

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

812B



SUBMITTAL DATE:  
May 13, 2010

FROM: TLMA - Planning Department

REVIEWED BY EXECUTIVE OFFICE

DATE

5/13/2010

Tina Grande

Departmental Concurrence

**SUBJECT: GENERAL PLAN AMENDMENT NO. 945** – Foundation-Regular - Applicant: Leonard Bustin – Engineer/Representative: Michael Schweitzer. - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Policy Area(s) – Highway 79 Policy Area; Rural: Rural Residential (RUR-RR) (5 acre minimum lot size)– Location: Northerly of Mazoe Street, southerly of Auld Road, easterly of Dickson Path and westerly of Maddalena Road – 18.99 Gross Acres – Zoning: Light Agriculture- 5 acre minimum lot size (A-1-5)  
**REQUEST:** This General Plan Amendment proposes to change the General Plan Foundation Component of the subject site from Rural to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 acre minimum lot size) to Commercial Retail (CD: CR) (0.20-0.35 FAR) - APNs: 964-050-006, 964-050-007, 964-050-008 and 964-050-009

**RECOMMENDED MOTION:** The Planning Director recommends that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for the above referenced general plan amendment. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

**BACKGROUND:** The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the

Ron Goldman  
Planning Director

Initials:  
RG:th

(continued on attached page)

Policy  
 Policy

Consent  
 Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

15.1

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

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.

**PLANNING COMMISSION  
MINUTE ORDER FEBRUARY 3, 2010  
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

**I. AGENDA ITEM 7.1: GENERAL PLAN AMENDMENT NO. 945 - Foundation / Regular - Applicant:** Leonard Bustin - Engineer/Representative: Michael Schweitzer. - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Policy Area(s) - Highway 79 Policy Area; Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size)- Location: Northerly of Mazoe Street, southerly of Auld Road, easterly of Dickson Path and westerly of Maddalena Road - 18.99 Gross Acres - Zoning: Light Agriculture- 5 Acre Minimum Lot Size (A-1-5)

**II. PROJECT DESCRIPTION**

This General Plan Amendment proposes to change the General Plan Foundation Component of the subject site from Rural to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio).

**III. MEETING SUMMARY**

The following staff presented the subject proposal:

Project Planner: Tamara Harrison, Ph: (951) 955-9721 or E-mail [tharriso@rctlma.org](mailto:tharriso@rctlma.org)

The following did not wish to speak but want to be recorded in favor of the subject proposal:

Scott Seidman, Applicant, 43696 Ortana St., Temecula, CA 92592

Leonard Bustin, Applicant

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, recommended to the Board of Supervisors;

**TO DECLINE TO INITIATE the GENERAL PLAN AMENDMENT**

**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](mailto:cgriffin@rctlma.org).

**Agenda Item No.: 7.1**  
**Area Plan: Southwest Area**  
**Zoning District: Rancho California**  
**Supervisorial District: Third**  
**Project Planner: Tamara Harrison**  
**Planning Commission: February 3, 2010**

**General Plan Amendment No. 945**  
**Applicant: Leonard Bustin**  
**Engineer/Representative: Michael Schweitzer**

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

### **RECOMMENDATIONS:**

The Planning Director recommended that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for GPA00945 from Rural: Rural Residential to Community Development: Commercial Retail and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board tentatively decline to adopt an order initiating proceedings for the general plan amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

### **PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:**

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

**Commissioner John Roth:** No Comments

**Commissioner John Snell:** No Comments

**Commissioner John Petty:** Commissioner Petty disagreed with staff's recommendation to decline to initiate proceedings for General Plan Amendment No. 945. Mr. Petty commented that the re-alignment of Butterfield Stage Road presents a new circumstance for the area that would justify reconsidering the current General Plan designation. Commissioner Petty also commented that he would have liked for staff to present an alternative designation as opposed to recommending to tentatively decline to adopt an order initiating proceedings for the case. Finally, Mr. Petty stated that the applicant should be allowed to move forward with the proposal to Commercial Retail.

