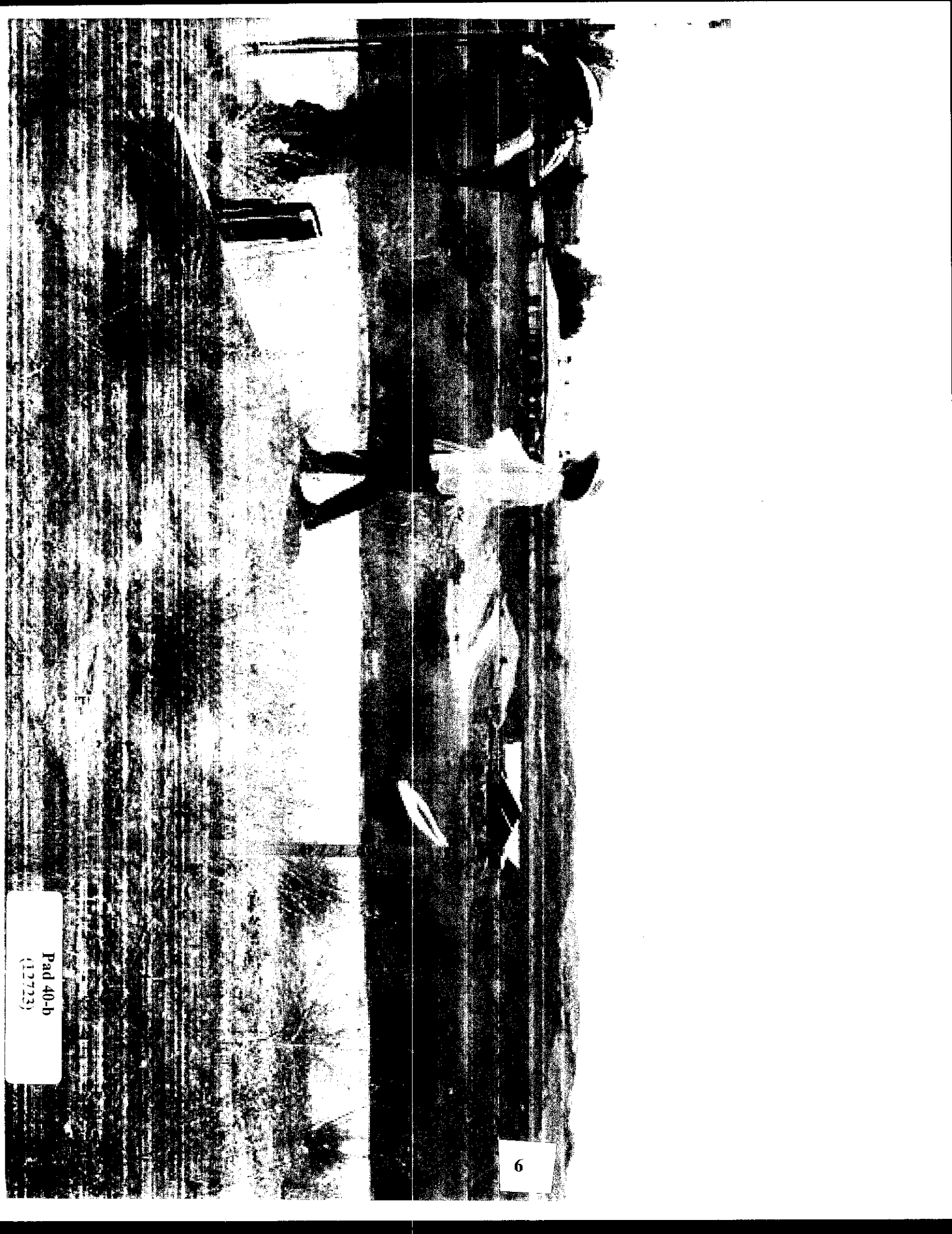
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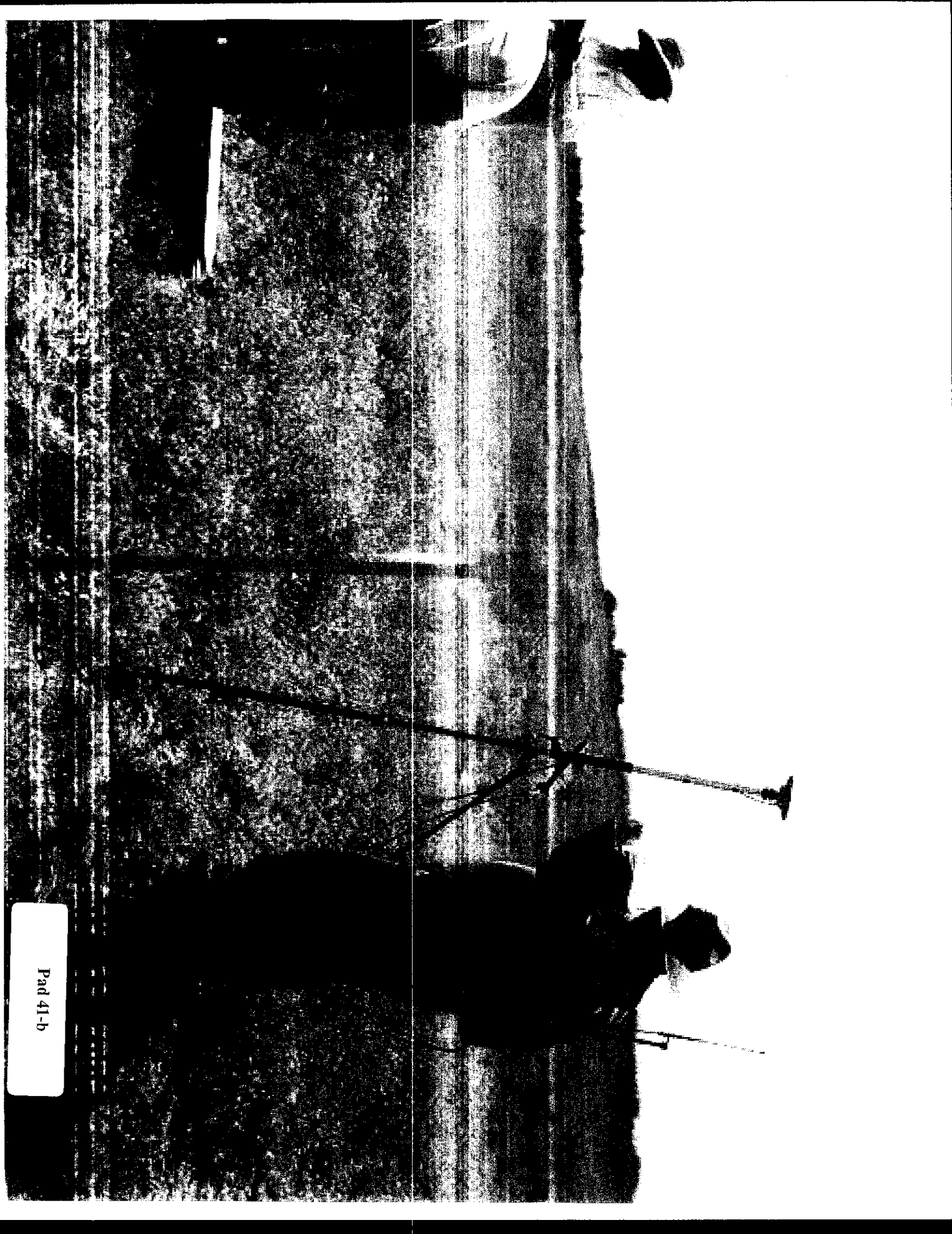
