

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

6038



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 10, 2008

SUBJECT: GENERAL PLAN AMENDMENT NO. 1057 (Entitlement/Policy)-Applicant: Kensington West, LLC – Engineer/Representative: CSL Engineering, Inc. – Third Supervisorial District – Sun City Zoning District – Sun City/Menifee Area Plan – Highway 79 Policy Area – Community Development: Medium High Density Residential (CD: MHDR) (5-8 dwelling units per acre) – Location: Northerly of Tally Road, easterly of Interstate 215, and westerly of Bavaria Drive. – 19.69 gross acres – Zoning: Multiple-Family Dwellings (R-2) – REQUEST: The general plan amendment proposes to alter the site's General Plan Land Use Designation from Community Development: Medium High Density Residential (CD: MHDR) (5-8 dwelling units per acre) to Community Development: High Density Residential (CD: HDR) (8-14 dwelling units per acre). APN: 336-090-004

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. 1057. 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.

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

David Mares

David Mares for
Principal Planner

Ron Goldman
Planning Director

RG:nl

REVIEWED BY EXECUTIVE OFFICE

DATE 9/15/08
Tina Grande
Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

15.13

The Honorable Board of Supervisors
RE: General Plan Amendment No. 1057
September 10, 2008
Page 2 of 2

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.

Agenda Item No.:
Area Plan: Sun City/Menifee
Zoning District: Sun City
Supervisory District: Third
Project Planner: Miguel Vazquez
Planning Commission: August 6, 2008

GENERAL PLAN AMENDMENT NO. 1057
Applicant: Kensington West, LLC.
Engineer/Rep.: CSL Engineering Inc.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT ADDENDUM STAFF REPORT

PLANNING COMMISSION DIRECTION TO THE BOARD OF SUPERVISORS:

The following comment(s) have been provided by the Planning Commission for the Board of Supervisors:

Commissioner John Roth: No comments

Commissioner John Snell: No comments

Commissioner John Petty: Agreed that the General Plan Amendment to alter the site's General Plan Land Use Designation from Community Development: Medium High Density Residential (CD: MHDR) (5-8 dwelling units per acre) to Community Development: High Density Residential (CD: HDR) (8-14 dwelling units per acre) would be appropriate with reference to the applicant's intention to increase the density of the approved project to an estimated 220 dwelling units as opposed to the maximum allowed under the proposed High Density Residential land use designation (312 dwelling units).

In addition, Commissioner Petty also stressed that the future project should provide enhanced landscaping.

Commissioner Jim Porras: No comments

Commissioner Jan Zappardo: No comments



Agenda Item No.: 6.9
Area Plan: Sun City/Menifee
Zoning District: Sun City
Supervisorial District: Third
Project Planner: Miguel Vazquez
Planning Commission: August 6, 2008

GENERAL PLAN AMENDMENT NO. 1057
Applicant: Kensington West, LLC.
Engineer/Rep.: CSL Engineering Inc.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1057 proposes to alter the site's General Plan Land Use Designation from Community Development: Medium High Density Residential (CD: MHDR) (5-8 dwelling units per acre) to Community Development: High Density Residential (CD: HDR) (8-14 dwelling units per acre).

Plot Plan No. 19469 was approved on the project site in April of 2006. The plot plan permitted the development of a senior apartment community with 31 buildings, (25 one-story buildings and 6 two-story buildings), containing 148 dwelling units and providing 305 parking spaces (275 spaces required). The Amendment would allow for the addition of a maximum of 164 dwelling units to the approved development.

The project is located in the Sun City/Menifee Area Plan of Western Riverside County; more specifically the project is located northerly of Tally Road, easterly of Interstate 215, and westerly of Bavaria Drive.

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 a 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.

AR 7/2/08

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. 1057 falls into the Entitlement/Policy category, because it is within the same Foundation-Component, 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.

Consideration 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.

