



## HOMEOWNERS ASSOCIATION

### **Rio Del Sol Update**

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**Montage at Mission Hills Homeowners Association  
Scott Reese, Chair, Montecito Ad Hoc Committee Chair**

Montage Neighbors –

Please excuse the delay in distribution of this update and the length of the update. There is a lot of information and Analysis to share.

### **May 2022 Builder Bulletin**

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Attached for your review is the May 2022 Rio Del Sol bulletin for Montage, Aldea at the Vistas (Aldea) and Rancho Village (Rancho) residents provided by the Holt/GHA collaboration current building homes in the Montecito and Palazzo Communities within Rio Del Sol. The bulletin is being produced monthly at the request of our three HOA's (M A R) to provide an update on development progress.

This bulletin contains important preliminary engineering information relating to the construction and conceptual design of the block wall that will be constructed along the property line to separate Montecito homes from homes in Montage and Aldea ATV. The information conceptually diagrams the different elevations (current ground level on both sides of the wall, the current wall elevation (height), proposed wall elevation (height), current Montage and Aldea ATV home floor elevations, etc.) that together begin to provide a mental picture of the potential visual impacts associated with the proposed homes contiguous to the Montage and Aldea. The impacts are believed to be quite significant. The PDF's of engineering information can be enlarged up to 800% larger using Adobe Acrobat which makes them far easier to read. I recommend you open the PDF's and view the information at a magnified scale on your computer to better understand the concepts.

Also included are a series of diagrams I have prepared based upon an overlay of Google Earth aerial photography and the Montecito, Palazzo and Espana neighborhood plot plans provided by the builder/developer. These diagrams show the location of the Rio Del Sol lots and building pads in relation to Montage homes. These diagrams should help provide some further clarification of remanent viewsheds (mountain views between new homes) at the completion of construction.

Based upon the information provided it is possible to derive some important facts to understand are as follows: (Note: The impact to each MAR home will vary from home to home, :

- New Montecito home building floor pads range from approximately 2.5 to 4.0 feet above Montage floor pads.
- New Montecito home property walls range from approximately 2.5 to 4.0 feet higher than Montage property walls.
- New Montecito home roof ridgelines range from approximately 16 to 23 feet above Montage home floor pads.
- New Montecito home roof ridgelines range from approximately 10.5 to 17.5 feet above a person of five feet ten inches in height.

- New Montecito home footings range from approximately 28 to 50 feet from Montage pads
- New Montecito home footings range from approximately 7 to 15 feet from rear yard wall
- New Montecito home locations will block approximately 75% to 100% of contiguous Montage mountain views.
- New Montecito homes are separated by easements that range from approximately 5 to 8 feet providing some potentially very narrow view preservation for some Montage homes.

Here are some additional facts:

- All twenty-five homes in the combined Montecito and Palazzo communities are under construction (see photos that follow).
- Models are projected to be open in late July.
- There has been no change in RDS marketing website.
- There has been no mention of projected home prices.

### **Montecito and Palazzo Communities Home Construction Continues a Rapid Pace**

Construction on all 25 of the permitted homes in the Montecito and Palazzo neighborhoods is moving along simultaneously and quickly. Last reports are that models were to be completed by late July. Based upon the current progress it appears that the builder will likely make that deadline and that the remaining homes in the first phase of permits will likely be completed between July and September.



Palazzo Model Homes and Sales Office Under Construction (Taken May 17)



## **Rio Del Sol Home Sales Website**

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The Rio Del Sol homes sales website operated by GHA builders remains static after two months. No information, just a sign-up form to receive information when it is available. I encourage you to sign-up so that you will receive information from the builder about home design, pricing, phasing and availability as soon as it is available. The website address is <https://ghariodelsol.com>.

## **Solar Shade Act**

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The Solar Shade Act was put into law in 1978 by AB 2321 and provides limited protection to solar energy system owners from the shading of their solar panels caused by trees or tall shrubs planted on adjacent properties. The law prohibits a property owner from allowing their trees or shrubs to shade an existing solar energy system installed on their neighbor's property, if the trees and shrubs were planted after the solar panels were installed.

