

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

623B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
December 16, 2008

SUBJECT: GENERAL PLAN AMENDMENT NO. 1070 – (Entitlement/Policy) – Applicant: Maria Bramblia – Engineer / Representative: A&A Associates - Fifth Supervisorial District – Good Hope Area – Mead Valley Area Plan: Community Development: Medium Density Residential (CD:MDR) (2 – 5 Dwelling Units Per Acre) – Location: Northerly of Dockery Lane, southerly of Seventh Street, easterly of Clayton Street, and westerly of State Highway 74 – 3.60 Gross Acres – Zoning: Rural Residential (R-R) - **REQUEST:** The General Plan Amendment proposes to alter the site's current General Plan Land Use Designation from Community Development: Medium Density Residential (CD: MDR) (2 to 5 dwelling units per acre) to Community Development: Commercial Retail (CD: CR) (0.20-0.35 floor to area ratio).

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating the above referenced general plan amendment 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 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

Ron Goldman
Planning Director

(CONTINUED ON ATTACHED PAGE)

RG:db

REVIEWED BY EXECUTIVE OFFICE
DATE 12/16/08
Tina Grande
Departmental Concurrence

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

Prev. Agn. Ref.

District: Fifth

Agenda Number:

15.2

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: Mead Valley
Zoning District: Good Hope
Supervisorial District: Fifth
Project Planner: Nicole Berumen
Planning Commission: December 3, 2008

General Plan Amendment No. 1070
Applicant: Maria Brambila
Engineer/Rep.: A&A Associates

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommended that the appropriate findings per the General Plan Administration Element be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 1070 to alter the site's current General Plan Land Use Designation from Community Development: Medium Density Residential (CD: MDR) (2 to 5 dwelling units per acre) to Community Development: Commercial Retail (CD: CR) (0.20-0.35 floor to area ratio). The Planning Commission made the comments below. The Planning Director continues to recommend General Plan Amendment No. 1070. For additional information regarding this case, see the attached Planning Department Staff Report(s).

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: Not present

Commissioner John Petty: No comments

Commissioner Jim Porras: No comments

Commissioner Jan Zuppardo: Commissioner Zuppardo stated that the General Plan Amendment is appropriate.

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A handwritten signature in black ink, appearing to be "John Roth", is located in the bottom left corner of the page.

Agenda Item No.: 7.8
Area Plan: Mead Valley
Zoning District: Good Hope
Supervisorial District: Fifth
Project Planner: Nicole Berumen
Planning Commission: December 3, 2008

General Plan Amendment No. 1070
Applicant: Maria Brambila
Engineer/Rep.: A&A Associates

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1070 proposes to alter the site's current General Plan Land Use Designation from Community Development: Medium Density Residential (CD: MDR) (2 to 5 dwelling units per acre) to Community Development: Commercial Retail (CD: CR) (0.20-0.35 floor to area ratio).

The project is located within the Mead Valley Area Plan, more specifically northerly of Dockery Lane, southerly of Seventh Street, easterly of Clayton Street and westerly of State Highway 74.

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 Agriculture and Entitlement/Policy GPA, under Section 2.4.

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

GENERAL PLAN ADMINISTRATIVE ELEMENT 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 subject to the development review process and final CEQA determination. The Administration Element of the General Plan explains that there are four

M/12
A/lu

categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1070 falls into the Entitlement/Policy category, because it is changing within the same Foundation-Component, Community Development.

The Administration Element of the General Plan explains that two findings must be made, and at least one of five additional findings must be made to justify an entitlement/policy amendment. The two 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 finding per the General Plan Administrative element 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 change does not conflict with:

(1) The Riverside County Vision.

The proposed amendment would contribute to the fulfillment of the "Plan Integration" Fundamental Value stated in Chapter No. 2 entitled "Vision" of the General Plan. The proposed General Plan Amendment would allow for the change in land use designation from Medium Density Residential (MDR) to Commercial Retail (CR). The change in land use designation would allow for the legalization of an existing Hay and Feed Sales facility that serves the larger community. More specifically, the proposed general plan amendment is located along State Highway 74 and vision statement two of the Plan Integration Fundamental Value states, "Many of the corridors are recognized, not only as community links or buffers, but also as unifying elements that reinforce community identity." State Highway 74 is a corridor that provides a variety of residential and commercial uses within the Mead Valley Area. The proposed project is located within the Community Development Foundation Component; however to the south of Ellis Avenue within the larger community is land that is within the Rural Community Foundation Component and is conducive to such rural commercial uses as a Hay and Feed Sales Facility.