**Commissioner Jim Porras:** No Comments

**Commissioner Jan Zuppardo:** No Comments

**Agenda Item No.: 7.1**  
**Area Plan: Southwest**  
**Zoning Area: Rancho California**  
**Supervisory District: Third**  
**Project Planner: Tamara Harrison**  
**Planning Commission: February 3, 2010**

**General Plan Amendment No. 945**  
**Applicant: Leonard Bustin**  
**Engineer/Representative: Michael Schweitzer**

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

### **PROJECT DESCRIPTION AND LOCATION:**

The applicant proposes to amend the General Plan Foundation Component of the subject site from "Rural" (RUR) to "Community Development" (CD) and to amend the General Plan Land Use designation of the subject site from "Rural Residential" (RR) (5 acre minimum lot size) to "Commercial Retail" (CR) for an approximately 18.99 acre site. The project is located southerly of Auld Road, northerly of Mazoe Street, easterly of Dickson Path and westerly of Maddalena Road.

### **POTENTIAL ISSUES OF CONCERN:**

The subject site is located in the "French Valley" community within the "Southwest" area plan and is also located within the City of Temecula's Sphere of Influence. The Rural Residential designation can be found to the south and to the east of the subject site. The Commercial Retail designation can be found to the west of the site directly across Dickson Path. Medium Density Residential can be found directly north of the site across Auld Road. The City of Temecula's General Plan has given the subject site an anticipated land use designation of Rural (RR) (0-0.2 du/ac max).

A 20 acre parcel to the west of the subject site across Dickson Path at the southeast corner of Pourroy Road and Auld Road is currently designated as Commercial Retail (CR) and remains vacant. The planned realignment of a number of General Plan Circulation Element roads will break up the existing 20 acre piece of CR and the applicant is seeking to replace the full 20 acres of CR at the subject site (the existing Commercial Retail parcel does not share the same owner as the parcels in question). Staff recognizes that the anticipated road alignment will alter the existing CR in the area; however, there will be an adequate amount of CR that will remain once the re-alignment is complete and an additional 20 acres of Commercial Retail would be excessive for the area. Once the road alignment is complete, the existing 20 acres of CR will be broken down into 3 pieces (see attached exhibit titled "Circulation Element Roads"). One of the parcels will be approximately 7 acres, one will be approximately 4 acres and the third parcel will be approximately 2 ½ acres.

The subject site falls within the General Plan's Highway 79 Policy Area and would be required to comply with the policy area and its requirements before any approvals can be made. A workshop was held at the regular Planning Commission meeting on September 30, 2009 in order to discuss the Highway 79 Policy area and the regular Foundation General Plan Amendments that fall within the policy area. As a result of the workshop, the Planning Commission recommended that those Foundation General Plan Amendments within the policy area be brought forward on a case by case basis in order to determine the appropriateness of each proposal and that the Highway 79 policies be reviewed during the General Plan update for potential amendments.

County mapping has identified the subject site as being located within the boundaries of the County Multi-Species Habitat Conservation Plan (MSHCP). Although the site is not specifically listed within a Cell Group under MSHCP, the site will be required to conform to additional plan wide requirements of

the MSHCP such as Riparian/Riverine Policies, Specific Species Surveys, Urban/Wildlands Interface Guidelines (UWIG) and Narrow Endemic Plant Species Policies and Determination of Biologically Equivalent or Superior Preservation Analysis (DBESP) as applicable.

County mapping has also identified the site as being located within Compatibility Zone E of the French Valley Airport and will require review by the County's Airport Land Use Commission.