The Cathedral City has never adopted a City solar shade or access ordinance. We have requested the developer place a solar access easement over the entire development to assure both new residents and contiguous residents solar right are protected. The developer has never responded to the request. Therefore the enforcement of the Solar Shade Act is a civil matter that must be pursued by the complainant by filing a lawsuit in a court of competent jurisdiction. The state provides noticing requirements to begin the process. For more information see [Public Resources Code §§25980-25986](#).

The reason this is important is that Montecito Homes have been designed with solar collector locations on the south facing part of their roofs. Many of the models also have advantageous east facing roof elements. Montecito homes have perfect solar orientation with 34-degree angles to their roof planes. Because of the shallow Montecito back yards, it is possible that Montage trees could shade Montecito home roofs, even with the additional height of Montecito roof lines.

Should you be considering planting a tree along your side or rear property line to screen new Montecito homes, now would be the best time to plant the tree. If a Montage owner plants a tree after Montecito homes install solar panels, Montage homeowners would be obliged to keep their trees and shrubs at a height which would not shade the Montecito home solar panels. This may impact the effectiveness of a tree planted for screening purposes.

## **Rio Del Sol HOA's Permit Vacation Rentals**

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It is apparent from vacation rental listing that current Rio Del Sol HOA Rules and Regulations allow for Short Term Vacation Rentals. Click on the following links to find some examples. [VBRO](#), [AirB&B](#) and [Palm Springs Vacation Rentals](#). However, recent revisions to City ordinances related to STVR, will preclude further STVR uses in Rio Del Sol beginning in January 2023. In the interim the city will no longer issue new permits for short-term rentals in single-family and multi-family residential zones, even when the property is located within an HOA. This does not preclude 30-day vacation rentals, which will still be permitted with the appropriate permitting from the City.

## **Rio Del Sol Public Open Space Converted to New Home Backyards**

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The builder is quietly working with the City to vacate previously designated park, open space and walkway areas within the remaining Rio Del Sol neighborhoods in favor of increasing the size of backyards for many of the new homes. The original RDS plans included walking paths and small open

space areas separating the rear lots of homes in the development to provide scenic walks, dog play areas and areas for children's play. These lands were to supplement the small back yard spaces and make up for the lack of front sidewalks within the development. When the City granted the developer request to reduce rear yard setbacks down from approximately 20' to 25' to a much smaller 5' to 7' to provide 16'-20' front yard driveways for off street parking, yards sizes were greatly reduced on many lots leaving little room for backyard amenities.

Having approval of the requested setback variance the developer is now requesting vacation of previously designated and city council approved park, open space and pathways so that land can be incorporated into the rear lots of new homes. How many homes will benefit from the conversion of open space is not yet known? It appears this action can be done administratively under PUD provisions with neither Planning Commission or City Council engagement and without public comment. This deferred action appears very strategic to avoid having to address the request publicly at the time of the request for the setback variance as a means to reduce concerns. Given the deficiency of parkland in Cathedral City, this seems unfortunate.

### **Wind and blowing dust**

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The builder is responsible to provide round the clock dust control. There were significant issues with blowing dust mid-May causing reported health, pool and solar panel related issues. Although the builder has not been very proactive in anticipating wind/dust relate issues from readily available weather forecasts, they have been relatively responsive to individual and HOA reporting.

Here are links to two weather / wind related information sources you can use to support your blowing dust report.

[Aldea at the Vistas](https://ambientweather.net/dashboard/1fbffaecad75b1dea5081c62ee355af9) – Ambient Weather network, hyper-local private weather station dashboard with precise localized wind information. Or paste this link into your browser:  
{<https://ambientweather.net/dashboard/1fbffaecad75b1dea5081c62ee355af9>}

[Weatherbug](https://www.weatherbug.com/weather-forecast/now/cathedral-city-ca-92234) – National weather reporting network with local reporting. Or paste this link into your browser: <https://www.weatherbug.com/weather-forecast/now/cathedral-city-ca-92234>

In the case of a dust related issue please use the following information to contact the developer, the city and the AQMD.

