

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

819B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 27, 2010

SUBJECT: PLOT PLAN NO. 23701 / CHANGE OF ZONE NO. 7677 – CEQA Exempt – Applicant: Rich Warfield – Engineer/ Representative: JHA Engineering, Inc. – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 FAR) - 4.5 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Sq. Ft. Min. (R-1-12,000) – **REQUEST:** The plot plan proposes to permit a wholesale plant nursery, with a fifteen-hundred (1,500) square feet existing mobile home, two shipping containers at three-hundred square feet each, and a total parking area of approximately 13,460 square feet; the change of zone proposes to change the zone classification from R-1 to Industrial Park (I-P).

RECOMMENDED MOTION:

The Planning Department recommended Approval; and,
The PLANNING COMMISSION BY A VOTE OF 4-0 RECOMMENDS:

The Board of Supervisors FIND that this project is **CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** under Article 19, Section 15301 because the project is an existing facility with negligible or no expansion of the existing use; and Change of Zone No. 7677 does not anticipate any physical change in land use in conjunction with this project; and,

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7677**, amending the zoning classification for the subject property from One Family Dwelling (R-1-1000) to Industrial Park (I-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors; and,

Ron Goldman
Planning Director

RG: jed
[initials]

REVIEWED BY EXECUTIVE OFFICE

DATE 1/20/10 TMG
Tina Grande
Departmental Concurrence

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref. | District: Fourth | Agenda Number:

The Honorable Board of Supervisors

RE: PLOT PLAN NO. 23701 / CHANGE OF ZONE NO. 7677

Page 2 of 2

APPROVAL of **PLOT PLAN NO. 23701**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**PLANNING COMMISSION
MINUTE ORDER NOVEMBER 18, 2009
LA QUINTA COUNCIL CHAMBERS**

I. AGENDA ITEM 6.1: CHANGE OF ZONE NO. 7677 / PLOT PLAN NO. 23701 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Rich Warfield – Engineer/ Representative: JHA Engineering, Inc. – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) - 4.50 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Square Feet Minimum (R-1-12,000) – APN(s): 607-270-003. (Continued from 2/18/09, 6/10/09 and 9/16/09). (Legislative)

II. PROJECT DESCRIPTION

The change of zone proposes to change the zone classification from R-1-12,000 to Manufacturing Service Commercial (M-SC) or Industrial Park (I-P). The plot plan proposes to permit an existing contractor's storage yard and landscaper's nursery – Note: This case is being scheduled as a result of Board of Supervisor's Policy A-57.

III. MEETING SUMMARY

The following staff presented the subject proposal.

Project Planner, Judy Deertrack, at 760-863-8277 or e-mail jdeertra@rctlma.org.

The following spoke in favor of the subject proposal:

Bob Wright, Applicant

A.P. Lench, Applicant's Representative, P.O. Box 450, La Quinta, California 92247

No one spoke in a neutral position or in opposition of the subject proposal.

IV. CONTROVERSIAL ISSUES

NONE

V. PLANNING COMMISSION ACTION

The Planning Commission, by a vote of 4-0 (Commissioner Zuppardo Absent), with modifications recommended to the Board of Supervisors;

ADOPTION of FINDINGS that this project is **CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** under Article XIX, Section 15301 because the project is a pre-existing facility permitted by right within the One Family Dwelling (R-1-12000) zone with negligible or no expansion of use, and Change of Zone No. 7677 does not anticipate any physical change in land use in conjunction with this permit.

TENTATIVE APPROVAL of CHANGE OF ZONE NO. 7677, amending the zoning classification for the subject property from One Family Dwelling (R-1-1000) to Industrial Park (I-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors;

APPROVAL of PLOT PLAN NO. 23701, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report;

**PLANNING COMMISSION
MINUTE ORDER NOVEMBER 18, 2009
LA QUINTA COUNCIL CHAMBERS**

PLANNING COMMISSION 11/18/09
AGENDA ITEM NO. 6.1 PAGE 2

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

**PLANNING COMMISSION
MINUTE ORDER SEPTEMBER 16, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 3.1: CHANGE OF ZONE NO. 7677 / PLOT PLAN NO. 23701** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Rich Warfield – Engineer/ Representative: JHA Engineering, Inc. – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) - 4.50 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Square Feet Minimum (R-1-12,000) – APN(s): 607-270-003. (Continued from 2/18/09 and 6/10/09). (Legislative)
- II. PROJECT DESCRIPTION**
The change of zone proposes to change the zone classification from R-1-12,000 to Manufacturing Service Commercial (M-SC) or Industrial Park (I-P). The plot plan proposes to permit an existing contractor's storage yard and landscaper's nursery – Note: This case is being scheduled as a result of Board of Supervisor's Policy A-57.
- III. MEETING SUMMARY**
Subject proposal did not require a presentation:
Project Planner, Judy Deertrack, at 760-863-8277 or e-mail jdeertra@rctlma.org.
- No one spoke in favor, neutral or in opposition of the subject proposal.
- IV. CONTROVERSIAL ISSUES**
NONE
- V. PLANNING COMMISSION ACTION**
The Planning Commission, by a vote of 5-0 continued the subject proposal to 11/18/09.
- VI. CD**
The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

**PLANNING COMMISSION
MINUTE ORDER JUNE 10, 2009
LA QUINTA COUNCIL CHAMBERS**

- I. AGENDA ITEM 7.3: CHANGE OF ZONE NO. 7677 / PLOT PLAN NO. 23701** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Rich Warfield – Engineer/ Representative: JHA Engineering, Inc. – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) - 4.50 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Square Feet Minimum (R-1-12,000) – APN(s): 607-270-003. (Continued from 2/18/09). (Legislative)
- II. PROJECT DESCRIPTION**
The change of zone proposes to change the zone classification from R-1-12,000 to Manufacturing Service Commercial (M-SC) or Industrial Park (I-P). The plot plan proposes to permit an existing contractor's storage yard and landscaper's nursery – Note: This case is being scheduled as a result of Board of Supervisor's Policy A-57.
- III. MEETING SUMMARY**
The following staff presented the subject proposal.
Project Planner, Judy Deertrack, at 760-863-8277 or e-mail jdeertra@rctlma.org.
- The following spoke in favor of the subject proposal:
Bob Wright, Applicant
A.P. Lench, Applicant's Representative, P.O. Box 450, La Quinta, California 92247
- No one spoke in a neutral position or in opposition of the subject proposal.
- IV. CONTROVERSIAL ISSUES**
NONE
- V. PLANNING COMMISSION ACTION**
The Planning Commission, by a vote of 3-0, (Commissioner Petty and Commissioner Snell Absent) continued the subject proposal to 9/16/09.
- VI. CD**
The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

**PLANNING COMMISSION
MINUTE ORDER FEBRUARY 18, 2009
LA QUINTA COUNCIL CHAMBERS**

- I. AGENDA ITEM 5.5: CHANGE OF ZONE NO. 7677 / PLOT PLAN NO. 23701** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Rich Warfield – Engineer/ Representative: JHA Engineering, Inc. – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) - 4.50 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Square Feet Minimum (R-1-12,000) – APN(s): 607-270-003. (Legislative)
- II. PROJECT DESCRIPTION**
The change of zone proposes to change the zone classification from R-1-12,000 to Manufacturing Service Commercial (M-SC) or Industrial Park (I-P). The plot plan proposes to permit an existing contractor's storage yard and landscaper's nursery – Note: This case is being scheduled as a result of Board of Supervisor's Policy A-57.
- III. MEETING SUMMARY**
The following staff presented the subject proposal:
Project Planner, Judy Deertrack, at 760-863-7063 or e-mail jdeertra@rctlma.org.
- The following spoke in favor of the subject proposal:
Bob Wright, Applicant
Skip Lench, Applicant's Representative, P.O. Box 450, La Quinta, Ca. 92247
- The following spoke in opposition of the subject proposal:
Ron Gregory, Neighbor, 79-130 Chiff Street, Bermuda Dunes, Ca. 92203
- The following did not wish to speak but want to be recorded as in opposition to the subject proposal:
Lesley Getz, Neighbor, 40-791 Celina Way, Bermuda Dunes, Ca. 92203
Gary E. Blecka, Neighbor, 78-850 41st Ave., Bermuda Dunes, Ca. 92203
Cheryl Isen, Neighbor,
Jim Lukas, Neighbor, 78800 Ave. 41, Bermuda Dunes, Ca. 92203
- No one spoke in a neutral position or in opposition of the subject proposal.
- IV. CONTROVERSIAL ISSUES**
NONE
- V. PLANNING COMMISSION ACTION**
The Planning Commission, by a vote of 5-0, continued the subject proposal to June 10, 2009.
- VI. CD**
The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

NOTICE OF PUBLIC HEARING

PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY** Board of Supervisors to consider the project shown below:

CHANGE OF ZONE NO. 7677 & PLOT PLAN NO. 23701 – CEQA EXEMPT – Applicant: Rich Warfield – Engineer/ Representative: Skip Lench – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 FAR) - 4.5 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Sq. Ft. Min. (R-1-12,000) – REQUEST: The plot plan proposes to permit a wholesale plant nursery, with a fifteen-hundred (1,500) square feet existing mobile home (caretaker's quarters), two shipping containers at three-hundred square feet each, and a total parking area of approximately 13,460 square feet; change of zone proposes to change the zone classification from R-1-12,000 to Industrial Park (I-P) – APN(s): 607-270-003.
(Quasi-Judicial)

TIME OF HEARING: or as soon as possible thereafter.
DATE OF HEARING:
PLACE OF HEARING:

For further information regarding this project, please contact Judy Deertrack, Planner IV at (760) 393-3410 or e-mail jdeertra@rctlma.org, or go to the County Planning Department's Board of Supervisor's agenda web page at

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Board of Supervisors will consider the proposed application at the public hearing.

The case file for the proposed project may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 38686 El Cerrito Road, Palm Desert, CA 92211.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Board of Supervisors, and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Board of Supervisors may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Judy Deertrack
Riverside County Planning Department
38686 El Cerrito Road
Palm Desert, CA 92211

Agenda Item No.: 6.1
Area Plan: Western Coachella Valley
Zoning District: Bermuda Dunes
Supervisorial District: Fourth
Project Planner: Judith E. Deertrack
Continued from: February 18, 2009 and
June 10, 2009
Planning Commission: November 18, 2009

PLOT PLAN NO. 23701
CHANGE OF ZONE NO. 7677
CEQA EXEMPT
Applicant: Rich Warfield and Robert Wright
Engineer/Rep.: Skip Lench

COUNTY OF RIVERSIDE PLANNING DEPARTMENT ADDENDUM TO STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The plot plan proposes to permit an existing wholesale plant nursery with fifteen-hundred (1,500) square feet existing mobile home (caretaker's quarters), two shipping containers at three-hundred square feet each, and a total parking area of approximately 13,460 square feet; the change of zone proposes to change the zone classification for the subject property from One Family Dwelling (R-1-12,000) to Industrial Park (I-P). The property is located northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street, in the community of Bermuda Dunes, approximately 500 feet southwest of the Bermuda Dunes Airport runway.

FURTHER PLANNING CONSIDERATIONS

November 24, 2009

This staff report has been modified to amend Items No. 4 and 5 of the Conclusions and Findings Sections in order to provide for the conversion of a residential mobile home unit to caretaker's quarters; and contains a further modification to Items No. 11 of the Conclusions and Findings Sections in order to provide for a categorical exemption from the requirements of the California Environmental Quality Act (CEQA). These modifications were made at the direction of the Planning Commission on November 18, 2009, with the concurrence of County Counsel's Office. The Recommendations Section has been modified to conform to the Board of Supervisor's Form 11a.

FURTHER PLANNING CONSIDERATIONS

November 18, 2009

The project was heard and discussed at the June 10, 2009 Planning Commission (PC) Hearing and continued to the September 16, 2009 Hearing. An incomplete staff report (without conditions of approval or a completed initial study) was submitted to the Commission, in order to comply with Board Policy A-57 (Unauthorized Businesses) and set the matter for public hearing even though project review was not completed. Discussions included concerns about compatibility of industrial zoning adjacent to existing residences, as well as consistency with the Bermuda Dunes Airport and its Safety zones, their applicability to the subject property and the subsequent limitations of allowable land uses (excluding small lot residential development.) The continuance was to allow the applicant time to end the unpermitted business operation (a contractor's storage yard) on the premises and to present the project to the Bermuda Dunes Community Council.

The scheduled September 16, 2009, Planning Commission hearing was subsequently relocated from the La Quinta location to the Riverside location and that meeting was reserved primarily for the Villages of Lakeview Specific Plan, and this project was subsequently continued to the November 18, 2009 PC Hearing.

The project remained in negative balance shortly after the June 10th hearing until October 15, 2009. This staff report has also been submitted without a completed set of conditions of approval or completed

environmental assessment. After discussions with the Planning Director, it has been determined that a nursery can be a permitted use in the Industrial Park zone as an interim use. An amended site plan, now proposing horticultural nursery, which is basically what has been existing on the subject property for a number of years, was transmitted to all departments on October 22, 2009, and is pending review. At the date of submission of this staff report, applicant has not achieved clearance from all departments.

Applicant presented the project before the Bermuda Dunes Community Council on October 8, 2009. The Council voted to approve the project by a 3-0-0 vote, and agreed to work further with applicant on proposed conditions of approval that would be submitted to the Planning Department for consideration and incorporation into the project. At the date of submission of this staff report, no proposed conditions of approval have been submitted to the Planning Department.

Planning Staff recommends that this matter be discussed and continued to a subsequent hearing, but notes the possibility of being able to change the recommendation to approval at the Planning Commission hearing, should the applicant achieve full department clearances prior to the hearing and the Planning staff complete the appropriate environmental documentation.

Upon completion of clearances, and review of all conditions of approval, Planning Staff will assess this project for possible categorical exemption from the California Environmental Quality Act (CEQA) and the development of appropriate findings and conclusions.

The Airport Land Use Commission (ALUC), in December, 2008, found the project consistent for Light Industrial (LI) purposes. Under ALUC restrictions, residential use of the property would be limited to two residences on the approximate five acre parcel, and residential subdivision would likely be denied. Commercial development has been controversial with the neighborhood, (see the 10 Opponent Exhibits on file), and will require design adaptation to achieve a residential fit with its neighbors.

ISSUES OF POTENTIAL CONCERN:

Surrounding land use consists of a vacant parcel with a single-family home to the immediate north, shop and water tank to the immediate east with the Bermuda Dunes Airport the next adjacent land parcel, single-family residential to the south, and vacant lands with extended single family and multi-family residential to the west.

This project is a code enforcement case involving an operating business and is subject to Board of Supervisor's Policy No. A-57. The landowner was mailed a Notice of Violation from the Code Enforcement Department (RCC 15.48) on June 7, 2007. A further Administrative Citation #A25139 was issued September 10, 2007. The landowner was cited for an illegal business operation (contractor's storage yard) and unpermitted structures on the premises. The applicant has represented that all unpermitted contractor storage yard activities have ceased. Conditions of approval have been drafted that prohibit the operation of a contractor storage yard, limit outdoor storage and lighting activities, and provide for landscape screening to achieve community compatibility with the nursery operation.

Under Board Policy No. A-57, "...the project shall be brought forward to hearing before the appropriate body within six (6) months of the Notice of Violation, whether or not the applicant has submitted all appropriate documentation." This policy has been addressed through a series of Planning Commission Hearings in order to monitor the removal of the unpermitted contractor storage yard from the property, and allow the property owner time to restore his existing business operation. Conditions have been added that require the mobile home and shipping containers to obtain building permits prior to issuance of grading permits for the parking area.

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Existing Land Use (Ex. #1): | Operating contractor's storage |
| 2. Surrounding Land Use (Ex. #1): | Surrounding land use consists of single-family residential to the north, south and west, and commercial and Bermuda Dunes Airport to the west. |
| 3. Existing Zoning (Ex. #3): | One Family Dwelling (R-1-12000) |
| 4. Surrounding Zoning (Ex. #3): | One-Family Dwelling (R-1) to the northwest, southeast and west; Industrial Park (I-P) to the extended north; Controlled Development (W-2) to the west, and Multi-Family Dwellings (R-2) to the south. |
| 5. Riverside County General Plan | Land Use: Light Industrial |
| 6. Project Data: | Total Acreage: approximately 5 acres
Lots: 2 |
| 7. Environmental Concerns: | N/A |

RECOMMENDATIONS:

ADOPTION of **FINDINGS** that this project is **CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** under Article XIX, Section 15301 because the project is a pre-existing facility permitted by right within the One Family Dwelling (R-1-12000) zone with negligible or no expansion of use, and Change of Zone No. 7677 does not anticipate any physical change in land use in conjunction with this permit.

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7677**, amending the zoning classification for the subject property from One Family Dwelling (R-1-1000) to Industrial Park (I-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors;

APPROVAL of **PLOT PLAN NO. 23701**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report;

CONCLUSIONS:

- 1) The proposed project is deemed to be in conformance with the Community Development: Light Industrial (CD:LI) land use designation and with all other elements of the Riverside County General Plan.
- 2) The proposed project is within the One-Family Dwelling (R-1-12000) zone, and has submitted a Change of Zone proposing to change the current zoning classification from One-Family Dwelling (R-1-12000) to Industrial Park (I-P).

- 3) This project is within the Airport Influence Area for the Bermuda Dunes Airport and lies within Airport Zones B-1, B-2, and C.
- 4) The project area contains an existing mobile home used for residential purposes, which is not a named use within the I-P zone. The land owner proposes to convert the current residential use of the mobile home to a caretaker's quarters. The Planning Director has made an exception to the requirements of Ordinance 348, Section 10.4, as indicated in the findings below.
(Amended per Planning Comm. November 18, 2009, with the concurrence of County Counsel)
- 5) The existing mobile home (caretaker's quarters) and two shipping containers are approximately 37.5 feet from the southern property boundary, and lie inside the fifty (50) foot setback requirement. The Planning Director has made an exception to the requirements of Ordinance 348, Section 10.4, as indicated in the findings below.
- 6) The existing site plan does not provide a landscaping buffer within the ten (10) foot setback area from Adams Street, as required by Ordinance 348, Section 10.4. The Planning Director has made an exception to the requirements of Ordinance 348, as indicated in the findings below.
- 7) The public's health, safety, and general welfare are protected through project design.
- 8) The proposed project is conditionally compatible with the present and future logical development of the area.
- 9) The proposed project will not have a significant effect on the environment.
- ~~10) The proposed project lies outside the boundaries of the Coachella Valley Multi-Species Habitat Conservation Plan (MSHCP).~~
- 11) This project is deemed categorically exempt from the requirements of the California Environmental Quality Act under the findings set forth below.
(Added per Planning Comm. November 18, 2009, with the concurrence of County Counsel)

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, incorporated herein by reference.

- 1) The proposed project is deemed to be in conformance with the Community Development: Light Industrial (CD:LI) land use designation and with all other elements of the Riverside County General Plan.
- 2) The proposed project presently lies within the One-Family Dwelling (R-1-12000) zone, and has submitted a Change of Zone application proposing to change the zoning classification from One-Family Dwelling (R-1-12000) to Industrial Park (I-P). Although a wholesale plant nursery is not a named use under the Industrial Park (I-P) zoning classification, the Planning Director has reviewed and determined the proposed use of a wholesale plant nursery is similar in character and intensity to other permitted uses in the I-P zone contained in Riverside County Ordinance 348, and are accordingly a permissible use in that zone. This finding is based upon conditions of approval that create residential compatibility through landscape screening, lighting restrictions, hours of operation restrictions, noise restrictions, and setback requirements; it is further based upon its proximity to the Bermuda Dunes Airport Influence Area which restricts residential

development to two (2) residences maximum on these lots; and is further based upon a limited life term for the plot plan of five (5) years, which cumulatively provide justification for the exception, and ensure that the variance from the terms of the ordinance is consistent with the public health, safety, and general welfare.

- 3) This project is within the Airport Influence Area for the Bermuda Dunes Airport and lies within Airport Zones B-1, B-2, and C.
- 4) The project area is inhabited by an existing mobile home used for residential purposes. The Planning Director has reviewed and determined that an exception is appropriate to Ordinance No. 348, Section 10.1 (k) that restricts the uses of a mobile home in the Industrial Park zoning classification for purposes of construction offices and caretaker quarters. The Planning Director's exception has occurred under Ordinance 348, Section 10.4, (o), which grants the Planning Director the right to grant a variance from the development standards I-P zone, pursuant to his finding that because the nursery operation is a pre-existing use, and the existing mobile home residence has been inhabited for a significant period of time, its proposed use as a caretaker's quarters is not incompatible with the I-P zone, and is consistent with the public health, safety, and general welfare.
(Amended per Planning Comm. November 18, 2009; with the concurrence of County Counsel)
- 5) The existing mobile home (caretaker's quarters) and two shipping containers are approximately 37.5 feet from the southern property boundary. The Planning Director has reviewed and determined that an exception is appropriate to Ordinance No. 348, Section 10.4 (g) that requires a minimum fifty (50) foot setback from any boundary where an industrial property abuts residentially or commercially zoned property. The Planning Director's exception has occurred under Ordinance 348, Section 10.4 (o), which grants the Planning Director the right to grant a variance from the development standards of the I-P zone, pursuant to his finding that this mobile home is used for caretaker's quarters, that there is heavy landscape screening on all boundaries abutting residential or commercial development, and that the exception is consistent with the public health, safety, and general welfare.
- 6) The site plan does not provide a landscaping buffer within the ten (10) foot setback area from Adams Street. The Planning Director has reviewed and determined that an exception is appropriate to Ordinance No. 348, Section 10.4 (d) that requires a minimum ten (10) foot landscaping strip adjacent to the roadway. The Planning Director's exception has occurred under Ordinance 348, Section 10.4 (o), which grants the Planning Director the right to grant a variance from the development standards of the I-P zone, pursuant to his finding that because this is a pre-existing wholesale plant nursery, with a limited five (5) year life, and because the plot plan is otherwise heavily landscaped and buffered, an exception to the ten (10) foot landscaping requirement on the street frontage is compatible with this zone, and consistent with public health, safety, and general welfare.
- 7) The public's health, safety, and general welfare are protected through project design.
- 8) The proposed project is conditionally compatible with the present and future logical development of the area.
- 9) The proposed project will not have a significant effect on the environment.

- 10) The proposed project lies outside the boundaries of the Coachella Valley Multi-Species Habitat Conservation Plan (MSHCP).

- 11) This project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article XIX, Section 15301 under the grounds that the wholesale plant nursery is a pre-existing facility permitted by right within the One Family Dwelling (R-1-12000) zone, and proposes to continue its operation as an existing facility, with negligible or no expansion of use, previously permitted by right in the R-1-12000 zone with the elimination of an unpermitted contractor's storage yard. The proposed change of zone from One Family Dwelling (R-1-12000) to Industrial Park (I-P) is not associated with any physical change in land use.
(Added per Planning Comm. November 18, 2009, with the concurrence of County Counsel)

INFORMATIONAL ITEMS:

1. The subject site is currently designated as Assessor's Parcel Number 607-270-003 and 607-270-004.

2. This project lies within the Airport Influence Area of the Bermuda Dunes Airport and lies within Airport Zones B1, B2, and C.

