

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

702 B



FROM: TLMA – Planning Department

SUBMITTAL DATE:

May 4, 2009

SUBJECT: GENERAL PLAN AMENDMENT NO. 948 – Foundation-Regular – Applicant: David Rodriguez – Engineer/Representative: Ed Cepeda - Fifth Supervisorial District - Cherry Valley Zoning District - The Pass Area Plan: Rural Community: Very Low Density Residential (RC:VLDR) (1 Ac. Min.) Policy Area(s) – Cherry Valley– Location: Northerly of Cherry Valley Boulevard., easterly of Nancy Avenue, southerly of Vineland Street, and westerly of Mountain View Avenue. - 7.33 Gross Acres - Zoning: General Commercial (C-1/C-P) - **REQUEST:** This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from RURAL COMMUNITY (RC) to COMMUNITY DEVELOPMENT (CD) and to amend General Plan Land Use designation of the subject site from Very Low Density Residential (RC:VLDR) (1 Ac. Min.) to Commercial Retail (CD:CR) (0.20 - 0.35 Floor Area Ratio) - APN: 405-130-018

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating the above referenced general plan amendment as modified by staff to include the adjacent parcel to the east (APN: 405-130-011) 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

Ron Goldman
Planning Director

RG:TH

REVIEWED BY EXECUTIVE OFFICE

DATE 5/11/09 mg

Tina Grande
Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

5.11.09 10:13
2009-05-11 10:13

Prev. Agn. Ref.

District: Fifth

Agenda Number:

15.7

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.: 6.11
Area Plan: The Pass
Zoning District: Cherry Valley District
Supervisory District: Fifth
Project Planner: Tamara Harrison
Planning Commission: October 1, 2008

General Plan Amendment No. 948
Applicant: David Rodriguez
Engineer/Representative: Ed Cepeda

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommended that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 948 from Rural Community: Very Low Density Residential to Community Development: Commercial Retail and that the parcel (APN: 405-130-011) directly adjacent to the east of the subject site also be included in the proposal, the Planning Commission made the comments below. The Planning Director continues to recommend initiation of GPA00948. 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:

Commissioner John Roth: No Comments

Commissioner John Snell: No Comments

Commissioner John Petty: No Comments

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: Commissioner Zuppardo agreed with staff's recommendation that initiation of the General Plan Amendment would be appropriate.

Agenda Item No.: 6.11
Area Plan: The Pass
Zoning District: Cherry Valley District
Supervisory District: Fifth
Project Planner: Tamara Harrison
Planning Commission: October 1, 2008
Continued from: August 12, 2008

General Plan Amendment No. 948
E.A. Number 41776
Applicant: David Rodriguez
Engineer/Rep.: Ed Cepeda

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan from "Rural Community: Very Low Density Residential" (RC:VLDR) (1 acre min.) to "Community Development: Commercial Retail" (CD:CR) (0.20-0.35 FAR) for an approximately 7.33-acre parcel. The project is located northerly of Cherry Valley Boulevard, easterly of Nancy Avenue, southerly of Vineland Street, and westerly of Mountain View Avenue.

FURTHER PLANNING CONSIDERATIONS:

September 9, 2008

The proposal was discussed at the August 12, 2008 Planning Commission meeting where the Commission directed staff and the applicant to meet so that any additional information the applicant could provide would be considered. Subsequently, a meeting was held September 5, 2008 between the applicant and the Planning Department to discuss the proposal further.

The subject site is located within the "Cherry Valley" community. The community is characterized by "large-lot residential, agricultural and animal keeping uses, with a commercial core along Beaumont Avenue, northerly of Cherry Valley Boulevard." Staff feels that the subject site is a reasonable extension of the commercial core and of the commercial lots located directly across Cherry Valley Boulevard from the subject site. Staff also feels that the existing designation is no longer appropriate for the subject site.

A High School is now located across Cherry Valley Boulevard from the subject site at the southeastern corner of Mountain View Avenue and Cherry Valley Boulevard within the City of Beaumont. The school serves as a new condition or circumstance that is present in the area and gives some justification to the proposed change. Sewer is not available at the site; the nearest sewer is approximately 1.5 miles away per the application.

Staff also recommended that the parcel (APN 405-130-011) directly to the east of the subject site be included in the proposal as well. The applicant had not contacted the respective owner at the time of the meeting.

