

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

368 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
August 20, 2008

SUBJECT: GENERAL PLAN AMENDMENT NO. 881 – (ENTITLEMENT/POLICY AMENDMENT) – Applicant: Lee Consulting Group – Engineer / Representative: RGP - Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan: Community Development: High Density Residential (CD-HDR) – Location: Northerly of I-10, southerly of 38th Street and westerly of Washington Street – 53.13 Gross Acres - Zoning: Controlled Development Area (W-2) - **REQUEST:** To amend the Riverside County General Plan Land Use Element as it applies to the project site to eliminate the land use designation of Community Development: High Density Residential (CD-HDR), and would establish a Community Development Specific Plan on the site.

RECOMMENDED MOTION:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 881. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

REVIEWED BY EXECUTIVE OFFICE

DATE 8/20/08 mg

Tina Grande
Departmental Conference

Ron Goldman
Planning Director

Damian Meins for
Assistant Planning Director

RG:nt

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Fourth

Agenda Number:

15.5

Agenda Item No.:
Area Plan: Western Coachella Valley
Zoning District: Bermuda Dunes
Supervisorial District: Fourth
Project Planner: Matt Straite
Planning Commission: July 23, 2008

General Plan Amendment No. 881
Applicant: Lee Consulting Group
Engineer/Rep.: RGP

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
ADDENDUM STAFF REPORT

PLANNING COMMISSION RECOMENDS:

The Planning Commission had no issues with the proposed General Plan Amendment, provided that the project remain a residential Specific Plan.

The Commission collectively recommends that the General Plan Amendment proceed for processing, based on the fact that the density proposed in the plan is consistent with the existing general Plan Land Use designation.

MS/bc

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Date Prepared: 6/3/08

Date Revised:



Agenda Item No.: 0.11
Area Plan: Western Coachella Valley
Zoning District: Bermuda Dunes
Supervisory District: Fourth
Project Planner: Matt Straite
Planning Commission: July 23, 2008

General Plan Amendment No. 881
Applicant: Lee Consulting Group
Engineer/Rep.: RGP

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 881, proposes to amend the Riverside County General Plan Land Use Element as it applies to the project site to eliminate the land use designation of Community Development: High Density Residential (CD:HDR), and would establish a Community Development Specific Plan on the site.

The proposed Amendment is located northerly of I-10 southerly of 38th Street and westerly of Washington Street.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve noticed public hearing. The Planning Department, however, did notify the applicant by mail of the time, date and place when the Planning Commission will consider this GPA initiation request.

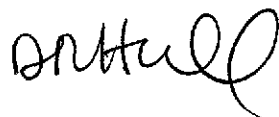
If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance. This particular GPA application is an Entitlement/Policy GPA, under Section 2.4.

Additionally, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

REQUIRED FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings. The Administration Element of the General



Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings.

General Plan Amendment No. 881 falls into the Entitlement/Policy category, because it is changing within the same Foundation- Community Development.

The Administration Element of the General Plan explains that two required findings must be made, and at least one of five additional findings must be made to justify an entitlement/policy amendment. The two required findings are:

a. The proposed change does not involve a change in or conflict with:

(1) The Riverside County Vision;

(2) Any General Plan Principle; or

(3) Any Foundation Component designation in the General Plan.

b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.

The additional findings, only one of which need be made include:

c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.

d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.

e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.

f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.

g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

Consistency Analysis:

First Required Finding: The first required finding explains that the proposed Amendment must not involve a change in or conflict with the Riverside County Vision; any General Plan Principle; or any Foundation Component designation in the General Plan.

(1) The Riverside County Vision: It is reasonable to assume that designation of Specific Plan will result in densities similar to those already permitted on the site. The General Plan envisioned high density housing for this site. It is possible to make this finding.

(2) Any General Plan Principle: Given staffs review and the extreme flexibility a Specific Plan affords, it is possible that the proposed designation could satisfy each of the General Plan Principals and Policies.

(3) Any Foundation Component designation in the General Plan: the project designation would be within the same Foundation. Thus, the proposed Amendment is consistent with the Community Development Foundation.

Second Required Finding: The second required finding explains that the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them. The Land Use Element of the General Plan argues that development should be clustered around community centers and that leapfrog development should be discouraged. Two Specific Plans have been approved near the proposed project, the Mirasera Specific Plan, SP338, to the east of the site, and the Northstar Ranch Specific Plan, SP343, to the west. The proposed Amendment is highly consistent with the existing General Plan Land Use designation and with the pattern of approved development adjacent to the site. The findings can be made that the proposed Amendment contributes to the purposes of the General Plan.

