

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

314B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
November 10, 2008

SUBJECT: GENERAL PLAN AMENDMENT NO. 899 – (Foundation/Regular) – Applicant: Adranik Eddie Galastian– Engineer/Representative: MDS Consulting - Fourth Supervisorial District - Sky Valley Zoning District - Western Coachella Valley Area Plan: Rural: Rural Residential (RUR:RR) (5 Ac. Min.) – Location: Northerly of 18th. Avenue, easterly of Ford Avenue, southerly of Dillion Road, and westerly of Terry Drive. - 32.05 Gross Acres - Zoning: One Family Dwellings- One and One Quarter Acre Minimum (R-1 1 1/4) - **REQUEST:** The General Plan Amendment proposes to change the General Plan Foundation Component of the subject property from RURAL (RUR) to Community Development (CD) and to amend the General Plan land use designation from Rural Residential (RR) (5 Ac. Min.) to Commercial Retail (CR) (0.20 - 0.35 Floor Area Ratio) on a maximum of 5 acres of the site - APN: 645-120-028

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopts a tentative denial of an order initiating proceedings for the above referenced amendment of the general plan based on the attached report. 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 every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning

Ron Goldman
Planning Director

RG:TH

REVIEWED BY EXECUTIVE OFFICE

DATE 11/9/08

Tina Grande
Departmental Concurrence

Policy

Consent

Dep't Recomm.:

Policy

Consent

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Fourth

Agenda Number:

15.6

Commission, and the Planning Commission comments are included in the report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would 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 on 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.

Agenda Item No.:
Area Plan: Western Coachella Valley
Zoning District: Sky Valley
Supervisorial District: Fourth
Project Planner: Mike Harrod
Planning Commission: July 9, 2008

General Plan Amendment No. 899
Applicant: Andranik Eddie Galstian
Engineer/Representative: MDS Consulting

**COUNTY OF RIVERSIDE PLANNING DIRECTOR'S
REPORT AND RECOMMENDATIONS**

RECOMMENDATIONS:

The Planning Director recommended that an adoption of an order initiating GPA00899 from Rural: Rural Residential to Community Development: Commercial Retail would not be appropriate and the Planning Commission made the comments below. The Planning Director now recommends that the Board of Supervisors adopts a tentative denial of an order initiating proceedings for the above referenced amendment of the general plan based on the attached report. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

The Planning Commission unanimously agreed that the applicant's original proposal of 32.05 acres of Commercial Retail was too excessive and recommended that the applicant limit the Commercial Retail proposal to a maximum of 5 acres. The applicant has since determined that the proposed 5 acres will be located in the northwest portion of the lot.

Commissioner John Roth: Commissioner Roth was particularly concerned with maintaining the rural atmosphere that initially brought residents into the area.