(2) Any General Plan Principle.

Given Staff's review it is possible that the proposed land use designation could satisfy each of the General Plan Principles and Policies.

More specifically, the proposed project would help to achieve General Plan Principle VII.C.4 which states, "Stimulate the growth of small businesses." The proposed land use designation would change the current general plan land use designation for 3.60 gross acres from a residential to a commercial use. The modification of 3.60 gross acres would only allow for the legalization of a small business, thus achieving the intent of the General Plan Principle.

The general plan amendment proposes a change in the land use designation from Medium Density Residential (MDR) to Commercial Retail (CR) which has the potential to create an incompatibility of land uses within the community. However through the development review process the project would be required to conform to LU 23.6 which states, "...commercial projects abutting residential properties [shall] protect the residential use from the impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards," thus minimizing the potential for incompatibility and aiding in the development of a variety of uses within this area of Mead Valley.

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

The project designation would be within the same Foundation Component of the General Plan. Thus, the proposed Amendment is consistent with the Community Development Foundation.

Second Required Finding: The second General Plan Administrative Element 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 proposed Commercial Retail (CR) Land Use Designation would allow for the legalization of a small business within this area of Mead Valley. The Land Use Element of the General Plan encourages "a balanced mixture of land uses, including commercial, office, industrial, agriculture, and open space, as well as a variety of residential product types, densities, and intensities in appropriate locations that respond to a multitude of market segments" (LU-12). The addition of Commercial Retail (CR) Land Use

Designation would allow for the legalization of an existing Hay and Feed Sales facility that serves the greater community.

The proposed project would not be detrimental to the purposes of the general plan.

Third Required Finding: In addition to the two required findings as referenced above, 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.”

The project is located along State Highway 74 in the Mead Valley Area Plan, just south of the City of Perris. This area of Mead Valley has recently seen an increase in land development applications (GPA1046, GPA1064, and GPA1066). The recent increase in development applications within the vicinity of the proposed project is an indication that the area is transitioning and special circumstances or conditions have emerged since the preparation of the General Plan.

The site is currently designated Medium Density Residential (MDR) and proposes to change the land use designation from Medium Density Residential (MDR) to Commercial Retail (CR) (0.20 to 0.35 Floor to Area Ratio). The change in land use from residential to commercial would not be detrimental, as there are currently three (3) additional general plan amendment applications that are proposing land use designations, such as Business Park (BP) (0.25 -0.60 Floor to Area Ratio) and Very High Density Residential (VHDR) (14-20 dwelling units per acre). The addition of Commercial Retail (CR) uses within the vicinity of proposed job centers and high density housing would not be detrimental to the area as a whole.

The increase in land development applications within this area of Mead Valley would also necessitate the need for infrastructure, such as sewer and other necessary utilities to extend into the State Highway 74 corridor. The extension of utilities will aid in future development within the proposed project vicinity and is likely a circumstance and/or condition that was not anticipated during preparation of the General Plan.

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|--|
| 1. General Plan Land Use (Ex. #5): | Community Development: Medium Density Residential (CD:MDR) (2-5 du/ac) |
| 2. Proposed General Plan Land Use: | Community Development: Commercial Retail (CD:CR) (0.20-0.35 floor to area ratio) |
| 3. Existing Zoning (Ex. #2): | Rural Residential (R-R) |
| 4. Surrounding Zoning (Ex. #2): | Rural Residential to the north, south, east and west |
| 5. Existing Land Use (Ex. #1): | Hay and Feed Sales |
| 6. Surrounding Land Use (Ex. #1): | Single family residential to the north, south, east and west |
| 7. Project Data: | Total Acreage: 3.60 Gross Acres |

RECOMMENDATIONS:

The Planning Director 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. 1070. 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 100-year flood plain, an area drainage plan, or dam inundation area,
 - b. A Community Service Area,
 - c. A Fault Zone, or
 - d. A WRCMSHCP Cell/ Cell Group.
3. The project site is located within:
 - a. The boundaries of the Perris & Perris Union High School District;
 - b. The city of Perris sphere of influence; and
 - c. The Stephens Kangaroo Rat Fee Area.
4. The subject site is currently designated as Assessor's Parcel Numbers: 326-240-022 and 326-240-077.