A. The proposed Amendment does not conflict with:

- (1) The Riverside County Vision: It is reasonable to assume that a High Density Residential (HDR) Land Use Designation for the parcel in question will achieve the future vision of General Plan. It is possible to make this finding.
- (2) Any General Plan Principle: Given staffs review 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 a wide range of housing shall be provided throughout the county, from large lot rural settings to high density urban developments. The amendment would contribute to the goal of the development of a variety of housing types, styles and densities that are accessible to and meet the needs of a range of lifestyles, physical abilities, and income levels by providing additional housing for senior citizens. In addition, the proposed amendment is adjacent to Very High Density Residential uses to the north of the project site, and single family residential uses to the east and west. The proposed Amendment is consistent with the existing development in the project vicinity. The findings can be made that the proposed Amendment contributes to the purposes of the General Plan.

Third Required 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."

When the Medium High Density Residential (MHDR) was established for this parcel in 2003, the designation was appropriate. However, due to market conditions, the density approved under PP19469 (6.64 dwelling units per acre) precludes the development of the senior apartment complex.

The current amendment would correct the designation to balance cost of development and increase the opportunities for affordable senior housing to the maximum extent possible the site can yield. Under the proposed High Density Residential (HDR) land use designation it can be between 178.24 and 312 dwelling units. The proponent proposes to develop a maximum of 200 units at a density of 8.97 dwelling units per acre.

Furthermore, on June 1, 2008 the Sun City and Menifee voters decided that their communities become an autonomous city which was not anticipated when the General Plan was prepared. The community of Sun City has traditionally geared toward senior citizen services including the provision of senior housing. The site for the proposed project is located within this community.

A finding can be made that proposed increase in density would allow for the development to move forward and for the provision of additional senior housing opportunities within the Sun City community of the future City of Menifee.

It should be noted however, that the proposed density will be in function of the following:

1. Highway 79 Policy Area;
2. Maintain the approved layout approved under Plot Plan No. 19469;
3. Avoid the provision of 3-story buildings along the project's edges
4. Adequate ADA access and the provision of elevators on buildings greater than two stories.

PLANNING COMMISSION DIRECTION TO THE BOARD OF SUPERVISORS:

Staff recommends that the above-referenced 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. 1057. 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.

Staff further recommends that the following items are taken into account when determining the maximum allowable density driven by design and not density range"

1. Highway 79 Policy Area;
2. Maintain the approved layout approved under Plot Plan No. 19469;
3. Avoid the provision of 3-story buildings along the project's edges.

SUMMARY OF FINDINGS:

- | | |
|---|--|
| 1. Existing General Plan Land Use (Ex. #5): | Community Development: Medium High Density Residential (CD: MHDR) (5-8 dwelling units per acre) |
| 2. Proposed General Plan Land Use (Ex.#5): | Community Development: High Density Residential (CD: HDR) (8-14 dwelling units per acre) |
| 3. Existing Zoning (Ex. #2): | Multiple-Family Dwellings (R-2) |
| 4. Surrounding Zoning (Ex. #2): | Multiple-Family Dwellings (R-2) to the north, Residential Agricultural – 10 acre minimum (R-A-10) to the south, One-Family Dwellings (R-1) to the east and west, and Scenic Highway Commercial (C-P-S) to the northwest. |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Multi-family dwellings to the north, single family residential to the east, vacant land to the south and Interstate 215 to the west. |
| 7. Project Data: | Total Acreage: 22.28 |

RECOMMENDATIONS:

Staff recommends that the above-referenced 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. 1057. 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 Sphere of Influence;
 - b. A MSHCP criteria cell or cell group;
 - c. A Specific Plan;
 - d. An Agricultural Preserve;
 - e. An Airport Influence Area;
 - f. A Fault Zone;
 - g. A Flood Zone; or
 - h. A High Fire Area.
3. The project site is locate within:
 - a. The Community of Sun City;
 - b. The Highway 79 Policy Area;
 - c. A Redevelopment Area;
 - d. The Menifee Union and Perris Union High School Districts;
 - e. The Ord. 633.10 Stephen's Kangaroo Rat Fee Area; and,
 - f. The Ord. 655 Mount Palomar Lighting Influence Area, Zone B (30.12 miles).
 - g. A State Fire Responsibility Area;
 - h. The future City of Menifee (October 1, 2008).
4. The subject site is currently designated as Assessor's Parcel Number 336-090-004.