Commissioner John Snell: No additional comments

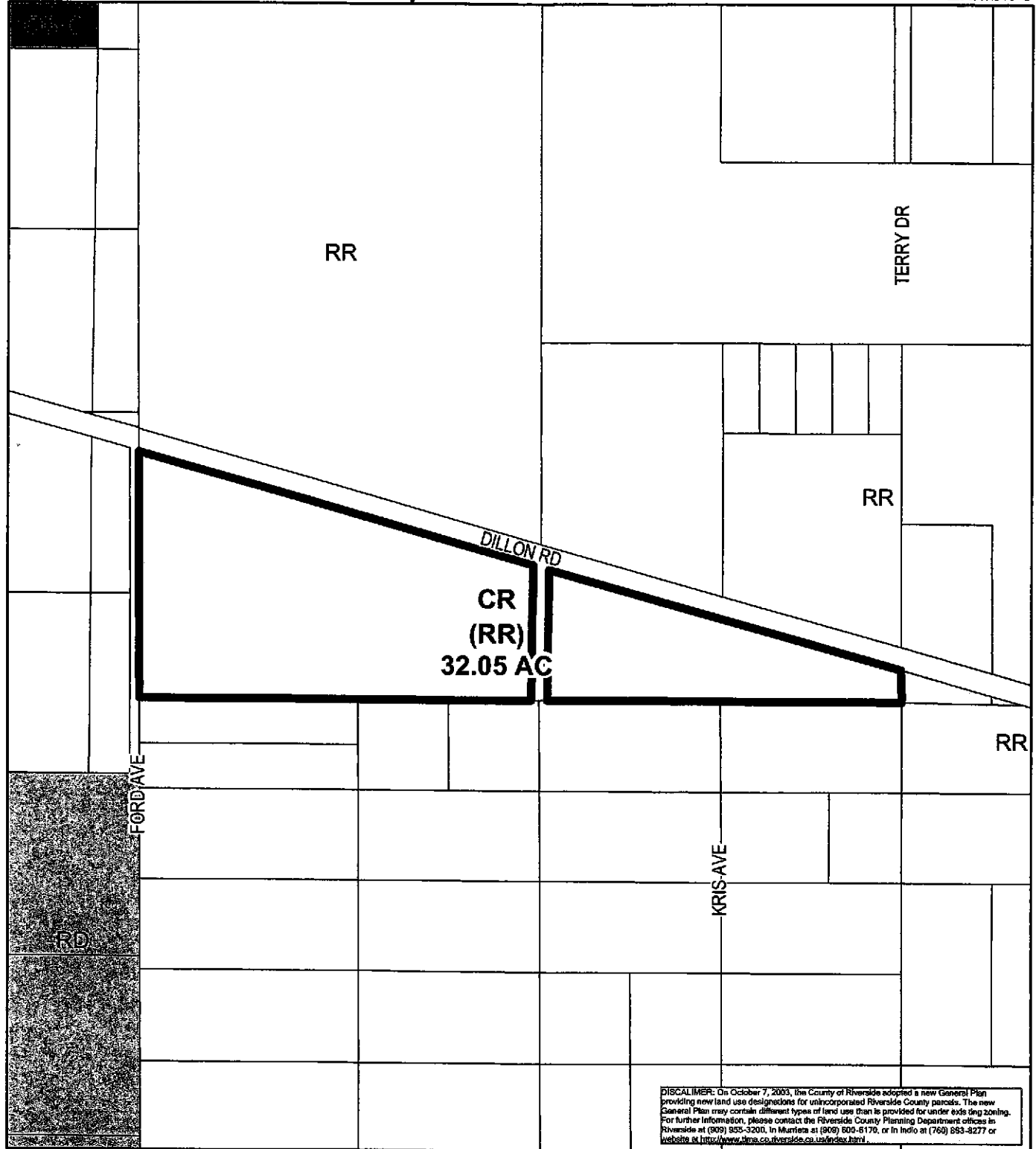
Commissioner John Petty: Commissioner Petty was concerned about the status of Dillon Road. Staff has determined that Dillon Road is classified as an Arterial roadway with a 128 foot right-of-way under the Circulation Element of the General Plan.

Commissioner Jim Porras: No additional comments

Commissioner Jan Zuppardo: No additional comments

GPA00899

Proposed General Plan



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Sky Valley
Township/Range: T3SR6E
Section: 7