RECOMMENDATION:

Comment that adoption of an order initiating proceedings for General Plan Amendment No. 948 from Rural Community: Very Low Density Residential to Community Development: Commercial Retail **would be appropriate**; however, staff recommends including the adjacent parcel to the east. The adoption of such an order does not imply that the proposed GPA will be approved.

Agenda Item No.: 6.11
Area Plan: The Pass
Zoning District: Cherry Valley District
Supervisory District: Fifth
Project Planner: Tamara Harrison
Planning Commission: August 12, 2008

General Plan Amendment No. 948
E.A. Number 41776
Applicant: David Rodriguez
Engineer/Rep.: Ed Cepeda

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan from "Rural Community: Very Low Density Residential" (RC:VLDR) (1 acre min.) to "Community Development: Commercial Retail" (CD:CR) (0.20-0.35 FAR) for an approximately 7.33-acre parcel. The project is located northerly of Cherry Valley Boulevard, easterly of Nancy Avenue, southerly of Vineland Street, and westerly of Mountain View Avenue.

POTENTIAL ISSUES:

The proposed change conflicts with the overall Riverside County Vision for the "Cherry Valley" community. The community is characterized by "large-lot residential, agricultural and animal keeping uses, with a commercial core along Beaumont Avenue, northerly of Cherry Valley Boulevard." The subject parcel is also located within the General Plan's "Cherry Valley Policy Area" which encourages: "local serving commercial development along Beaumont Avenue..." The subject parcel is located approximately 1400' from Beaumont Avenue on Cherry Valley Boulevard and is not consistent with the targeted commercial area defined under the "Cherry Valley Policy Area," or the features of this unique community found in the General Plan. The proposal would be contrary to the existing plan and would create an inconsistency between the land use map/element and the policy within the area plan.

Currently, the lots to the south of the site, across Cherry Valley Boulevard, are designated as Commercial Retail. However, these existing commercial lots are not being utilized for intensive commercial retail. No substantial evidence has been provided to show that new conditions or circumstances are present in the area to justify the proposed change. The site currently lacks sewer and the nearest sewer is approximately 1.5 miles away.

RECOMMENDATION:

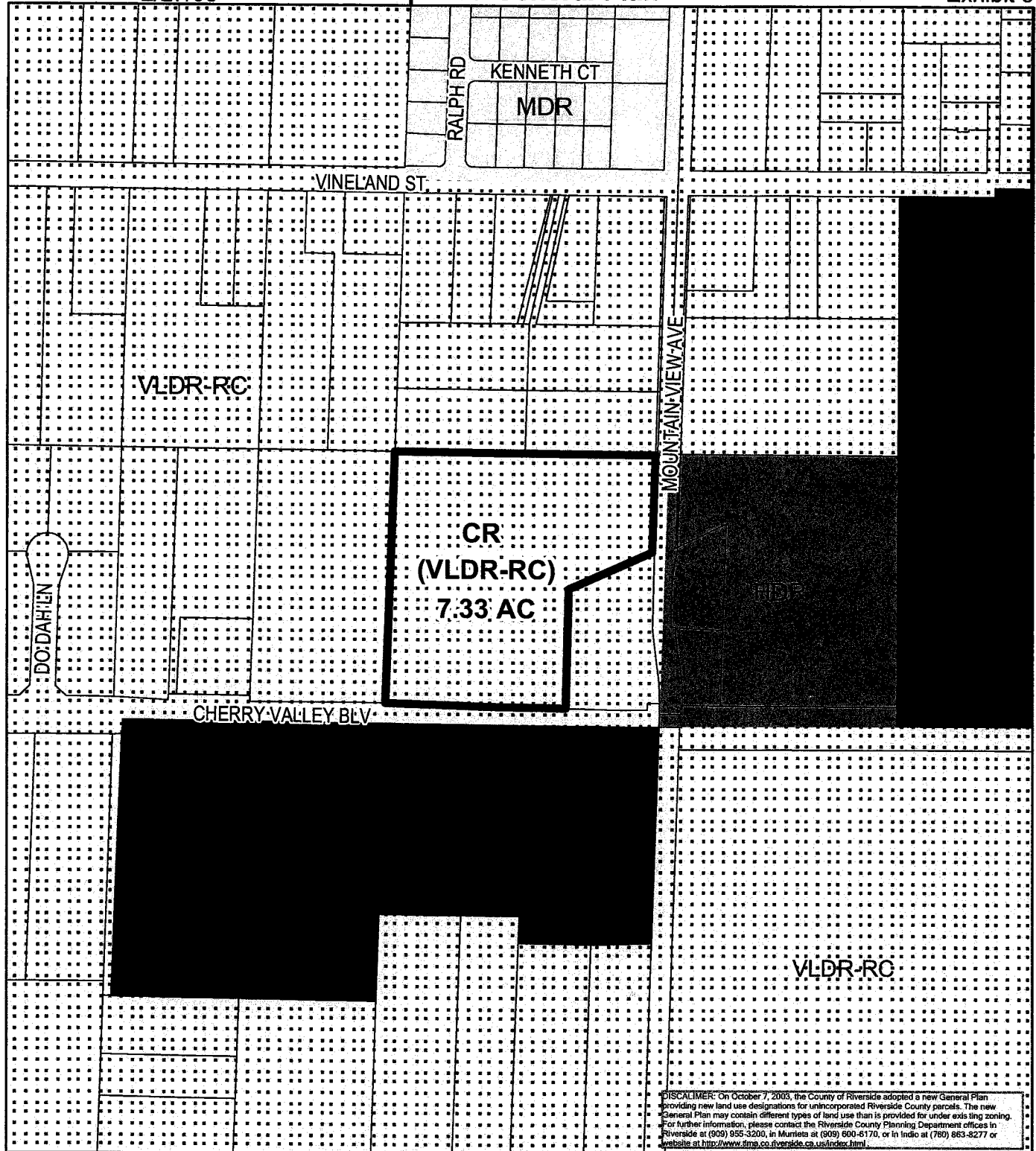
Comment that adoption of an order initiating proceedings for General Plan Amendment No. 948 from Rural Community: Very Low Density Residential to Community Development: Commercial Retail **would not be appropriate**. The adoption of such an order does not imply that the proposed GPA will be approved.