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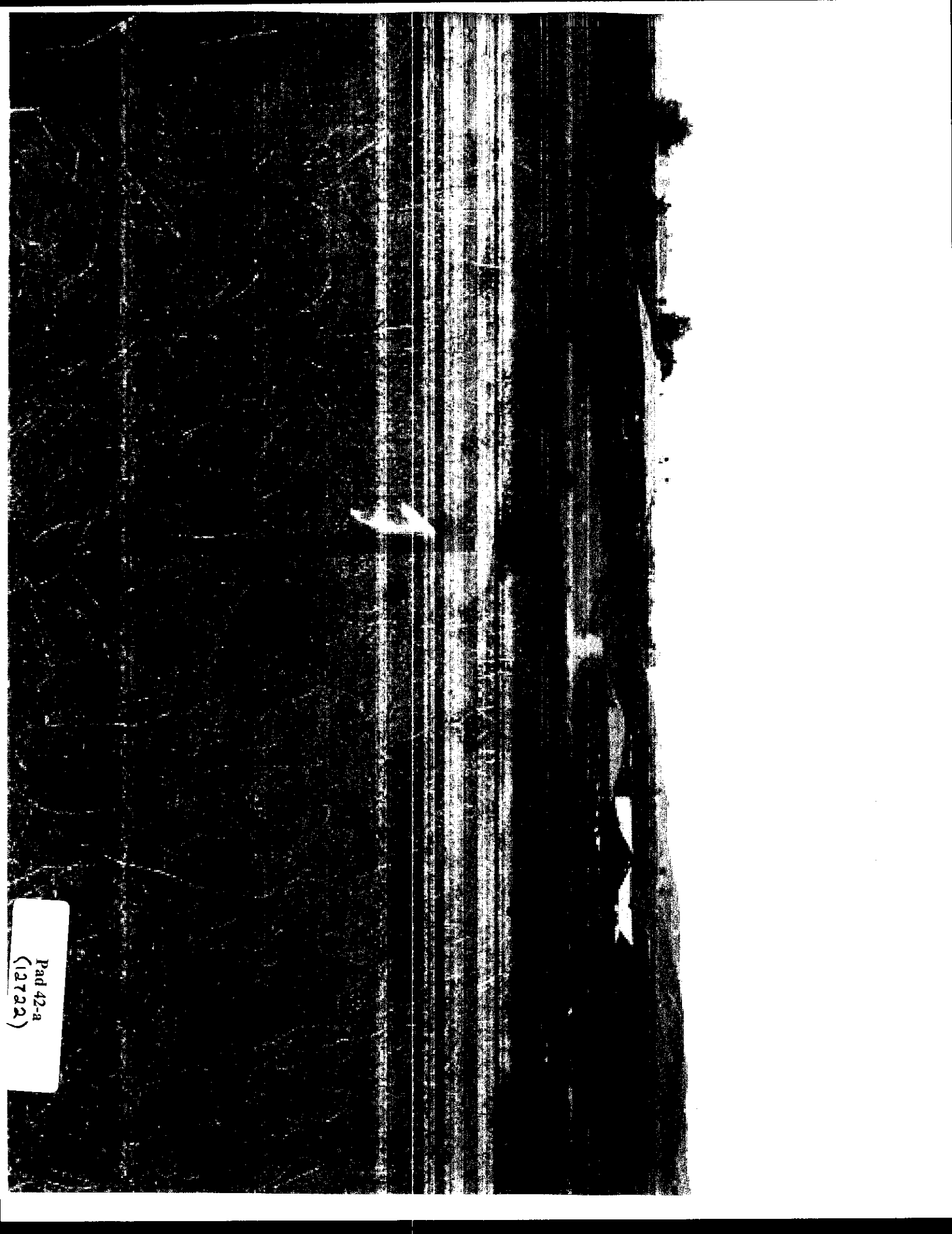
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