3. This project was filed with the Planning Department on August 22, 2008.

4. This project was reviewed by the Land Development Committee one time on November 20, 2008.

5. Deposit Based Fees charged for this project, as of the time of staff report preparation, total approximately \$26,800.00

Agenda Item No.: 6.1
Area Plan: Western Coachella Valley
Zoning District: Bermuda Dunes
Supervisory District: Fourth
Project Planner: Judith E. Deertrack
Continued from: February 18, 2009 and
June 10, 2009
Planning Commission: November 18, 2009

PLOT PLAN NO. 23701
CHANGE OF ZONE NO. 7677
CEQA EXEMPT
Applicant: Rich Warfield and Robert Wright
Engineer/Rep.: Skip Lench

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The plot plan proposes to permit an existing wholesale plant nursery with fifteen-hundred (1,500) square feet existing mobile home, two shipping containers at three-hundred square feet each, and a total parking area of approximately 13,460 square feet; the change of zone proposes to change the zone classification for the subject property from One Family Dwelling (R-1-12,000) to Industrial Park (I-P). The property is located northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street, in the community of Bermuda Dunes, approximately 500 feet southwest of the Bermuda Dunes Airport runway.

FURTHER PLANNING CONSIDERATIONS

November 18, 2009

The project was heard and discussed at the June 10, 2009 Planning Commission (PC) Hearing and continued to the September 16, 2009 Hearing. An incomplete staff report (without conditions of approval or a completed initial study) was submitted to the Commission, in order to comply with Board Policy A-57 (Unauthorized Businesses) and set the matter for public hearing even though project review was not completed. Discussions included concerns about compatibility of industrial zoning adjacent to existing residences, as well as consistency with the Bermuda Dunes Airport and its Safety zones, their applicability to the subject property and the subsequent limitations of allowable land uses (excluding small lot residential development.) The continuance was to allow the applicant time to end the unpermitted business operation (a contractor's storage yard) on the premises and to present the project to the Bermuda Dunes Community Council.

The scheduled September 16, 2009, Planning Commission hearing was subsequently relocated from the La Quinta location to the Riverside location and that meeting was reserved primarily for the Villages of Lakeview Specific Plan, and this project was subsequently continued to the November 18, 2009 PC Hearing.

The project remained in negative balance shortly after the June 10th hearing until October 15, 2009. This staff report has also been submitted without a completed set of conditions of approval or completed environmental assessment. After discussions with the Planning Director, it has been determined that a nursery can be a permitted use in the Industrial Park zone as an interim use. An amended site plan, now proposing horticultural nursery, which is basically what has been existing on the subject property for a number of years, was transmitted to all departments on October 22, 2009, and is pending review. At the date of submission of this staff report, applicant has not achieved clearance from all departments.

Applicant presented the project before the Bermuda Dunes Community Council on October 8, 2009. The Council voted to approve the project by a 3-0-0 vote, and agreed to work further with applicant on proposed conditions of approval that would be submitted to the Planning Department for consideration

and incorporation into the project. At the date of submission of this staff report, no proposed conditions of approval have been submitted to the Planning Department.

Planning Staff recommends that this matter be discussed and continued to a subsequent hearing, but notes the possibility of being able to change the recommendation to approval at the Planning Commission hearing, should the applicant achieve full department clearances prior to the hearing and the Planning staff complete the appropriate environmental documentation.

Upon completion of clearances, and review of all conditions of approval, Planning Staff will assess this project for possible categorical exemption from the California Environmental Quality Act (CEQA) and the development of appropriate findings and conclusions.

The Airport Land Use Commission (ALUC), in December, 2008, found the project consistent for Light Industrial (LI) purposes. Under ALUC restrictions, residential use of the property would be limited to two residences on the approximate five acre parcel, and residential subdivision would likely be denied. Commercial development has been controversial with the neighborhood, (see the 10 Opponent Exhibits on file), and will require design adaptation to achieve a residential fit with its neighbors.

ISSUES OF POTENTIAL CONCERN:

Surrounding land use consists of a vacant parcel with a single-family home to the immediate north, shop and water tank to the immediate east with the Bermuda Dunes Airport the next adjacent land parcel, single-family residential to the south, and vacant lands with extended single family and multi-family residential to the west.

This project is a code enforcement case involving an operating business and is subject to Board of Supervisor's Policy No. A-57. The landowner was mailed a Notice of Violation from the Code Enforcement Department (RCC 15.48) on June 7, 2007. A further Administrative Citation #A25139 was issued September 10, 2007. The landowner was cited for an illegal business operation (contractor's storage yard) and unpermitted structures on the premises. The applicant has represented that all unpermitted contractor storage yard activities have ceased. Conditions of approval have been drafted that prohibit the operation of a contractor storage yard, limit outdoor storage and lighting activities, and provide for landscape screening to achieve community compatibility with the nursery operation.

Under Board Policy No. A-57, "...the project shall be brought forward to hearing before the appropriate body within six (6) months of the Notice of Violation, whether or not the applicant has submitted all appropriate documentation." This policy has been addressed through a series of Planning Commission Hearings in order to monitor the removal of the unpermitted contractor storage yard from the property, and allow the property owner time to restore his existing business operation. Conditions have been added that require the mobile home and shipping containers to obtain building permits prior to issuance of grading permits for the parking area.

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Existing Land Use (Ex. #1): | Operating contractor's storage |
| 2. Surrounding Land Use (Ex. #1): | Surrounding land use consists of single-family residential to the north, south and west, and commercial and Bermuda Dunes Airport to the west. |

- | | |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Existing Zoning (Ex. #3): | One Family Dwelling (R-1-12000) |
| 4. Surrounding Zoning (Ex. #3): | One-Family Dwelling (R-1) to the northwest, southeast and west; Industrial Park (I-P) to the extended north; Controlled Development (W-2) to the west, and Multi-Family Dwellings (R-2) to the south. |
| 5. Riverside County General Plan | Land Use: Light Industrial |
| 6. Project Data: | Total Acreage: approximately 5 acres
Lots: 2 |
| 7. Environmental Concerns: | N/A |

RECOMMENDATIONS:

DISCUSS AND CONTINUE CHANGE OF ZONE NO. 7677 and PLOT PLAN NO. 23701 based upon the failure of applicant to complete the necessary Land Development Committee reviews and approvals prior to the deadline for submission of staff report for the November 18, 2009, Planning Commission hearing.

CONCLUSIONS:

- 1) The proposed project is deemed to be in conformance with the Community Development: Light Industrial (CD:LI) land use designation and with all other elements of the Riverside County General Plan.
- 2) The proposed project is within the One-Family Dwelling (R-1-12000) zone, and has submitted a Change of Zone proposing to change the current zoning classification from One-Family Dwelling (R-1-12000) to Industrial Park (I-P).
- 3) This project is within the Airport Influence Area for the Bermuda Dunes Airport and lies within Airport Zones B-1, B-2, and C.
- 4) The project area contains an existing mobile home used for residential purposes, which is not a named use within the I-P zone. The Planning Director has made an exception to the requirements of Ordinance 348, Section 10.4, as indicated in the findings below.
- 5) The existing mobile home residence and two shipping containers are approximately 37.5 feet from the southern property boundary, and lie inside the fifty (50) foot setback requirement. The Planning Director has made an exception to the requirements of Ordinance 348, Section 10.4, as indicated in the findings below.
- 6) The existing site plan does not provide a landscaping buffer within the ten (10) foot setback area from Adams Street, as required by Ordinance 348, Section 10.4. The Planning Director has made an exception to the requirements of Ordinance 348, as indicated in the findings below.
- 7) The public's health, safety, and general welfare are protected through project design.

- 8) The proposed project is conditionally compatible with the present and future logical development of the area.
- 9) The proposed project will not have a significant effect on the environment.
- 10) The proposed project lies outside the boundaries of the Coachella Valley Multi-Species Habitat Conservation Plan (MSHCP).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, incorporated herein by reference.

- 1) The proposed project is deemed to be in conformance with the Community Development: Light Industrial (CD:LI) land use designation and with all other elements of the Riverside County General Plan.
- 2) The proposed project presently lies within the One-Family Dwelling (R-1-12000) zone, and has submitted a Change of Zone application proposing to change the zoning classification from One-Family Dwelling (R-1-12000) to Industrial Park (I-P). Although a wholesale plant nursery is not a named use under the Industrial Park (I-P) zoning classification, the Planning Director has reviewed and determined the proposed use of a wholesale plant nursery is similar in character and intensity to other permitted uses in the I-P zone contained in Riverside County Ordinance 348, and are accordingly a permissible use in that zone. This finding is based upon conditions of approval that create residential compatibility through landscape screening, lighting restrictions, hours of operation restrictions, noise restrictions, and setback requirements; it is further based upon its proximity to the Bermuda Dunes Airport Influence Area which restricts residential development to two (2) residences maximum on these lots; and is further based upon a limited life term for the plot plan of five (5) years, which cumulatively provide justification for the exception, and ensure that the variance from the terms of the ordinance is consistent with the public health, safety, and general welfare.
- 3) This project is within the Airport Influence Area for the Bermuda Dunes Airport and lies within Airport Zones B-1, B-2, and C.
- 4) The project area is inhabited by an existing mobile home used for residential purposes. The Planning Director has reviewed and determined that an exception is appropriate to Ordinance No. 348, Section 10.1 (k) that restricts the uses of a mobile home in the Industrial Park zoning classification for purposes of construction offices and caretaker quarters. The Planning Director's exception has occurred under Ordinance 348, Section 10.4, (o), which grants the Planning Director the right to grant a variance from the development standards I-P zone, pursuant to his finding that because the nursery operation is a pre-existing use, and the existing mobile home residence has been inhabited for a significant period of time, its continued use as a residence is not incompatible with the I-P zone, and is consistent with the public health, safety, and general welfare.
- 5) The existing mobile home residence and two shipping containers are approximately 37.5 feet from the southern property boundary. The Planning Director has reviewed and determined that an exception is appropriate to Ordinance No. 348, Section 10.4 (g) that requires a minimum fifty (50) foot setback from any boundary where an industrial property abuts residentially or commercially zoned property. The Planning Director's exception has occurred under Ordinance 348, Section

10.4 (o), which grants the Planning Director the right to grant a variance from the development standards of the I-P zone, pursuant to his finding that this mobile home is used for residential purposes, that there is heavy landscape screening on all boundaries abutting residential or commercial development, and that the exception is consistent with the public health, safety, and general welfare.

- 6) The site plan does not provide a landscaping buffer within the ten (10) foot setback area from Adams Street. The Planning Director has reviewed and determined that an exception is appropriate to Ordinance No. 348, Section 10.4 (d) that requires a minimum ten (10) foot landscaping strip adjacent to the roadway. The Planning Director's exception has occurred under Ordinance 348, Section 10.4 (o), which grants the Planning Director the right to grant a variance from the development standards of the I-P zone, pursuant to his finding that because this is a pre-existing wholesale plant nursery, with a limited five (5) year life, and because the plot plan is otherwise heavily landscaped and buffered, an exception to the ten (10) foot landscaping requirement on the street frontage is compatible with this zone, and consistent with public health, safety, and general welfare.
 - 7) The public's health, safety, and general welfare are protected through project design.
 - 8) The proposed project is conditionally compatible with the present and future logical development of the area.
 - 9) The proposed project will not have a significant effect on the environment.
 - 10) The proposed project lies outside the boundaries of the Coachella Valley Multi-Species Habitat Conservation Plan (MSHCP).
-

INFORMATIONAL ITEMS:

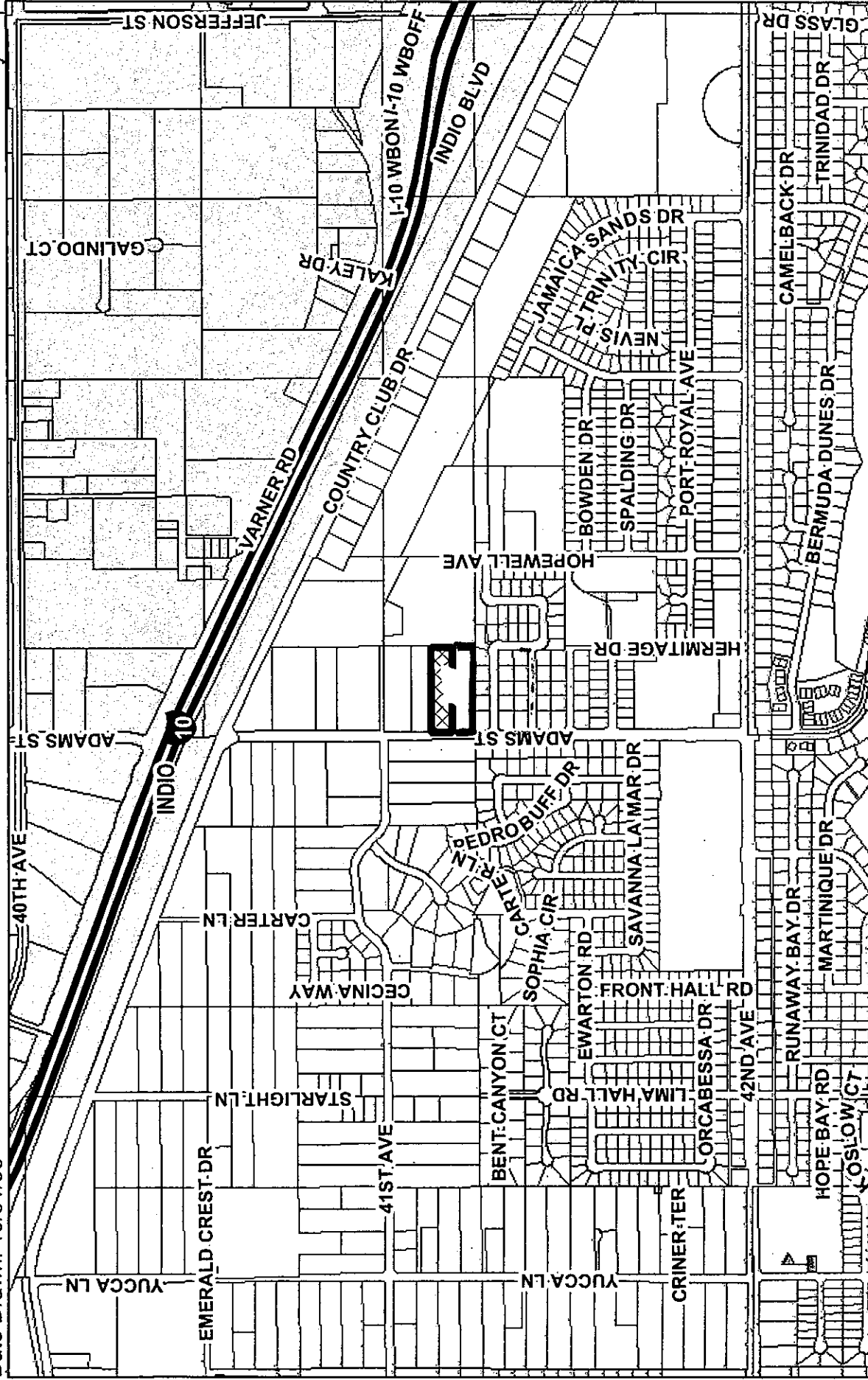
1. The subject site is currently designated as Assessor's Parcel Number 607-270-003 and 607-270-004.
2. This project lies within the Airport Influence Area of the Bermuda Dunes Airport and lies within Airport Zones B1, B2, and C.
3. This project was filed with the Planning Department on August 22, 2008.
4. This project was reviewed by the Land Development Committee one time on November 20, 2008.
5. Deposit Based Fees charged for this project, as of the time of staff report preparation, total approximately \$26,800.00

Superv
District 4

CZ0767, PP23701
VICINITY MAP

Date Drawn: 10/01/08

Planner: Judy
Date: 11/19/08
Vicinity Map

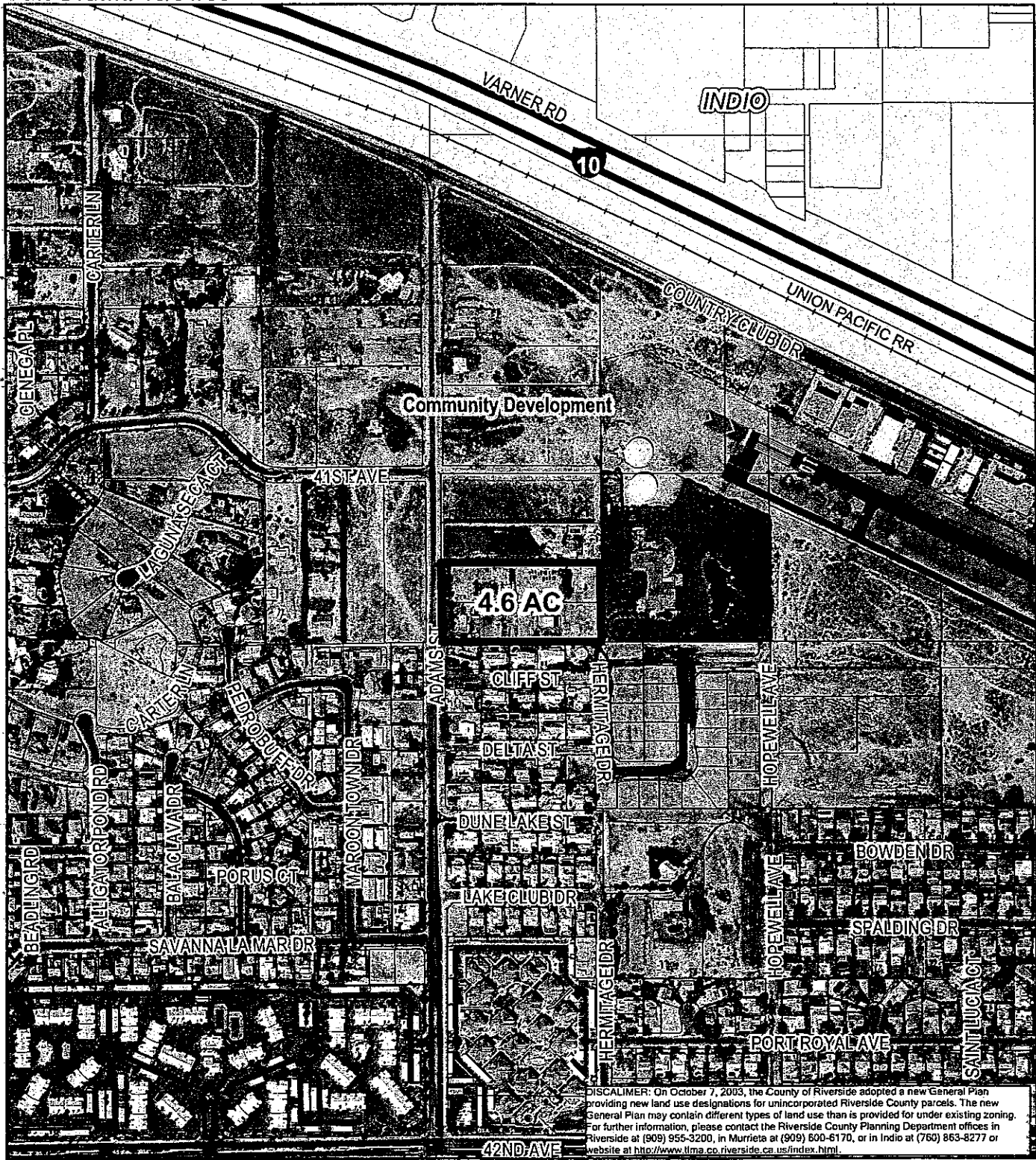


RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Bermuda Dunes
Township/Range: T5SR7E
Section : 8

Assessors
Blk. Pg. 607-27
Thomas
Brós. Pg. 819 H4



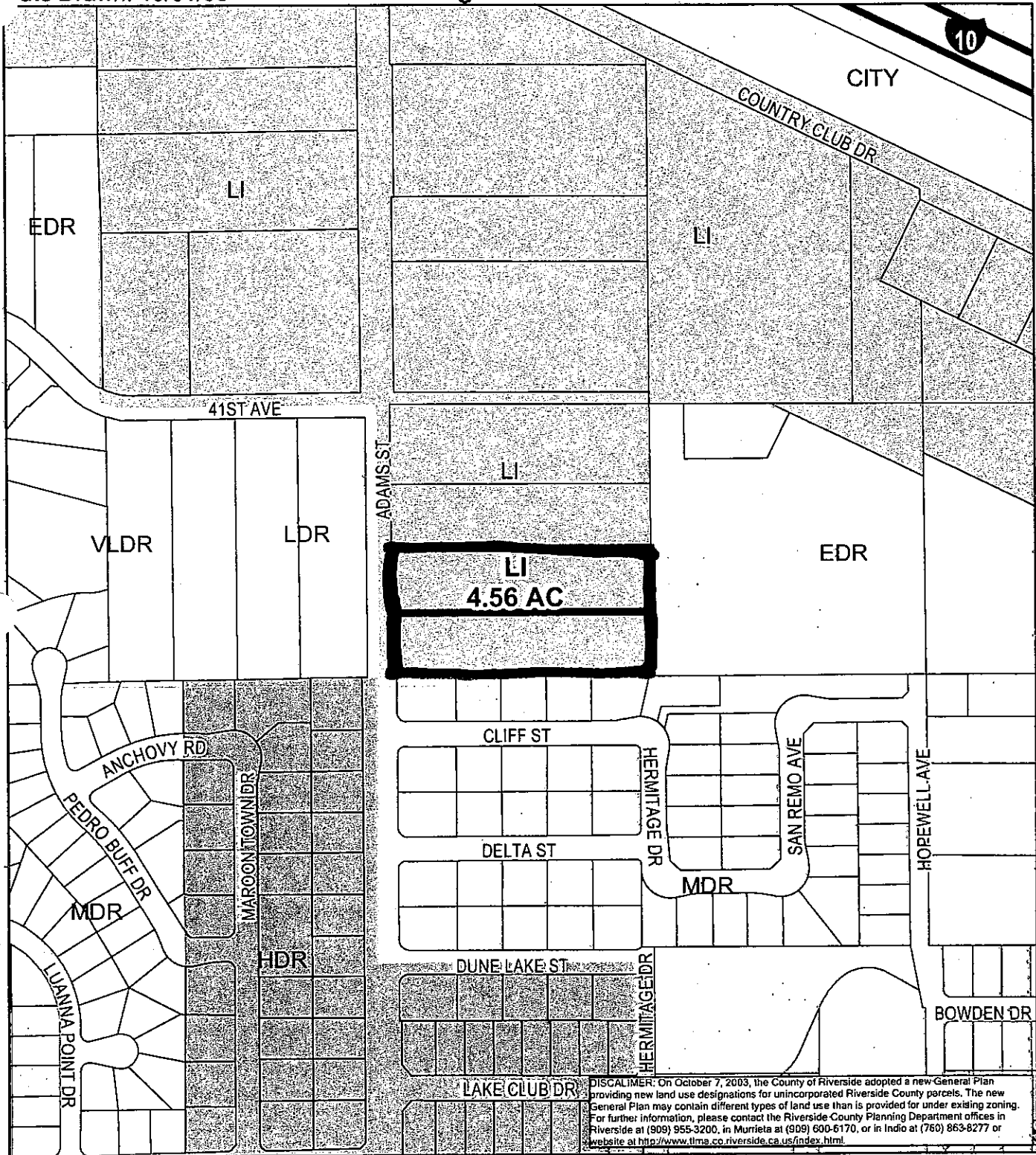


RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Bermuda Dunes
 Township/Range: T5SR7E
 Section: 8