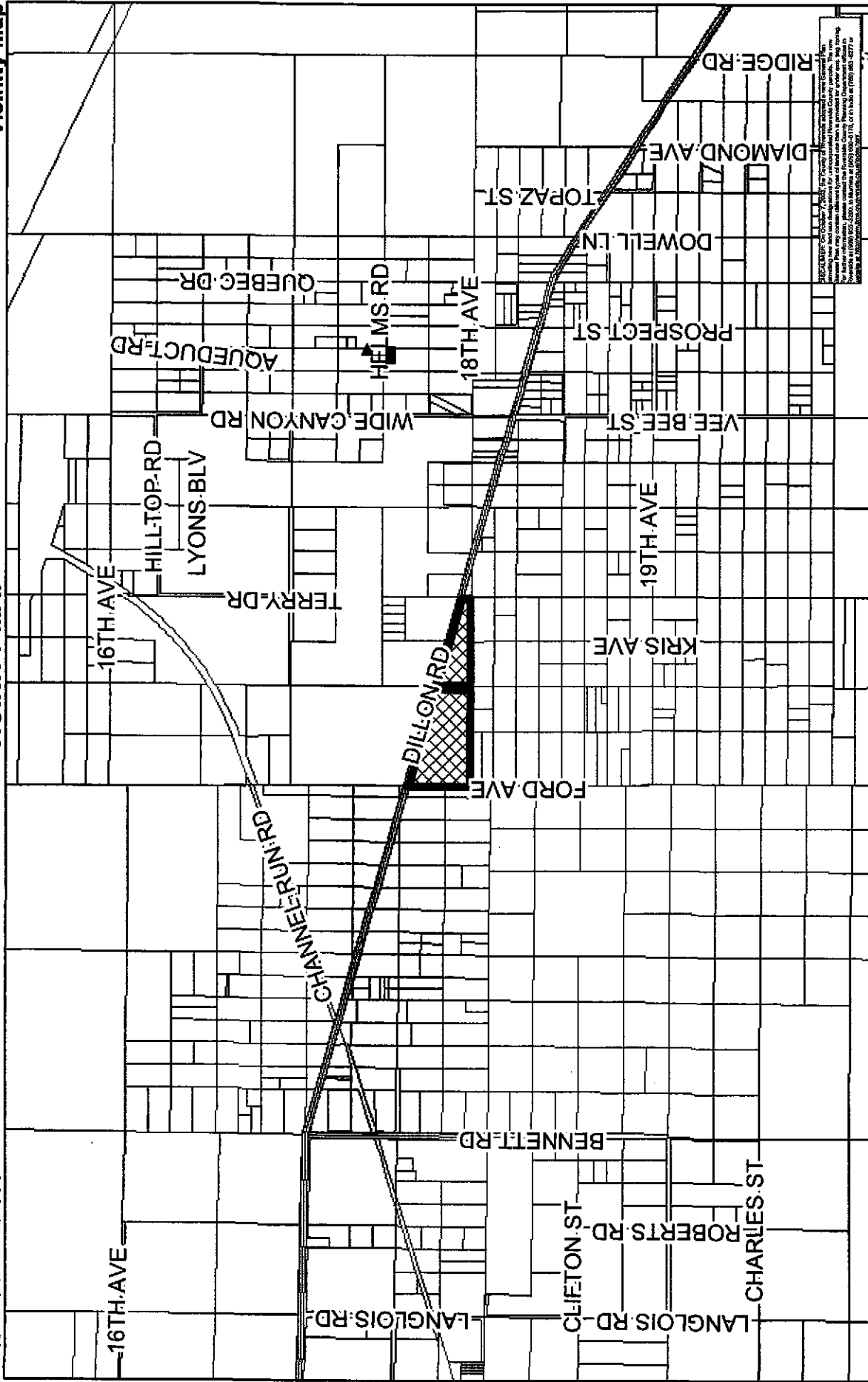
Assessors
Bk.Pg. 645-12
Thomas
Bros. Pg. 728 B2



Supervisor Wilson
District 4
Date Drawn: 2/1/08

GPA00899 VICINITY MAP

Planner: Amy Aldana
Date: 2/5/08
Vicinity Map



REGULATORY OR OTHER PROPERTY RIGHTS FOR THIS MAP ARE RESERVED BY THE COUNTY OF RIVERSIDE. THE COUNTY OF RIVERSIDE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL LAND SURVEYOR. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL PLANNING CONSULTANT. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL ENVIRONMENTAL SCIENTIST. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL HISTORIC PRESERVATION OFFICER. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL ARCHITECTURAL HISTORIC PRESERVATION OFFICER. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL LANDMARKS COMMISSIONER. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL HISTORIC PRESERVATION OFFICER. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL ARCHITECTURAL HISTORIC PRESERVATION OFFICER. THE COUNTY OF RIVERSIDE IS NOT A PROFESSIONAL LANDMARKS COMMISSIONER.

Zone
District: Sky Valley
Township/Range: T3SR6E
Section : 7

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 645-12
Thomas
13,800 Bros. Pg. 728 B2