Third Additional Finding: In addition to the two required findings, the General Plan indicates that an additional finding, from a list of five, must also be made. The appropriate additional finding for the proposed Amendment "is Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan." As previously stated, the proposed Amendment can be consistent with the existing General Plan Land Use Designation; however, the 2003 General Plan anticipated that a revision to the Zoning Ordinance would follow the revised General Plan. This revised Ordinance would implement the General Plan. While great efforts have been underway to update the Zoning Ordinance, only minimal updates have been approved by the Board of Supervisors. The revised Ordinance was envisioned to allow new and innovative standards for high density residential development. In the absence of these standards the applicant has filed for a Specific Plan to afford greater flexibility in creating the required standards to implement the innovative high density housing prescribed by the General Plan. This finding can be made for the proposed Amendment.

PLANNING COMMISSION DIRECTION TO THE BOARD OF SUPERVISORS:

(To be filled out in the Addendum Staff Report after the Planning Commission provides input and recommendations)

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|--|
| 1. General Plan Land Use (Ex. #5): | Community Development: High Density Residential (CD:HDR) |
| 2. Existing Zoning (Ex. #2): | Controlled Development Area (W-2). |
| 3. Surrounding Zoning (Ex. #2): | Controlled Development (W-2) and Specific Plan |
| 4. Existing Land Use (Ex. #1): | Vacant Land |
| 5. Surrounding Land Use (Ex. #1): | Vacant Land to the east and west, Preserve to the north. |
| 6. Project Data: | Total Acreage: 53.13 Gross |

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 881. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A City of sphere of influence,
 - b. The Stephens Kangaroo Rat Fee Area or Core Reserve Area,
 - c. Fringe Toed Lizard sand source area,
 - d. A high fire area,
 - e. An Area drainage plan area; or,
 - f. A dam inundation area.
3. The project site is located within:
 - a. Fringe Toed Lizard fee area,
 - b. The Coachella Valley Recreation and Parks District,
 - c. The boundaries of the Coachella Valley Unified School District, and,
 - d. A moderate liquefaction area.
4. The subject site is currently designated as Assessor's Parcel Number 626-130-019.

MS/bc

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Date Prepared: 6/3/08

Date Revised:

ENTITLEMENT / POLICY AMENDMENT

CYCLE: Quarterly

Case No. GPA881 Supervisorial District: Fourth Existing Zoning: Controlled Development (W2)

Area Plan: Western Coachella Valley Area Plan Acreage: 53.13 Gross

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: Community Development

Existing General Plan Land Use Designation: High Density Residential

Existing Policy Area(s) or Overlay(s): None

Existing Map(s) of Issue (cite GP figure # and page #): Figure 3 page 29

Existing Text of Issue (cite GP page #, plus policy #, if applicable): N/A

PROPOSED GENERAL PLAN CHANGES (For categories with no proposed change, write "N/A" on applicable line.)

Proposed General Plan Foundation: Community Development

Proposed General Plan Land Use Designation: Specific Plan

Proposed Change to Policy Area or Overlay: N/A

Proposed Change to Map (cite GP map name): N/A

Proposed Revision(s) to GP Text: (Attach redline/strike-out of text): N/A

CHECK LIST

Affected by	Yes	No	Comments
Coachella Valley MSHCP Conservation Area		X	
Western Riverside County MSHCP Cell		X	
Agricultural Preserve		X	
Airport Compatibility Zone	X		Bermuda Dunes Compatibility Zone E
Flood Plain (Zone A – 100 Year)	X		
FLT Sand Source Area or FLT Preserve	X		The project is in an Fringe Toed Lizard Fee Area
Fault Zone		X	
Faults within ½ Mile		X	
Liquefaction Potential; Subsidence	X		Moderate
High Fire Area		X	
Code Compliant		X	
MSHCP Conserved Land		X	
Access / Alternate Access Issues		X	
Water / Sewer Issues		X	
City Sphere of Influence		X	
Proposed Annexation/ Incorporation Area		X	
Other Issues* (see below)		X	

* OTHER ISSUES:	
<i>Item</i>	<i>Discussion</i>

ENTITLEMENT/POLICY FINDINGS (Check all that apply)