- Ricardo Linares – GHA Construction Manager [Linares-ricardo@ghacompanies.com](mailto:Linares-ricardo@ghacompanies.com) 760.275.4705 (Text, call or email) (Construction and Dust)
- Noel Humphrey – Developer Project Liaison - [noelhumphrey@live.com](mailto:noelhumphrey@live.com) 949.374.3525 (Text, call or email) (Construction and Dust)
- Silverio Sandoval- 760.851.4842 (Text or email) (Dust/Blowing Sand Only)
- Sandra Molina - Code Compliance/Development Manager [Molina, Sandra - \(760\) 202-2433](tel:7602022433) (Call or email)
- South Coast Air Quality District to report the problem 1-800-CUT-SMOG (1-800-288-7664) or through the [On-line Complaint System](#) (Dust/Blowing Sand Only)
- You can also get an City App to report the issue. More information can be found here. <https://www.cathedralcity.gov/services/code-compliance-division/gorequest-mobile-app>

## Construction Related Issues

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There have been reports of builder violation of authorized working hours on weekends particularly. The matter was reported to the City and by all accounts the City took the call seriously and responded to the complaint. We believe the builder received the message and we are not aware of any additional disturbance. Remember that the approved hours of construction change seasonally and have just shifted to 6:00 A.M. start time for the hot summer.

### Summer Construction Hours

May 1st through September 30th:

Monday – Friday: 6:00 A.M. to 7:00 P.M.

Saturday: 8:00 A.m. to 5:00 P.M.

Sunday: None

Government Code Holidays: No construction (Includes Memorial Day, Fourth of July, Labor Day)

Please report construction noise related complaints to the following:

- Ricardo Linares – GHA Construction Manager [Linares-ricardo@ghacompanies.com](mailto:Linares-ricardo@ghacompanies.com) 760.275.4705 (Text, call or email)
- Noel Humphrey – Developer Project Liaison - [noelhumphrey@live.com](mailto:noelhumphrey@live.com) 949.374.3525 (Text, call or email)
- Sandra Molina - Code Compliance/Development Manager [Molina, Sandra - \(760\) 202-2433](tel:(760)202-2433) (Call or email)
- Police None Emergency number (760) 770-0300

Please contact me should you have any additional RDS information to share or have any questions regarding the information presented.

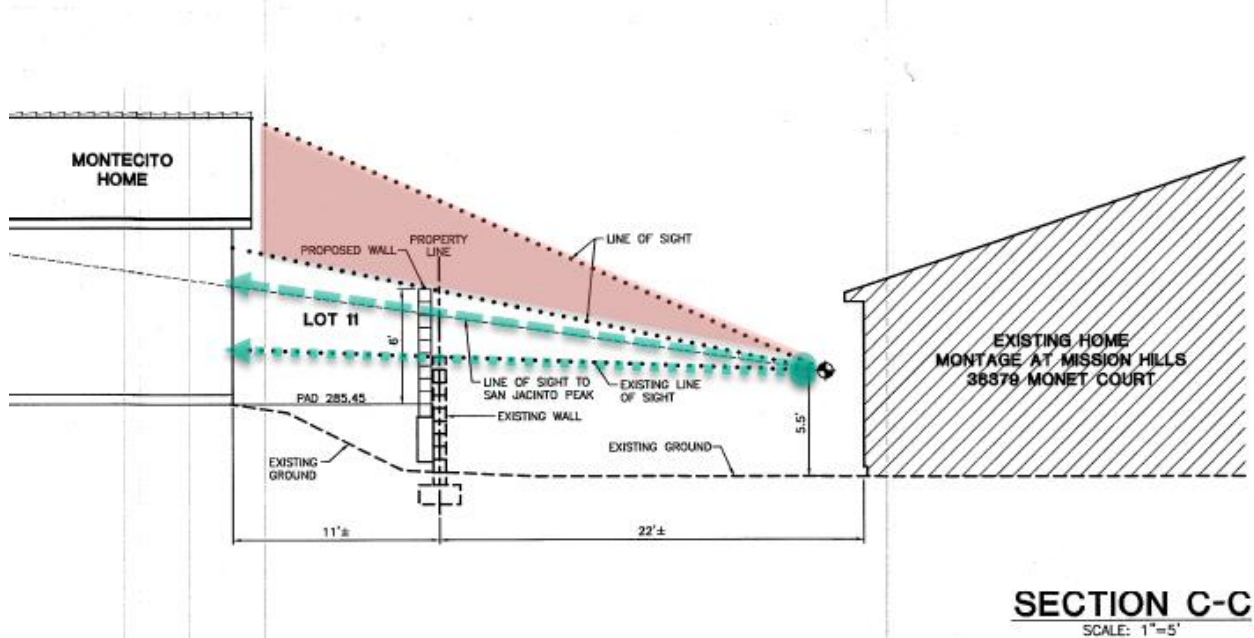
More below.