MV:ls

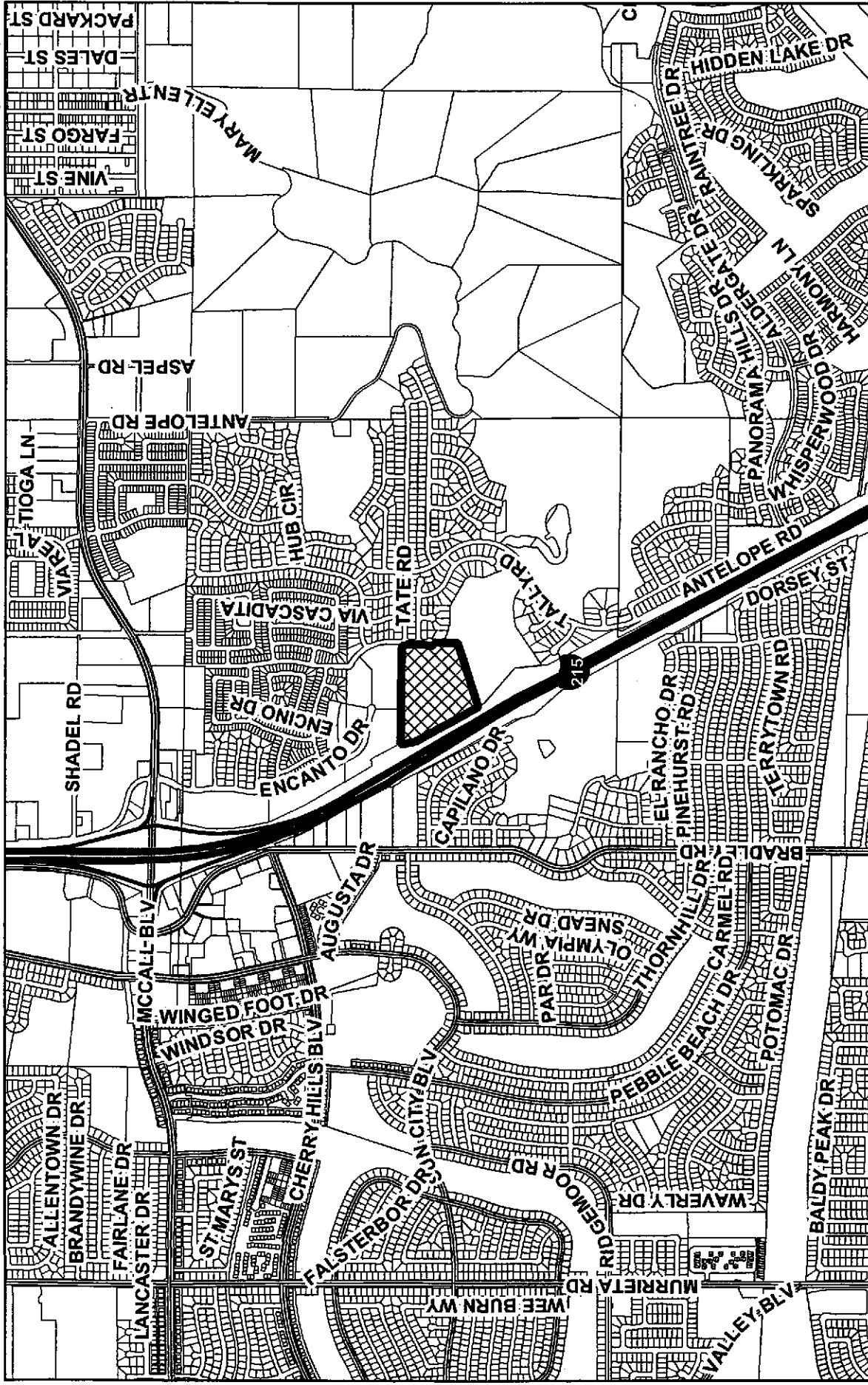
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GPA01057