Assessors
 Bk. Pg. 607-27
 Thomas
 Bros. Pg. 819 H4



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.tlma.co.riverside.ca.us/index.html>

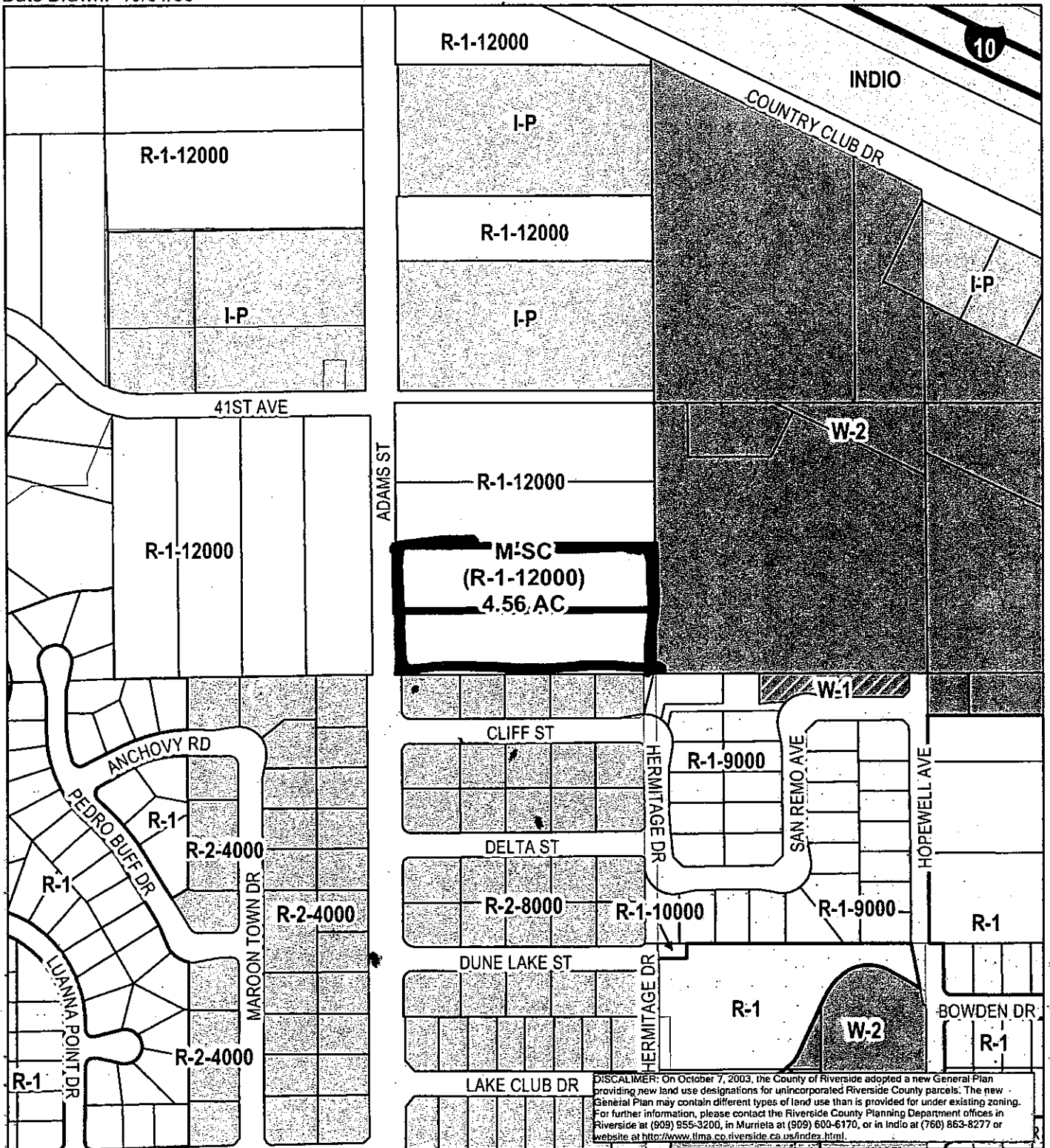
RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Bermuda Dunes
Township/Range: T5SR7E
Section: 8



Assessors
Bk.Pg. 607-27
Thomas
Bros. Pg. 819 H4

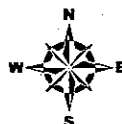
CZ07677 PP23701
PROPOSED ZONING



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.tlma.co.riverside.ca.us/index.html>.

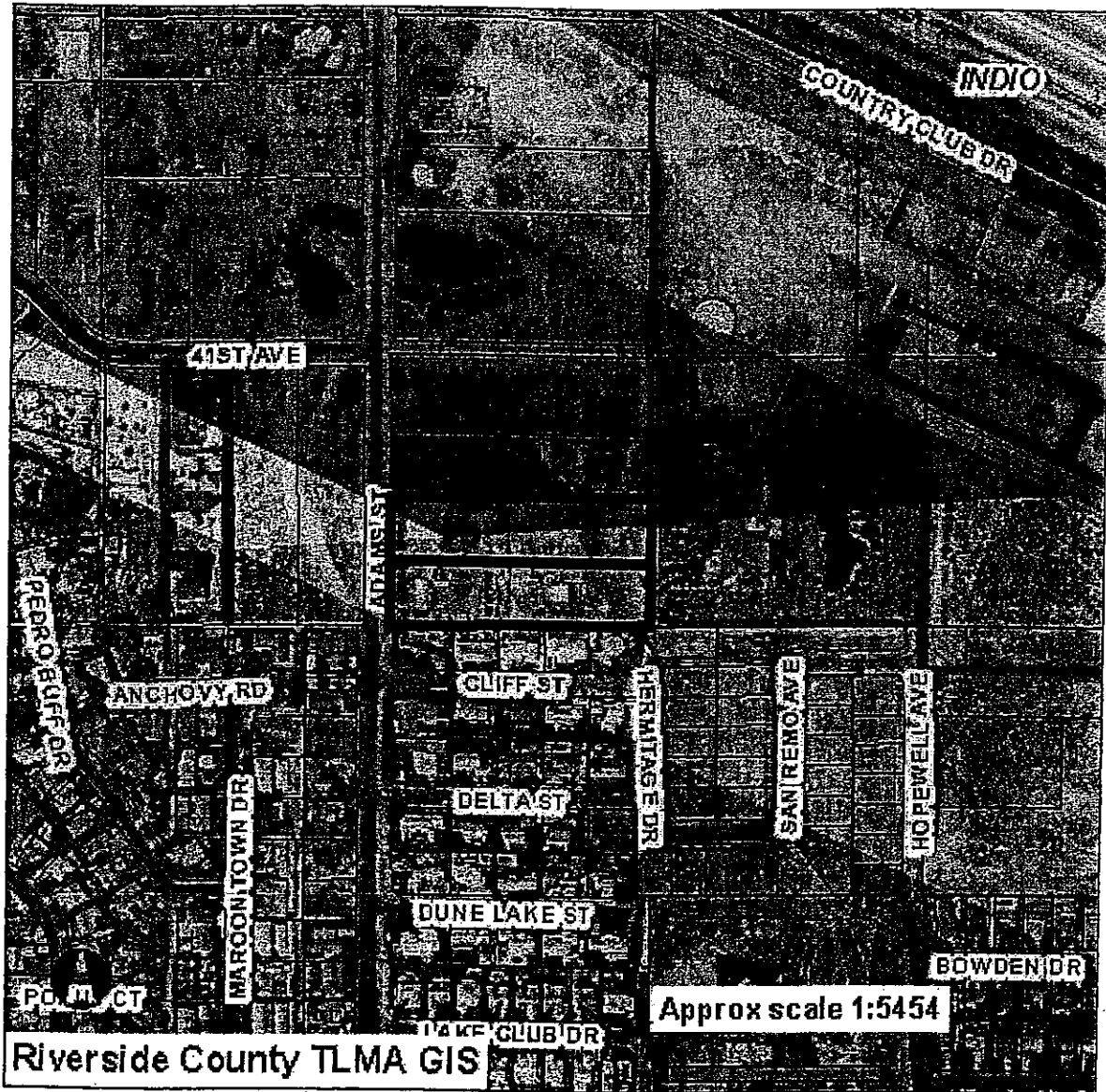
RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Bermuda Dunes
 Township/Range: T5SR7E
 Section : 8



Assessors
 Bk. Pg. 607-27
 Thomas
 Bros. Pg. 819 H4

PP23701 ALUC ZONE MAP



Selected parcel(s):
607-270-003 607-270-004

AIRPORTS

- | | | | |
|----------------------|----------------------|-----------------------|-------------------------|
| SELECTED PARCEL | PARCELS | AIRPORT RUNWAYS | AIRPORT INFLUENCE AREAS |
| AIRPORT BOUNDARIES | COMPATIBILITY ZONE A | COMPATIBILITY ZONE B1 | COMPATIBILITY ZONE B2 |
| COMPATIBILITY ZONE C | COMPATIBILITY ZONE D | | |

IMPORTANT

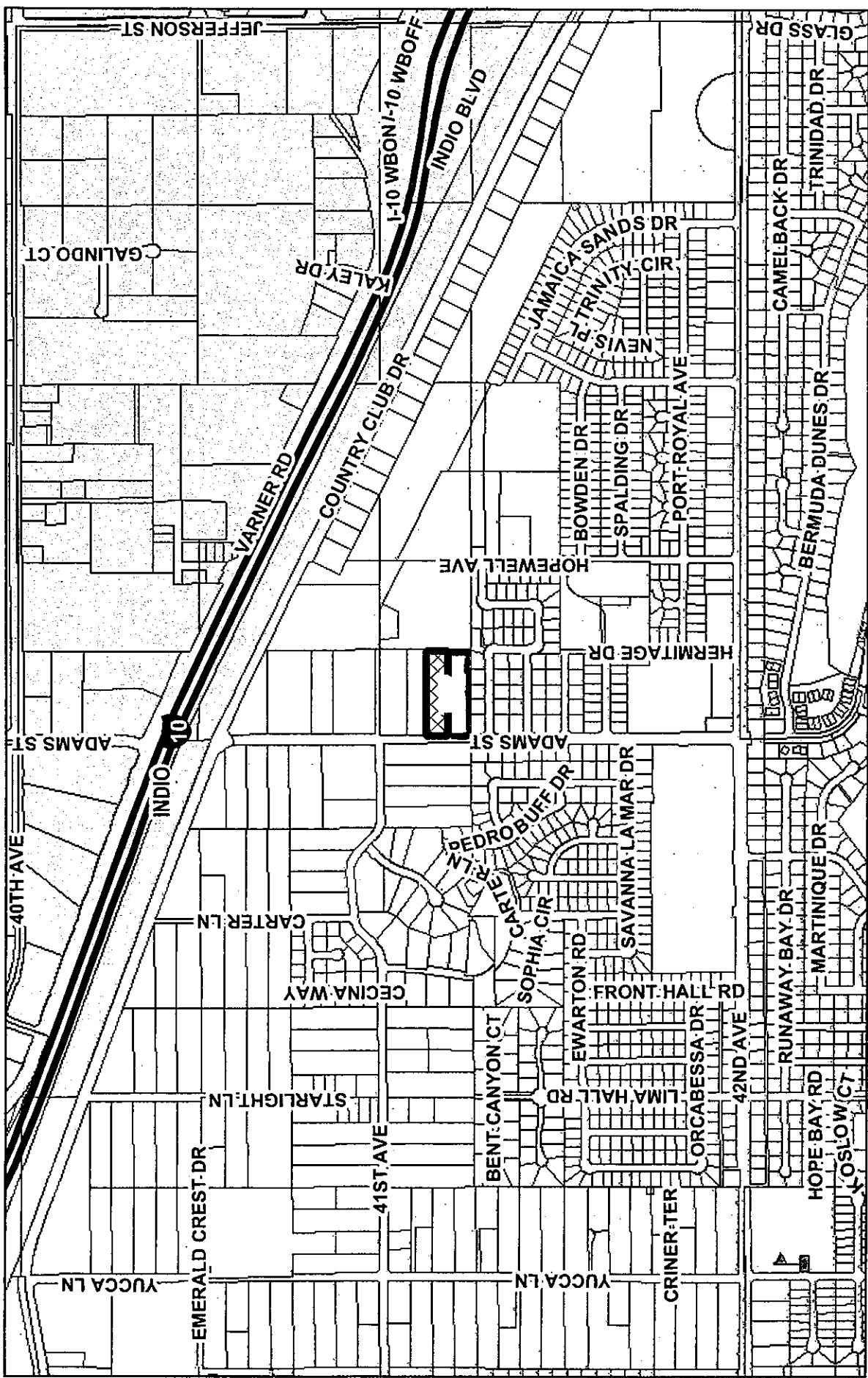
This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Wed Feb 25 10:04:06 2009

Superv. Wilson
District 4
Date Drawn: 10/01/08

CZ07677 P23701
POLICY AREAS

Planner: Judy L. Strack
Date: 11/19/08
Exhibit 8

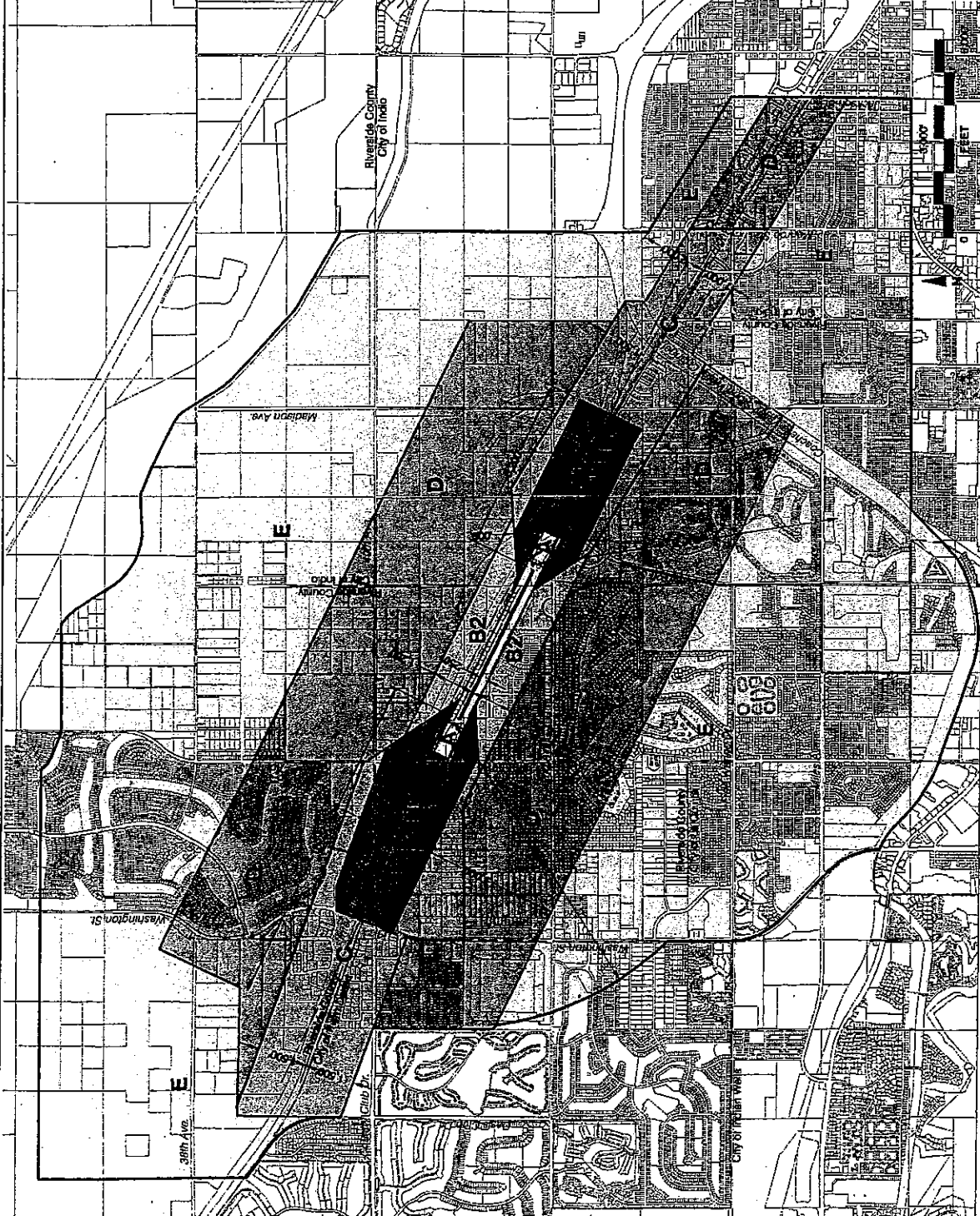


RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 607-27
Thomas
Bros. Pg. 819 H4

District: Bermuda Dunes
Township/Range: T5SR7E
Section: 8





Legend

- Compatibility Zones**
- Airport Influence Area Boundary
 - Zone A
 - Zone B1
 - Zone B2
 - Zone C
 - Zone D
 - Zone E
- Boundary Lines**
- Airport Property Line
 - City Limits

Note

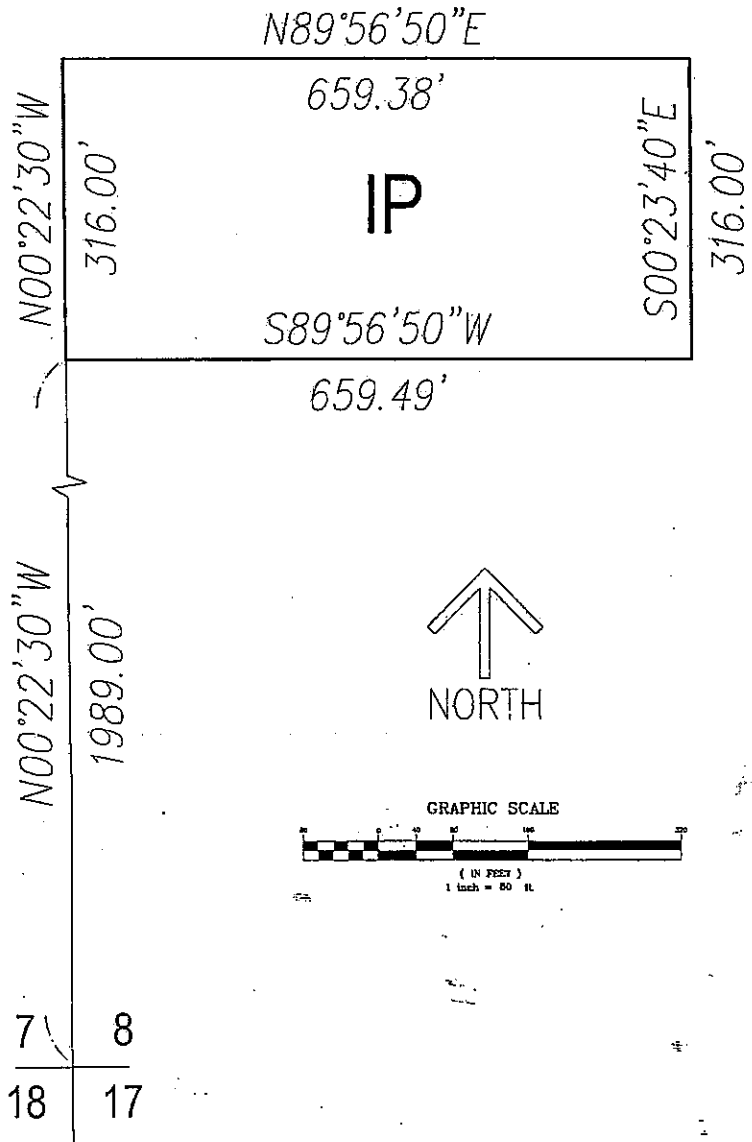
Southwestern edge of Airport Influence Area boundary measured from a point 200 feet beyond runway ends in accordance with FAA airspace protection criteria (FAA Part 77). All other dimensions measured from runway ends and centerlines.

See Chapter 2, Table 2A for compatibility criteria associated with this map.

Riverside County
 Airport Land Use Commission
 Riverside County
Airport Land Use Compatibility Plan
 Policy Document
 (Adopted December 2004)

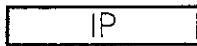
Map BD-1
Compatibility Map
 Bermuda Dunes Airport

SEC. 8 T. 5 S., R. 7 E. S.B.B.&M.



7	8
18	17

LEGEND



INDUSTRIAL PARK

MAP NO. _____

CHANGE OF OFFICIAL ZONING PLAN

BERMUDA DUNES DISTRICT

CHANGE OF ZONE CASE NO. 7677

AMENDING ORDINANCE NO. 348

ADOPTED BY ORDINANCE NO. _____

DECEMBER _____

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

Policy
Number

Page

REVIEW OF UNAUTHORIZED BUSINESSES

A-57

1 of 2

Objective:

To provide policy guidelines for development departments to ensure the timely review of application materials for commercial and industrial uses which have been identified by the Code Enforcement Division of the Department of Building & Safety as operating without the required county approvals.

Policy:

With the exception of commercial or industrial uses which qualify for fast track processing pursuant to Board Policy A-32, all unauthorized uses which apply for county approval will be reviewed by the unauthorized business review team, which will consist of a representative from the Planning Department, Department of Building & Safety, and, when the unauthorized use is located in a redevelopment area, the Economic Development Agency. With the exception of the time line mentioned later in this policy and the "Team" identified for the case processing, these applications will follow the standard county procedure for case processing.

All unauthorized businesses will be required to file an application for the appropriate county permit and pay all applicable fees. Any application for approval of an unauthorized business, which is not accompanied by the applicable fee (or supplemental deposit), will be taken forward to the appropriate review body for immediate denial, after which the use will be subject to enforcement action pursuant to Board Policy F-5.