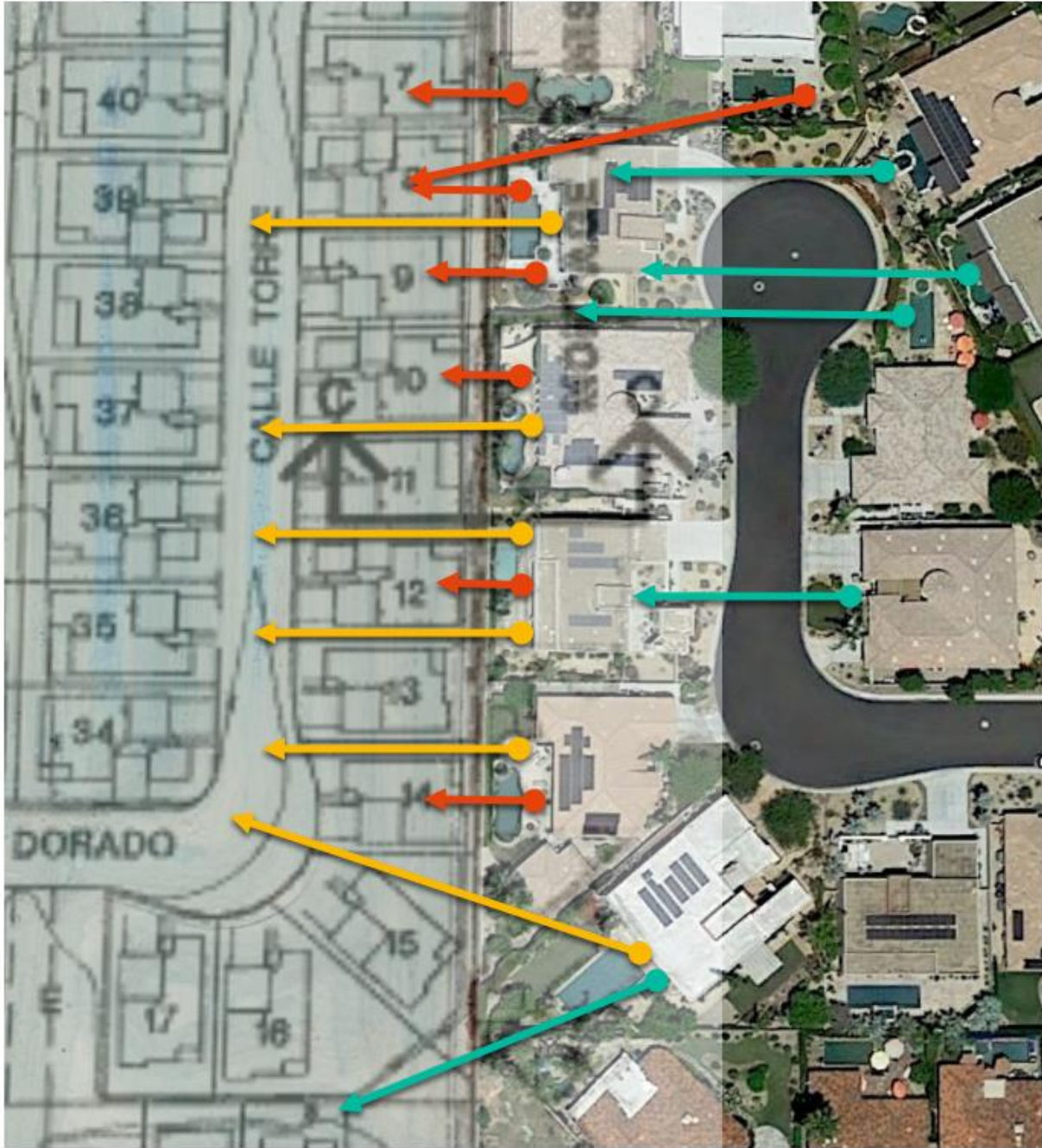
**Cross Section Analysis of Sight Line Impacts - (36347 Monet Court to Lot 11 Montecito)**