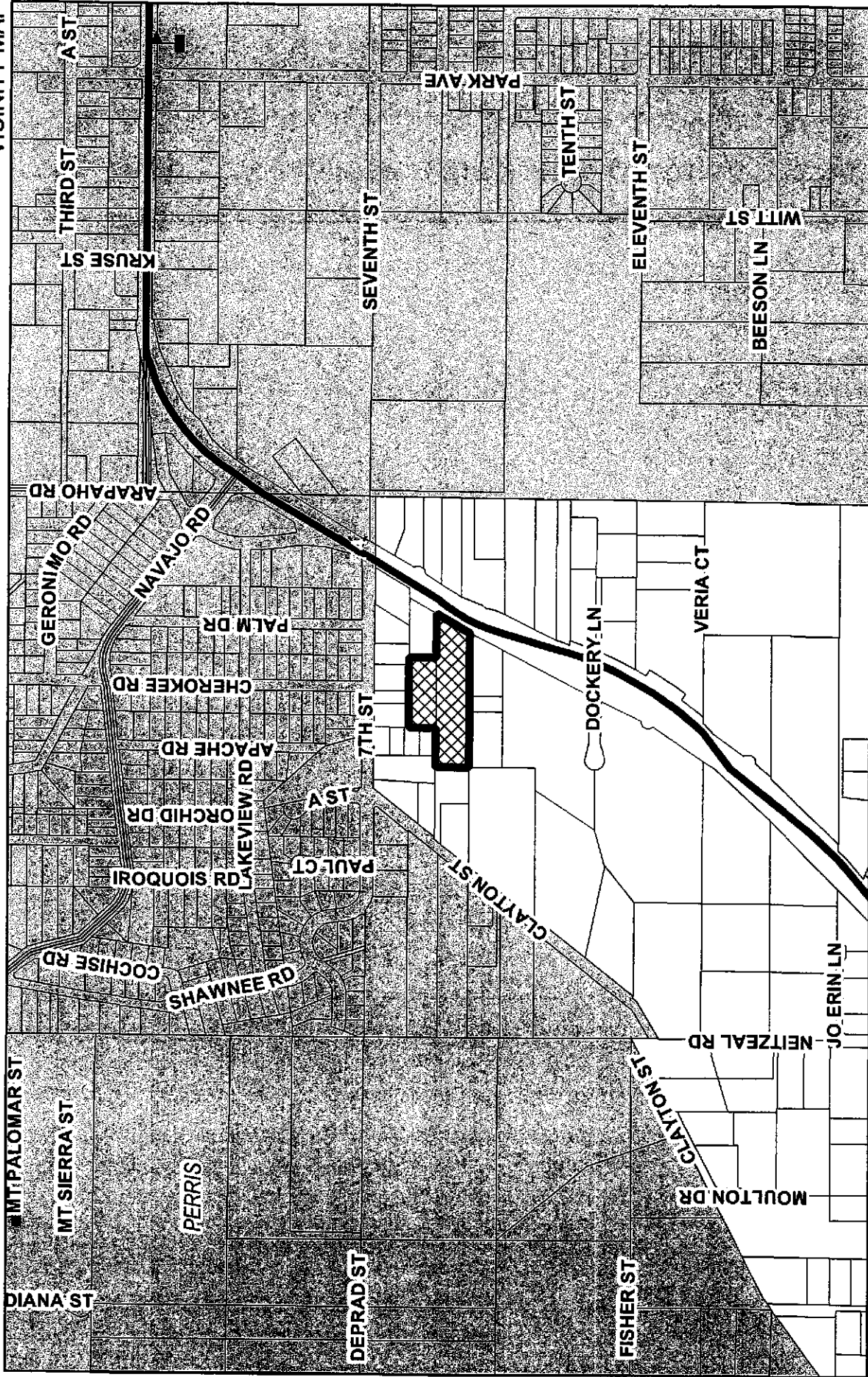
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Date Prepared: 11/10/08
Date Revised: 11/10/08