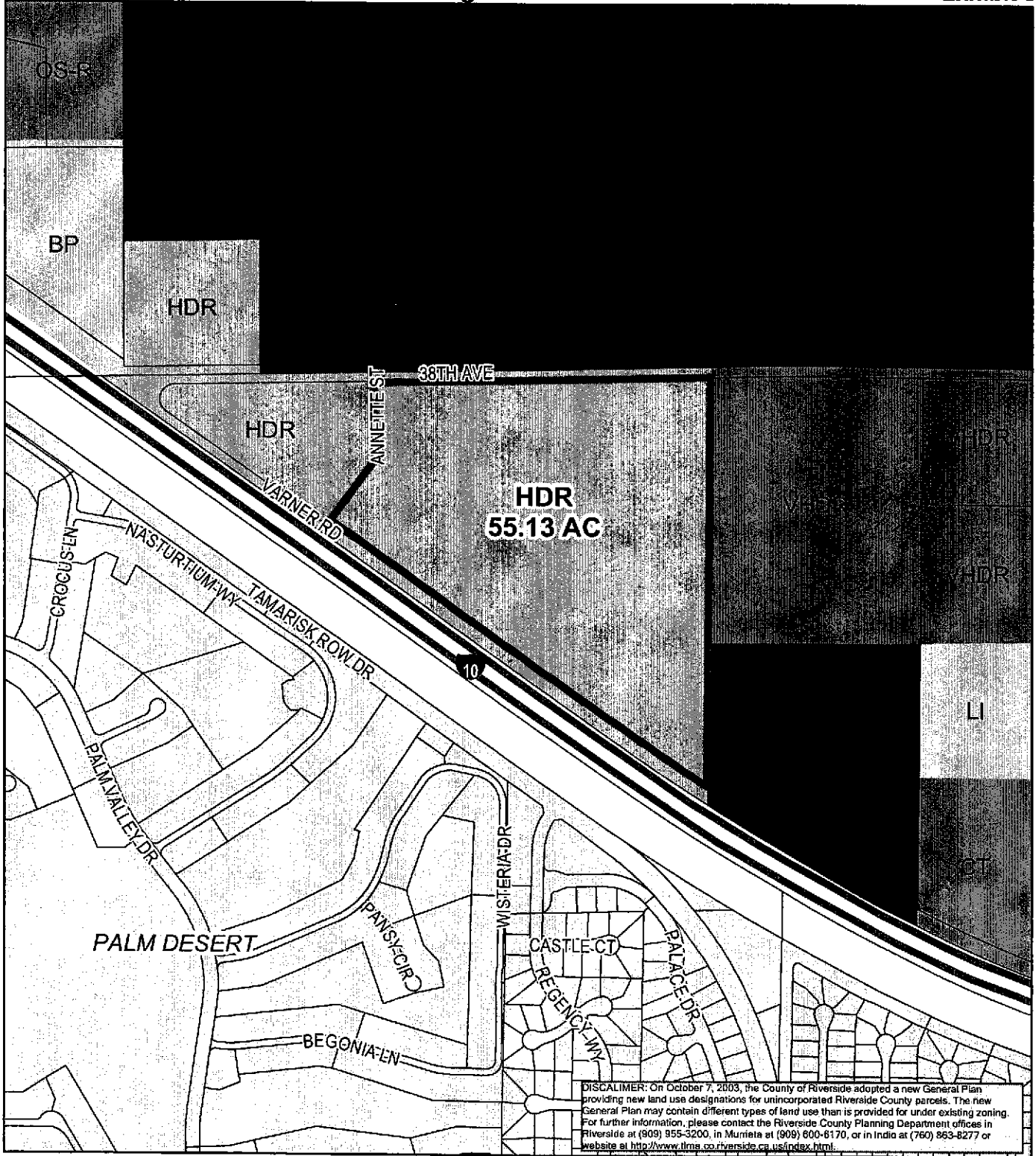
Is there a reasonable possibility that the first two findings listed below and any one or more of the subsequent findings listed below can be made?*

Finding	Yes	No	Comment
The proposed change does not involve a change in or conflict with: the Riverside County Vision; any General Planning Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.	X		See Staff Report
The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.	X		See Staff Report
Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.	X		See Staff Report
A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.		X	
An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.		X	
An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.		X	
An amendment is required to address changes in ownership of land or land not under the land use authority of the Board of Supervisors.		X	

* **THE ADOPTION OF AN ORDER BY THE BOARD OF SUPERVISORS INITIATING AMENDMENT PROCEEDINGS SHALL NOT IMPLY ANY SUCH AMENDMENT WILL BE APPROVED.**

STAFF COMMENTS:

Department	Comments
Planning	See Staff Report
Transportation	N/A
EPD	N/A
Fire	N/A
Flood	N/A
Building and Safety	N/A
Geologist	N/A

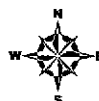


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 600-6170, or in Indio at (760) 863-8277 or website at <http://www.ltrm.co/riverside.ca.us/index.html>.