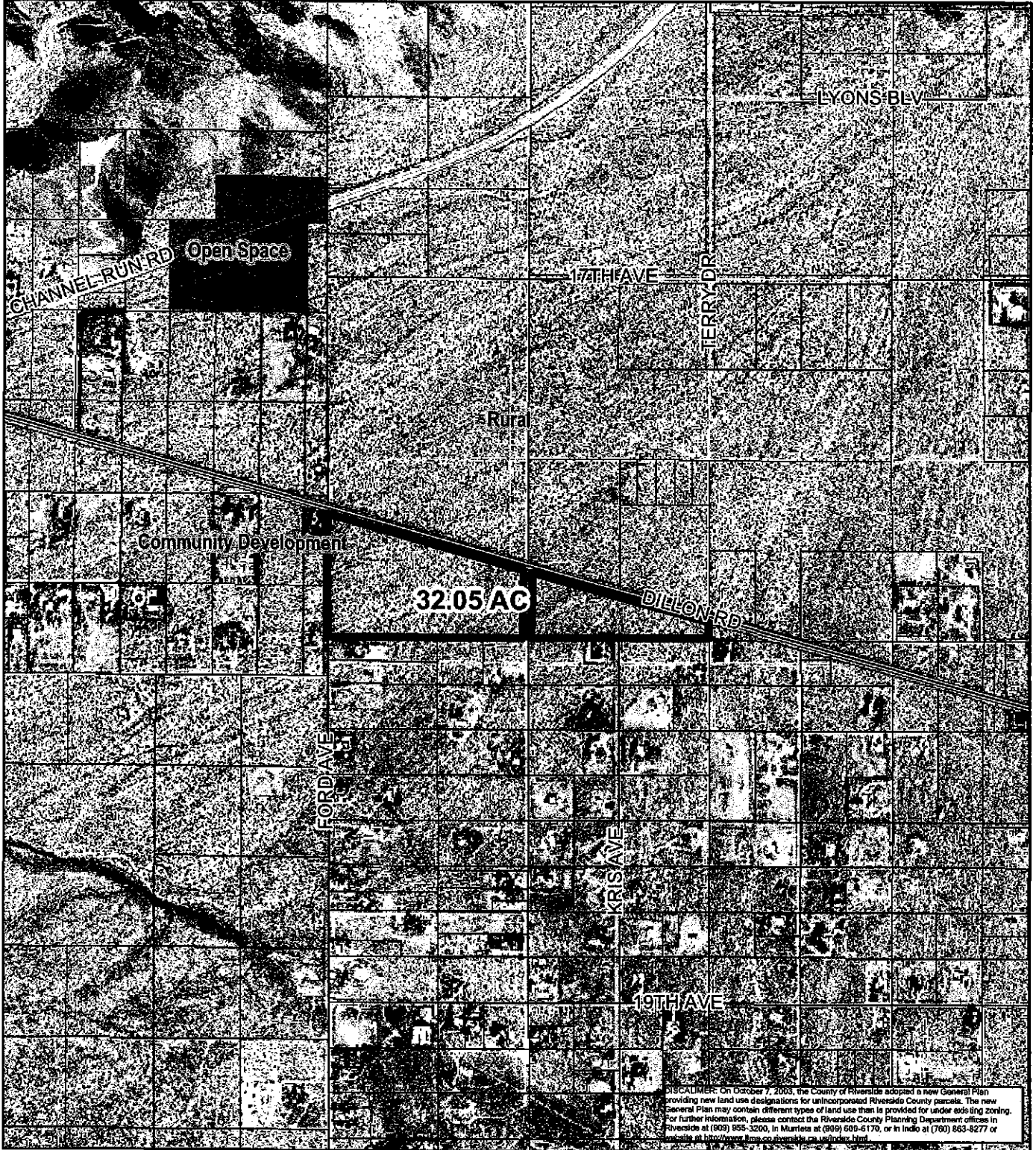


Supervisor Wilson
District 4
Date Drawn: 2/1/08

GPA00899

DEVELOPMENT OPPORTUNITY

Planner: Amy Aldana
Date: 2/5/08
Exhibits Overview



RIVERSIDE COUNTY PLANNING DEPARTMENT