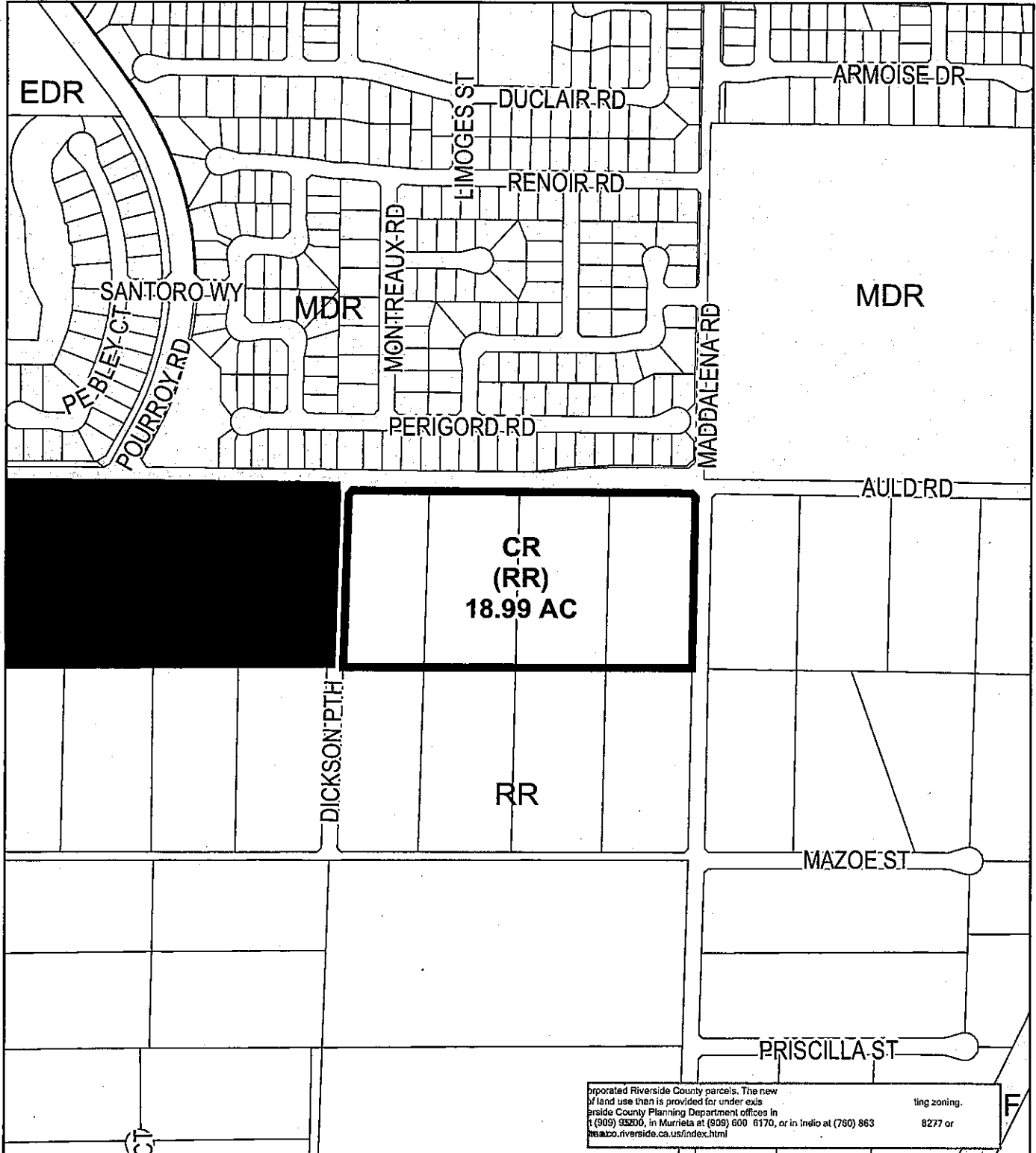
**RECOMMENDATION:**

The Planning Director's recommendation is to **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 945 from Rural: Rural Residential to Community Development: Commercial Retail. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

**INFORMATIONAL ITEMS:**

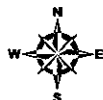
1. This project was filed with the Planning Department on February 13, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$5351.33.
3. The project site is currently designated as Assessor's Parcel Numbers 964-050-006, 964-050-007, 964-050-008 and 964-050-009.

