



CITY OF RIVERSIDE

City Council Memorandum



HONORABLE MAYOR AND CITY COUNCIL

DATE: September 28, 2004

ITEM NO.: 12

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

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

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

BACKGROUND:

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

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

ATTACHMENT I

12-1

5-140

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

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

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

ANALYSIS:

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

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

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

ALTERNATIVES:

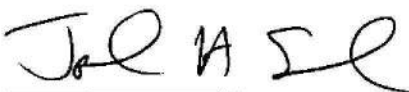
The City Council could act favorably upon any of the pending appeals. Should the City Council wish to approve the applicant's appeal and approve revised PRD Case P03-1548, recommended conditions of approval are attached to the Planning Commission staff report. If the City Council feels that this matter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

RECOMMENDATION

That the City Council:

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

Prepared by:

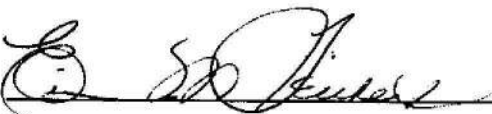


John A. Swiecki
Principal Planner

Approved by:

Thomas P. Evans
Interim City Manager

Approved as to form:



Gregory P. Priamos
City Attorney

Concurs with:



Ken Gutierrez
Planning Director

ATTACHMENTS

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

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



TO CITY COUNCIL

APPEAL

WARD 4

Date: August 30, 2004

Applicant & Legal Owner

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

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

A handwritten signature in black ink, appearing to read "J. Hall", written over the printed name of Yang-Chang Hong.

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

Appeal Date: September 3, 2004

Denied: P04-1548

Appeal Fee: \$825.00

Continued to:

Expiration Date: February 19, 2007

Conditions Attached

Transmittal Date: August 30, 2004

To: City Council

Appeal (written appeal attached)

Planning Commission approved rezoning to: _____

Mandatory City Council Hearing

For City Council Consent Calendar

Planning Staff recommended: approval

For City Council Discussion Calendar

12-4

5-143

Planning Commission Vote: P03-1451

Ayes: 8 Noes: 0 Abstentions: 0

Planning Commission Vote: P03-1548

Ayes: 7 Noes: 1 Abstentions: 0

Planning Commission Vote: P04-0260

Ayes: 8 Noes: 0 Abstentions: 0

Environmental Finding

None Required No determination made

Determination made by City Planning Commission

Environmental Impact Report Required

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

c: Rob Van Zanten - Public Works Dept.

APPROVED CONDITIONS

P04-0260 (Rezoning)

PLANNING COMMISSION HEARING DATE: August 19, 2004

CONDITIONS

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

Standard Conditions

● **Planning**

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

GENERAL INFORMATION NOTES

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

APPROVED CONDITIONS

Case Number: P03-1451 (TM 31930)

Meeting Date: August 19, 2004

CONDITIONS

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

Case Specific

● **Planning**

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

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

Prior to Map Recordation

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

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

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

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

Prior to Grading Permit Issuance

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

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

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

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

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

Prior to Building Permit Issuance

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

Standard Conditions

● **Planning**

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

● **Public Works**

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

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

● **Fire Department**

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

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

● **Public Utilities**

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

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

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

● **Park and Recreation**

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

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

GENERAL INFORMATION NOTES

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

August 30, 2004

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

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

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

Dear Honorable Mayor and City Council,

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

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

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

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

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

The Planning Commission Meeting, August 19, 2004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,


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


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

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

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September 2, 2004

HAND DELIVERED

Ms. Clara Miramontes
3900 Main Street
Riverside, California 92522

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

Dear Clara:

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

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

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

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

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

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

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

A. Schools:

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

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

B. Shopping:

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

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

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

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

C. Public Facilities:

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

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

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

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

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

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

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

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

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

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

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

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

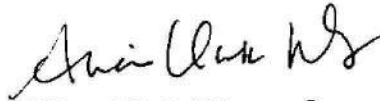
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5. *The project contains varied building elevations exhibiting excellence of design that complement each other and the surrounding area.*