**Cross Section of Montecito to Montage Homes Demonstrating 100 % Sight Line Disruption**



# MONET & PICASSO COURT VIEWSHED ANALYSIS

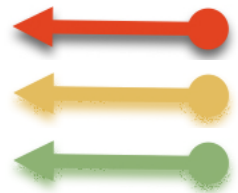


LEGEND (Round end of arrow represents viewing point. Point end represents direction of view)

OBSTRUCTED VIEW (home massing will block mountain views)

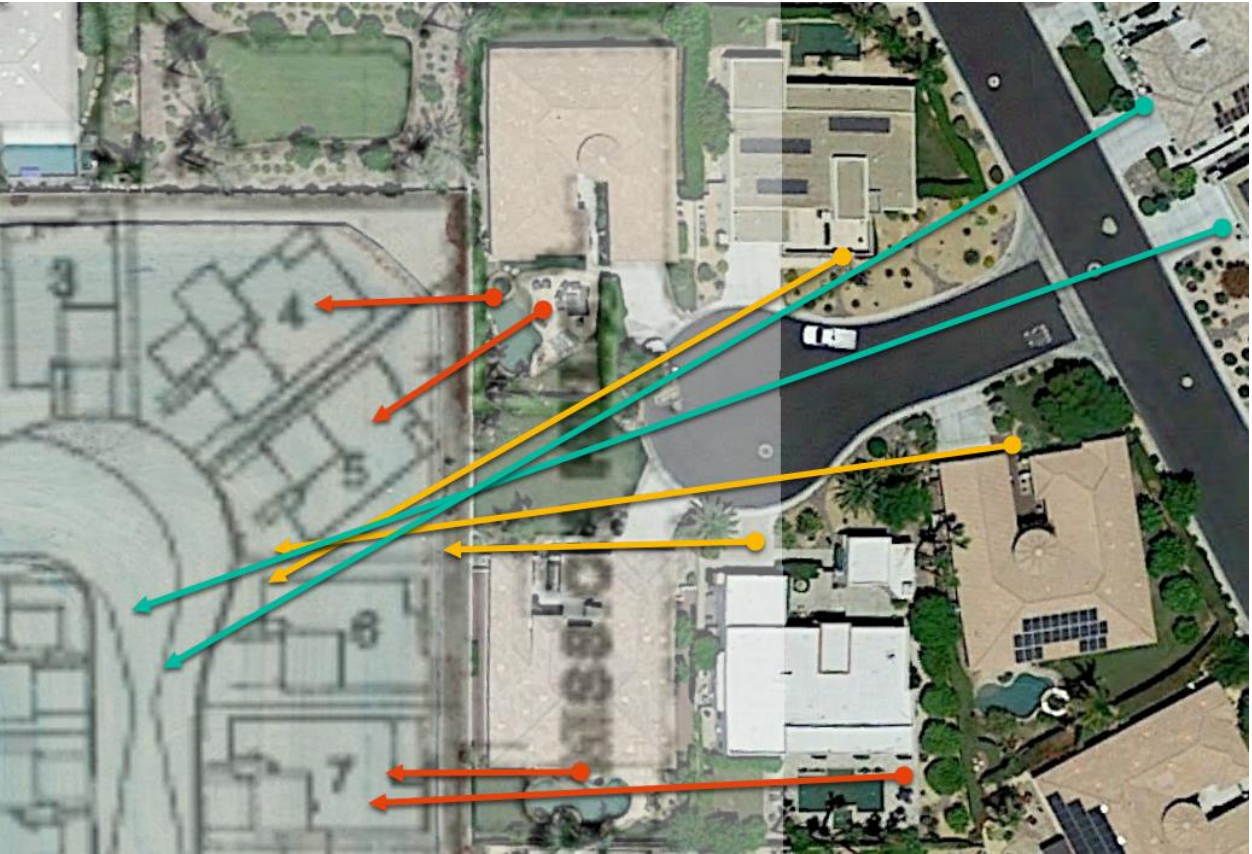
PICK A BOO VIEW (possible narrow mountain views over walls and between homes)