VICINITY MAP

Planner: Miguel Vazquez
Date: 7/15/08
VICINITY MAP

Supervisor Stone
District 3
Date Drawn: 7/16/08



RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Blk. Pg. 336-09
Thomas
Bros. Pg. 838 D6

Zone
District: Sun City
Township/Range: T5SR3W
Section : 27



DEVELOPMENT OPPORTUNITY

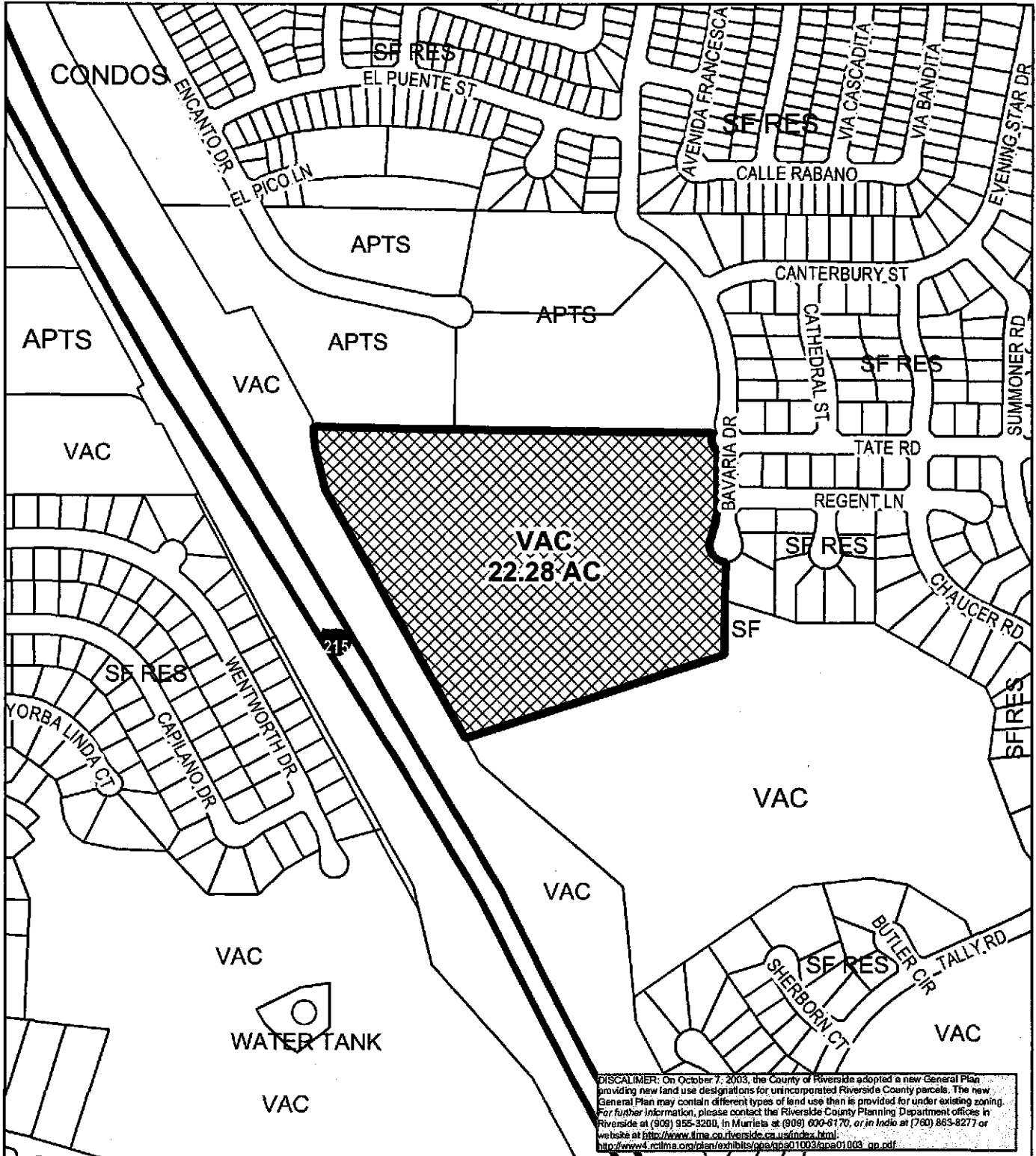


District
 Plan: Sun City
 Township/Range: T5SR3W
 Section: 27

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
 Bk. Pg. 336-09
 Thomas