District
Plan: Sky Valley
Township/Range: T3SR6E
Section: 7



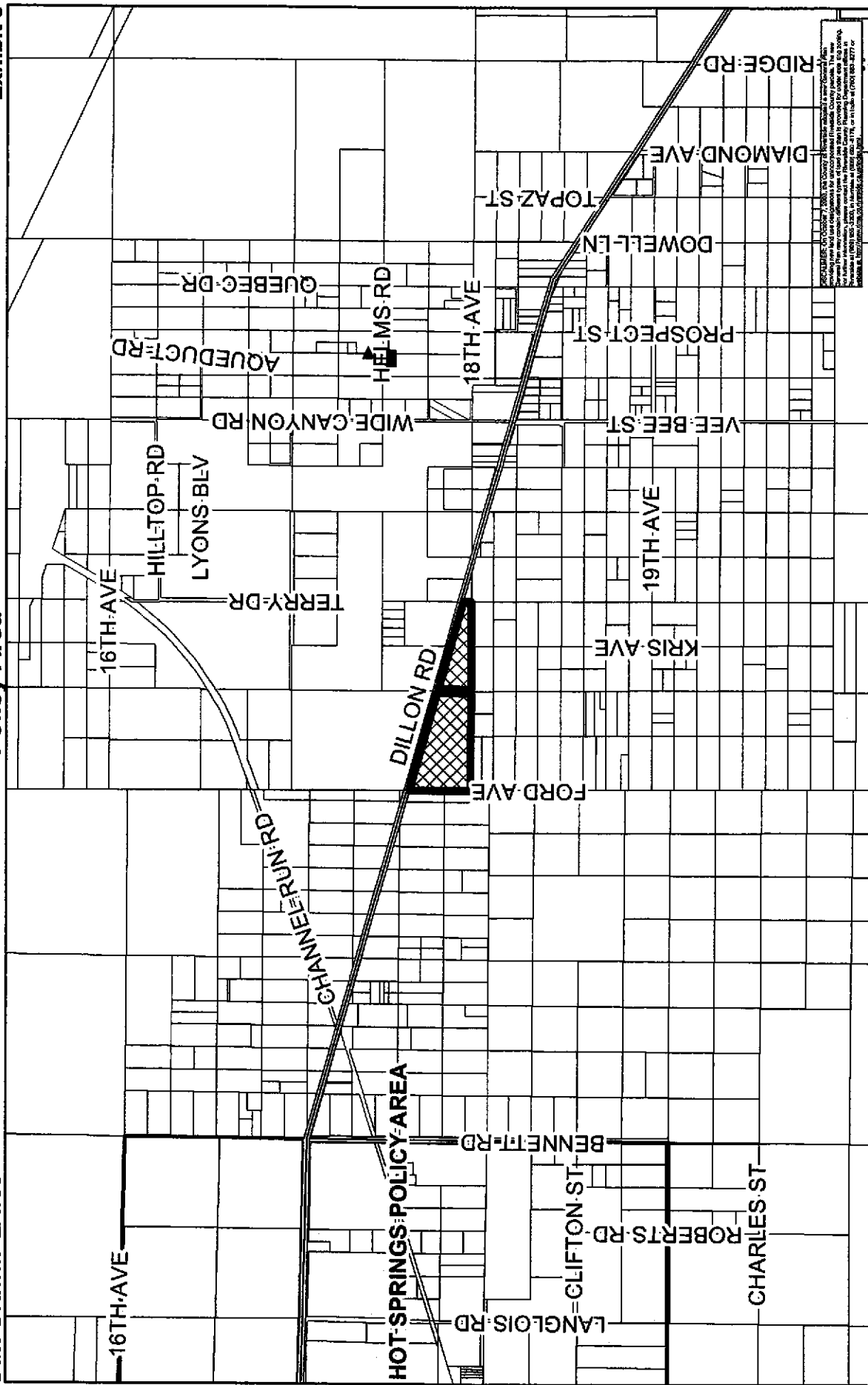
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Supervisor Wilson
District 4
Date Drawn: 2/1/08