Time Lines:

All applications filed pursuant to this policy will be brought forward for hearing to the appropriate hearing body within six months of the initial application (except for those cases which are delinquent in paying the required fee) whether or not the applicant has supplied all of the necessary information or studies. The submittal of complete information and all necessary studies is the responsibility of the applicant, and a lack of necessary data will not prevent any case processed by the Team from being processed in accordance with these policy guidelines.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

	<u>Policy Number</u>	<u>Page</u>
REVIEW OF UNAUTHORIZED BUSINESSES	A-57	2 of 2

The following guidance to code enforcement staff shall apply:

1. **Notice of Violation:** Unauthorized businesses shall submit applications and pay appropriate processing fees within 30 days of the Notice of Violation.
2. **Initial Hearing:** If the applicant has paid appropriate fees, the project shall be brought forward for hearing before the appropriate body within 6 months of the Notice of Violation, whether or not the applicant has submitted all appropriate documentation.
3. **Disposition:** It will be the responsibility of the hearing body to approve, deny, or grant a time extension to the review process at the time of the Initial Hearing.
4. **Compliance Delays:** At any time (following the initial 30-day Notice of Violation) code enforcement staff, at their discretion, may determine that progress related to either code compliance or processing of the appropriate application is not proceeding in a timely manner. In that event staff may schedule the matter to be considered by the appropriate hearing body regardless of the 6-month processing time frame referenced in Item 2 above. Should the hearing body determine that the applicant is not making substantial progress, code enforcement shall pursue compliance through judicial remedy.
5. **Intent:** The intent of this guidance is that unauthorized uses shall not be able to continue to operate by drawing out the administrative mechanisms and procedures required to bring them into compliance.

Reference:

Minute Order 3.23 of 04/23/2002
Minute Order 3.47 of 01/10/2006
Minute Order 3.7 of 11/07/2006

MEMO

RECEIVED

NOV 20 2008

Riverside County
Planning Department
Desert Office

To: Paul F. Clark, AICP

From: A. P. "SKIP" LENCH

Date: 11/18/08

Re: Case PP23701 & Change of Zone No. 07677 / Planning S-1 Land Use

The following is in response to questions:

1. Will the nature of the (land) use be changed to farming use? Answer: No
2. List of Vehicles: during day Answer: approximately 15 automobiles; occasionally, 2-3 small tractors
3. Materials and merchandise to be stored outdoors? Answer: Plant nursery stock
4. Will storage racks be proposed? Answer: No
5. What is the height of material stored? Answer: largest trees +/- 8 feet
6. Will open piles of material be kept? Answer: No
7. Will fertilizers be kept? Answer: on occasion – small amounts to maintain nursery stock
8. What materials and merchandise are stored in the shipping containers? Answer: mowers, hand tools, nursery & landscape maintenance equipment

EXHIBIT "A"
PP23701
PUBLIC ROAD AND UTILITY EASEMENT

BEING A PORTION OF LOT 79 IN SEC. 8, T. 5S., R. 7E., S.B.M. IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN IN RECORD OF SURVEY BOOK 23, PAGE 59, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF LOT 79 OF SAID RECORD OF SURVEY;

THENCE SOUTH 89°56'50" WEST, 609.38 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 00°22'30" EAST 316.00 FEET;

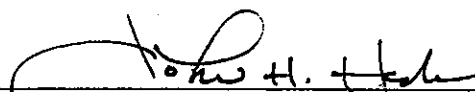
THENCE SOUTH 89°56'50" WEST 20.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ADAMS STREET, HAVING A HALF-STREET WIDTH OF 30.00 FEET AS SHOWN ON SAID DEED NO. 46922, RECORDED ON MAY 13, 1969;

THENCE NORTH 00°22'30" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 316.00 FEET;

THENCE NORTH 89°56'50" EAST, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**;

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

DEDICATED AREA = 6,320 S.F., MORE OR LESS


JOHN H. HACKER, R.C.E. 14614
EXPIRES 3/31/09



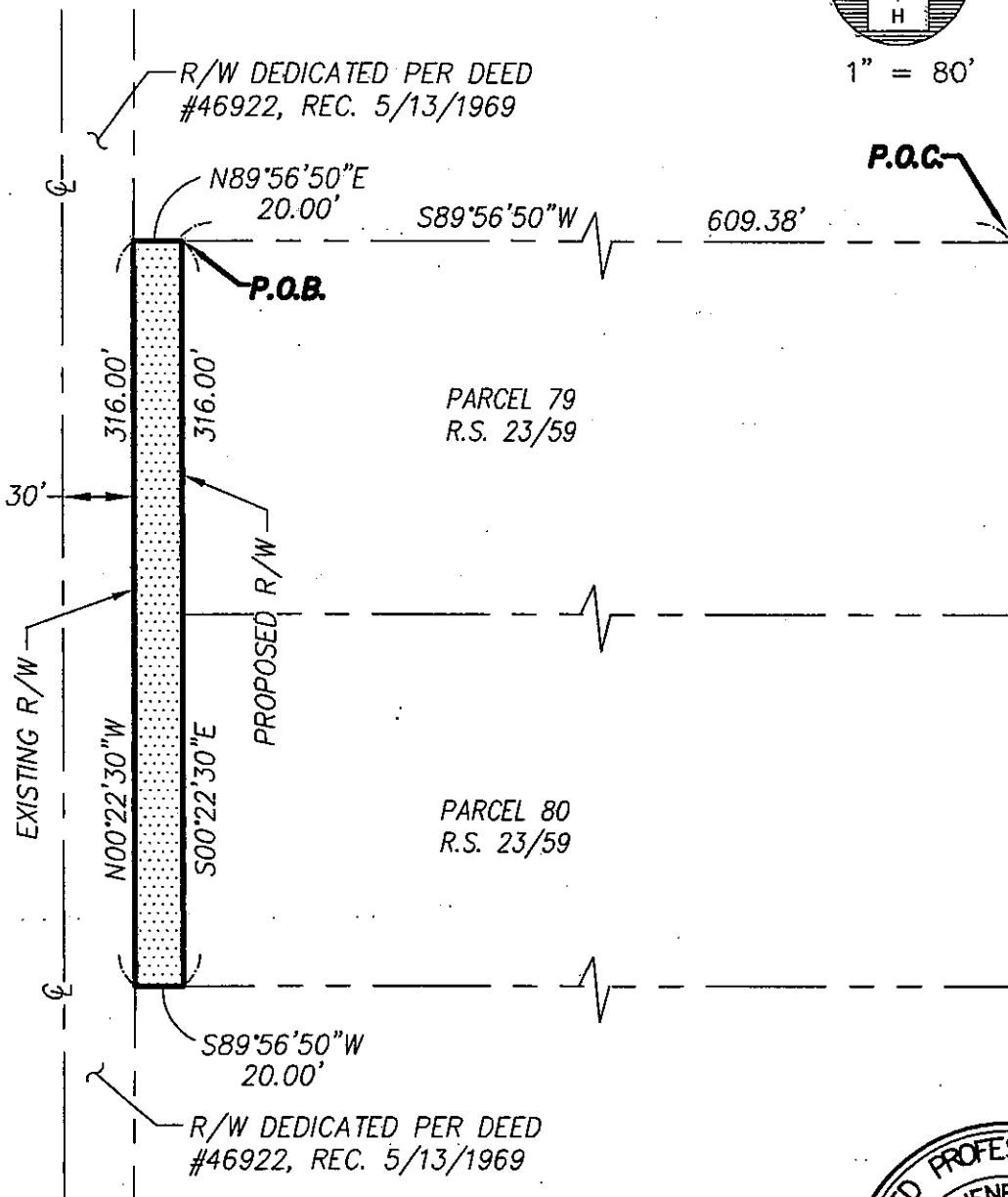
FILE NO.:	SHT NO.:
	1 OF 2

EXHIBIT "B"



1" = 80'

ADAMS STREET



PORTION OF THE S.W. 1/4 OF SECTION 8, T.5S., R.7E., S.B.B.M.

APN 607-270-011



SEC. 8, T. 5 S., R. 7 E.

COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT PUBLIC ROAD AND UTILITY EASEMENT	DESIGN BY: W.A.P.	SCALE: 1" = 80'	FILE NO.:
	CHK'D BY: J.H.H.	DWG. NO.:	SHT NO.: 2 OF 2

P PLAN: TRANSMITTED Case #: PP23701

Parcel: 607-270-004

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 USE - PROJECT DESCRIPTION RECOMMND

The use hereby permitted is for the operation of a pre-existing wholesale plant nursery with a fifteen hundred (1,500) square feet existing mobile home, two shipping containers at three-hundred (300) square feet each, and a total parking area of approximately 13,460 square feet.

10. EVERY. 2 USE - HOLD HARMLESS RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside (COUNTY) its agents, officers, or employees from any claim, action, or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning Plot Plan No. 23701. The COUNTY will promptly notify the applicant/permittee of any such claim, action, or proceeding against the COUNTY and will cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the COUNTY.

10. EVERY. 3 USE - DEFINITIONS RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Plot Plan No. 23701 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Plot Plan No. 23701;

Exhibit A, Amended No. 1, dated October 22, 2009, (site plan); and,
Exhibit B-1 (Elevations of Mobile Home)
Exhibit B-2 (Elevations of Shipping Containers)
Exhibit C (Floor Plans of Mobile Home)

10. EVERY. 4 USE - 90 DAYS TO PROTEST RECOMMND

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations

11/19/09
10:36

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 2

P. PLAN:TRANSMITTED Case #: PP23701

Parcel: 607-270-004

10. GENERAL CONDITIONS

10. EVERY. 4 USE - 90 DAYS TO PROTEST (cont.) RECOMMND

and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

FIRE DEPARTMENT

10.FIRE. 1 USE-#23-MIN REQ FIRE FLOW RECOMMND

Minimum required fire flow shall be 1500 GPM for a 2 hour duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type V-B construction per the 2007 CFC and Building(s) having a fire sprinkler system.

10.FIRE. 2 USE-#20-SUPER FIRE HYDRANT RECOMMND

Super fire hydrants) (6"x4"x 2-2 1/2") shall be located at less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways.

10.FIRE. 3 USE-#89-RAPID ENTRY SYSTEM RECOMMND

A rapid entry key storage cabinet shall be installed on the outside of commercial buildings. A Knox padlock shall be placed on each locked gate. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

10.FIRE. 4 USE-#25-GATE ENTRANCES RECOMMND

Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38 foot turning radius shall be used.

PLANNING DEPARTMENT

10.PLANNING. 1 MAP - IF HUMAN REMAINS FOUND RECOMMND

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to

P. PLAN: TRANSMITTED Case #: PP23701

Parcel: 607-270-004

10. GENERAL CONDITIONS

10. PLANNING. 1 MAP - IF HUMAN REMAINS FOUND (cont.)

RECOMMND

Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

10. PLANNING. 2 MAP - INADVERTENT ARCHAEO FIND

RECOMMND

If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

1. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal representative and the Planning Director to discuss the significance of the find.

2. At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal representative and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

3. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation.

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10. GENERAL CONDITIONS

10. PLANNING. 3 USE - COMPLY WITH ORD./CODES RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10. PLANNING. 4 USE - FEES FOR REVIEW RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

10. PLANNING. 5 USE - LIGHTING HOODED/DIRECTED RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way. Security lighting, as well as other outdoor lighting fixtures, shall be positioned to minimize or avoid unnecessary glare to neighboring residential, and shall be limited to not greater than twenty (20) feet in height.

10. PLANNING. 6 USE - HOURS OF OPERATION RECOMMND

Use of the facilities approved under this plot plan shall be limited to the hours of Monday through Saturday: 6:00 a.m. to 6:00 p.m. and Sunday 12:00 noon to 5:00 p.m. in order to reduce conflict with adjacent residential zones and/or land uses.

10. PLANNING. 7 USE - BASIS FOR PARKING RECOMMND

Parking for this project was determined primarily on the basis of County Ordinance No. 348, Section 18.12. a.(2).b), was determined primarily on the basis of a wholesale plant nursery, and is designed with a total parking area of 13,460 square feet (7% of total area) of undemarcated, decomposed gravel, with one handicap accessible parking space. More parking intensive uses allowed in the I-P

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10. GENERAL CONDITIONS

10.PLANNING. 7 USE - BASIS FOR PARKING (cont.) RECOMMND

zone shall not be allowed unless a plot plan pursuant to Section 18.12 of Ordinance No. 348 is submitted to and approved by the Planning Department, in order to verify adequate parking remains within the property.

10.PLANNING. 8 USE- LIMIT ON SIGNAGE RECOMMND

Signage for this project shall be limited to pre-existing signage as long as it is properly permitted under Riverside County Ordinance 348, and all appropriate County Ordinances, including Section 18.30, or any additional signage that is subsequently approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING. 9 USE - NO OUTDOOR ADVERTISING RECOMMND

No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.

10.PLANNING. 10 USE - NO SECOND FLOOR RECOMMND

No tenant improvement permit, or any other building permit, shall be granted for any second story, second floor, mezzanine, or interior balcony unless a plot plan, conditional use permit, public use permit, substantial conformance or a revised permit is approved by the Planning Department pursuant to Section 18.12 of Ordinance No. 348 in order to assure adequate parking remains within the property. Only a one story building was approved as part of this permit and reviewed for parking standards.

10.PLANNING. 11 USE - MAINTAIN LICENSING RECOMMND

At all times during the conduct of the permitted use the permittee shall maintain and keep in effect valid licensing approval from any and all appropriate agencies, if applicable, as provided by law. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.

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10. GENERAL CONDITIONS

10.PLANNING. 12 USE - EXTERIOR NOISE LEVELS

RECOMMND

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 45 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 65 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities. he permit holder shall comply with the applicable standards of Ordinance No. 847.

10.PLANNING. 13 USE - NOISE MONITORING REPORTS

RECOMMND

The permit holder may be required to submit periodic noise monitoring reports as determined by the Department of Building and Safety as part of a code enforcement action. Upon written notice from the Department of Building and Safety requiring such a report, the permittee or the permittee's successor-in-interest shall prepare and submit an approved report within thirty (30) calendar days to the Department of Building and Safety, unless more time is allowed through written agreement by the Department of Building and Safety. The noise monitoring report shall be approved by the Office of Industrial Hygiene of the Health Service Agency (the permittee or the permittee's successor-in-interest shall be required to place on deposit sufficient funds to cover the costs of this approval prior to commencing the required report).

10.PLANNING. 14 USE - AGRICULTURE CODES

RECOMMND

This property is located within the Coachella Valley and all landscape planting shall comply with the requirements of the State Agriculture Code and the directives of the Riverside County Agricultural Commissioner. All landscaping plans submitted to the Planning Department shall included the following notation: "Warning: Plant material listed may or may not have been approved by the Agricultural Commissioner's office. Landscape contractor, please contact the developer for status of Agricultural Commissioner's approval or denial. Plan material not conforming with quarantine laws may be destroyed and civil action taken. All plant material is subject to inspection at the discretion of the Agricultural Commissioner's

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10. GENERAL CONDITIONS

10. PLANNING. 14 USE - AGRICULTURE CODES (cont.) RECOMMND

office. All plant material must be free from Red Scale (Aonidiella aurantii.)"

10. PLANNING. 15 USE - PREVENT DUST & BLOWSAND RECOMMND

Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Building and Safety Department and the State air quality management authorities.

10. PLANNING. 16 USE - CAUSES FOR REVOCATION RECOMMND

In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured testimony, or c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10. PLANNING. 17 USE - CEASED OPERATIONS RECOMMND

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10. PLANNING. 18 USE - PERMIT SIGNS RECOMMND

No signs are approved pursuant to this project approval. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10. PLANNING. 19 USE - C/W DESIGN GUIDELINES RECOMMND

he project shall conform to the Countywide Design Standards and Guidelines, adopted January 13, 2004.

10. PLANNING. 20 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in

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10. GENERAL CONDITIONS

10.PLANNING. 20 USE - BUSINESS LICENSING (cont.) RECOMMND

Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 21 USE - LOW PALEO RECOMMND

According to the County's General Plan, this site has been mapped as having a "Low Potential" for paleontological resources. This category encompasses lands for which previous field surveys and documentation demonstrates a low potential for containing significant paleontological resources subject to adverse impacts. As such, this project is not anticipated to require any direct mitigation for paleontological resources. However, should fossil remains be encountered during site development:

1.All site earthmoving shall be ceased in the area of where the fossil remains are encountered. Earthmoving activities may be diverted to other areas of the site.

2.The applicant shall retain a qualified paleontologist approved by the County of Riverside.

3.The paleontologist shall determine the significance of the encountered fossil remains.

4.Paleontological monitoring of earthmoving activities will continue thereafter on an as-needed basis by the paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The supervising paleontologist will have the authority to reduce monitoring once he/she determines the probability of encountering any additional fossils has dropped below an acceptable level.

5.If fossil remains are encountered by earthmoving activities when the paleontologist is not onsite, these activities will be diverted around the fossil site and the paleontologist called to the site immediately to recover the remains.

6.Any recovered fossil remains will be prepared to the

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10. GENERAL CONDITIONS

10.PLANNING. 21. USE - LOW PALEO (cont.)

RECOMMND

point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then will be curated (assigned and labeled with museum* repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; places in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, an associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum* repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators. * The County of Riverside must be consulted on the repository/museum to receive the fossil material prior to being curated.

10.PLANNING. 22. USE - OUTDOOR STORAGE & VEHICL

RECOMMND

No approval is granted for more than two-hundred (200) square feet of outdoor storage or display of materials or merchandise.

No materials or merchandise, other than plant materials that form the basis for landscape screening, shall be stored or located within fifty (50) feet of property boundary lines.

No outdoor trash bins or outdoor trash and rubbish disposal areas shall be located within fifty (50) feet of property boundary lines, and shall be properly screened from the views of neighboring residences.

No storage racks shall be located outside of an enclosed building unless subject to the approval of the Department of Building and Safety.

Outdoor storage of bulk materials or piles of materials shall not exceed a height of eight (8) feet above ground level. Any and all such bulk materials or piles shall be located in designated bins constructed for that purpose, and should be landscape screened from the view of neighboring residences.

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10. GENERAL CONDITIONS

10.PLANNING. 22 USE - OUTDOOR STORAGE & VEHICL (cont.) RECOMMND

No storage of materials or merchandise or parking of vehicles shall be placed or kept at any time within a retention basin or other flood or drainage control facility within the property.

No designated parking area shall be used for outside storage.

The use of the property for a contractor's storage yard is strictly prohibited under the terms of Plot Plan No. 23701.

No vehicle, trailer, or boat storage or impoundment is authorized. Vehicles kept within the premises shall be related to the on-site business only and such vehicles shall be temporarily left or parked within the designated parking areas.

10.PLANNING. 23 USE - GEOLOGIST'S COMMENTS RECOMMND

NO NEW STRUCTURES ARE PROPOSED WITH THIS PROJECT. THE EXISTING STRUCTURE WAS PREVIOUSLY PERMITTED AND THE OCCUPANCY AND USE WILL NOT CHANGE SUBSTANTIALLY FROM THAT WHICH IT WAS PERMITTED (DWELLING/CARETAKER'S HOME).

ANY NEW STRUCTURES TO BE PLACED ON THIS SITE (I.E. OFFICE BUILDING/TRAILER/SHOWROOM, ETC.) MAY REQUIRE A GEOLOGIC INVESTIGATION TO SUPPORT THE DESIGN AND CONSTRUCTION OF THAT FACILITY.

TRANS DEPARTMENT

10.TRANS. 5 USE - STD INTRO 3 (ORD 460/461) RECOMMND

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Ordinance 460 and Riverside County Road Improvement tandards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. These Ordinances and all conditions of approval are essential parts and a

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10. GENERAL CONDITIONS

10.TRANS. 5 USE - STD INTRO 3(ORD 460/461) (cont.) RECOMMND

requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

10.TRANS. 6 USE - TS/EXEMPT RECOMMND

The Transportation Department has not required a traffic study for the subject project. The Transportation Department has determined that the project is exempt from traffic study requirements.

10.TRANS. 7 USE - ENCROACHMENT PERMIT RECOMMND

An encroachment permit must be obtained from the Transportation Department prior to the commencement of any work within the County road right-of-way.

10.TRANS. 8 USE - DRAINAGE 1 RECOMMND

The land divider shall protect downstream properties from damages caused by alteration of the drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. All drainage easements shall be shown on the final map and noted as follows: "Drainage Easement" - no building, obstructions, or encroachments by landfills are allowed." The protection shall be as approved by the Transportation Department.

10.TRANS. 9 USE - DRAINAGE 2 RECOMMND

The land divider shall accept and properly dispose of all off-site drainage flowing onto or through the site. In the event the Transportation Department permits the use of streets for drainage purposes, the provisions of Article XI of Ordinance No. 460 will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposed, the subdivider shall provide adequate drainage facilities and/or appropriate easements as approved by the Transportation Department.

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10. GENERAL CONDITIONS

10.TRANS. 10 USE - FLOOD HAZARD REPORT RECOMMND

This is a proposal to operate a nursery for plants on 4.57 acres (APN 670-270-004). This project lies within the Bermuda Dunes area on the east side of Adams and just north of 41st Ave. The Bermuda Dunes Drainage Study established a requirement for new developments to retain 100 percent of the runoff for a 100-year event. The subdivider shall provide mitigation measures to be incorporated into the development to prevent flooding of the site or downstream properties. The 100 percent retention of the 100 year storm shall be required as part of the drainage improvements for this project.

10.TRANS. 11 USE - RETENTION AND STORAGE RECOMMND

For retention basin sizing and calculations refer to letter dated February 13, 2009 from Alan French to Majeed Farshad.

10.TRANS. 12 USE - DRAINAGE PROTECION RECOMMND

The subdivider shall protect downstream properties from damages caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. All drainage easements shall be recorded by separate instrument and noted as follows, "Drainage Easement - no building, obstructions, or encroachments are allowed.

10.TRANS. 13 USE - RETENTION BASIN MAINTEN RECOMMND

Maintenance of retention basins and drainage facilities shall be the responsibility of individual property landowners as approved by the Transportation Department. Proper documentation will be provided in the form of an 'operational and maintenance responsibilities requirements' to the satisfaction of the County of Riverside defining the maintenance responsibilities of the individual landowners. Adequate areas shall be incorporated into the final improvements to accommodate maintenance access to and along the proposed drainage retention basins and drainage facilities.

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20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20. PLANNING. 1 USE - EXPIRATION DATE-PP

RECOMMND

This approval shall be used within two (2) years of approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within a two (2) year period which is thereafter diligently pursued to completion or of the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time request in which to use this plot plan. A maximum of three one-year extension of time requests shall be permitted. Should the time period established by any of the extension of time requests lapse, or should all three one-year extensions be obtained and no substantial construction or use of this plot plan be initiated within five (5) years of the effective date of the issuance of this plot plan, this plot plan shall become null and void.

20. PLANNING. 2 USE - FIVE YEAR PERMIT LIFE

RECOMMND

The life of Plot Plan No. 23701 shall terminate on December 1, 2014. This permit shall thereafter be null and void and of no effect whatsoever.

20. PLANNING. 3 USE - REVIEW OPERATION HOURS

RECOMMND

One year after issuance of occupancy permit the Planning Director and the Director of Building and Safety shall review this permit to consider the hours of operation. If significant complaints have been received regarding noise and nuisance, the hours of operation of the wholesale plant nursery may be further restricted.