Supervisor Ashley
District 5
Date Drawn: 2/27/08

GPA00948

Proposed General Plan

Planner: Amy Aldana
Date: 3/10/08
Exhibit 6



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 Murietta at (909) 600-6170, or in Indio at (780) 863-8277 or website at <http://www.rmp.co.riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28



Assessors
Bk.Pg. 405-13
Thomas
Bros. Pg. 690 H4

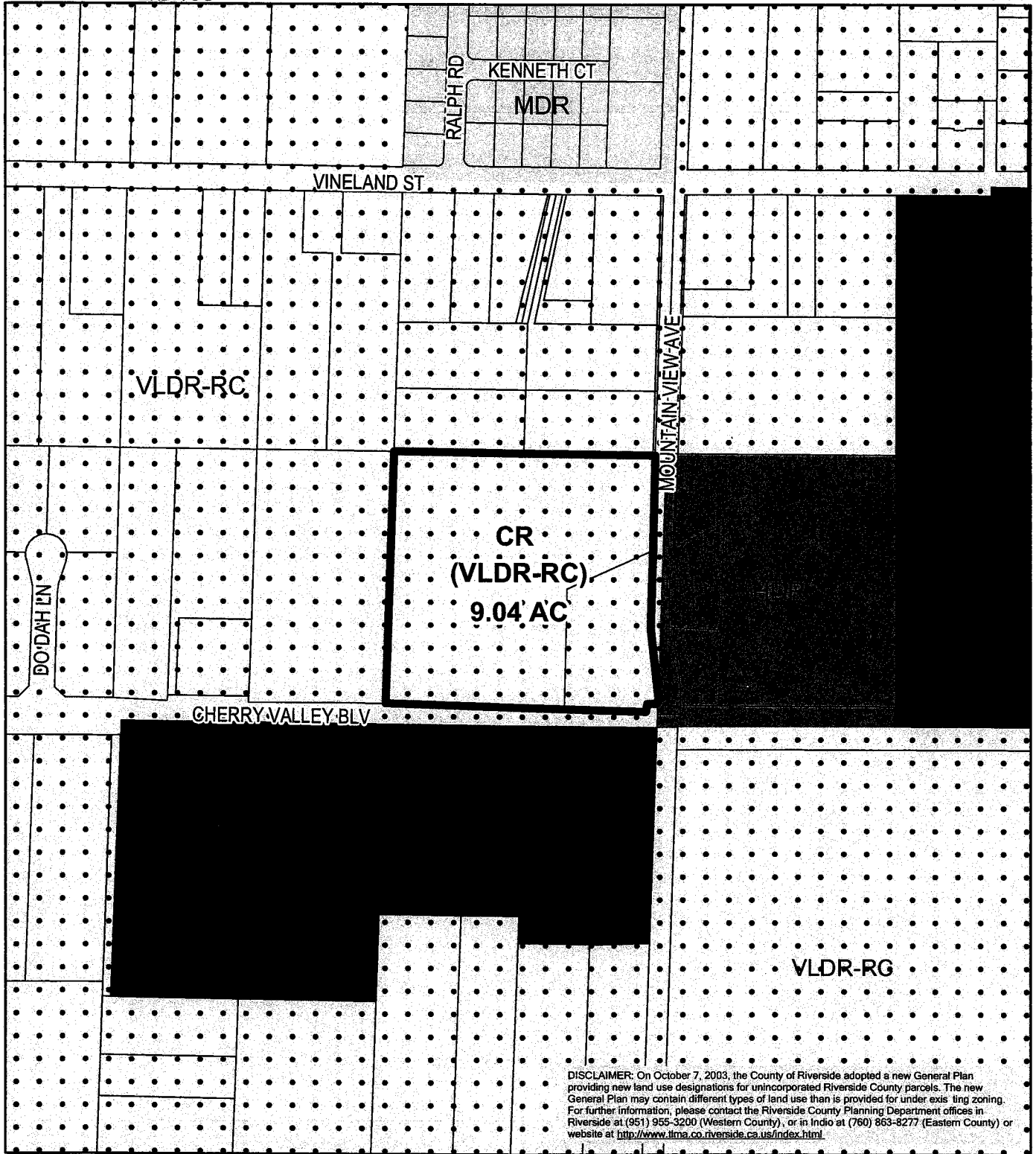


Supervisor Ashley
District 5
Date Drawn: 2/27/08

GPA00948

Planner: Amy Aldana