GPA00899
Policy Area

Planner: Amy Aldana
Date: 2/5/08
Exhibit 8



Zone
District: Sky Valley
Township/Range: T3SR6E
Section: 7

RIVERSIDE COUNTY PLANNING DEPARTMENT

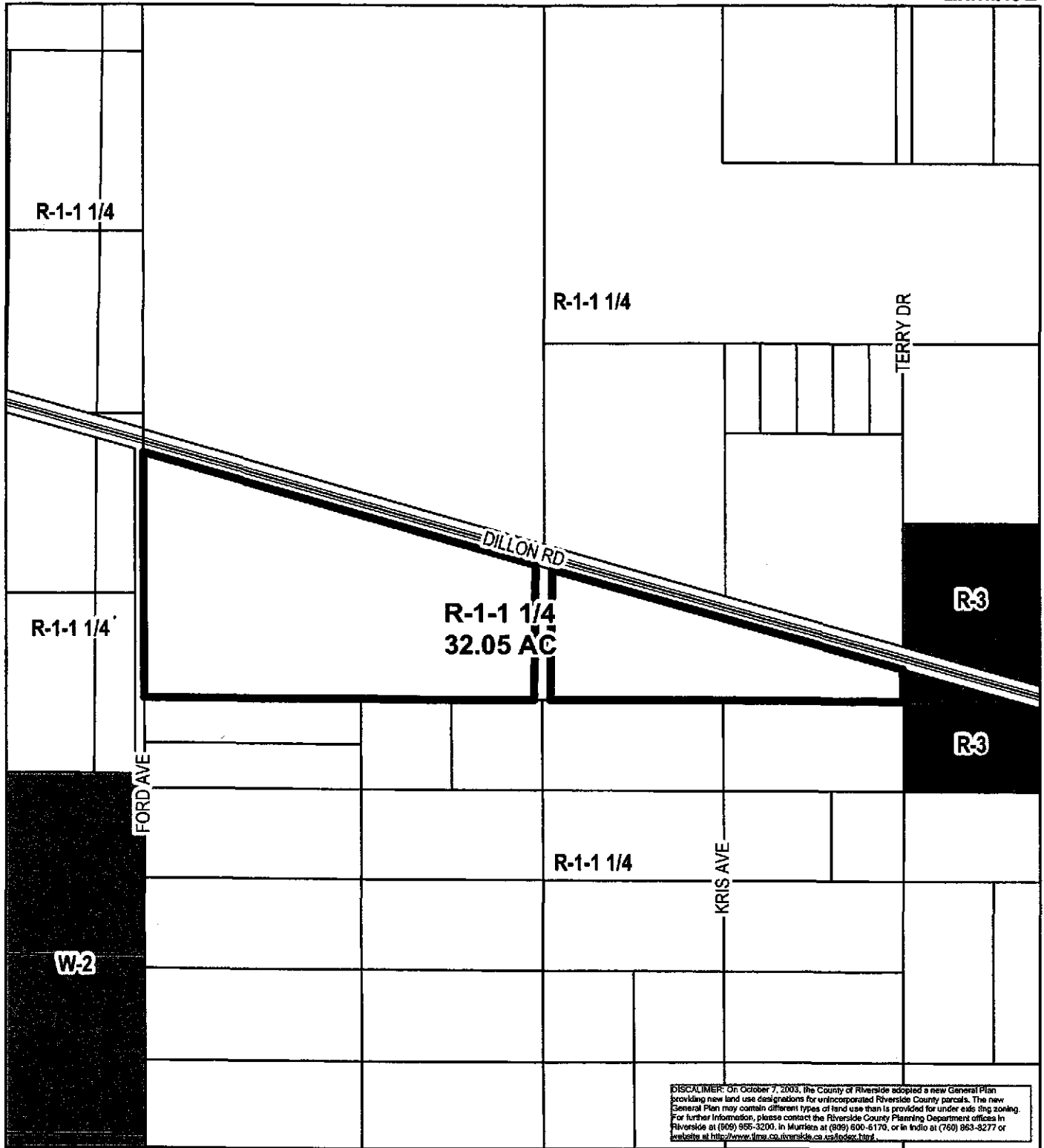
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Supervisor Wilson
District 4
Date Drawn: 2/1/08

GPA00899
EXISTING ZONING

Planner: Amy Aldana
Date: 2/5/08
Exhibit 2

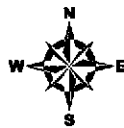


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-1200, in Murrieta at (951) 600-6170, or in Indio at (760) 863-3277 or website at <http://www.ltrm.co.riverside.ca.us/index.html>.

Zone
District: Sky Valley
Township/Range: T3SR6E
Section: 7

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 645-12
Thomas
Bros. Pg. 728 B2



Agenda Item No.: 6.2
Area Plan: Western Coachella Valley
Zoning District: Sky Valley
Supervisory District: Fourth
Project Planner: Mike Harrod
Planning Commission: July 9, 2008

General Plan Amendment No. 899
(Foundation - Regular)
E.A. Number: 41697
Applicant: Eddie Andranik Galstian
Engineer/Rep.: MDS Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan from "Rural: Rural Residential" (RUR:RR) to "Community Development: Commercial Retail" (CD:CR) for an approximately 32.05-acre property. The project is located northerly of 18th Avenue, easterly of Ford Avenue, southerly of Dillon Road, and westerly of Terry Drive.

BACKGROUND:

A proposed General Plan Amendment (GPA) shall not be processed unless the Board of Supervisors (Board) adopts an order initiating proceedings for the proposed GPA. The Planning Director is required to prepare and submit to the Board a report and recommendation concerning initiation.