 Bros. Pg. 838 D6





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 (951) 955-3200, in Murietta at (951) 600-1170, or in Indio at (760) 865-8271 or website at <http://www.ltrm.ca.gov/riverside.ca.us/index.html> or http://www4.celma.org/plen/exhibits/gpa/gpa01003/gpa01003_gp.pdf

Zone
 District: Sun City
 Township/Range: T5SR3W
 Section: 27

RIVERSIDE COUNTY PLANNING DEPARTMENT

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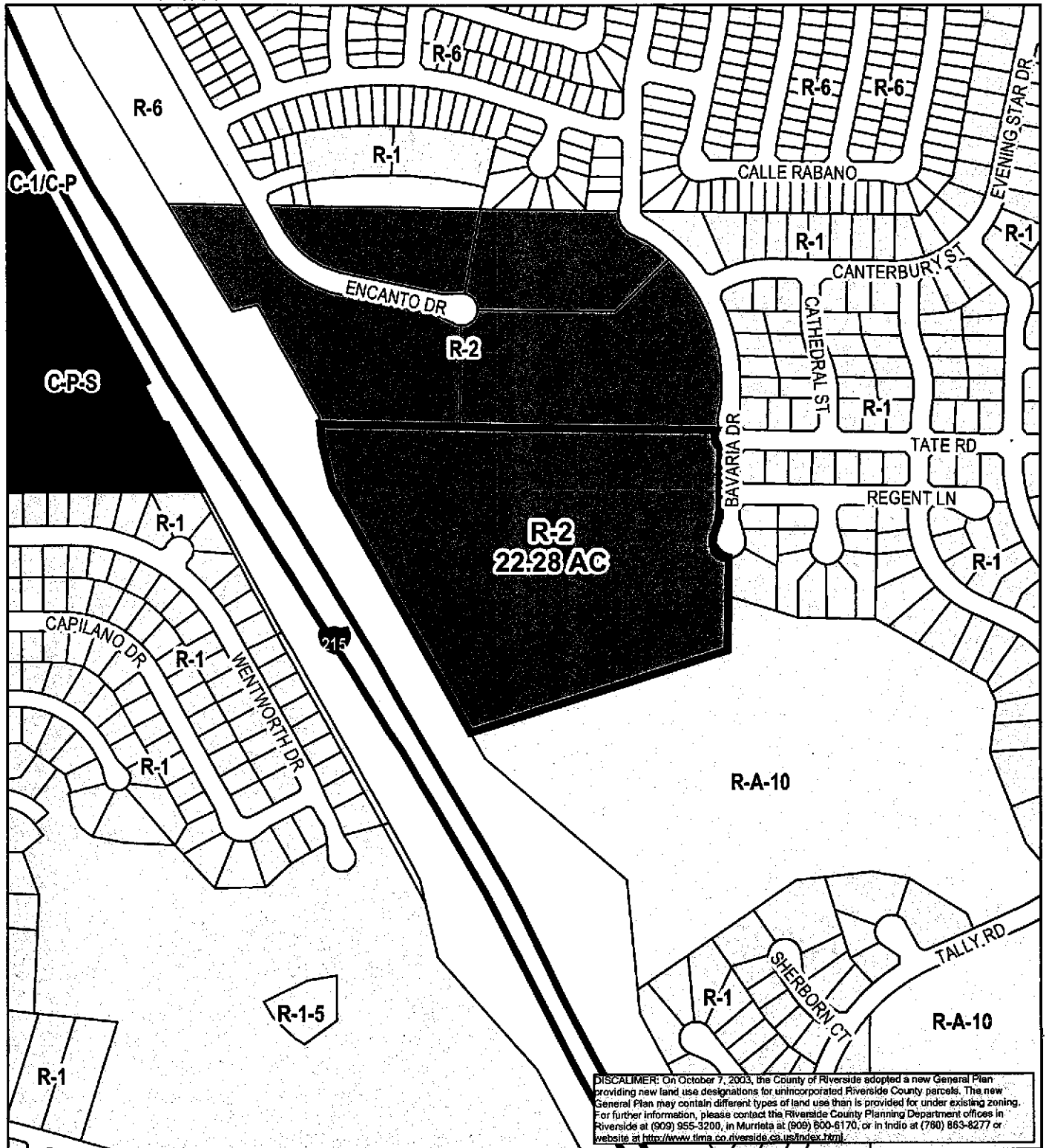