20. PLANNING. 4 USE - EXPIRATION DATE

RECOMMND

This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension

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20. PRIOR TO A CERTAIN DATE

20. PLANNING. 4 USE - EXPIRATION DATE (cont.)

RECOMMND

of time in which to begin substantial construction or use of this permit. Should the one year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, shall become null and void.

20. PLANNING. 5 USE - EXPIRATION CODE ENFORCE

RECOMMND

This permit shall be considered used as of the day of the effective date of approval of Plot Plan No. 23701 and Change of Zone No. 7677. WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permit holder shall apply to the Building and Safety Department for all necessary permits, including the submission of all required document fees for any plan check review as determined by the Director of Building and Safety, to ensure all buildings, structures and uses are in compliance with the applicable requirements of Ordinance Nos. 457 (Building Code) and 348 (Land Use) and the conditions of approval of this permit. A lock shall be placed on the permit to take effect on the sixtieth day, which shall not be released unless compliance with the above provision has occurred. THE PERMIT HOLDER SHALL PURSUE DILIGENTLY TO COMPLETION ALL NECESSARY PERMITS AND OBTAIN FINAL INSPECTION APPROVAL THEREOF WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE OF THIS PERMIT (additional time may be requested pursuant to Section 18.43 of Ordinance No. 348). A lock shall be placed on any building permit to take effect on the expiration date, and shall not be removed unless compliance with the above provision has occurred. Notwithstanding the above, any circumstance within the property threatening the public health and safety shall be immediately corrected.

20. PLANNING. 6 USE - MITIGATION MONITORING

RECOMMND

WITHIN TWO (2) YEARS OF THE DATE OF APPROVAL OF THIS PERMIT, the permittee shall prepare and submit a written report to the Riverside County Planning Director demonstrating compliance with all conditions of approval and mitigation measures of this permit.

20. PLANNING. 7 USE - EXISTING STRUCTURE CHECK

RECOMMND

ITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permittee or the permittee's successors-in-interest

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20. PRIOR TO A CERTAIN DATE

20.PLANNING. 7 USE - EXISTING STRUCTURE CHECK (cont.) RECOMMND

shall apply to the Building and Safety Department for all necessary permits, including the submission of all required documents and fees for any plan check review as determined by the Director of the Department of Building and Safety, to ensure that all existing buildings, structures and uses are in compliance with Ordinance No. 348 and Ordinance No. 457 and the conditions of approval of this permit.

20.PLANNING. 8 USE - UNDEVELOPED VOID DATE RECOMMND

Notwithstanding any other condition of approval herein, this permit shall become null and void on December 1, 2011, as it applies to any undeveloped portion or any undeveloped phase(s) of this property; "undeveloped" shall mean where no lawful occupancy or structure exists. A notice to the Building and Safety Department concerning this condition shall be placed on this application to take effect on the date specified in this condition.

TRANS DEPARTMENT

20.TRANS. 1 USE - R-O-W DEDICATION RECOMMND

Sufficient public street right-of-way along Adams Street shall be conveyed for public use to provide for a 50-foot half-width right-of-way.

The above mentioned dedication shall be completed prior to Board of Supervisors approval of this project.

20.TRANS. 2 USE - RETENTION BASIN MAINTEN RECOMMND

Maintenance of retention basins and drainage facilities shall be the responsibility of individual property landowners as approved by the Transportation Department. Proper documentation will be provided in the form of an 'operational and maintenance responsibilities requirements' to the satisfaction of the County of Riverside defining the maintenance responsibilities of the individual landowners. Adequate areas shall be incorporated into the final improvements to accommodate maintenance access to and along the proposed drainage retention basins and drainage facilities.

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20. PRIOR TO A CERTAIN DATE

20. TRANS. 3 USE - EASEMENT FOR DRAINAGE

RECOMMND

The developer will prepare and record a Drainage easement for drainage purposed by separate instrument to the benefit of public, for areas where drainage facilities and other drainage appurtenances are required and/or where drainage flow patterns must be maintained to convey flood plain water. All drainage easements shall be recorded by separate instrument and noted as follows, "Drainage Easement - no building, obstructions, or encroachments are allowed."

60. PRIOR TO GRADING PRMT ISSUANCE

PLANNING DEPARTMENT

60. PLANNING. 1 USE - TRASH ENCLOSURES

RECOMMND

Trash enclosure[s] which are adequate to enclose a minimum of two (2) bin[s] shall be constructed and operating prior to issuance of grading permits. The enclosure(s) shall be a minimum of six (6) feet in height and shall be made with chain link fencing surrounded by landscape screening, or masonry block, if already existing and applicable, and a solid gate which screens the bins from external view. Additional enclosed area for collection of recyclable materials shall be located within, near or adjacent to each trash and rubbish disposal area. The recycling collection area shall be a minimum of fifty percent (50%) of the area provided for the trash/rubbish enclosure(s) or as approved by the Riverside County Waste Management Department. All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin.

60. PLANNING. 2 USE - BLOWSAND & DUST CONTROL

RECOMMND

The permittee shall institute blowsand and dust control measures during grading and shall note or show the measures to be used on their grading plans. These measures shall include, but not be limited to: a) The use of irrigation during any construction activities; b) planting of cover crop or vegetation upon previously graded but undeveloped portions of the site; and c) provision of windbreaks or windrows, fencing, and/or landscaping to reduce the effects upon adjacent properties and property owners. The permittee shall comply with the directives of the Director of the Building and Safety Department with regards to the

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 2 USE - BLOWSAND & DUST CONTROL (cont.) RECOMMND

applicable sections of Ordinance No. 484 (Blowsand Control) and Ordinance No. 742 (Control of Fugitive Dust/PM10 in Urban Areas).

60.PLANNING. 3 USE - CVWD AGENCY CLEARANCE RECOMMND

A clearance letter from CVWD shall be provided to the Riverside County Planning Department verifying compliance with the conditions stated in their letter dated October 15, 2008.

60.PLANNING. 4 USE - FEE STATUS RECOMMND

Prior to the issuance of grading permits for Plot Plan No. 23701, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

60.PLANNING. 5 USE - REQD APPLICATIONS (1) RECOMMND

No grading permits shall be issued until Plot Plan No. 23701 and Change of Zone No. 7677 have been approved and adopted by the Board of Supervisors and have been made effective. This permit shall conform with the development standards of the designation[s] and/or zone[s] ultimately applied to the property.

TRANS DEPARTMENT

60.TRANS. 1 USE - TRANSPORTATION CLEARANCE RECOMMND

A clearance from the Transportation Department is required prior to the issuance of a grading permit.

60.TRANS. 2 USE - DRAINAGE SUBMIT PLANS RECOMMND

The developer shall comply with Riverside County Ordinance 458.12 as amended in the preparation of on-site flood protection. The developer shall submit plans for grading, landscaping, and irrigation systems, any other necessary documentation along with supporting hydrologic and hydraulic calculations to Riverside County Transportation for review and approval. The developer shall pay all fees as required by Riverside County Transportation Department.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.TRANS. 3 USE - EASEMENT FOR DRAINAGE RECOMMND

The developer will prepare and record a Drainage easement for drainage purposed by separate instrument to the benefit of public, for areas where drainage facilities and other drainage appurtenances are required and/or where drainage flow patterns must be maintained to convey flood plain water. All drainage easements shall be recorded by separate instrument and noted as follows, "Drainage Easement - no building, obstructions, or encroachments are allowed."

60.TRANS. 4 USE - TYPICAL SITE GRADING RECOMMND

All on-site grading shall be graded to drain to on site drainage facilities. Offsite drainage shall be conveyed through the project site in a manner that will not adversely impact either on-site improvements or worsen the existing drainage conditions to adjacent offsite properties.

60. PRIOR TO GRADING FINAL INSPECT

PLANNING DEPARTMENT

70.PLANNING. 1 USE - AGENCY CLEARANCE RECOMMND

A clearance letter from Coachella Valley Water District (CVWD) shall be provided to the Riverside County Planning Department verifying compliance with the conditions in their letter dated October 15, 2008.

TRANS DEPARTMENT

70.TRANS. 1 USE - EROSION CONTROL RECOMMND

Temporary erosion control measures shall be implemented immediately following site grading to prevent depositions of debris onto downstream properties, public right-of-way, or drainage facilities. Plans showing these measures shall be submitted to Riverside County Transportation Department for review prior to the start of any site grading.

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80. PRIOR TO BLDG PRMT ISSUANCE

PLANNING DEPARTMENT

80. PLANNING. 1 USE - ALLOW UNDERGROUND UTIL.

RECOMMND

The permit holder shall submit to the Department of Building and Safety and the Planning Department a written statement from the Imperial Irrigation District, confirming whether or not the overhead electrical lines within Plot Plan No. 23701 are capable of being installed underground and that all financial arrangements to do so have been completed, or the permittee shall submit a definitive statement to the above departments from the utility refusing to allow underground installation of the overhead electrical lines, in which case any requirement of these conditions to install electrical lines underground is null and void.

80. PLANNING. 2 USE - BLOWSAND & DUST CONTROL

RECOMMND

The permit holder shall institute blowsand and dust control measures during grading and shall note or show the measures to be used on their grading plans. These measures shall include, but not be limited to: a) The use of irrigation during any construction activities; b) planting of cover crop or vegetation upon previously graded but undeveloped portions of the site; and c) provision of windbreaks or windrows, fencing, and/or landscaping to reduce the effects upon adjacent properties and property owners. The permittee shall comply with the directives of the Director of the Building and Safety Department with regards to the applicable sections of Ordinance No. 484 (Blowsand Control) and Ordinance No. 742 (Control of Fugitive Dust/PM10 in Urban Areas).

80. PLANNING. 3 USE - LIGHTING PLANS

RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

80. PLANNING. 4 USE - CONFORM TO ELEVATIONS

RECOMMND

Elevations of all buildings and structures submitted for building plan check approval shall be in substantial conformance with the elevations shown on APPROVED EXHIBIT A.

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 5 USE - CONFORM TO FLOOR PLANS RECOMMND

Floor plans shall be in substantial conformance with that shown on APPROVED EXHIBIT A.

80.PLANNING. 6 USE - ROOF EQUIPMENT SHIELDING RECOMMND

Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

80.PLANNING. 7 USE - MINIMUM FLOOR AREA RECOMMND

All dwelling units shall have a minimum floor living area of not less than 750 square feet excluding porches, garages, patios or similar features whether attached or detached. The permittee shall demonstrate to the satisfaction of the Planning Director and the Director of the Department of Building and Safety that construction plans comply with all dwelling unit minimum floor living area regulations.

80.PLANNING. 8 USE - MAXIMUM DWELLING UNITS RECOMMND

A maximum of one (1) dwelling unit is allowed under this permit.

80.PLANNING. 9 USE - MITIGATION MONITORING RECOMMND

The permittee shall prepare and submit a written report to the Riverside County Planning Director demonstrating compliance with those conditions of approval and mitigation measures of this permit which must be satisfied prior to the issuance of a building permit.

The Planning Director may require inspection or other monitoring to ensure such compliance.

80.PLANNING. 10 USE - HEIGHT LIMITATIONS RECOMMND

All buildings and structures within this permit shall not exceed twenty (20) feet in overall height, except as provided by Section No. 18.20 of Ordinance No. 348. The permittee shall demonstrate to the satisfaction of the Planning Director and the Director of the Department of Building and Safety that construction plans comply with all height regulations; verification of compliance with the height regulations of this permit may include

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 10 USE - HEIGHT LIMITATIONS (cont.) RECOMMND

submission of a written certification by a state licensed professional that plans submitted to the Department of Building and Safety are in compliance and/or inspection of such plans by county staff.

80.PLANNING. 11 USE - REQD CHANGE OF ZONE RECOMMND

No building permits shall be issued until Plot Plan No. 23701 and Change of Zone No. 7677 have been approved and adopted by the Board of Supervisors and have been made effective. This permit shall conform with the development standards of the designation(s) and/or zone(s) ultimately applied to the property.

80.PLANNING. 12 USE - CVWD AGENCY CLEARANCE RECOMMND

A clearance letter from Coachella Valley Water District (CVWD) shall be provided to the Riverside County Planning Department verifying compliance with the conditions contained in their letter dated October 15, 2008.

80.PLANNING. 13 USE - SCHOOL MITIGATION RECOMMND

Impacts to the Desert Sands Unified School District shall be mitigated in accordance with California State law.

80.PLANNING. 14 USE - FEE STATUS RECOMMND

Prior to issuance of building permits for Plot Plan No. 23701, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

TRANS DEPARTMENT

80.TRANS. 3 USE - TUMF RECOMMND

Prior to the issuance of a building permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 673.

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80. PRIOR TO BLDG PRMT ISSUANCE

80.TRANS. 14 USE - LIGHTING PLAN

RECOMMND

A separate street light plan is required for this project. The design and installation of street lights shall meet the Dark Sky criteria. The application of Dark Sky criteria is in support of the Coachella Valley Dark Sky Ordinances. Street lights shall be installed at street intersections and at the ends of cul-de-sacs, as approved by the Transportation Department. There shall be no change in the design and location of street lights relative to the general circulation elements adjacent to the project in question. For projects within SCE boundaries use County of Riverside Ordinance 461, Standard No. 1000 or No. 1001. For projects within Imperial Irrigation District (IID) use IID's pole standard.

80.TRANS. 15 USE - LANDSCAPING COM/IND

RECOMMND

Landscaping within public road right-of-way shall comply with Transportation Department standards and Ordinance 461 and shall require approval by the Transportation Department. The landscape design shall incorporate a desert theme, including the extensive use of native desert and drought tolerant plant species. Irrigation systems shall incorporate the use of drip irrigation to the maximum extent feasible. The use of non-organic landscape elements such as rocks, decorative paving sand and gravel is encouraged. The uses of grass, sod or other water intense ground cover plant materials will not be permitted.

Landscaping plans shall be designed within Adams Street and submitted to the Transportation Department. Landscaping plans shall be submitted on standard County plan sheet format (24" x 36"). Landscaping plans shall be submitted with the street improvement plans.

Assurance of continuous maintenance is required by processing and filing a 'Landscape Maintenance Agreement' through the Transportation Department Plan Check Division; or if desired the developer may file an application for annexation into Landscaping and Lighting Maintenance District No. 89-1-Consolidated by contacting Judy Watterlond, Transportation Department at (951) 955-6829.

80.TRANS. 16 USE - DRAINAGE EASEMENT

RECOMMND

All drainage easements must be 20 feet wide, minimum, located all on one side of a property line.

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80. PRIOR TO BLDG PRMT ISSUANCE

80.TRANS. 17 USE - RETENTION AND STORAGE RECOMMND

For retention basin sizing and calculations refer to General Conditions 10.TRANS USE - RETENTION AND STORAGE in letter dated February 13, 2009 from Alan French to Majeed Farshad.

90. PRIOR TO BLDG FINAL INSPECTION

FIRE DEPARTMENT

90.FIRE. 3 PC-#015-ELEC ROOM SIGNS RECOMMND

Electrical room door shall be posted "ELECTRICAL ROOM" on outside of door.

90.FIRE. 4 PC-#89-RAPID HAZMAT BOX RECOMMND

Rapid entry system(KNOX) key storage cabinet shall be installed on the outside of the building. Plans shall be submitted with current fee to the Riverside County Fire Department for review and approval prior to installation. (contact fire department for guideline handout)

The following information and item(s) (master key, etc.) shall be placed inside the rapid entry system. If hazardous materials are to be stored on-site, a Knox Hazmat Box and a Materials Safety Data Sheet will be required.

90.FIRE. 5 PC-#45-FIRE LANES RECOMMND

Applicant/developer shall prepare a site plan designating required fire lanes with appropriate lane paintings and/or signs. Plans must be submitted to the Fire Department for review and approval. contact Fire Department for guideline handout)

90.FIRE. 6 PC-#27-EXTINGUISHERS RECOMMND

Install portable fire extinguishers (in office area) with a minimum rating of 2A-10BC not less than 1 extinguisher for each 3000 square feet. Fire extinguishers shall not exceed 75' travel distance and signs shall be posted above all extinguishers to indicate there locations. Extinguishers shall be mounted measuring from the top of the extinguisher to finish floor a minimum of 3' and maximum of 5'. Extinguishers located in public areas shall be in a recessed fire extinguisher cabinet(s) mounted 48" to center

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90. PRIOR TO BLDG FINAL INSPECTION

90.FIRE. 6 PC-#27-EXTINGUISHERS (cont.) RECOMMND

of cabinet(s) above finished floor level with maximum 4" projection from the wall. (extinguishers must have current CSFM service tag affixed, contact Fire Department for placement of extinguishers prior to installation)

90.FIRE. 7 PC-#014-DISPLAY ADDRESS RECOMMND

Display street numbers in a prominent location on the address side of building(s) and rear access if applicable. Numbers and letters shall be a minimum of 12" in height for building(s) up to 25' in height, and 24" in height for building(s) exceeding 25' in height.

In strip centers, a minimum of 6" lettering in height shall be posted with business name and suite number on back doors as well as the front. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours. (all lettering shall be to Architectual Standards)

PLANNING DEPARTMENT

90.PLANNING. 1 USE - MITIGATION MONITORING RECOMMND

The permit holder shall prepare and submit a written report to the Riverside County Planning Department demonstrating compliance with all remaining conditions of approval and mitigation measures of this permit. The Planning Director may require inspection or other monitoring to ensure such compliance.

90.PLANNING. 2 USE - HEIGHT LIMITATIONS RECOMMND

All buildings and structures within this permit shall not exceed twenty (20) feet in height, except as provided by Section No. 18.20 of Ordinance No. 348. All buildings and structures shall comply with approved construction plans that are designed in accordance with this condition. The permit holder may be required to submit to the Planning Department a written certification from a state licensed professional that all buildings and structures within this permit comply with the height regulations, indicated above. The Planning Department may require inspection by county staff to further verify compliance with this condition of approval.

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 3 USE - MINIMUM FLOOR AREA RECOMMND

11 dwelling units shall have a minimum floor living area of not less than 750 square feet. All buildings and structures shall comply with approved construction plans that are designed in accordance with this condition.

90.PLANNING. 4 USE - PARKING PAVING MATERIAL RECOMMND

Approximately 13,460 square feet (7% of the total project area) of an undemarcated parking area shall be reserved for parking as shown on the APPROVED EXHIBIT A, with provision for one (1) handicap accessible space for persons with disabilities unless otherwise approved by the Planning Department. The parking area shall be surfaced with decomposed granite to current standards as approved by the Department of Building and Safety.

90.PLANNING. 5 USE - ACCESSIBLE PARKING RECOMMND

A minimum of one (1) accessible parking space[s] for persons with disabilities shall be provided as shown on APPROVED EXHIBIT A. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at ___ or by telephoning ___."

In addition to the above requirements, the surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blue paint of at least 3 square feet in size.

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 6 USE - LIGHTING PLAN COMPLY RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

90.PLANNING. 7 USE - ROOF EQUIPMENT SHIELDING RECOMMND

Roof-mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

90.PLANNING. 8 USE - NO ROOF EQUIPMENT RECOMMND

Roof-mounted equipment for residential units shall not be permitted within the project site.

90.PLANNING. 9 USE - UTILITIES UNDERGROUND RECOMMND

All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Planning Department a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.

90.PLANNING. 10 USE - SPECIMEN TREES REQUIRED RECOMMND

landscaping plans shall incorporate the use of specimen (24" box or greater) canopy trees along streets and within the parking areas. All trees and shrubs shall be drawn to reflect the average specimen size at 15 years of age. All trees shall be double-staked and secured with non-wire ties.

90.PLANNING. 11 USE - EXISTING STRUCTURES RECOMMND

All existing buildings, structures and uses on the entire property shall conform to all the applicable requirements of Ordinance No. 348 and Ordinance No. 457, and the conditions of this permit.

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 12 USE - REMOVE OUTDOOR ADVERTISE RECOMMND

All existing outdoor advertising displays, signs or billboards shall be removed.

90.PLANNING. 13 USE - WALL & FENCE LOCATIONS RECOMMND

Wall and/or fence locations shall be in conformance with APPROVED EXHIBIT A.

90.PLANNING. 14 USE - CONDITION COMPLIANCE RECOMMND

The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

90.PLANNING. 15 USE - PARKING DUST TREATMENT RECOMMND

The arking and driveway areas shall be improved with a base of decomposed granite compacted to a minimum thickness of three (3) inches, or with an equivalent treatment, such as non-toxic chemical soil stabilization, to prevent the emission of fugitive dust and/or blowsand.

90.PLANNING. 16 USE - CVWD AGENCY CLEARANCE RECOMMND

A clearance letter from Coachella Valley Water District (CVWD) shall be provided to the Riverside County Planning Department verifying compliance with the conditions of their letter dated October 15, 2008.

90.PLANNING. 17 USE - FEE STATUS RECOMMND

Prior to final building inspection for Plot Plan No. 23701, the Planning Department shall determine the status of the deposit based fees. If there are fees owed to the County, the permit holder shall pay the outstanding balance.

90.PLANNING. 18 USE - ORD NO. 659 (DIF) RECOMMND

Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 18 USE - ORD NO. 659 (DIF) (cont.)

RECOMMND

installation of facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development project described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The amount of the fee for commercial or industrial development shall be calculated on the basis of the "Project Area," as defined in the Ordinance, which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development. The Project Area for Plot Plan No. 23701 has been calculated to be 4.42 net acres.

In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

TRANS DEPARTMENT

90.TRANS. 1 USE - IMP PLANS

RECOMMND

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements does not imply acceptance for maintenance by County.

90.TRANS. 5 USE - SIGNING & STRIPING

RECOMMND

A signing and striping plan is required for this project. The project proponent shall be responsible for any additional paving and/or striping removal caused by the striping plan. Traffic signing and striping shall be performed by County forces with all incurred costs borne by the applicant, unless otherwise approved by the County Traffic Engineer.

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90. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 8 USE STREETLIGHT AUTHORIZATION RECOMMND

Prior to OCCUPANCY, the project proponent shall submit to Transportation Department Permits the following:

1. "Streetlight Authorization" form approved by L&LMD No. 89-1-C Administrator.
2. Letter establishing interim energy account from SCE, IID or other electric provider.

90.TRANS. 9 USE - STREET LIGHTS INSTALL RECOMMND

Install streetlights along the streets associated with development in accordance with the approved street lighting plan and standards of County Ordinances 460 and 461. For projects within IID use IID's pole standard.

Street light annexation into L&LMD or similar mechanism as approved by the Transportation Department shall be completed.

It shall be the responsibility of the Developer to ensure that street lights are energized along the streets associated with this development where the developer is seeking Building Final Inspection (Occupancy).

90.TRANS. 16 USE - EXISTING MAINTAINED RECOMMND

Adams Street along project boundary is a paved County maintained road designated as a Secondary Highway and shall be improved with 6-inch concrete curb and gutter located 32-feet from centerline and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving as determined by the Transportation Department within the 50-foot half-width dedicated right-of-way in accordance with County Standard No. 94. (64'/100')

NOTE: A 5-foot wide concrete sidewalk shall be constructed 9-feet from curb line.