Date: 3/10/08
Exhibit 7

Recommended General Plan



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RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

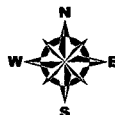


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RIVERSIDE COUNTY PLANNING DEPARTMENT

District
Plan: Cherry Valley
Township/Range: T2SR1W
Section: 28



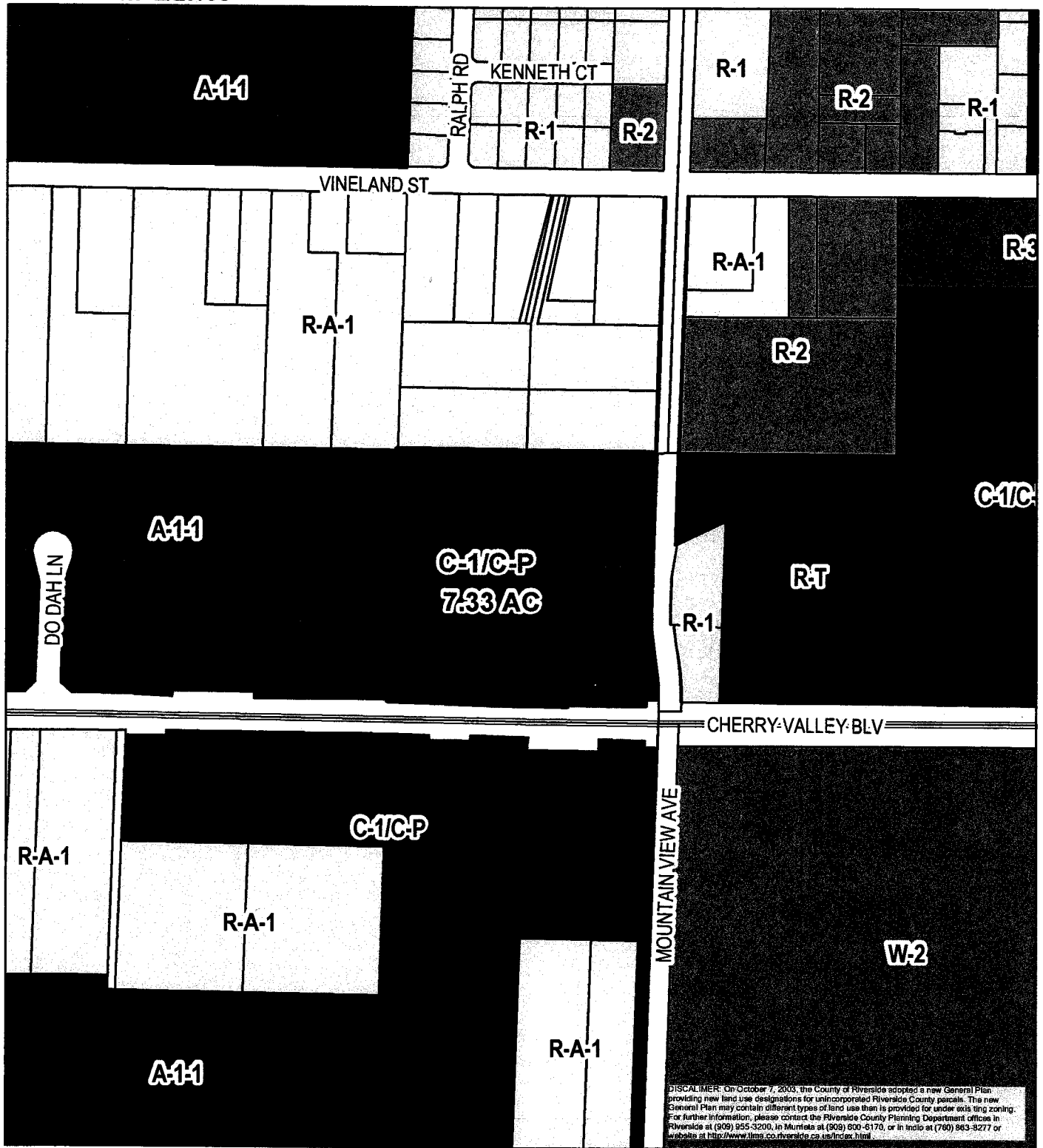
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Supervisor Ashley
District 5
Date Drawn: 2/27/08