**Proposed General Plan**



**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Area  
Plan: Rancho California  
Township/Range: T7SR2W  
Section: 9

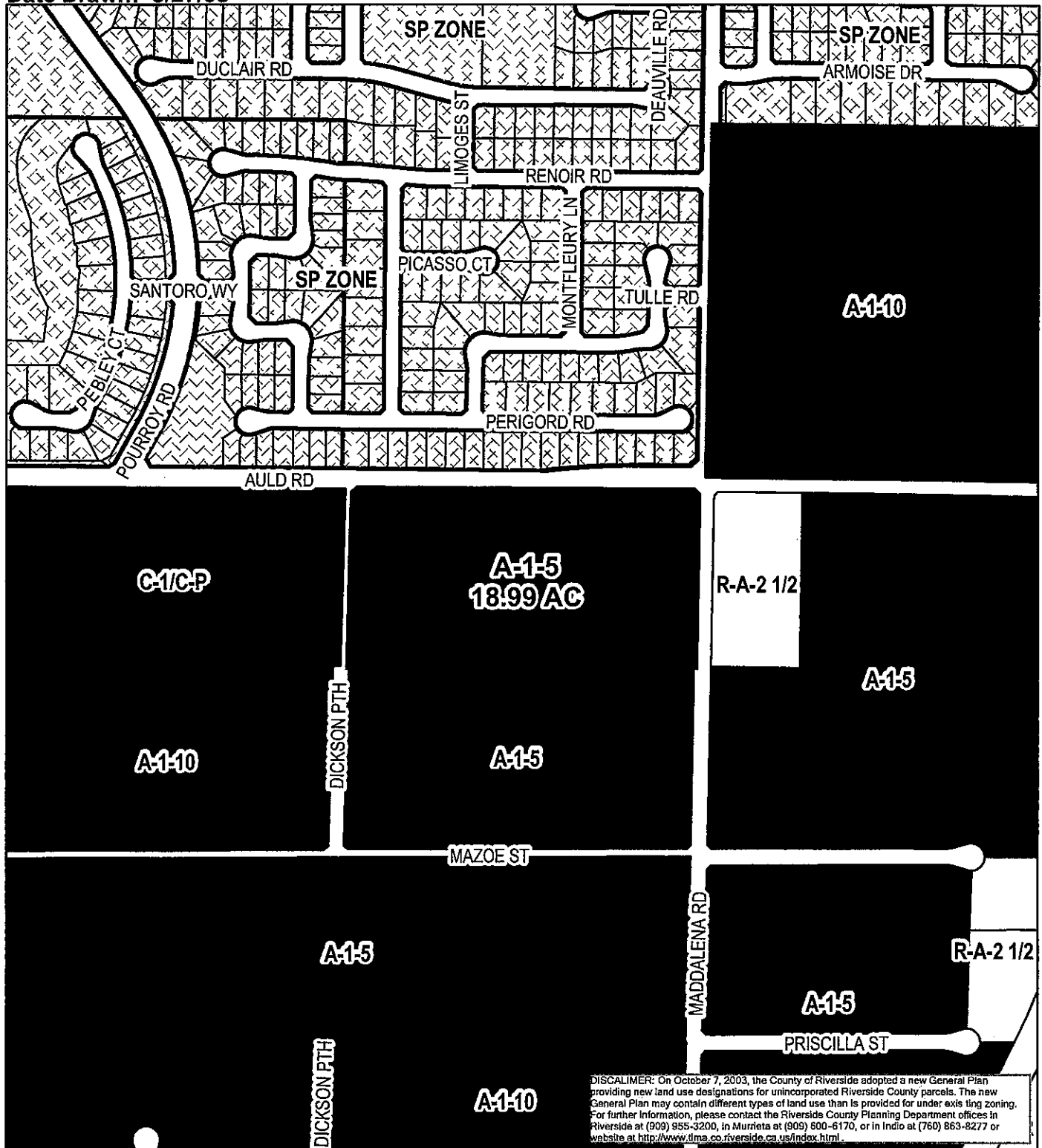


Assessors  
Bk. Pg. 964-05  
Thomas  
Bros. Pg. 929 E2

Supervisor Stone  
 District 3  
 Date Drawn: 3/27/08

**GPA00945**  
**EXISTING ZONING**

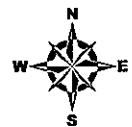
Planner: Amy Aldana  
 Date: 3/13/08  
 Exhibit 2