Supervisor Stone
District 3
Date Drawn: 7/16/08

GPA01057

EXISTING ZONING

Planner: Miguel Vazquez
Date: 7/15/08
Exhibit 2



Zone
District: Sun City
Township/Range: T5SR3W
Section: 27

Assessors
Bk. Pg. 336-09
Thomas
Bros. Pg. 838 D6

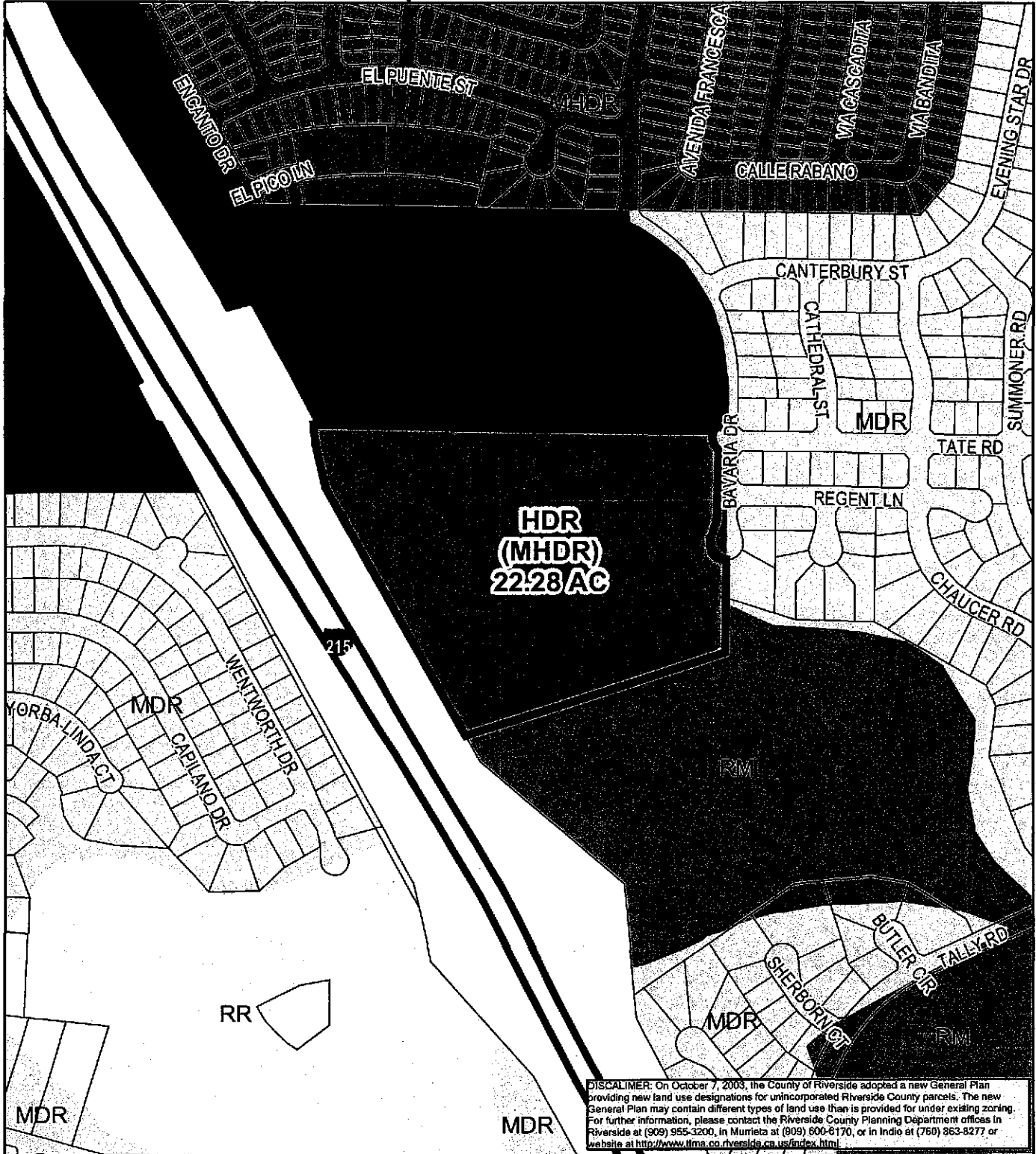


Supervisor Stone
District 3
Date Drawn: 7/16/08

GPA01057

Proposed General Plan