GPA00948
EXISTING ZONING

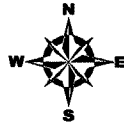
Planner: Amy Aldana
Date: 3/10/08
Exhibit 2



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 (909) 855-3200, in Murietta at (909) 800-5170, or in Indio at (760) 963-8277 or website at <http://www.time.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

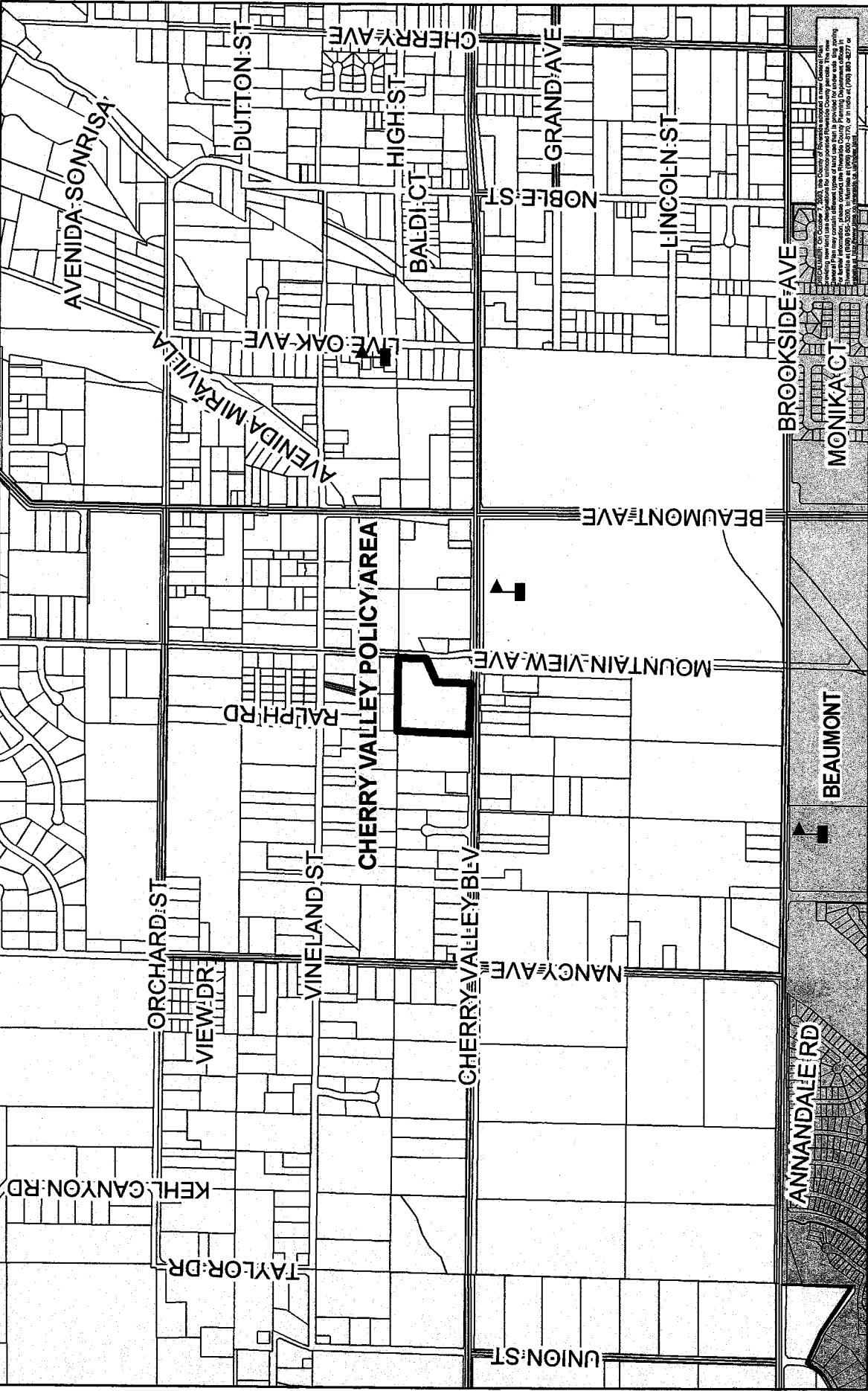


Assessors
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Thomas