Supervisor: Ashley
District 5
Date Drawn: 11/7/08

CZ07685 GPA01070 PP23327

VICINITY MAP

Planner: Nicole Berumen
Date: 12/3/08
VICINITY MAP



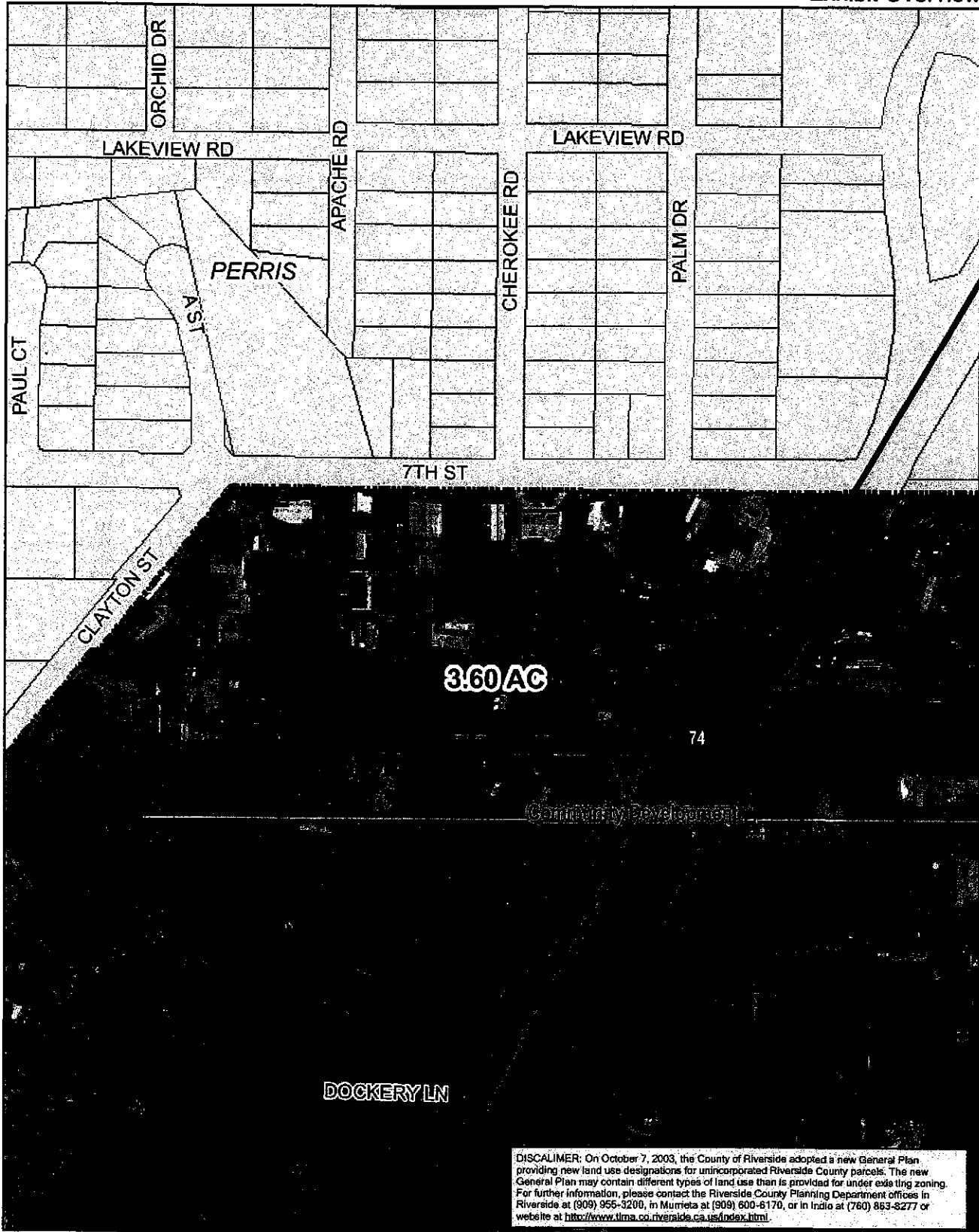
RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T4SR4W
Section: 36

Assessors
Bk. Pg. 326-24
Thomas
Bros. Pg. 807 E4



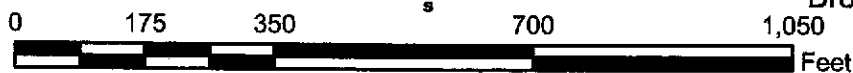
DEVELOPMENT OPPORTUNITY



DISCALIMER: 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 Murietta at (909) 600-6170, or in Indio at (760) 863-3277 or website at <http://www.tlma.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T4SR4W
Section: 36