Before submitting his report and recommendation to the Board, the Planning Director must request comments on the proposed GPA from the Planning Commission (Commission) and must include the Commission's comments, if any, in his report. The Commission may make its comments in any form it deems appropriate. For example, the Commission may recommend that the Board adopt or decline to adopt an order initiating proceedings for the proposed GPA. A recommendation is not, however, required and the Commission may choose instead to simply identify its concerns regarding the proposed GPA. In addition to any comments the Commission may make as a group, the Planning Director will include the comments of individual Commission members in his report to the Board.

A *noticed public hearing* is not required for the Commission to comment on the initiation of a proposed GPA. Nor is such a hearing required for the Board to actually initiate or decline to initiate proceedings for the proposed GPA. The Planning Department did, however, notify the applicant by mail that the Commission would consider the initiation of this proposed GPA on this date, at this time and at this place.

After reviewing the Planning Director's report and recommendation, which as noted above, must include the Commission's comments, the Board may either adopt or decline to adopt an order initiating proceedings for the proposed GPA.

If the Board adopts an order initiating proceedings, the proposed GPA will thereafter be processed, reviewed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Commission and the Board. The adoption of an order initiating proceedings does not imply that the proposed GPA will be approved.

If the Board declines to adopt an order initiating proceedings, the proposed GPA shall not be processed.

The Board established the initiation procedures for proposed GPAs in Ordinance No. 348.4573 which was effective May 8, 2008. Proposed GPA No. 899 is considered a Regular GPA as described in Section 2.5 of that ordinance.

M. D. [Signature]

Proposed GPA No. 899 is not associated with any other cases.

The proposed site is located approximately 300 feet west of the Sky Valley Rural Village Overlay, which encompasses 115 acres along both sides of Dillon Road and running for a mile east to Dowell Lane. The stated intent of the Overlay is to establish an intimate rural core that provides local-serving commercial and public services while preserving the community's rural character. To accomplish this, Policy WCVAP 5.3 states, "Limit new commercial and public uses [within the Sky Valley Rural Village Overlay area] to a single core area not to exceed five (5) acres in size." Further, much of the parcels within the Sky Valley Rural Village Overlay area are zoned Scenic Highway Commercial (C-P-S). As such, the areas considered most appropriate for the region's commercial uses are clearly delineated.

Thus, the General Plan clearly indicates that the vision for the region is to have very limited commercial development. Further, the adjacent Sky Valley Rural Village Overlay designation and associated land use policies, as well as the area's existing zoning, indicate the areas considered most appropriate for any future commercial development.

The proposed GPA 899 calls for 32.05 acres of Community Development: Commercial Retail in a location not envisioned for such development and at an intensity six times greater than that planned for the adjacent area. As such the proposed use is not consistent with the vision for the area.

For additional information, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|---|
| 1. Existing Land Use (Ex. #1): | Vacant |
| 2. Surrounding Land Use (Ex. #1): | Vacant and scattered single family residences to the north, east, south, and west. |
| 3. Existing Zoning (Ex. #3): | R-1-1¼ |
| 4. Surrounding Zoning (Ex. #3): | R-1-1¼ to the north, south, and west. C-P-S and R-3 designations are located immediately to the east. |
| 5. Riverside County General Plan | Rural Residential (RR) (5 Ac. Min.) |
| 6. Project Data: | Total Acreage: 32.05 |
| 7. Environmental Concerns: | N/A |

RECOMMENDATIONS:

Comment that adoption of an order initiating proceedings for General Plan Amendment No. 899 would not be appropriate.

INFORMATIONAL ITEMS:

1. As of this writing, no letter in opposition or in favor of this project has been received.
2. The project site is not located within a(n):
 - a. Conserved area
 - b. Sand source or FTL preserve
 - c. Agriculture preserve

3. The project site is located within:
 - a. ½ mile of Dillon Road Fault, San Andreas Fault, and the Alquist-Priolo Fault
 - b. Palm Springs Unified School District
 - c. The Coachella Valley MSHCP fee area

4. The project site is currently designated as Assessor's Parcel Number 645-120-028.

FOUNDATION COMPONENT AMENDMENT - REGULAR

CYCLE: 5-YEAR

Case No. GPA 899 Supervisorial District: Fourth

Existing Zoning: R-1-1¼

Area Plan: Western Coachella Valley

Acreage: 32.05

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: RURAL

Existing General Plan Land Use Designation: Rural Desert

Existing Policy Area(s) or Overlay(s): N/A

Existing Map(s) of Issue (cite GP figure # and page #): _____

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

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: Commercial Retail

Proposed Change to Policy Area or Overlay: N/A

Proposed Change to Map (cite GP map name): _____

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

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 ½ Mile	X		Dillon Road Fault & San Andreas Fault
Liquefaction Potential; Subsidence	X		Liquefaction – Moderate Subsidence – Susceptible
High Fire Area		X	
Code Compliant		X	
MSHCP Conserved Land		X	
Access / Alternate Access Issues	X		Direct access from Dillon Road and Ford Road
Water / Sewer Issues	X		Coachella Valley Water District (CVWD). Distance from nearest line is 2.5 miles.
City Sphere of Influence		X	
Proposed Annexation/ Incorporation Area		X	
Other Issues* (see below)	X		