Bros. Pg. 690 H4

Supervisor Ashley
District 5
Date Drawn: 2/27/08

GPA00948
POLICY AREAS

Planner: Amy Aldana
Date: 3/10/08
Exhibit 8



Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

RIVERSIDE COUNTY PLANNING DEPARTMENT

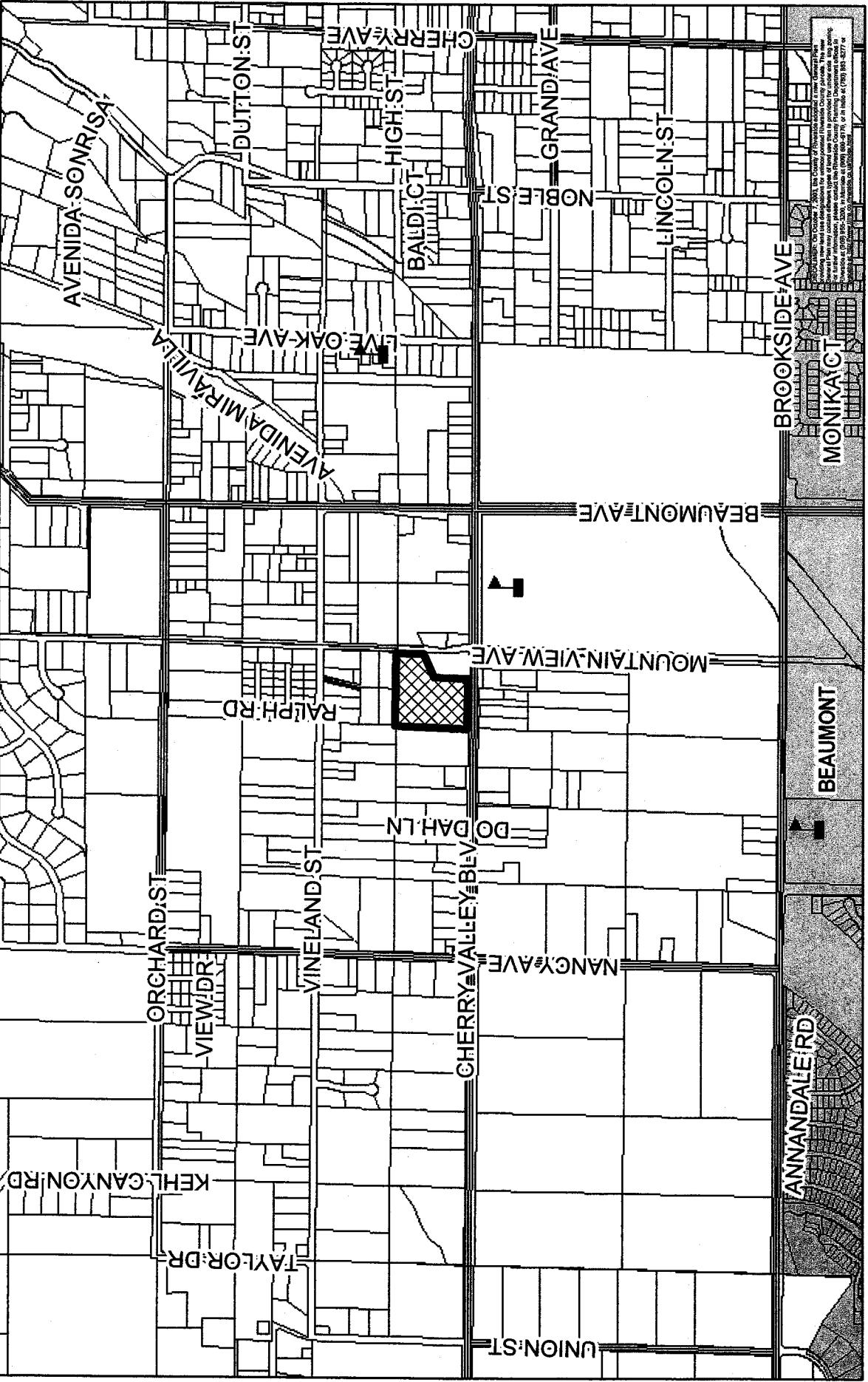
Assessors
Bk. Pg. 405-13
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Supervisor Ashley
District 5
Date Drawn: 2/27/08