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

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

Very truly yours,



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

Enclosures



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

12-27
5-166

5-167

12-28

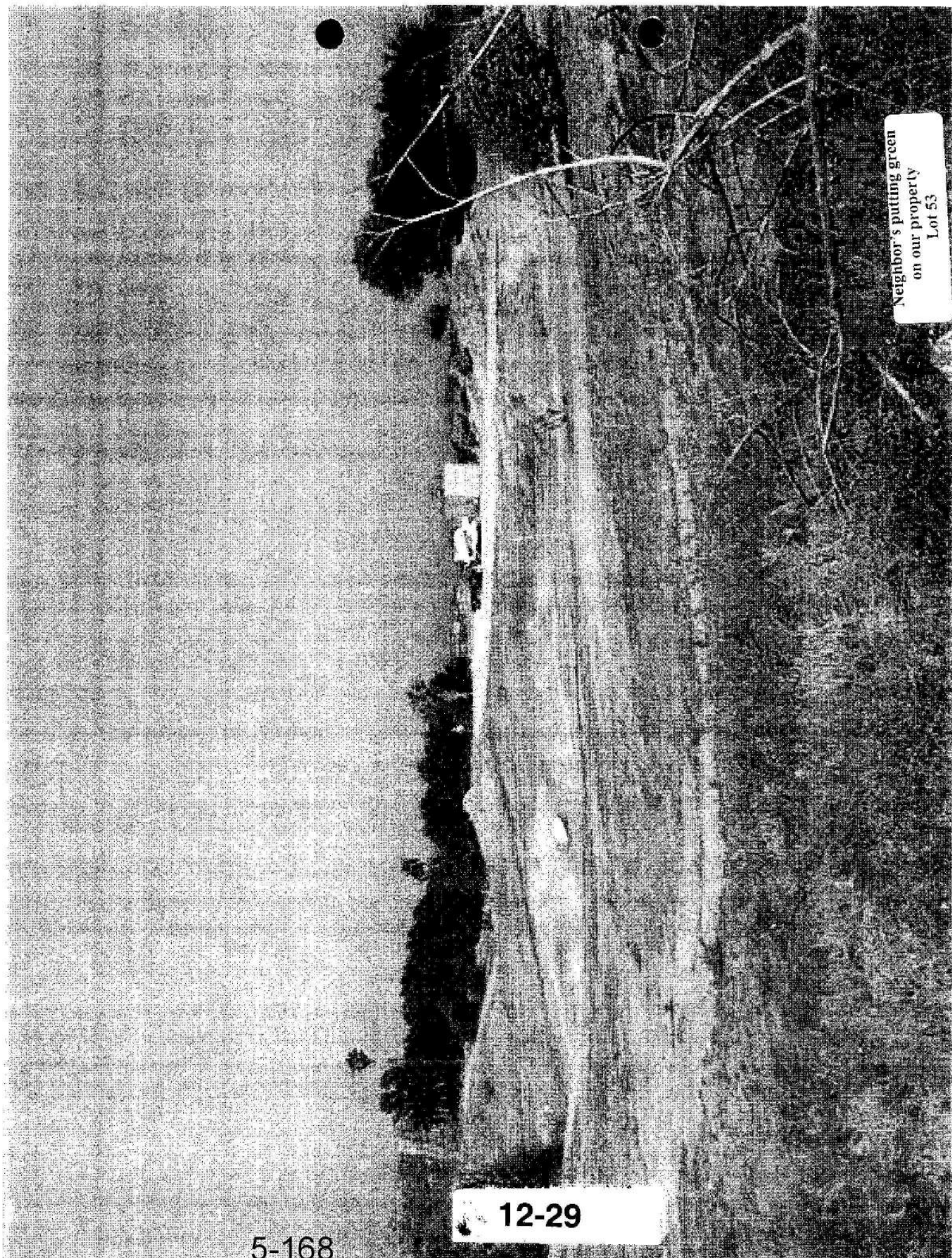
Pad 60-view
(12732)