Planner: Miguel Vazquez
Date: 7/15/08
Exhibit 6



DISCLAIMER: On October 7, 2008, 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.tlma.co.riverside.ca.us/index.html>

Zone
District: Sun City
Township/Range: T5SR3W
Section : 27

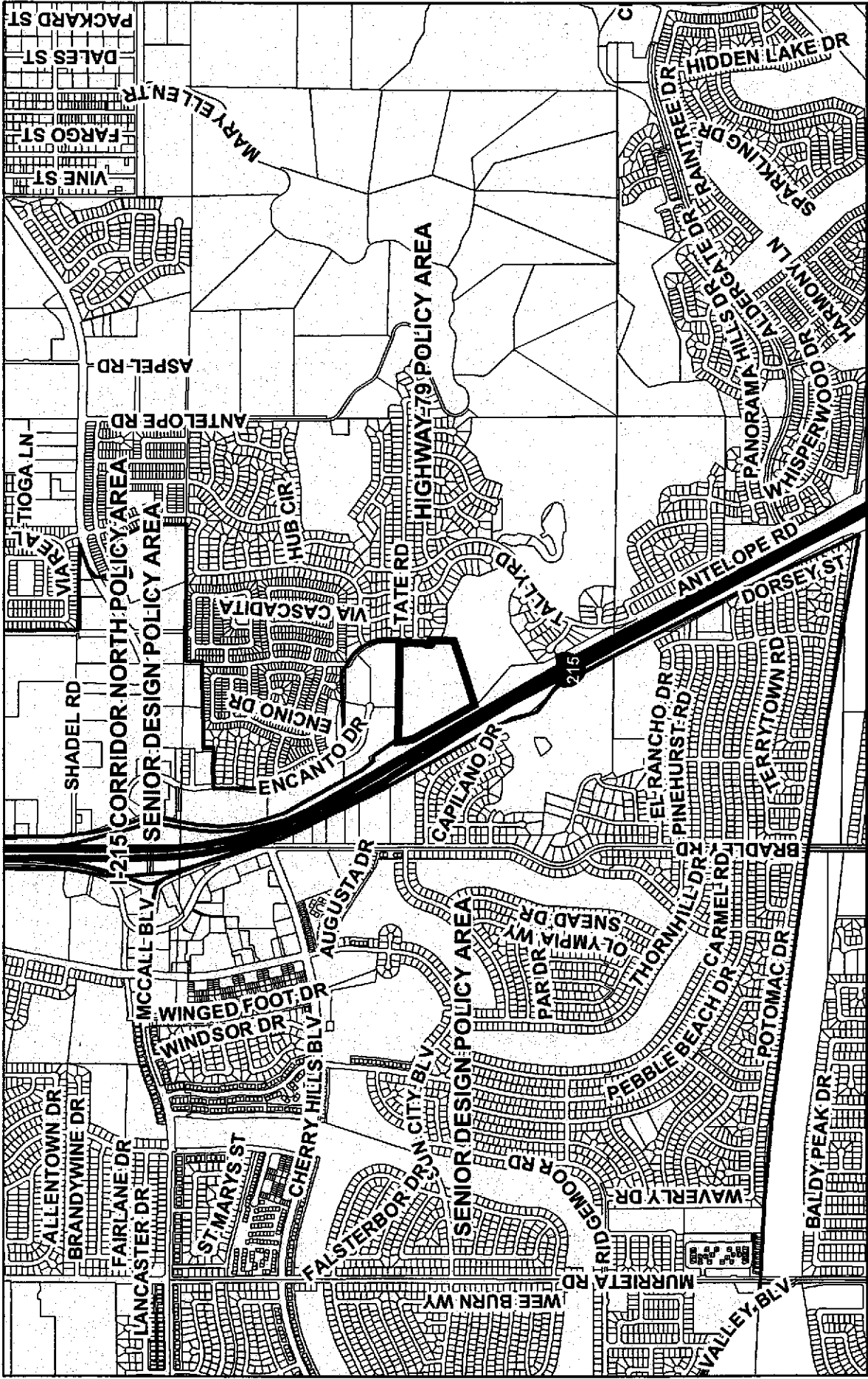
RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk.Pg. 336-09
Thomas
Bros. Pg. 838 D6