OPEN VIEWS (likely mountain views over walls and homes)





## PICASSO COURT VEIWSHED ANALYSIS



LEGEND (Round end of arrow represents viewing point. Point end represents direction of view)

OBSTRUCTED VIEW (home massing will block mountain views)



PICK A BOO VIEW (possible narrow mountain views over walls and between homes)

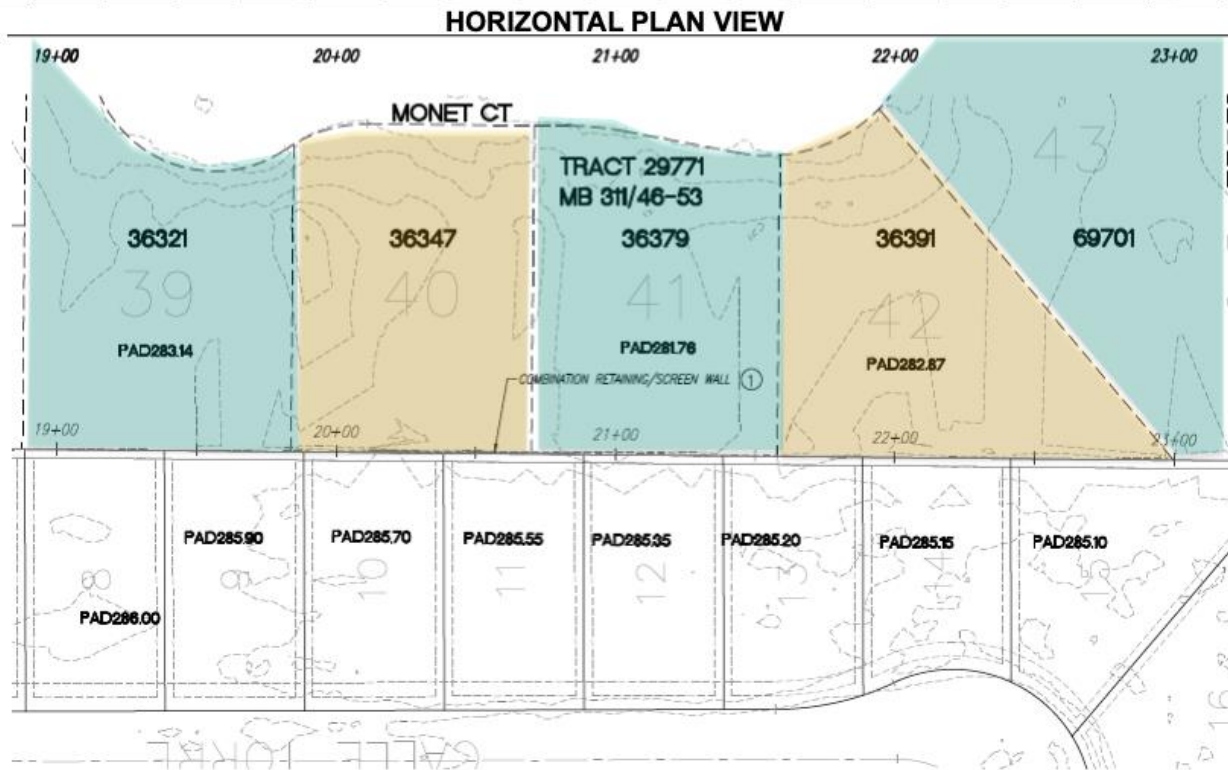
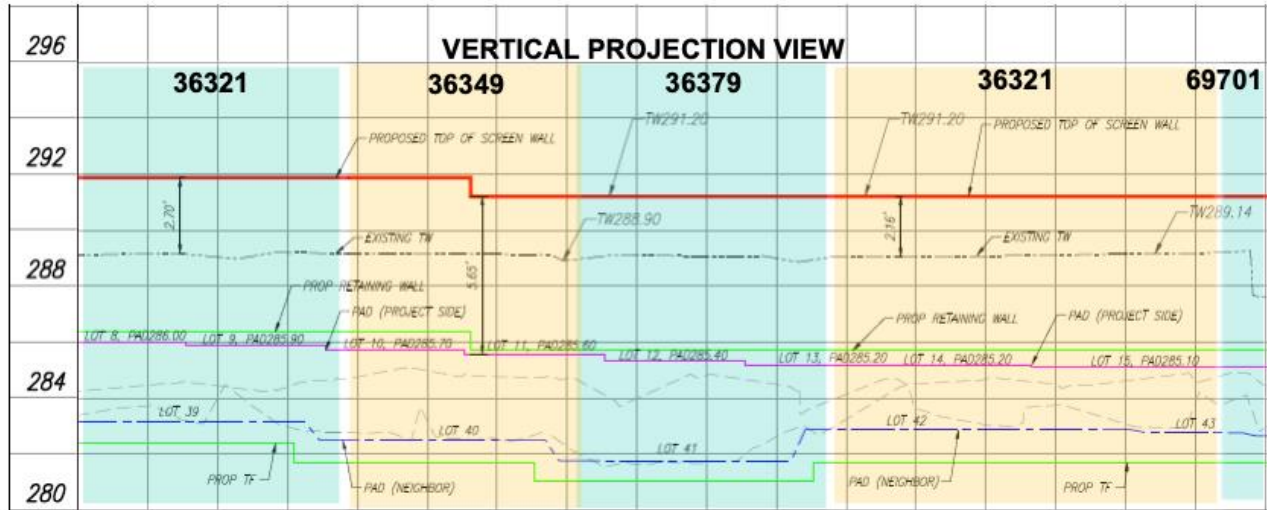


OPEN VIEWS (likely mountain views over walls and homes)