90.TRANS. 19 USE - UTILITY PLAN RECOMMND

Electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. The

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90. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 19 USE - UTILITY PLAN (cont.) RECOMMND

applicant is responsible for coordinating the work with the serving utility company. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A disposition note describing the above shall be reflected on design improvement plans whenever those plans are required. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes.

90.TRANS. 20 USE - UTILITY INSTALL RECOMMND

Electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site.

A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.

90.TRANS. 21 USE - DRIVEWAY RECOMMND

The driveway shall be designed and constructed in accordance with County Standard No. 207A and shall be located in accordance with Exhibit No. "A" for Plot Plan No. 23701.

90.TRANS. 22 USE - DRAINAGE IMPROV COMPLETE RECOMMND

All drainage improvements including the construction of drainage swales, storm drains, inlet structures, and retention systems are required to be completed prior to occupancy.

90.TRANS. 23 USE - EASEMENT FOR DRAINAGE 2 RECOMMND

The developer will prepare and record easements for drainage purposes by separate instrument to the benefit of public, for areas where drainage facilities and other

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Riverside County LMS
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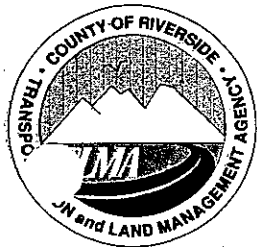
90. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 23

USE - EASEMENT FOR DRAINAGE 2 (cont.)

RECOMMND

drainage appurtenances are required and/or where drainage flow patterns must be maintained to convey flood plain water. All drainage easements shall be recorded by separate instrument and noted as follows, "Drainage Easement - no building, obstructions, or encroachments are allowed."



George A. Johnson
Agency Director

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



Ron Goldman
Planning Director

Planning Department

ADDITIONAL INFORMATION REQUEST

Rich Warfield
P. O. Box 1435
La Quinta, California 92247

DATE: September 22, 2008
Case Nos. PP23701; CZ07677
E.A. No. 42025

A study of your case has determined that the following additional information or amended reports are necessary to complete the review of your project.

SEE ATTACHED MATERIALS WITH EMPHASIS ON ITEMS MARKED 5. DRT CORRECTIONS REQUIRED

In addition, please respond to the following:

A Land Development Committee Meeting (LDC) is an opportunity for applicants, engineers, and/or owners to meet collectively with all reviewing departments at one setting, to review the case requirements. The meetings are generally limited to 15-20 minutes. The objective is to obtain department clearances after the case file has been conditioned for compliance with the Riverside County general plan, zoning ordinance, and all other regulations that apply to the involved parcel(s). The next LDC meeting for the Planning Department is set for October 16, 2008. Attached find draft status conditions of approval to date (still subject to change) and any significant comment letters received to date by the Planning Department.

Your case is being reviewed by the LDC. In addition to this letter, you may receive a case correction letter from other LDC members. The LDC consists of representatives of Building and Safety, Fire, Transportation, Health, Planning, and Flood Control District or the Coachella Valley Water District. You are encouraged to remain in close contact with LDC members. Applicants may request a meeting with individual LDC departments and applicants will receive notice of the project's first LDC meeting, which you should attend.

LDC and additional information deadline is the hearing deadline date for clearance to the next available public hearing date as outlined in the current Transportation and Land Management Agency Development Review time line memo. Hearing deadline clearance includes clearances from LDC members shown in the LMS "routing" screen, and Planning Department approval of all requested additional information. Additional time may be required due to agency redesign requirements, environmental determinations, or further inter-agency coordination.

To view the status of county department's review, you may go to the following web page: www.rctlma.org. Click on "Planning", click on "General Information" tab, click on "Case Status Information" tab. A list of case planning information will appear, including a tab for any conditions of approval in "RECOMMEND" status, and a tab for the status of department review prior to LDC meetings. Use capital letters and please remember to

The case type plus five digit case number, for example: "PP19503" "TR27771" or "CZ06221" or "WCS00102" "CUP03116R1" (R1 = revised permit #1).

The draft LMS conditions of approval are attached to this letter along with the DRT correction requirements for your review; further discussion with staff is encouraged to avoid misunderstandings and resolve issues. For your information, the LMS permit condition milestone codes are:

- 5 = DRT (old name for TRC) correction requirements (to note additional information needed)
- 10 = General (permanent on-going occupancy and operational requirements)
- 20 = Prior to certain date (deadlines for certain actions and overall life of permit)
- 30 = Prior to project approval (used for specific plans and projects associated with them)
- 40 = Prior to phasing (used for land division maps for unit phasing approvals)
- 50 = Prior to recordation of a map
- 60 = Prior to issuance of grading permits
- 70 = Prior to grading permit final inspection approval
- 80 = Prior to issuance of building permits
- 90 = Prior to building permit final inspection approval
- 100 = Prior to issuance of a given number of building permits (used to mark certain actions)

Please submit the PLANNING related additional information indicated above. It is highly advisable to submit information well in advance of the hearing deadline, or LDC meeting, to allow staff adequate time for review. Reports and other information submitted at the LDC meeting may require the case to be continued in order to allow staff adequate review time. Staff may require up to 30 days (per CEQA) to review submitted additional information and make environmental determinations.

Additional information will be given by other departments at the next LDC meeting. Should you have any other questions, please feel free to contact Judy Deertrack at (760) 863-8277 or online at www.rctlma.org.

RIVERSIDE COUNTY PLANNING DEPARTMENT
Ron Goldman, Planning Director

Judith E. Deertrack, Planner IV

xc: File Copy
Riverside File

Engineer



Established in 1918 as a public agency

Coachella Valley Water District

Directors:

Peter Nelson, President
Patricia A. Larson, Vice President
Tellis Codekas
John W. McFadden
Russell Kifahara

Officers:

Steven B. Robbins, General Manager-Chief Engineer
Julia Hernandez, Secretary
Mark Beuhler, Asst. General Manager
Dan Parks, Asst. To General Manager
Redwine and Sherrill, Attorneys

October 15, 2008

RECEIVED

File: 0163.1
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OCT 22 2008

Riverside County
Planning Department
Desert Office

Judy Deertrack
Riverside County Planning Department
38-686 El Cerrito Road
Palm Desert, CA 92211

Dear Ms. Deertrack:

Subject: Plot Plan No. 23701 and Change of Zone No. 07677

This area is protected from regional stormwater flows by the Whitewater River Stormwater Channel and may be considered safe from regional stormwater flows except in rare instances.

This area is designated Zone X on Federal Flood Insurance rate maps, which are in effect at this time by the Federal Emergency Management Agency (FEMA).

This project is within the limits of the Bermuda Dunes Drainage Study area. The Bermuda Dunes Drainage Study established a requirement for new developments to retain 100 percent of the runoff for a 100-year event and was agreed upon by all of the participating agencies, including Riverside County and the Cities of Palm Desert, Indian Wells, La Quinta and Indio.

The county shall require mitigation measures to be incorporated into the development to prevent flooding of the site or downstream properties. These measures shall require on-site retention of runoff from the 100-year storm.

Since the stormwater issues of this development are local drainage, the District does not need to review drainage design further.

This project lies within the Study Area Boundary of the Coachella Valley Water Management Plan (September 2002).

The District will provide sanitation service to this area and such service will be subject to the satisfaction of terms and conditions established by the District and exercised from time to time, including but not limited to fees and charges, water conservation measures, etc.

The District may need additional facilities to provide for the orderly expansion of its sanitation systems. These facilities may include pipelines, lift stations and other facilities. The developer may be required to install these facilities and provide land and/or easements on which some of these facilities will be located. These sites shall be shown on the tract map as lots and/or easements to be deeded to the District for such purpose.

October 15, 2008

This notice of sanitation service availability can only be used and relied upon for the specific property for which it was issued and shall expire three (3) years from date of issuance.

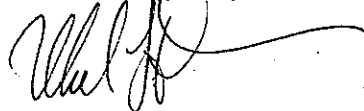
Sanitation service remains at all times subject to changes in regulations adopted by the District's Board of Directors including reductions in or suspensions of service.

The project lies within the Lower Whitewater River Subbasin Area of Benefit. Groundwater production within the area of benefit is subject to a replenishment assessment in accordance with the State Water Code.

All water wells owned or operated by an entity producing more than 25 acre-feet of water during any year must be equipped with a water-measuring device. A District Water Production Metering Agreement is required to ensure District staff regularly read and maintain this water-measuring device.

If you have any questions, please call Tesfaye Demissie, Stormwater Engineer, extension 2605.

Yours very truly,



Mark L. Johnson
Director of Engineering

cc: Majeed Farshad
Riverside County Department of Transportation
38-686 El Cerrito Road
Palm Desert, CA 92211

Monte Bowers
11590 W. Bernardo Court, Suite 100
San Diego, CA 92127-1624

Mark Abbott
Riverside County Department of Public Health
38-686 El Cerrito Road
Palm Desert, CA 92211

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AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

RECEIVED

DEC 19 2008

Riverside County
Planning Department
Desert Office

December 18, 2008

CHAIR
Simon Housman
Rancho Mirage

Ms. Judy Deertrack
Riverside County Planning Department – Palm Desert Office

VICE-CHAIRMAN
Rod Ballance
Riverside

MAIL STOP #4035

COMMISSIONERS

Arthur Butler
Riverside

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1031BD08
Related File No.: Change of Zone (CZ07677)
APN: 607-270-003 & 607-270-004

Robin Lowe
Hemet

Dear Ms. Deertrack:

John Lyon
Riverside

On December 11, 2008, the Riverside County Airport Land Use Commission (ALUC) found the above-referenced project **CONSISTENT** with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, subject to the following conditions:

Glen Holmes
Hemet

Melanie Fesmire
Indio

CONDITIONS: (to be applied to the Plot Plan)

STAFF

Director
Ed Cooper

1. The following uses shall be prohibited:

- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting operations, fly ash disposal, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.
- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

John Guerin
Brenda Ramirez
Barbara Santos

County Administrative Center
4080 Lemon St., 9th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

Airport Land Use Commission

Page 2 of 2

- (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials, and critical community infrastructure facilities.
- 2. Prior to issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport, which shall be recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.
- 3. Noise attenuation measures shall be incorporated into any office areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
- 4. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, as applicable.
- 5. The retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
- 6. Prior to the issuance of building permits for any new building or structure on the site, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA) for such structure, and shall have received a determination of "No Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.

If you have any questions, please contact Brenda Ramirez, ALUC Contract Planner, at (951) 955-0549.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Edward C. Cooper, Director

BR:bks

Attachments: Notice of Airport in Vicinity

cc: ALUC Staff
Richard Warfield & Robert Wright
Lench Design Studio, Inc.
Bermuda Dunes Airport – Attn.: Mike Smith

Y:\ALUC\Bermuda Dunes\ZAP1031BD08.LTR.doc

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influent area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Profession Code 11010 12(A)

Deertrack, Judith

From: Ron Gregory [lastarroof@yahoo.com]
Sent: Wednesday, December 10, 2008 6:20 PM
To: BRENDA RAMIREZ; Deertrack, Judith
Subject: Ref: PP 23701 & CZ07677
Attachments: CHANGE OF ZONE ON WEST SIDE OF HOUSE.doc

RECEIVED

DEC 10 2008

Riverside County
Planning Department
Desert Office

RON AND BETTY GREGORY

79-130 CLIFF ST.
BERMUDA DUNES, CA. 92201
760-345-4439

APPROPRIATE

EXHIBIT

FILE

DATE

Date: 12/10/08 6:05 PM

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION
4080 Lemon St., 9th Floor
Riverside, Ca. 92502

Brenda Ramirez

Ref: PP 23701 & CZ07677

I live directly East of the above referenced property. The original zoning for R-1 is the correct zoning and it should not be changed. When the property was first developed, a mobile home was put on the property to allow the owner to have a nursery. This was just fine if a house could not be built like the homes on the North and South sides of the property in question. Since the nursery sold out, all of the trucks were parked there illegally. Every morning around 6-7 am, I see head lights coming on, noise from the trucks and people talking. It's very annoying to have a commercial operation across the fence from a residential home and is not appropriate for the neighborhood.

I realize this hearing is for the Airport Commission, but the use is not compatible with the neighborhood and the property is in the "Area of Influence" of the Airport. I would think the Commission would be very concerned about the number of people on the property at one time which could number around 40-50 people judging by the number of vehicles parked there. In the event a plane did crash, many people could be killed.

We already have one eyesore in the neighbor with the Tin building being put up by Valley Plumbing on Ave. 41. We do not need any more problems with junky properties.

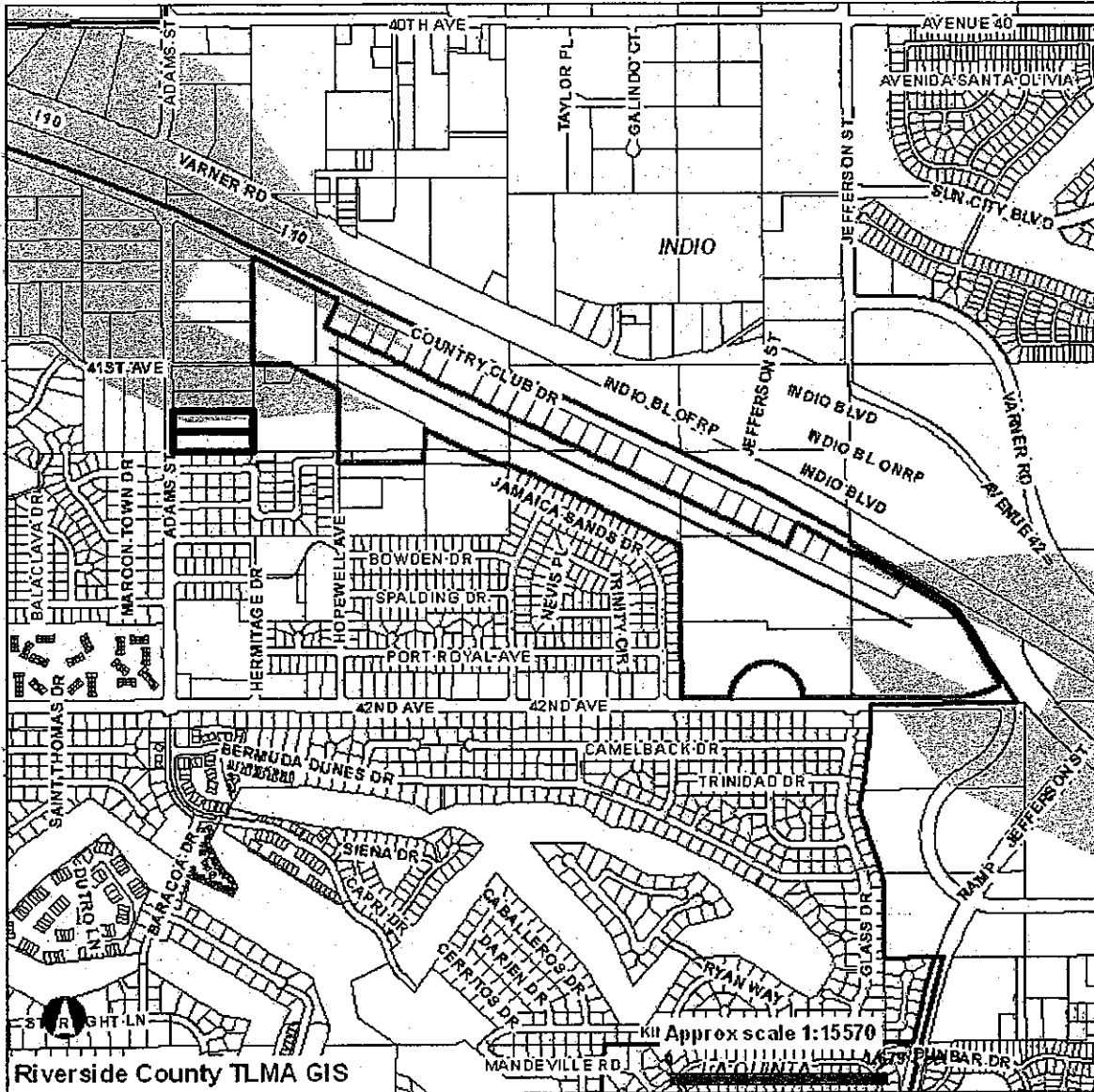
The property and the homes around it are R-1, leave it that way and help save the neighborhood from any more commercial development.

If you have any questions, please feel free to call.

Sincerely,

Ron Gregory, Owner

RIVERSIDE COUNTY GIS



Selected parcel(s):
607-270-003 607-270-004

AIRPORTS

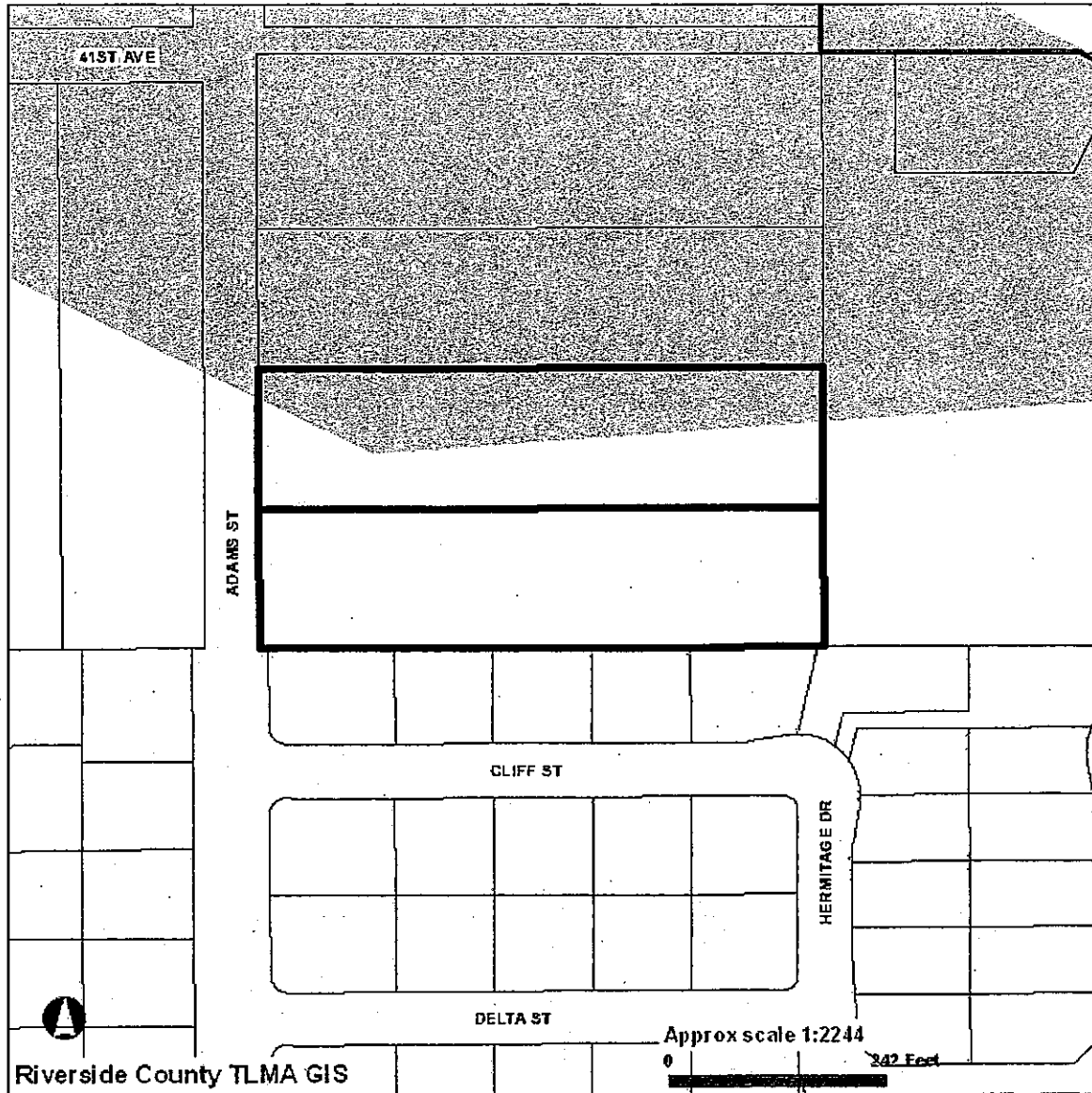
- | | | | |
|----------------------|----------------------|-----------------------|-------------------------|
| SELECTED PARCEL | PARCELS | AIRPORT RUNWAYS | AIRPORT INFLUENCE AREAS |
| AIRPORT BOUNDARIES | COMPATIBILITY ZONE A | COMPATIBILITY ZONE B1 | COMPATIBILITY ZONE B2 |
| COMPATIBILITY ZONE C | COMPATIBILITY ZONE D | COMPATIBILITY ZONE E | |

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Mon Nov 24 16:56:18 2008

RIVERSIDE COUNTY GIS



Riverside County TLMA GIS

Selected parcel(s):
607-270-003 607-270-004

AIRPORTS

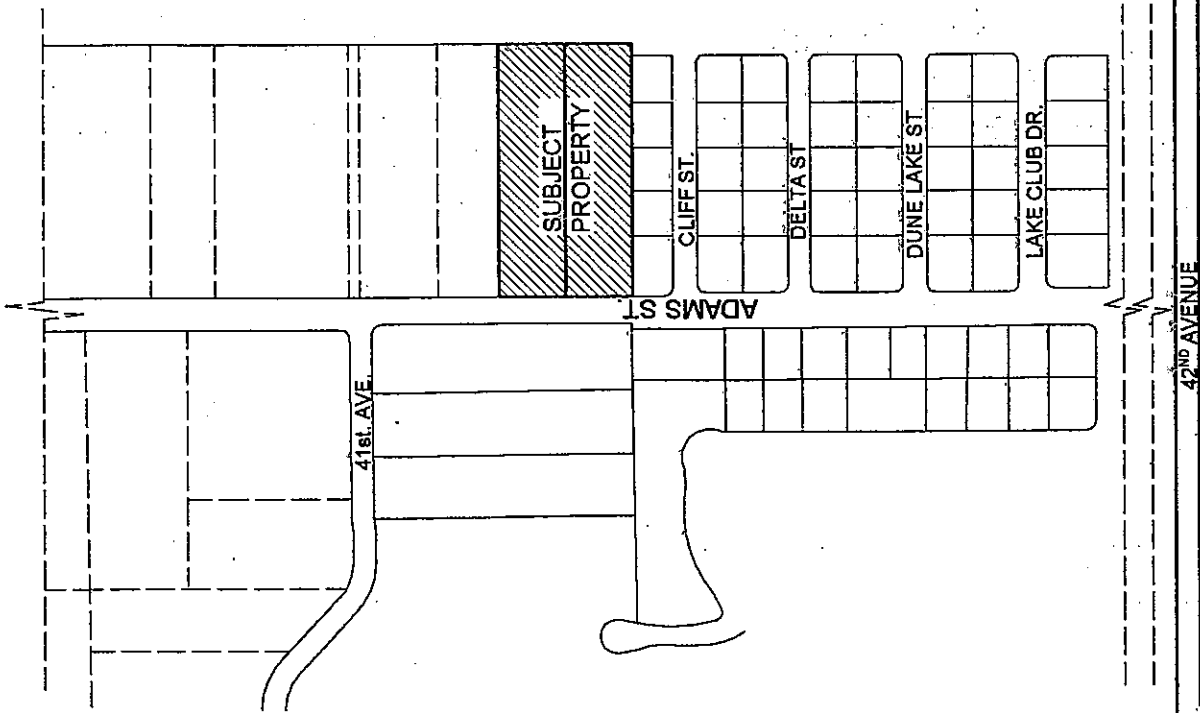
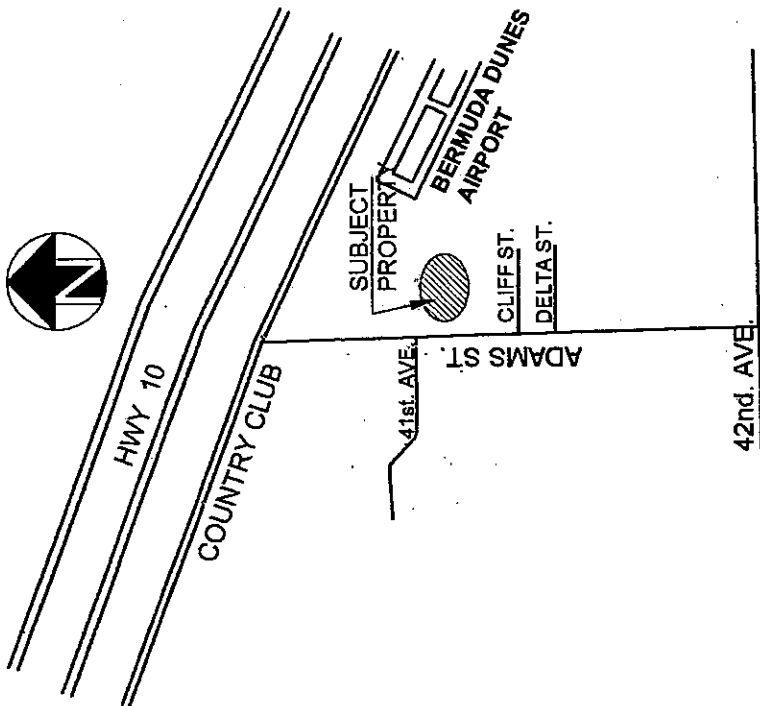
- SELECTED PARCEL
- PARCELS
- AIRPORT INFLUENCE AREAS
- COMPATIBILITY ZONE B1
- COMPATIBILITY ZONE B2
- COMPATIBILITY ZONE C
- COMPATIBILITY ZONE D

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Mon Nov 24 16:57:03 2008

VICINITY MAP



VICINITY MAP



County of Riverside

CODE ENFORCEMENT DIVISION

INVESTIGATION REPORT

DIRECTOR
John Boyd

TIME LINE FOR CASE CV074403 AND CV070848
AT 41220 ADAMS ST, BERMUDA DUNES

FOR 607-270-003/04

061007 Opened case.

060107 **Initial inspection** of several reported code violations. **NOV was posted.**

060707 Mailed out **Notice of Violation RCC 15.48**

062707 **Meeting** with the property owner **Robert Wright** and his partner.