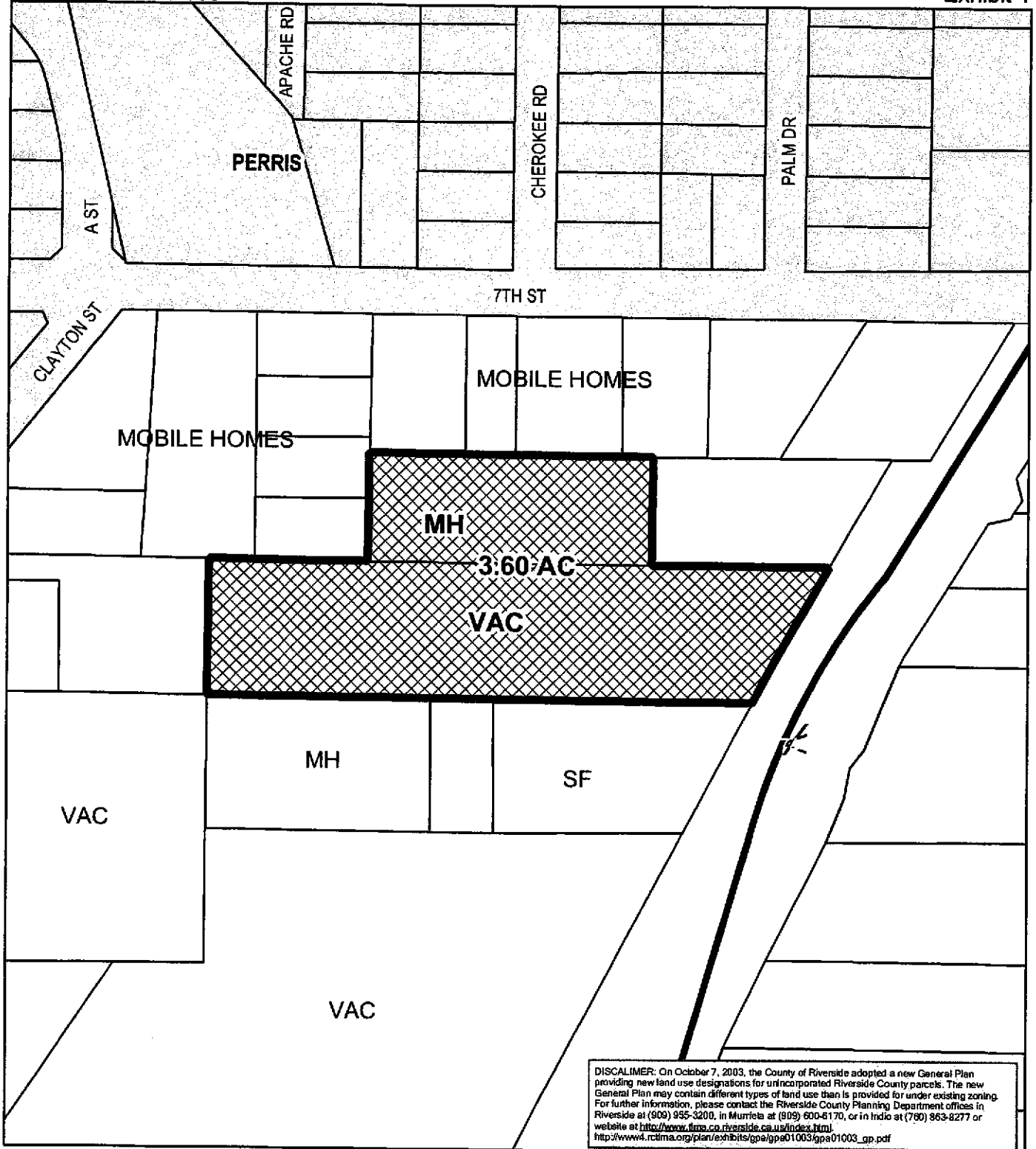
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Supervisor: Ashley
District 5
Date Drawn: 11/7/08

CZ07685 GPA01070 PP23327

Planner: Nicole Berumen
Date: 12/3/08
Exhibit 1

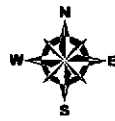
Land Use



DISCALIMER: 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.rctma.org/plan/exhibits/gpa/gpa01003/gpa01003_gp.pdf

RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T4SR4W
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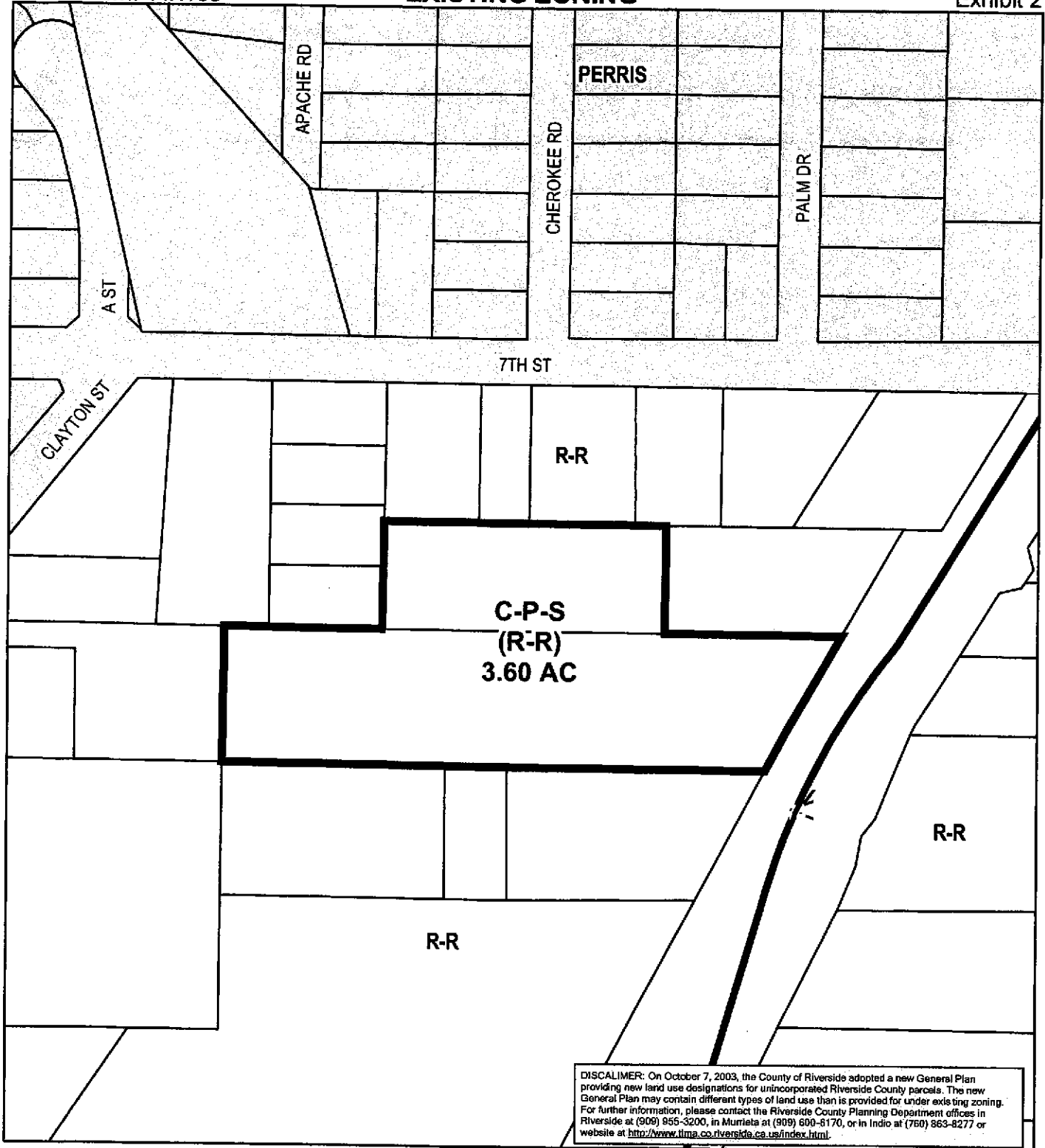
Supervisor: Ashley
District 5
Date Drawn: 11/7/08

CZ07685 GPA01070 PP23327

Planner: Nicole Berumen
Date: 12/3/08

EXISTING ZONING

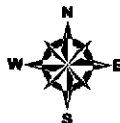
Exhibit 2



DISCALIMER: 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 Murietta at (909) 600-6170, or in Indio at (760) 863-8277 or website at <http://www.tlma.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T4SR4W
Section: 36