GPA00948 VICINITY MAP

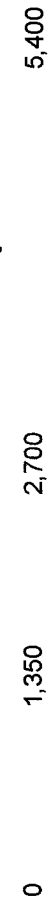
Planner: Amy Aldana
Date: 3/10/08
Vicinity Map



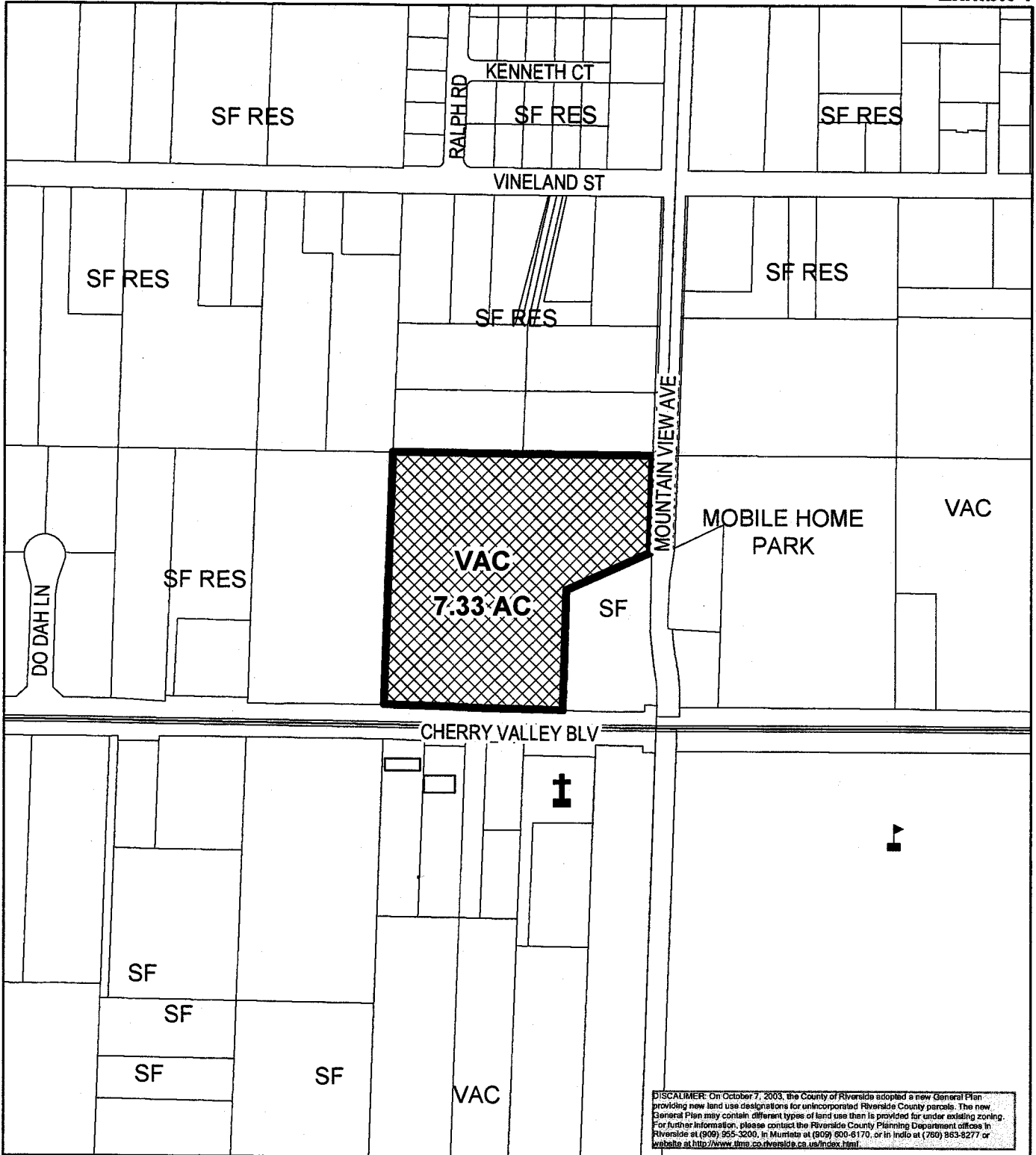
Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 405-13
Thomas