091007 Researched LMS for current permit activity and/or planning action. **None found.**

091007 Follow-up inspection, not in compliance, **Issued Administrative Citation #A25139**

091307 Mailed out **Administrative Citation #A25139** for RCC 15.48

101607 Spoke to Rich Warfield reference his property. Email sent to Rich reference the two APN'S.

011008 Officer Hannah was issued this case to over see. Still no permits applied for.

011008 Called the property owner per Supervisor Haeberle, **Richard Warfield**, left a message.;

011008 Drove to property, Richard Warfield was not there. Spoke to tenant (Ron). Ron stated he would try and get a hold of Richard for me.

012208 Called the property owner **Richard Warfield** again at 8:15am and 3:00pm and left a message to call me back to make an appointment with him. Still no permits applied for.

012208 Richard Warfield called us. I asked if we can get a meeting together at the property.

012908 Code canceled meeting with Richard. Was a conflict

013109 Meeting, **Supervisor Allen Haeberle, Sr. Lionel Martinez** and I at property, Richard the property owner and Ron the tenant were at the property also. Supervisor Allen Haeberle had explained the issues with the property and what needed to be done. Still no permits applied for.



County of Riverside

CODE ENFORCEMENT DIVISION

INVESTIGATION REPORT

DIRECTOR
John Boyd

022608 Meeting with Bob Wright and partner Richard Warfield at property. Supervisor Allen Haeberle reviewed the issue again with Richard and Bob. Allen stated that they need to give him a letter on their intentions. Still no permits applied for.

030308 Received a letter from Richard Warfield. Planning said this process may take up to 6 to 8 months. Still no permits applied for.

052208 Reviewed LMS, no permits issued or applied for. Called Richard and left message. BHannah

052308 Called twice and left messages for Richard Warfield. Bob Wright called back. Bob is a partner with Richard. Has no engineer yet but might use Skip Lynch Designs for their Engineer.

052308 Sr. Officer Herrera spoke to Bob Wright. Herrera explained the issues then Bob requested for another meeting with us. Still not permits applied for.

052808 A scheduled meeting was held, present were the property owners and engineer Skip. They still did not ply for any permits.

060308 Received call from Bob Wright, he wanted another meeting but with Supervisor Lawless. Bob was asked for benchmarks, Bob said he will fax a letter to our office with benchmarks of his progress we never received this letter. Still no permits applied for.

072308 Reviewed case, no permits issued or applied and I have not received a letter to our office with benchmarks of his progress. BHannah

080108 Follow-up investigation, not in compliance, issued administrations citations, per Sr. Officer Herrera. No permits applied for.

080408 called the owners Bob Wright and Richard Warfield and left a message.

080508 received a call from the owners Engineer, Skip Lynch to let me know they have been in and out of the Building and Safety Dept reviewing their plans. I explained because I have not heard from the owners or him from our last meeting on 05/29/08 and that we had not received any info on your benchmarks of their progress, I issued a citation.

082208 Reviewed LMS, owner has applied for permits but only for this lot not on 607-270-004.

082608 Skip called to let me know that they applied to have the zone changed.



County of Riverside CODE ENFORCEMENT DIVISION INVESTIGATION REPORT

DIRECTOR
John Boyd

090308 I called Jay again in the Riverside Planning Dept in Palm Desert office to go over the issue but was not able to get a hold of him, I left another message. I **Called Richard Warfield/Skip** and left a message.

090408 **Richard Warfield called** and was very upset with the County. I asked if he handed in plans for the lot 607-270-004 because it does not show in our system, it only showed on 607-270-003, Richard said it was all on the same plan. I said thank you and I would review 003 with Planning, end of conversation. **BHannah**

101508 Code Officer BHannah had Meeting with Paul Clark in the Riverside Planning Dept regards to the latest activity.

Deertrack, Judith

From: Pittman, Patricia [Patricia.Pittman@dsusd.us]
Sent: Wednesday, December 10, 2008 4:30 PM
To: brramirez@rcplma.org; Ramirez, Brenda
Cc: Deertrack, Judith; jdeertrack@rcplma.org
Subject: PP 23701 and CZ07677

Importance: High

RECEIVED

DEC 10 2008

Riverside County
Planning Department
Desert Office

Please do not allow the change of zone for these properties: PP 23701 and CZ07677 Bermuda Dunes Contractor Storage Yard. My home is very close to this property and the property value will be negatively impacted. We have too much commercial property already allowed in the area between Country Club Drive and Adams Street. The sheds detract considerably from the landscape and neighborhoods.

Patricia Pittman
79-108 Delta Street
Bermuda Dunes, CA 92203

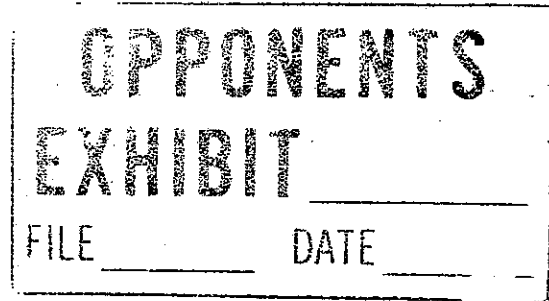
OPPORTUNITIES	
EXHIBIT	_____
FILE _____	DATE _____

Clark, Paul

From: IRONFAM5@aol.com
Sent: Thursday, December 04, 2008 8:28 AM
To: Ramirez, Brenda; Deertrack, Judith; Clark, Paul
Cc: DeLara, Leticia; ferraud@dc.rr.com; leenfol@msn.com; Lugo4@aol.com; Aprilacker@aol.com
Subject: BERMUDA DUNES - CONTRACTOR STORAGE YARD

12/4/08

BRENDA RAMIREZ, ALUC
JUDY DEERTRACK, PLANNING DEPARTMENT
PAUL CLARK, PLANNING DEPARTMENT



RE:PP 23701 & CZ07677 BERMUDA DUNES CONTRACTOR STORAGE YARD

I HAVE RECEIVED THE NOTICE OF PUBLIC HEARING RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION REGARDING THE 4.5 ACRES ON ADAMS ST. THE PROPOSAL TO CHANGE EXISTING ZONING FROM FAMILY DWELLING TO MANUFACTURING-SERVICE COMMERCIAL.

I HAVE LIVED IN BERMUDA DUNES 21 1/2 YEARS, HAVE SERVED ON THE BERMUDA DUNES COMMUNITY COUNCIL NOW OVER 2 YEARS.

I AM OF MIND ESTABLISHED COMMUNITY(HOMES-NEIGHBORHOODS)COME FIRST, NEW BUILDINGS SECOND. I HAVE SPOKEN WITH SOME OF THE RESIDENTS ON CLIFF ST AND HAVE ADVISED THEM TO ALSO WRITE THEIR LETTERS OF CONCERN TO YOU. SOME HAVE LIVED ON THIS BLOCK SINCE 1987.

I FEEL THIS PROPERTY SHOULD STAY AS FAMILY DWELLING. THE PROPERTY BACKS UP TO FIVE HOMES ON CLIFF ST., THE GREGORY'S EAST END OF PROPERTY, AND AN ESTABLISHED HOME TO THE NORTH.

COMMERCIAL SHOULD NOT BE ALLOWED PAST 41 ST.

SECONDLY THIS PROPERTY IS UNDER CODE ENFORCEMENT CITATION AND THE OWNER HAS NOT COMPLIED WITH THE COUNTY AND RESIDENTS WISHES TO CLEAN IT UP. THIS DOES NOT MAKE FOR A GOOD NEIGHBOR.

ANOTHER ISSUE CONCERNS TRAFFIC ON ADAMS ST. WE HAVE SPOKEN WITH TRANSPORTATION ABOUT TROUBLE GOING IN & OUT ON COUNTRY CLUB DR. NOT EASY OR

SAFE AT PEAK TIMES. TURNING LEFT OFF COUNTY CLUB DR. GOING WEST IS A NIGHTMARE.

THE COMMUNITY IS ALREADY UPSET ABOUT VALLEY PLUMBING BUILDING THEIR STRUCTURE NEXT TO MILLION DOLLAR HOMES. PLEASE LISTEN TO WHAT THE RESIDENTS ARE SAYING!

IF YOU HAVE ANY QUESTIONS OR NEED A MEETING SITE PLEASE CONTACT ME MY HOME IS OPEN.

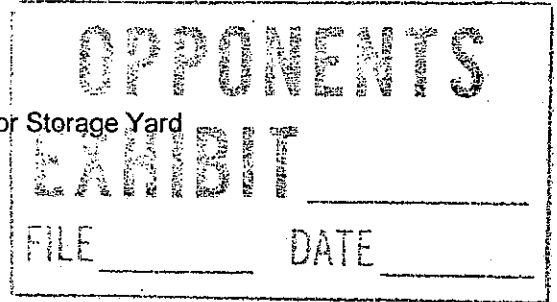
CHERYL ISEN
79015 DELTA ST
BERMUDA DUNES, CA 92203

ironfam5@aol.com
760-345-7614 HOME
760-831-5011 CELL

Make your life easier with all your friends, email, and favorite sites in one place. [Try it now.](#)

Deertrack, Judith

From: Charles Burnett [cdburnett@nethere.com]
Sent: Wednesday, December 03, 2008 8:03 PM
To: BRRAMIIRE@RCTLMA.ORG
Cc: Deertrack, Judith
Subject: PP 23701 and CZ07677 Bermuda Dunes Contractor Storage Yard



December 3rd 2008

Dear Brenda Ramirez,

This letter is in response to the Notice of Public Hearing scheduled before the Riverside County Airport Land Use Commission to consider application

Reference Number PP 23701 AND CZ07677 Bermuda Dunes Contractor Storage Yard.

I Debbie Burnett and Charles Burnett of 79084 Delta St. Bermuda Dunes CA 92203, phone number 760-345-7095, want to go on public record to disapprove of the proposal to change the existing zoning from R-1-12,000 to M-SC on the described reference number PP 23701 and CZ07677, BERMUDA DUNES, CONTRACTOR STORAGE YARD.

We disapprove of the zoning changes because of many reasons and below are listed just a few.

If the zoning changes in our backyard, whom is to say that this is the end of the commercial business in our neighborhood. Excessive traffic in the local area will impact our roads, our safety and our quiet neighborhood. Our streets are on one lane in each direction and we have already been inconvenienced by trucks parking halfway in the streets impeding the natural flow of traffic. Traffic violations, foot crime and residential crime will rise because of the nature of the business being inside of a residential community. Our neighborhood is already in desperate need of local police and this will spread the local police even thinner.

Our community is small and we want to keep our neighborhood safe and free of crime and noise at all hours of the day and night.

In the past when a local grower was doing business illegally in the area; have had several small commercial pickup trucks loaded with garden equipment and material pull directly out in front on me in the flow of traffic. This is unsafe and unacceptable.

We live in this residential area for a reason, to keep it residential and not split up the area to become a hodge podge of homes, businesses and non profit buildings. There are several other choices in the surrounding area and local cities to have a business such as this without changing the zoning in the process.

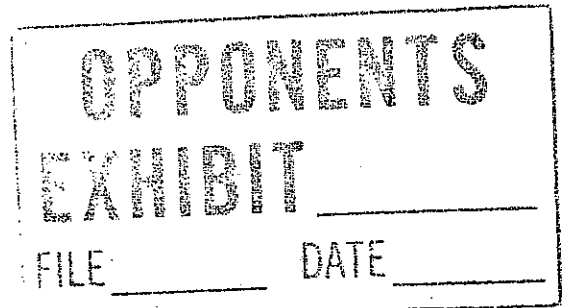
I look forward to the Bermuda Dunes local board meeting to further express my opinions in this matter.

You can count on us to be there and to stop this zoning change.

Sincerely Debbie Burnett and Charles Burnett

Deertrack, Judith

From: TERESA HERSHEY [hersheyta@verizon.net]
nt: Wednesday, December 03, 2008 9:30 PM
To: Ramirez, Brenda
Cc: Deertrack, Judith
Subject: case# CZ07677 rezoning in Bermuda Dunes



12/03/08

To Brenda Ramirez(with the ALUC) Re: Plot Plan 23701 case # CZ07677

My name is Albert Hershey and I own the home located at 79-084 Cliff St. Bermuda Dunes, Ca. 92203. I am located directly south of the property attempting to rezone.

I am writing this letter with concern regarding the "change of zone". I would like it to be known that "changing the zone" for this property is against my wish's --- if i have anything to say about it.

I have called to complain many times regarding the "commercial activity" going on in my back yard. When I say my back yard, I really mean it. The 50 + vehicles that come and go all day long, kick up so much dust / sand it's almost impossible to keep a clean house. Not to mention my swimming pool that just seems to not stay clean for more than a day or two. **The noise** of all the workers at BEFORE DAWN times in the mornings! Every time I wake in the morning it's to a large commercial vehicle passing my bedroom window shaking the house and a big plume of dust in it's wake! The worker's that are on the property all day, work inside what appears to be a metal "train car" of some sort.(they block my view of the mountains I once had before they moved in). The workers play loud music, talk loud, and sing very badly. They also grind on lawnmower blades to sharpen them. If you never heard that being done, then how can I describe it? **It makes finger nails scratching on a chalk board seem soothing!** I also recall a worker parking a commercial street sweeper truck one night. The "back up - beeper horn" was stuck in the on position. It was on all night long! Beep ! Beep! Beep! Beep all night long!! He just parked it, clocked out and went home.

When I purchased my home, these sorts of things were not going on. I fear that if you allow the change of zone for that property, it will make it much worse or my family and my neighbors to live in peace.

Please consider this request when making your decision. "I STRONGLY OPPOSE THE ZONE CHANGE!"

Thank you for your time. If you have any questions please feel free to call me anytime.(or E-mail)
Please guide yourselves accordingly,

Albert Hershey
79-084 Cliff St.
Bermuda Dunes, Ca. 92203

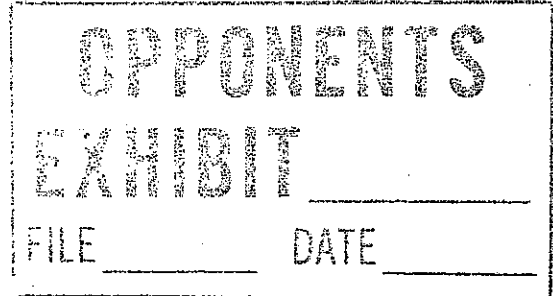
Home # (760) 772- 4761
Cell# (760) 578-1883
Work# (760) 345-4413

Deertrack, Judith

From: Libby Blecka [lblecka@verizon.net]
Sent: Thursday, December 04, 2008 12:54 PM
To: Ramirez, Brenda
Cc: Deertrack, Judith
Subject: PP 23701 and CZ07677 Bermuda Dunes Contractors Storage Yard

Gary & Olivia Blecka
78850 Avenue 41st
Bermuda Dunes, Ca 92203
760-360-8017

Subject: Re-Zoning in Bermuda Dunes
CZ07677 & PP23701



To: Riverside County Airport Land Use Commission

Attn: Brenda Ramirez & Judy Deertrack

We are writing this letter to voice our concerns and to protest the **re-zoning that has already taken place** in our neighborhood as well as **future re-zoning from residential to commercial**. Re-zoning from residential to commercial devaluates our residential properties, imposes loud equipment noise, heavy commercial trucks on our residential streets and additional traffic in our family residential neighborhood where our children play, ride bikes and people ride horses.

We are appalled that our Riverside County Planning Department and Riverside County Airport Land Use Commission would even consider another re-zoning in light of the damage to our property values that allowed **Valley Plumbing** to build right next door to our neighbor's home. Because of **Valley Plumbing** we will endure loud speakers, tractors dinging every morning along with commercial trucks up and down in front of our homes not to mention the bright outdoor lighting and unsightly pipes, plumbing fixtures and debris in their parking lot easily seen from our home. It is despicable what has been allowed to invade our lovely community. Valley plumbing was placed directly in the midst of multi million dollar homes.

Please have a heart and a conscience. PLEASE, PLEASE NO MORE COMMERCIAL BUILDING IN OUR COMMUNITY!

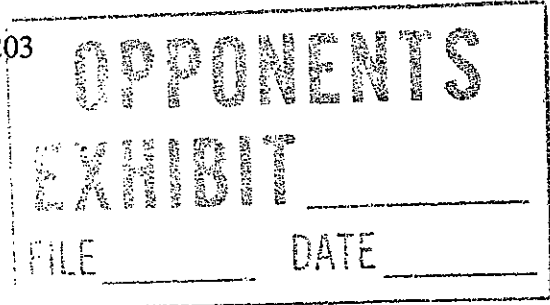
Sincerely,

Gary & Olivia Blecka

Deertrack, Judith

From: CATHERINE AGUILAR [CIAGUILAR@msn.com]
Sent: Sunday, December 07, 2008 11:13 PM
To: Ramirez, Brenda
Cc: Deertrack, Judith
Subject: pp 23701 and CZ07677 Bermuda Dunes Contractor Storage yard-Hearing 12/11/08

Victor & Elizabeth Aguilar
79016 Cliff Street
Bermuda Dunes, CA 92203
(760)200-5909



Ms. Brenda Ramirez
County of Riverside Planning Dept.
4080 Lemon Street, 9th Floor
Riverside, CA 92502

December 5, 2008

PP 23701 and CZ07677 Bermuda Dunes Contractor Storage Yard

Dear Ms. Ramirez,

My husband and I strongly oppose the request that has been filed by Lench Design Studio, Inc. to change the existing zoning from Family Dwelling to Manufacturing-Service Commercial. Yes, currently on the parcels are being used to store a Contractor's equipment and a plant nursery. But, we strongly oppose this request because the land is for sale, and there is no telling who/whom would purchase the property, and it could possibly be used for manufacturing purposes.

We are raising a family, and this is strongly a family-based community. Your decision could determine whether our children could suffer from the detrimental effects of a possible manufacturing site based right in our backyards. Remember the pollutants that manufacturing sites produce can possibly cause cancer, and/or detrimental side effects.

Yes, at this point the land is not being used with the purpose of manufacturing. But, we already have issues with the nursery. My kids suffer from asthma, and lets just say that the clippings from the grass, pollen, and plants strongly worsen their condition. My neighbors, spouse, and I have discussed how our allergies have worsened since the nursery lets the grass clippings sit in the trash container for long periods of time. There are also times when there is a strong stench of fertilizer smell in the air.

Please take into consideration our strong opposition to the request of converting the parcels from Family Dwelling to Manufacturing-Service Commercial.

If you have any questions please feel free to contact us at the number above.