Supervisor Stone
 District 3
 Date Drawn: 7/16/08

GPA01057 POLICY AREAS

Planner: Miguel Vazquez
 Date: 7/15/08
 Exhibit 8



Zone: Sun City
 District: Sun City
 Township/Range: T5SR3W
 Section: 27

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors: 336-09
 Bk. Pg. Thomas
 Bros. Pg. 838 D6

0 1,800 3,600 7,200 10,800 Feet

ENTITLEMENT / POLICY AMENDMENT

CYCLE: Quarterly

Case No. GPA1057 Supervisorial District: Third Existing Zoning: _____
Area Plan: Sun City/Menifee Acreage: 20.0 gross

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: Community Development
Existing General Plan Land Use Designation: Medium High Density Residential (MHDR) (2-8 dwelling units per acre)
Existing Policy Area(s) or Overlay(s): Highway 79 Policy Area
Existing Map(s) of Issue (cite GP figure # and page #): N/A
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: High Density Residential (HDR) (8-14 dwelling units per acre)
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	
Flood Plain (Zone A - 100 Year)		X	
FLT Sand Source Area or FLT Preserve		X	
Fault Zone		X	
Faults within 1/2 Mile	X		Within a 1/2 mile of Fault in Basement Rocks
Liquefaction Potential; Subsidence	X		Low
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		The project is located within the boundaries of the new city of Menifee.

*** OTHER ISSUES:**

<i>Item</i>	<i>Policy</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.			
An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.			
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.			
An amendment is required to address changes in ownership of land or land not under the land use authority of the Board of Supervisors.			

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

Case: ENTITLEMENT/POLICY GPA 1057

Printed: 7/16/2008 9:39:27 AM

File: Y:\Planning Casa Files\Riverside office\GPA01057\GPA01057 Checklist (7-15-08).doc

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

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

Memorandum

DATE: August 6, 2008

TO: *Planning Commission*

FROM: Miguel A. Vazquez, Contract Planner

RE: Item No. ~~6.9~~—Estimated Apartment Units related to GPA1057

The applicant wishes to note that his intending to increase the density of the approved project to an estimated number of 220 units.