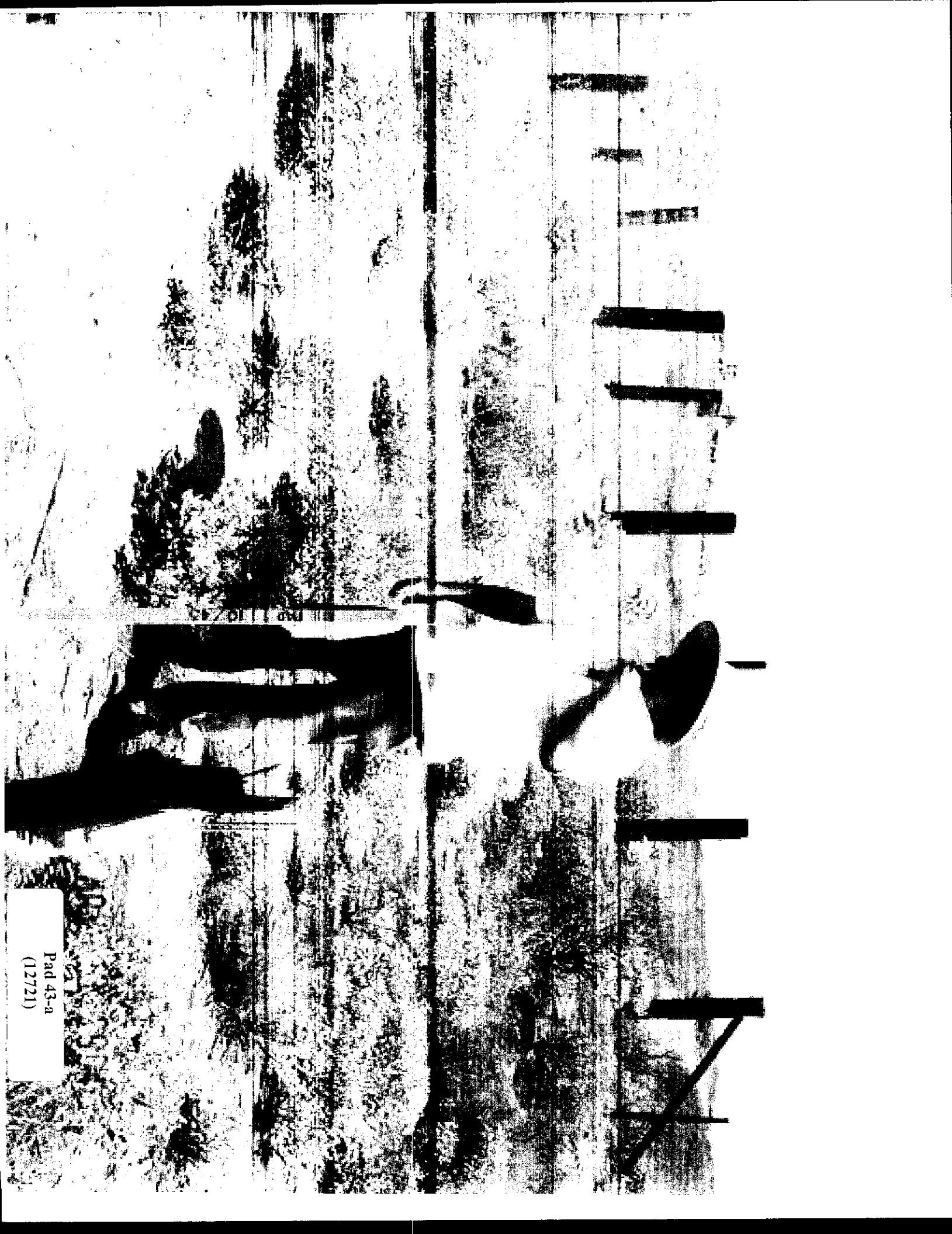


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(12721)



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