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Supervisor: Ashley
District 5
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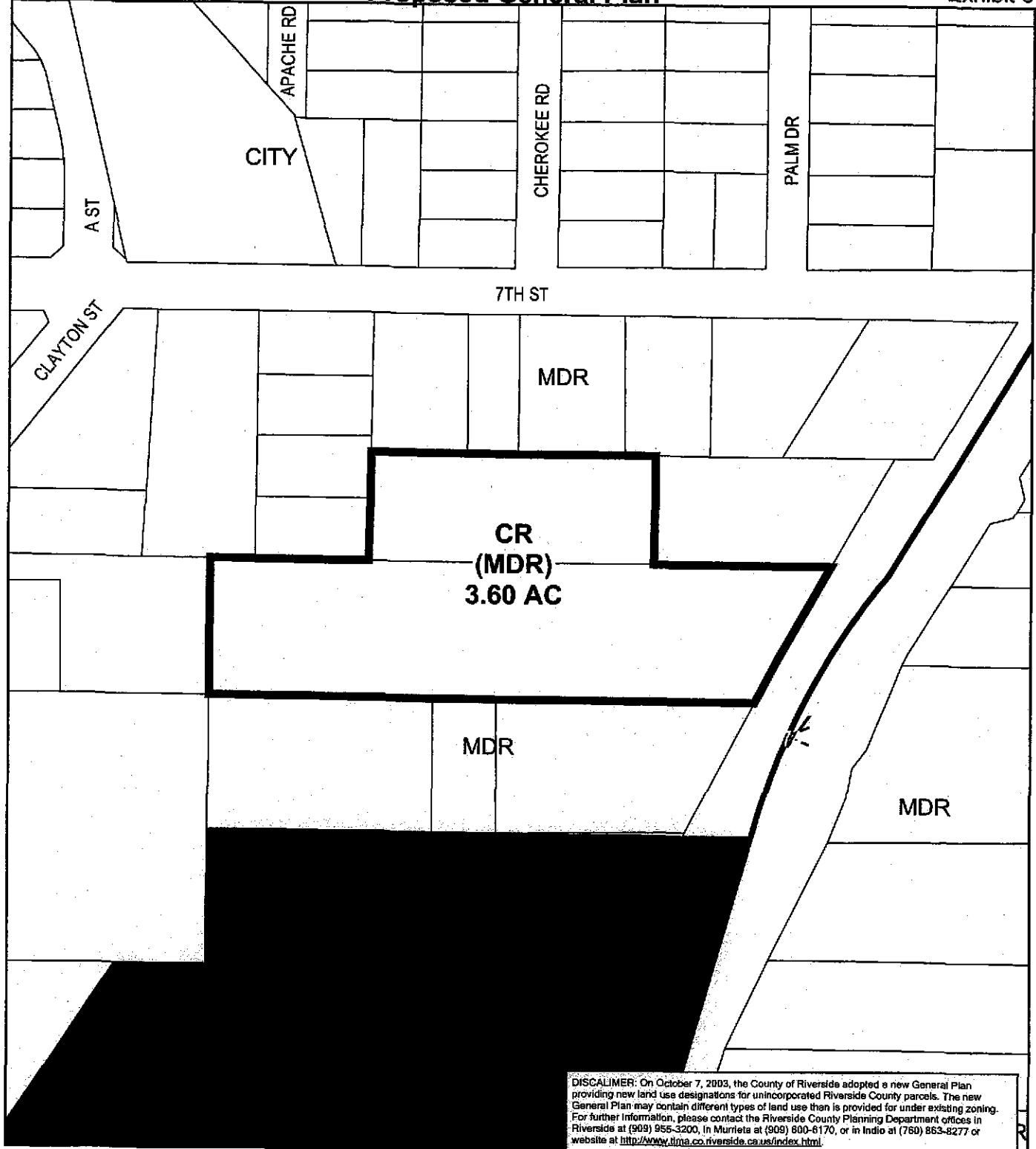
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Planner: Nicole Berumen