Zone
 District: Bermuda Dunes
 Township/Range: T5SR6E
 Section: 2

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
 Bk.Pg. 626-13
 Thomas
 Bros. Pg. 819 C1



Supervisor Wilson
 District 4
 Date Drawn: 6/5/08

SP00360
EXISTING ZONING

Planner: Matt Straite
 Date: 7/09/08
 Exhibit 2



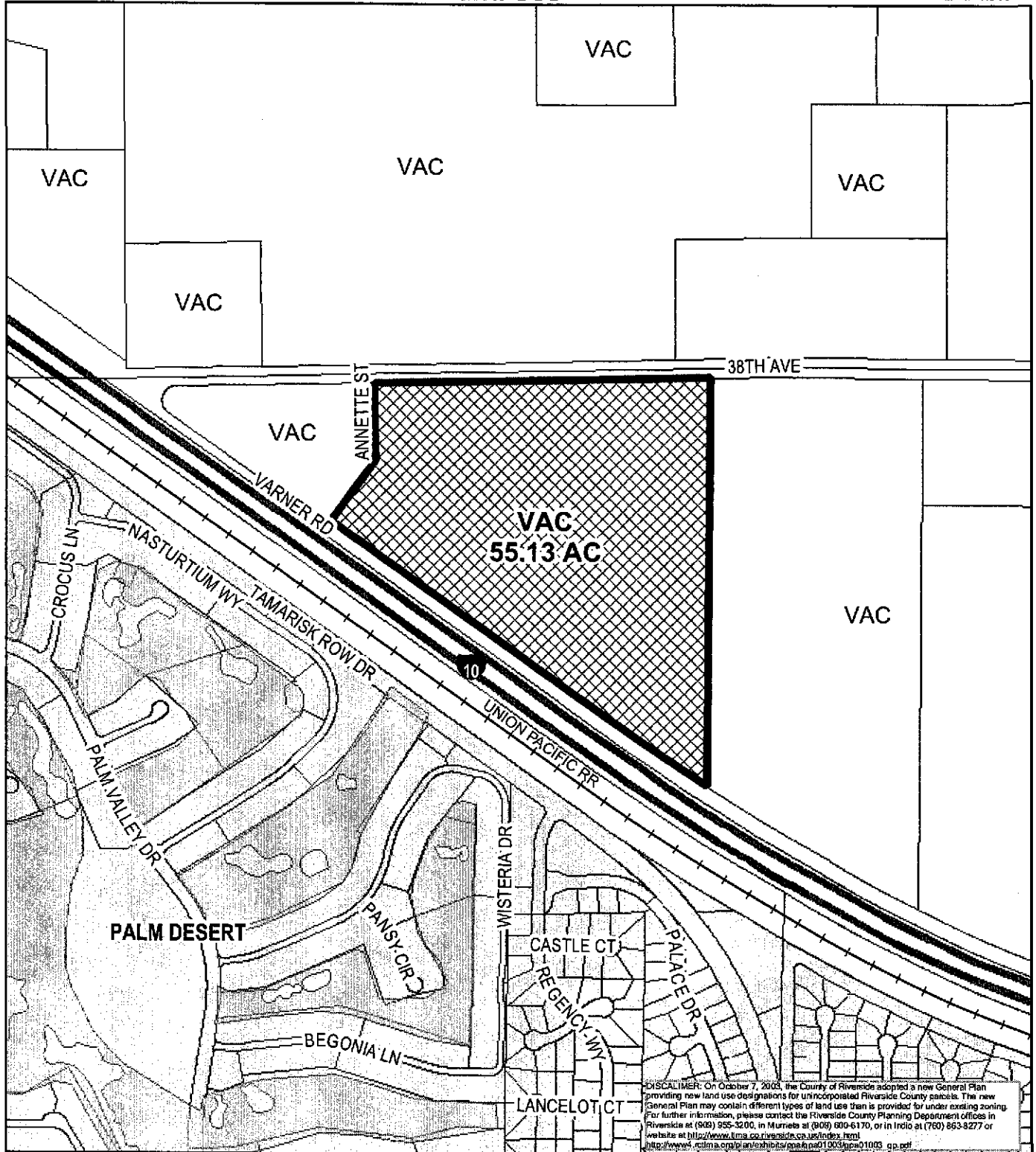
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 District: Bermuda Dunes
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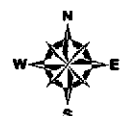




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RIVERSIDE COUNTY PLANNING DEPARTMENT

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SP00360
DEVELOPMENT OPPORTUNITY



District
Plan: Bermuda Dunes
Township/Range: T5SR6E
Section: 2

RIVERSIDE COUNTY PLANNING DEPARTMENT

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