Sincerely,

Victor H. Aguilar
Elizabeth Aguilar

Deertrack, Judith

From: Skip Barnett [robert.barnett9@verizon.net]
Sent: Saturday, December 06, 2008 9:06 AM
To: Ramirez, Brenda
Cc: Deertrack, Judith
Subject: public hearing

OPPOSITIONS	
EXHIBIT _____	
FILE _____	DATE _____

To Brenda Ramirez...(cc Judy Deertrack) : My name is Robert Barnett--79063 Delta st, Bermuda Dunes, Ca 92203....ph 760-567-8685.....on this day (12.06.08), concerning PP 23701 and CZ07677..Bermuda Dunes..Contractor Storage Yard----I am AGAINST changing the zoning for this area and prefer it to remain residential....thank you for your attention in this matter, if you would please respond that you received this e-mail, I would appreciate it

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Ron Goldman - Planning Director

APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN CONDITIONAL USE PERMIT TEMPORARY USE PERMIT
 REVISED PERMIT PUBLIC USE PERMIT VARIANCE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: _____ DATE SUBMITTED: _____

APPLICATION INFORMATION

Applicant's Name: RICH WARFIELD ^{→ ROBERT WRIGHT} E-Mail: BOBWRIGHT@GMAIL.COM

Mailing Address: P.O. BOX 1435
LA QUINTA, CA 92247
City State ZIP
772-1838

Daytime Phone No: (760) 408-7488 Fax No: (760) _____

Engineer/Representative's Name: JHA ENGINEER, INC. E-Mail: JHA@HACKBEEGROUP.ORG

Mailing Address: 41921 BEACON HILL SUITE 'A'
PALM DESERT CA 92211
City State ZIP
760-569-1866

Daytime Phone No: (760) 779-0657 Fax No: (760) 779-5143

Property Owner's Name: RICH WARFIELD
ROBERT WRIGHT E-Mail: BOBWRIGHT@GMAIL.COM

Mailing Address: P.O. BOX 1435
LA QUINTA, CA 92247
City State ZIP

Daytime Phone No: (760) 408-7488 Fax No: (760) 772-1838

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

APPLICATION FOR LAND USE AND DEVELOPMENT

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

ROBERT WRIGHT

RICHARD WARFIELD
PRINTED NAME OF APPLICANT

X [Signature]
SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

RICHARD WARFIELD

PRINTED NAME OF PROPERTY OWNER(S)

X [Signature]
SIGNATURE OF PROPERTY OWNER(S)

ROBERT WRIGHT

PRINTED NAME OF PROPERTY OWNER(S)

X [Signature]
SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

See attached sheet(s) for other property owners signatures.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): 607-270-003 & 607-270-004

Section: 758 Township: 5 (S) Range: 7 (E)

Approximate Gross Acreage: 2.26A - EACH PARCEL - TOTAL - 4.56A

General location (nearby or cross streets): North of 42ND AVE, South of

COUNTRY CLUB DR East of _____, West of _____

Thomas Brothers map, edition year, page number, and coordinates: 2006 EDITION PAGE 819-11.4

APPLICATION FOR LAND USE AND DEVELOPMENT

Proposal (describe project, indicate the number of proposed lots/parcels, units, and the schedule of the subdivision, Vesting Map, PRD):

NURSERY & GARDEN SUPPLY - 1 CONTRACTOR STORAGE
YARD - EQUIPMENT 2004 TRACTOR - 4 STORAGE
CONTAINERS AND OTHER GARDENING EQUIPMENT
TYPICAL HOURS - 6:30 AM TO 3:30 PM

Related cases filed in conjunction with this request:

APPLICATION FOR CHANGE OF ZONE

Is there a previous development application filed on the same site: Yes No

If yes, provide Case No(s). _____ (Parcel Map, Zone Change, etc.)

E.A. No. (if known) _____ E.I.R. No. (if applicable): _____

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes No

If yes, indicate the type of report(s) and provide a copy: _____

Is water service available at the project site: Yes No

If "No," how far must the water line(s) be extended to provide service? (No. of feet/miles) _____

Is sewer service available at the site? Yes No

If "No," how far must the sewer line(s) be extended to provide service? (No. of feet/miles) _____

Will the proposal result in cut or fill slopes steeper than 2:1 or higher than 10 feet? Yes No

How much grading is proposed for the project site?

Estimated amount of cut = cubic yards: N/A

Estimated amount of fill = cubic yards N/A

Does the project need to import or export dirt? Yes No

Import N/A Export N/A Neither

What is the anticipated source/destination of the import/export? N/A

APPLICATION FOR LAND USE AND DEVELOPMENT

What is the anticipated route of travel for transport of the soil material?

N/A

How many anticipated truckloads? N/A truck loads.

What is the square footage of usable pad area? (area excluding all slopes) N/A sq. ft.

Is the development proposal located within 8½ miles of March Air Reserve Base? Yes No

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes No

Does the development project area exceed more than one acre in area? Yes No

If yes, in which one of the following watersheds is it located (refer to Riverside County GIS for watershed location)?

Check answer:

Santa Ana River Santa Margarita River San Jacinto River Colorado River

HAZARDOUS WASTE SITE DISCLOSURE STATEMENT

Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project is located on or near an identified site. Under the statute, no application shall be accepted as complete without this signed statement.

I (we) certify that I (we) have investigated our project with respect to its location on or near an identified hazardous waste site and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

The project is not located on or near an identified hazardous waste site.

The project is located on or near an identified hazardous waste site. Please list the location of the hazardous waste site(s) on an attached sheet.

Owner/Representative (1) *[Signature]* Date 8.19.08

Owner/Representative (2) _____ Date _____

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Planning Department
Ron Goldman · Planning Director

APPLICATION FOR CHANGE OF ZONE

CHECK ONE AS APPROPRIATE:

Standard Change of Zone

There are three different situations where a Planning Review Only Change of Zone will be accepted:

- Type 1:** Used to legally define the boundaries of one or more Planning Areas within a Specific Plan.
- Type 2:** Used to establish or change a SP zoning ordinance text within a Specific Plan.
- Type 3:** Used when a Change of Zone application was conditioned for in a prior application.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: _____ DATE SUBMITTED: _____

APPLICATION INFORMATION

Applicant's Name: RICH WARFIELD E-Mail: BOBWRIGHT@GMAIL.COM
ROBERT WRIGHT

Mailing Address: P.O. BOX 1435
LA QUINTA, CA. 92247
City State ZIP

Daytime Phone No: (760) 408.7488 Fax No: (760) 772.1838

Engineer/Representative's Name: JNA ENGINEERING, INC E-Mail: JNA@HACKERGROUP.ORG

Mailing Address: 41921 BEACON HILL EDITS 'A'
PALM DESERT CA. 92211
City State ZIP

Daytime Phone No: (760) 779.0657 Fax No: (760) 779.5143

Property Owner's Name: RICH WARFIELD E-Mail: BOBWRIGHT@GMAIL.COM
ROBERT WRIGHT

Mailing Address: P.O. BOX 1435
LA QUINTA CA. 92247
City State ZIP

Daytime Phone No: (760) 408.7488 Fax No: (760) 772.1838

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

APPLICATION FOR CHANGE OF ZONE

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

RICHARD WARFIELD
ROBERT WRIGHT x [Signature]
PRINTED NAME OF APPLICANT SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

RICHARD WARFIELD x [Signature]
PRINTED NAME OF PROPERTY OWNER(S) SIGNATURE OF PROPERTY OWNER(S)
ROBERT WRIGHT x [Signature]
PRINTED NAME OF PROPERTY OWNER(S) SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): 607.270.003 607.270.009
Section: 7 1/2 Township: 5 (S) Range: 7 (E)
Approximate Gross Acreage: 4.56 A
General location (nearby or cross streets): North of 42ND AVE, South of COUNTRY CLUB DR East of _____, West of _____.

Thomas Brothers map, edition year, page number, and coordinates: 2006 EDITION, PAGE 819-11.4

APPLICATION FOR CHANGE OF ZONE

Proposal (describe the zone change, indicate the existing and proposed zoning classifications. If within a Specific Plan, indicate the affected Planning Areas):

ZONE CHANGE FROM R-112000 TO MSC

Related cases filed in conjunction with this request:

NONE

NOTICE OF PUBLIC HEARING
and
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

**CHANGE OF ZONE NO. 7677 / PLOT PLAN NO. 23701 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Rich Warfield – Engineer/ Representative: JHA Engineering, Inc. – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan - Community Development: Light Industrial (CD: LI) (0.25-0.60 FAR) - 4.50 Gross Acres – Location: Northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street – Zoning: Residential One Family Dwellings, 12,000 Sq. Ft. Min. (R-1-12,000) – REQUEST: The change of zone proposes to change the zone classification from R-1-12,000 to Manufacturing Service Commercial (M-SC) or Industrial Park (I-P). The plot plan proposes to permit an existing contractor's storage yard and landscaper's nursery – Note: This case is being scheduled as a result of Board of Supervisor's Policy A-57 – APN(s): 607-270-003.
(Quasi-Judicial)**

TIME OF HEARING: 9:30 A.M. or as soon as possible thereafter.
DATE OF HEARING: February 18, 2009
PLACE OF HEARING: City of La Quinta Council Chambers
78-495 Calle Tampico, La Quinta, California 92253

For further information regarding this project, please contact Judy Deertrack, Project Planner at 760-863-8277 or e-mail jdeertra@rctlma.org, or go to the County Planning Department's Planning Commission agenda web page at www.tlma.co.riverside.ca.us/planning/pc.html

The Riverside County Planning Department has determined that the above project will not have a significant effect on the environment and has recommended adoption of a mitigated negative declaration. The Planning Commission will consider the proposed project and the proposed mitigated negative declaration, at the public hearing. The case file for the proposed project and the proposed mitigated negative declaration may be viewed Monday through Friday, 8:30 a.m. to 4:30 p.m., (with the exception of Noon-1:00 p.m. and holidays) at the County of Riverside Planning Department, 38686 El Cerrito Road, Palm Desert, CA 92211. For further information or an appointment, contact the project planner.

Any person wishing to comment on a proposed project may do so, in writing, between the date of this notice and the public hearing or appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that, as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands, within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
Attn: Judy Deertrack, Project Planner
38686 El Cerrito Road, Palm Desert, CA 92211

PROPERTY OWNERS CERTIFICATION FORM

I, CARLOS MUNOZ certify that on January 19, 2009.

The attached property owners list was prepared by Riverside County GIS.

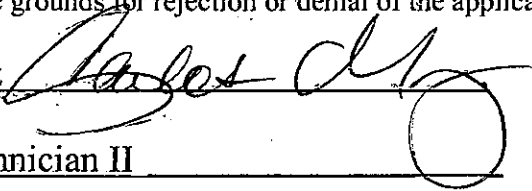
APN (s) or case numbers 607-270-003 and 607-270-004 For

Company or Individual's Name Riverside County Planning Department.

Distance buffered 600'.

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Carlos Munoz 

TITLE Planning Technician II

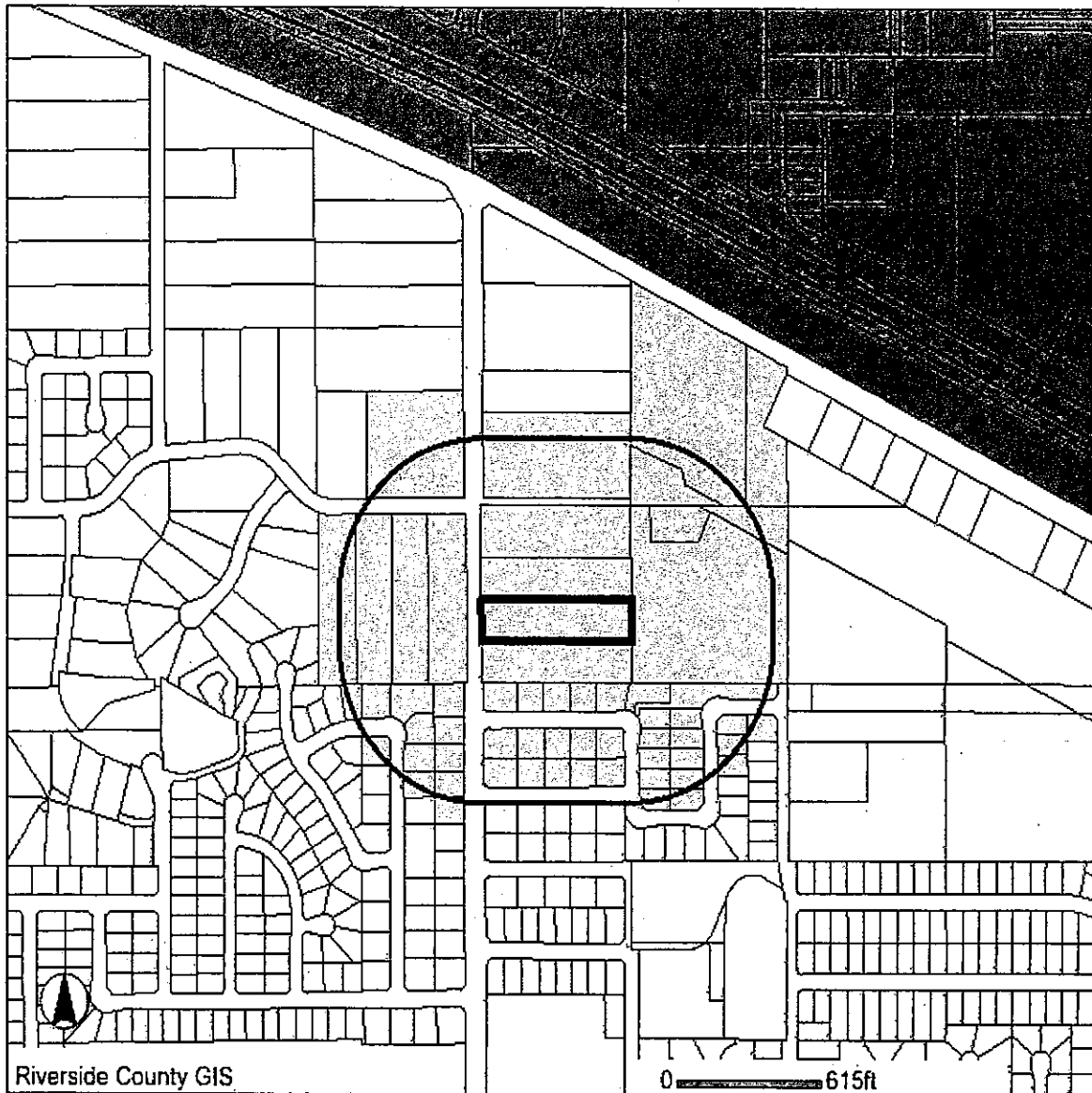
ADDRESS: 38686 El Cerrito Road

Palm Desert, CA 92211

TELEPHONE NUMBER (8 a.m. - 5 p.m.): (760) 863-8277

CASE # PP23701

PP23701

**Selected parcel(s):**

No labels created these parcel(s)...

607-050-043

607-160-007 607-182-016 607-183-020 607-183-029 607-252-004 607-252-016 607-252-021
 607-270-001 607-270-010 607-291-001 607-291-007 607-291-020 607-292-001 607-294-019

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

MAP PRINTED ON...01/19/2010

APN: 607050043 ASMT: 607050043
ROBERT J FARRAUD
ENID J FARRAUD
40700 STARLIGHT LN
BERMUDA DUNES CA 92203

APN: 607160007 ASMT: 607160007
SHARON JENSON
78670 HIGHWAY 111 NO C219
LA QUINTA CA 92253

APN: 607160008 ASMT: 607160008
FRANCES M ALLEN
P O BOX 725
PALM DESERT CA 92261

APN: 607160009 ASMT: 607160009
FRANZ X BIRRER
215 MEMPHIS ST
HUNTINGTON BEACH CA 92648

APN: 607182016 ASMT: 607182016
RAYMOND J VAGAS
GRACE C VAGAS
37821 GRAND OAKS AVE
PALM DESERT CA 92211

APN: 607183020 ASMT: 607183020
ALFRED FULLER
MAGDALENA FULLER
78901 ANCHOVY RD
BERMUDA DUNES CA 92203

APN: 607183021 ASMT: 607183021
LYDIA GROZDICH
47855 DANCING BUTTERFLY
LA QUINTA CA 92253

APN: 607183022 ASMT: 607183022
JOHN F LAGLE
CHARLES BRIAN TROUT
7224 JAMIESON AVE
RESEDA CA 91311

APN: 607183023 ASMT: 607183023
JON R MCDANIEL
PEGI J MCDANIEL
41410 MAROON TOWN RD
BERMUDA DUNES CA 92203

APN: 607183024 ASMT: 607183024
MICHAEL RICH
80980 VISTA BONITA TR
LA QUINTA CA 92253

APN: 607183025 ASMT: 607183025
MARSHA BILLA
48580 SAN DIMAS ST
LA QUINTA CA 92253

APN: 607183029 ASMT: 607183029
JOANN HOFFMAN
C/O RUFUS E VERHALEN
3255 ROOSEVELT
CARLSBAD CA 92008

APN: 607183030 ASMT: 607183030
JOHN LAFONTAINE
PATRICIA LAFONTAINE
41485 ADAMS ST NO C
BERMUDA DUNES CA 92203

APN: 607183031 ASMT: 607183031
CHRISTOPHER M PAOLINI
DIANE PAOLINI
JOHN BRETT
MAURINE BRETT
49485 BRIAN CT
LA QUINTA CA 92253

APN: 607183032 ASMT: 607183032
FIDEL COVARRUBIAS
P O BOX 1023
CAPITOLA CA 95010

APN: 607252004 ASMT: 607252004
JULIA A LAWSON
RUBEN GRIJALVA
W DON LAWSON
82680 SHOWCASE PKWY 2
INDIO CA 92203

APN: 607252021 ASMT: 607252021
DESERT BERMUDA DEVELOPMENT CO
79050 AVE 42
BERMUDA DUNES CA 92201

APN: 607252022 ASMT: 607252022
MYOMA DUNES MUTUAL WATER CO INC
79050 AVENUE 42
BERMUDA DUNES CA 92203

APN: 607270001 ASMT: 607270001
STEVEN C WELTY & ASSOC INC
74100 OLD PROSPECTOR TR
PALM DESERT CA 92260

APN: 607270002 ASMT: 607270002
REYNOLD A ROMERO
41140 ADAMS ST
BERMUDA DUNES CA 92203

APN: 607270003 ASMT: 607270003
RICHARD WARFIELD
ROBERT S WRIGHT
P O BOX 1435
LA QUINTA CA 92253

APN: 607270010 ASMT: 607270010
BERMUDA DUNES AIRPORT CORP
79050 AVENUE 42
BERMUDA DUNES CA 92203

APN: 607270011 ASMT: 607270011
RONALD A GREGORY
BETTY L GREGORY
79130 CLIFF ST
BERMUDA DUNES CA 92201

APN: 607270012 ASMT: 607270012
MYOMA DUNES MUTUAL WATER CO
79050 AVENUE 42
BERMUDA DUNES CA 92203

APN: 607291001 ASMT: 607291001
VICTOR H AGUILAR
ELIZABETH AGUILAR
79016 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607291002 ASMT: 607291002
LARRY DEAN CUSLIDGE
79040 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607291003 ASMT: 607291003
CHARLES LOUIS SANDOVAL
MAGALY C SANDOVAL
79062 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607291004 ASMT: 607291004
ALBERT HERSHEY
TERESA HERSHEY
79084 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607291007 ASMT: 607291007
BVN HOMES INC
5305 E 2ND ST STE 204
LONG BEACH CA 90803

APN: 607291020 ASMT: 607291020
MARK MEELER
LINDYL FAYE MEELER
79108 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607292001 ASMT: 607292001
JEFF SMITH
STACY LYNN TEVES SMITH
79015 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607292002 ASMT: 607292002
CHERYL C ARMOND
JAMES L ARMOND
79041 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607292003 ASMT: 607292003
STUART M-GREEN
MICHELLE GREEN
79063 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607292005 ASMT: 607292005
PATRICK ASHLEY
MICHELE SIEGEL
79109 CLIFF ST
BERMUDA DUNES CA 92203

APN: 607292006 ASMT: 607292006
ROBERT L BARCKLEY
45650 ABRONIA TR
PALM DESERT CA 92260

APN: 607292007 ASMT: 607292007
GUY YOCOM
C/O YOCOM BALDWIN DEV
3299 HORSELESS CARRIAGE
NORCO CA 92860

APN: 607292008 ASMT: 607292008
CYNTHIA A MORONI
79062 DELTA ST
BERMUDA DUNES CA 92203

APN: 607292009 ASMT: 607292009
CHARLES J BURNETT
DEBBIE C BURNETT
P O BOX 12608
PALM DESERT CA 92255

APN: 607292010 ASMT: 607292010
DENVER L PITTMAN
PATRICIA K PITTMAN
79108 DELTA ST
BERMUDA DUNES CA 92203

Myoma Dunes Water Company
79-050 Avenue 42
Bermuda Dunes, CA 92201

Verizon
Attn: Chris Brown
295 N. Sunrise Way
Palm Springs, CA 92262

Jerry Lugo, Chairperson
Bermuda Dunes Comm. Council
79-860 Bogueron Way.
Bermuda Dunes, CA 92201

Owner / APPLICANT
Rich Warfield
P.O. Box 1435
La Quinta, CA 92247

Imperial Irrigation District
Attn: Alfonso Rodriguez
81-600 Avenue 58
La Quinta, CA 92253

Desert Sands Unified School Dist.
Attn: Peggie Reyes
47-950 Dune Palms Rd.
La Quinta, CA 92253

Bermuda Dunes Airport
79880 Avenue 42
Bermuda Dunes, CA 92203

ENGINEER
JHA Engineering Inc.
41921 Beacon Hill, Suite A
Palm Desert, CA 92211

Southern California Gas Co.
211 N. Sunrise Way
Palm Springs, CA 92262

EASTERN INFORMATION CENTER
Archeological Research Unit
University of California
Riverside, CA 92521

Calif. Dept. of Transportation
Aeronautics Programs #MS40
P.O. Box 942874
Sacramento, CA 94274-0001

**Extra Labels for
PP23701**

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 9th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: PLOT PLAN NO. 23701 / CHANGE OF ZONE NO. 7677

Project Location: In the unincorporated area of Riverside County, more specifically located northerly of Cliff Street, southerly of Avenue 41, easterly of Adams Street, in the community of Bermuda Dunes.

Project Description: The plot plan proposes to permit an existing wholesale plant nursery with fifteen-hundred (1,500) square feet existing mobile home, two shipping containers at three-hundred square feet each, and a total parking area of approximately 13,460 square feet; the change of zone proposes to change the zone classification for the subject property from One Family Dwelling (R-1-12,000) to Industrial Park (I-P).

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Rich Warfield and Robert Wright

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption (Article XIX, Section 15301)
 Statutory Exemption ()
 Other: _____

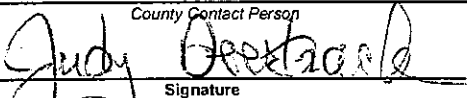
Reasons why project is exempt: The wholesale plant nursery is a pre-existing facility permitted by right within the One Family Dwelling (R-1-12000) zone, and proposes to continue its operation as an existing facility, with negligible or no expansion of use, previously permitted by right in the R-1-12000 zone, with the elimination of an unpermitted contractor's storage yard. The proposed change of zone from One Family Dwelling (R-1-12000) to Industrial Park (I-P) is not associated with any physical change in land use.

Judy Deertrack

(760) 393-3410

County Contact Person

Phone Number



Planner IV

November 18, 2009

Signature

Title

Date

Date Received for Filing and Posting at OPR: _____

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * I0802421

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: WARFILED RICH \$64.00
paid by: CK 1183/3104
paid towards: CFG05376 CALIF. FISH & GAME: DOC FEE
CFG FOR EA42025 (PP23701/CZ07677)
at parcel #:
appl type: CFG3

By _____ Aug 22, 2008 15:28
JCMITCHE posting date Aug 22, 2008

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$64.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org