Date: 12/3/08

Proposed General Plan

Exhibit 6



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T4SR4W
Section: 36



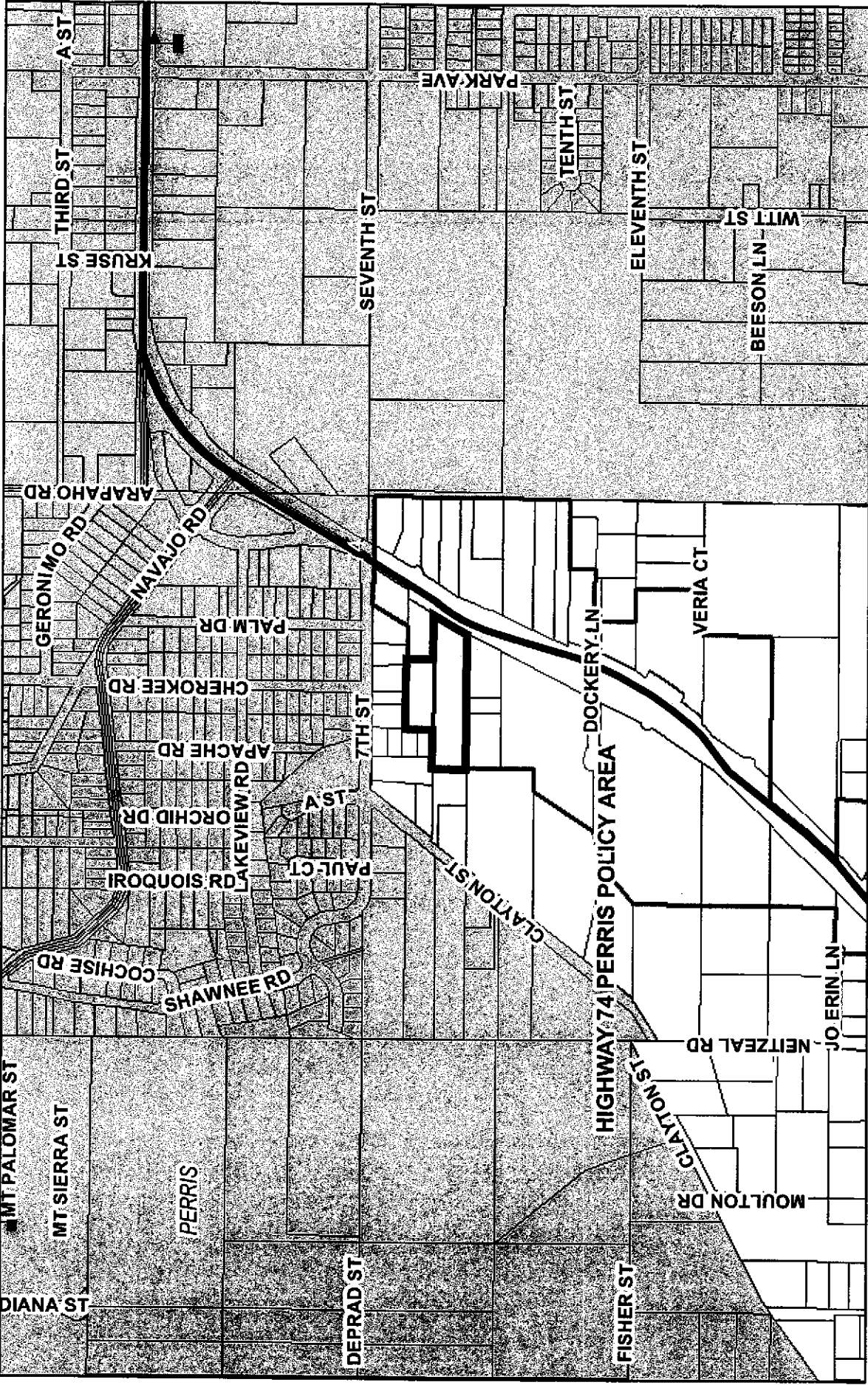
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Bros. Pg. 807 E4

Supervisor: Ashley
District 5
Date Drawn: 11/7/08

CZ07685 GPA01070 PP23327

POLICY AREAS

Planner: Nicole Berumen
Date: 12/3/08
Exhibit 8



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T4SR4W
Section: 36



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ENTITLEMENT / POLICY AMENDMENT

CYCLE: Quarterly

Case No. General Plan Amendment No. 1070 Supervisorial District: Fifth Existing Zoning: Rural Residential

Area Plan: Mead Valley Acreage: 3.60 acres

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: Community Development

Existing General Plan Land Use Designation: Medium Density Residential (two – five dwelling units per acre)

Existing Policy Area(s) or Overlay(s): Highway 74 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: N/A

Proposed General Plan Land Use Designation: Commercial Retail (CR) (0.20 to 0.35 floor to area ratio)

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

Case: **ENTITLEMENT/POLICY GPA 1070**

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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	
Liquefaction Potential; Subsidence		X	
High Fire Area		X	
Code Compliant	X		CV078492 Business without a permit, CV073088 Agricultural building without a permit
MSHCP Conserved Land		X	
Access / Alternate Access Issues			
Water / Sewer Issues	X		No sewer currently exists within close proximity to the project site. The nearest possible connection is located at the corner of San Jacinto Avenue and Diana Street.
City Sphere of Influence	X		City of Perris Sphere of Influence
Proposed Annexation/ Incorporation Area		X	

Other Issues* (see below)					
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* 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 1070

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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