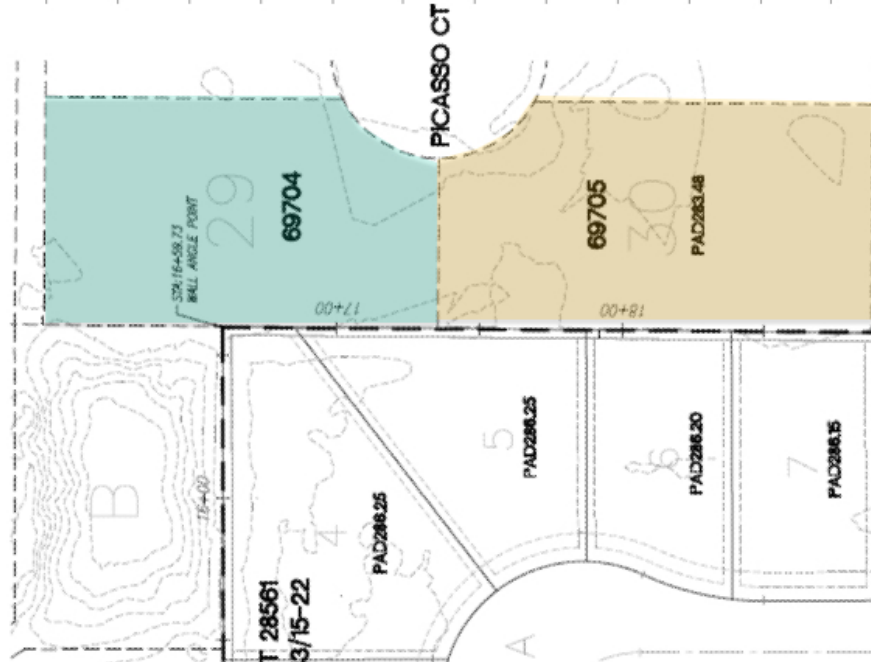
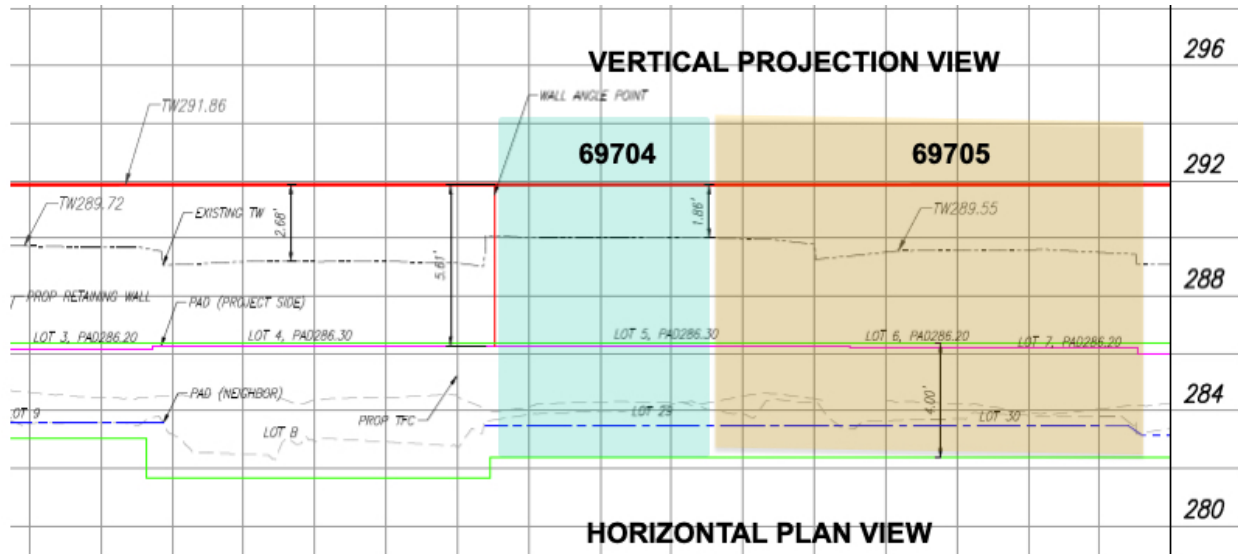
MONET COURT REAR CONCRETE WALL HEIGHT ANALYSIS



**Legend**

- Shaded Area:** Relates lot in plan (below) to same lot in elevation (above).
- Heavy Red Line:** Top of Proposed Wall
- Magenta Line:** Pad Elevation for the Adjoining Homes
- Black Line:** Top of Existing Wall
- Side Yard Property Lines:** Are indicated at the stepped pad elevations on either side of the lot.
- Lot Numbers:** Lot numbers are written in black, just above the blue dashed line.

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