*** OTHER ISSUES:**

<i>Item</i>	<i>Policy</i>	<i>Discussion</i>
<p>Within ½ mile of fault line</p>	<p>S 2.2</p> <p>"Require geological and geotechnical investigations in areas with potential for earthquake-induced liquefaction, land sliding or settlement as part of the environmental and development review process, for any structure proposed for human occupancy, and any structure whose damage would cause harm."</p>	<p>This site is within ½ mile of a fault zone and also moderately susceptible liquefaction which is a secondary effect of strong seismic shaking. A geological/geotechnical investigation may be needed to determine the site's geological/engineering constraints.</p>
<p>Adjacent land uses</p>	<p>LU 17.3</p> <p>"Ensure that development does not adversely impact the open space and rural character of the surrounding area."</p>	<p>Existing land use and zoning designations for the site are generally inconsistent. Potential argument for foundation change from RUR:RR to CD:CR would be consistent with current zoning and may represent a reasonable extension of existing uses in the area.</p>
<p>Site Access</p>	<p>N/A</p> <p>The property is surrounded by RURAL:RR (land use) and R-1-¼ (zoning) designations on the north, south, and west. Properties immediately east are RURAL:RR (R-3 zoning) and RURAL:RR (C-P-S zoning).</p>	<p>The area is generally a rural atmosphere. Site is surrounded by parcels with RURAL:RR designations (zoned R-1-¼).</p>
<p>Utility availability</p>	<p>N/A</p> <p>Site is accessible from existing major roads.</p> <p>Provide sewer facilities and/or septic capacity to meet the demands of the proposed land use.</p>	<p>Proposed site is immediately south of Dillon Road, an arterial (128' row). Kris Road provides a secondary access. 128th Street runs south of the proposed site.</p> <p>Provision of utilities, particularly sewer is limited in the area (approximately 2.5 miles away).</p>

FOUNDATION COMPONENT AMENDMENT – REGULAR: FINDINGS

(Check all that apply)

According to the Administration Element of the General Plan, "The premise for a Foundation Amendment is that the General Plan will only be amended in any fundamental way for significant cause. The intent with Foundation Amendment Findings is to consider them comprehensively in the context of the entire General Plan and their overall impacts on the Riverside County Vision and its implementation."

In light of this, is there a reasonable possibility that the following findings can be made? *

Finding	Yes	No	Comment
There is substantial evidence that new conditions or circumstances justify the proposed change.		X	The proposed General Plan Amendment would lead to the establishment of large scale commercial in a rural atmosphere. The Sky Valley Rural Village Overlay is 300 feet to the east of the site and promotes a rural atmosphere. Although the proposal is not located <i>within</i> the overlay, it requests new commercial uses in the immediate area. Within the adjacent overlay, commercial uses are limited to no more than 5 acres, yet the proposal takes in over 32.05 acres. The scale of commercial development which would be allowed under the proposed amendment is out of proportion with the level of commercial development anticipated by the General Plan for this rural community.
The proposed change does not conflict with the overall Riverside County Vision.		X	Because of the excessive commercial development, approval of this GPA would result in development within an area intended to be rural; therefore, the proposal conflicts with the Vision of the General Plan.
The proposed change does not create an internal inconsistency among the Elements of the General Plan.		X	Appears to have internal inconsistencies among the General Plan Elements.

(These findings do not apply to any amendment to the Riverside County Vision.)

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

Case: **FOUNDATION COMPONENT – REGULAR GPA 899**

STAFF COMMENTS:

Department	Comments
Planning	Staff cannot recommend an order initiating proceedings because the requested change would result in commercial development beyond the scope of commercial development anticipated by the General Plan for this area. AJA 6/17/08
Transportation	
EPD	
Fire	
Flood	
Building and Safety	
Geologist	