12-28

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Neighbor's putting green
on our property
Lot 53



Pad 53-a

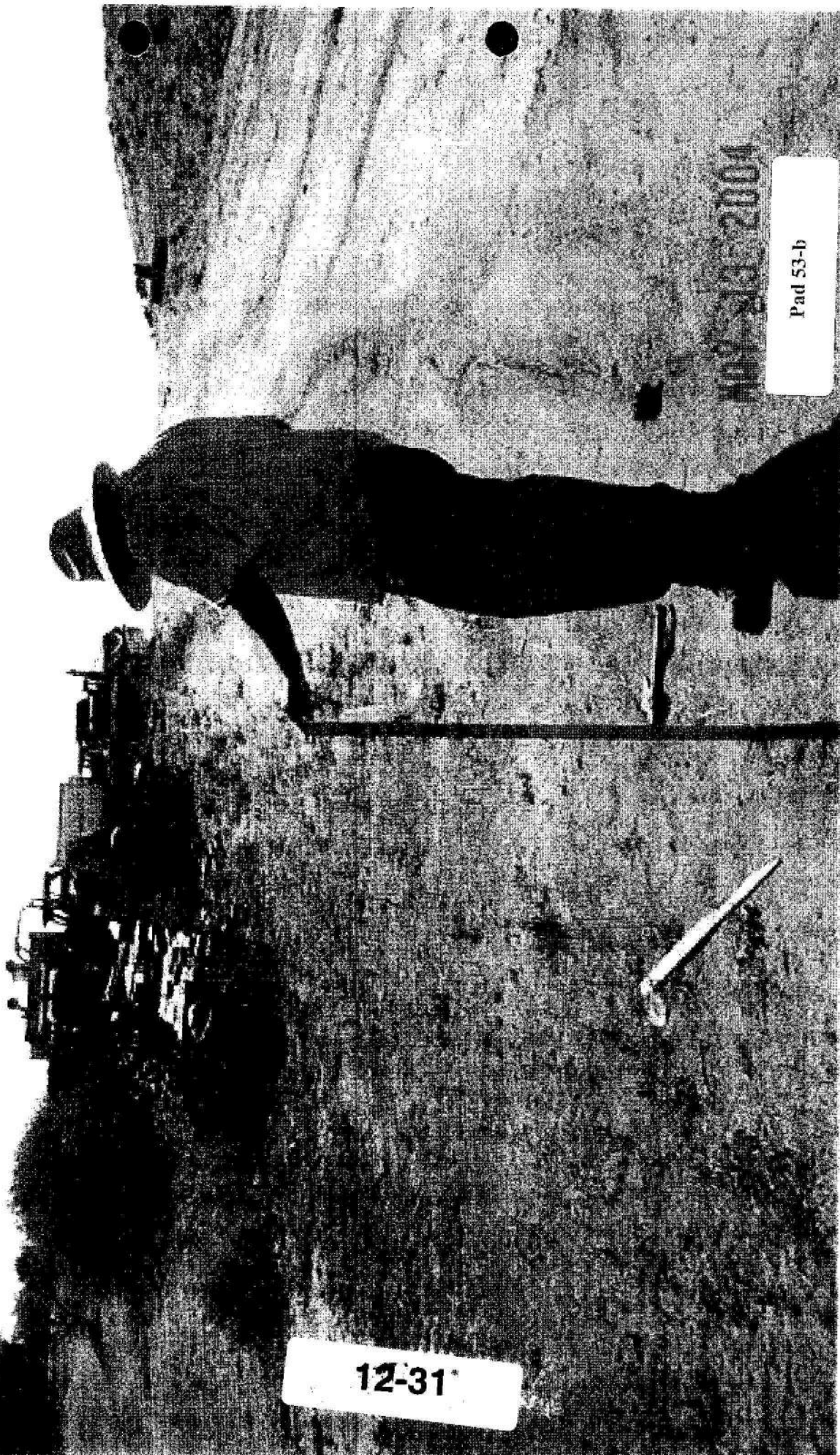
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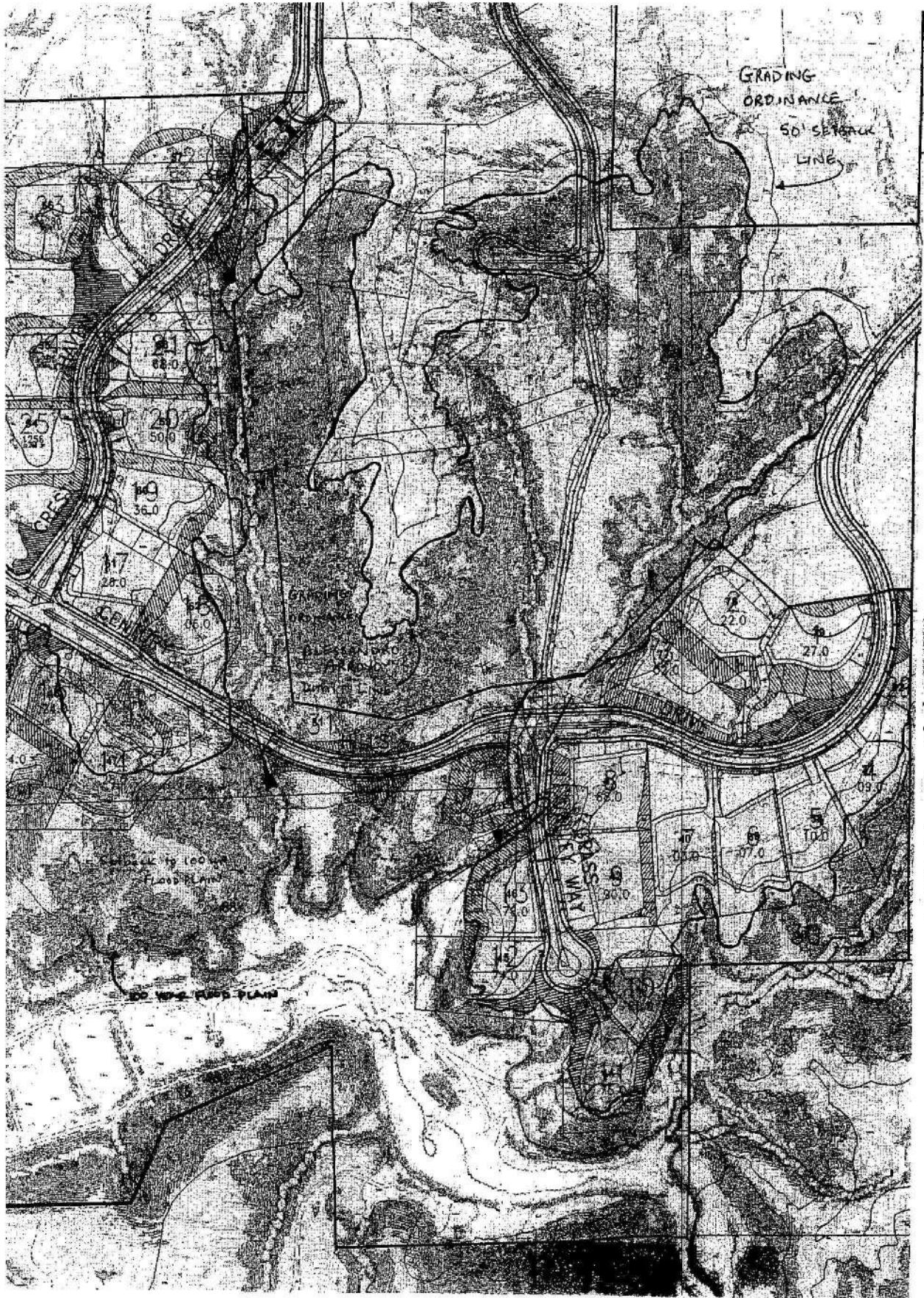
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Pad 53-b

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**TOPOGRAPHIC MAP
TM 31930**

Legend:

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

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