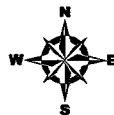


PLANNING DEPARTMENT, 2008. THE COUNTY OF RIVERSIDE ASSOCIATED PLANNING DEPARTMENT. THE PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS MAP. THE INFORMATION IS PROVIDED FOR GENERAL INFORMATION ONLY. FOR FURTHER INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT OFFICE AT 951.253.3300, EXT. 3300, OR VISIT OUR WEBSITE AT WWW.RIVERSIDECOUNTYPLANNING.ORG.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28



Assessors
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Thomas
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APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

JUSTIFICATION FOR AMENDMENT (Please be specific. Attach more pages if needed.)

WE ASK THAT OUR SITE BE RETURNED TO ITS ORIGINAL DESIGNATION AS IT WAS PRIOR TO GENERAL AMENDMENT OF 2009, THAT CHANGED THE PROPERTY AND LAND USE. CHERRY VALLEY BLVD. IS A STREET THAT CONTAINS SEVERAL COMMERCIAL PROPERTIES. WE BELIEVE THAT THIS CORRIDOR IS APPROPRIATE FOR THE USE INTENDED AND THE SERVICES PROVIDED LIKE RETAIL STORES, OFFICE SPACE AND MINI-WAREHOUSE ARE IN DEMAND IN THE GROWING AREA.

III. AMENDMENTS TO POLICIES:

(Note: A conference with Planning Department staff is required before application can be filed. Additional information may be required.)

A. LOCATION IN TEXT OF THE GENERAL PLAN WHERE AMENDMENT WOULD OCCUR:

Element: _____ Area Plan: _____

B. EXISTING POLICY (If none, write "none." (Attach more pages if needed): NONE

C. PROPOSED POLICY (Attach more pages if needed): CHANGE TO CR USE

From: "David Rodriguez, Jr." <dr10705@charter.net>
To: <mharrod@rcilma.org>
CC: <dr10705@charter.net>
Date: 9/8/2008 2:08 PM
Subject: Fw: parcels 405-130-018-8 (our's) & Mrs. Jost's 405-130-011

Subject: RE: parcels 405-130-018-8 (our's) & Mrs. Jost's 405-130-011

Dear Mr. Harrod:

I believe that the one question regarding the 1.37 acre piece that is contiguous at our east property line - That is Mrs. Jost not being told by me - that her zoning was "low density -residential.

Mrs. Jost had been seriously ill for almost two years, before she past away four months ago. I just didn't have the heart to tell her.

As I said at our meeting with you this morning, this property, I understand, has now been bequeathed to a locate Chiropractor and man who had been helping Mrs. Jost for (so I have been told) for more then two years, etc.

I want again thank you, Mr. Mains and Ms. Tamara Harrison for your time and patience with us and for listening to our tale. Regrettably, it seems that when something goes wrong -it just follows through the whole way - it reminds me of "three outfielders going after a fly ball," everybody misses it!

As I said, I don't want anybody to go out on a limb on this, but whatever you folks can help us with shall be greatly appreciated. It still seems to me that the best use would be the limited strip of small commercial retail, offices, etc. even - only mini-storage on the of the property, would not even require a sewer line connection. It only takes one person (family) living on site, which could easily be accommodated by placing one septic tank in the (the land perc. is good on that whole site) ground.

My best personal regards, to each of you - and again - Thank you!

David R.

File: RcCherryValley_property