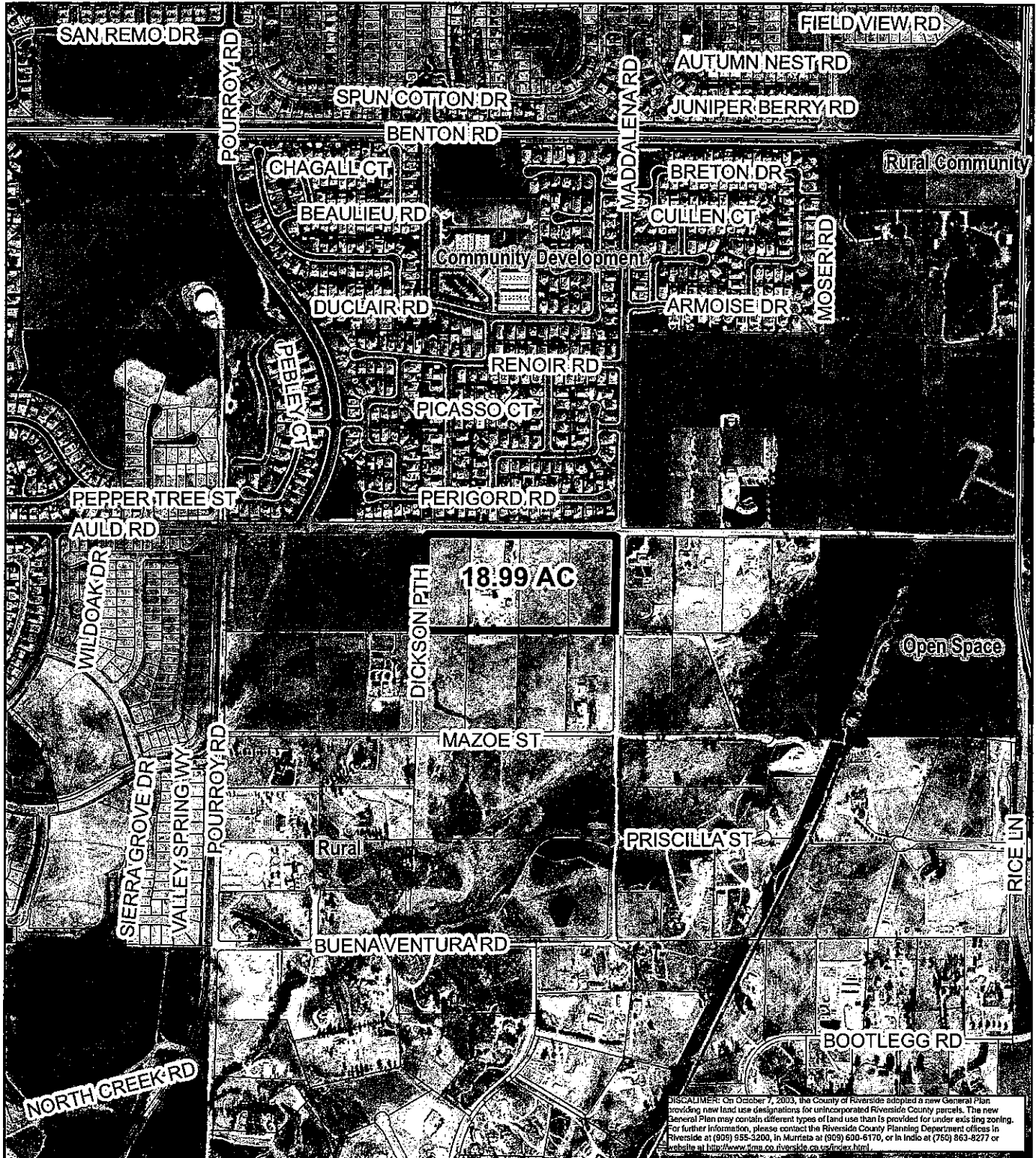
Zone  
 Area: Rancho California  
 Township/Range: T7SR2W  
 Section : 9

**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Assessors  
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 Bros. Pg. 929 E2

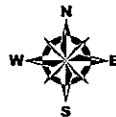






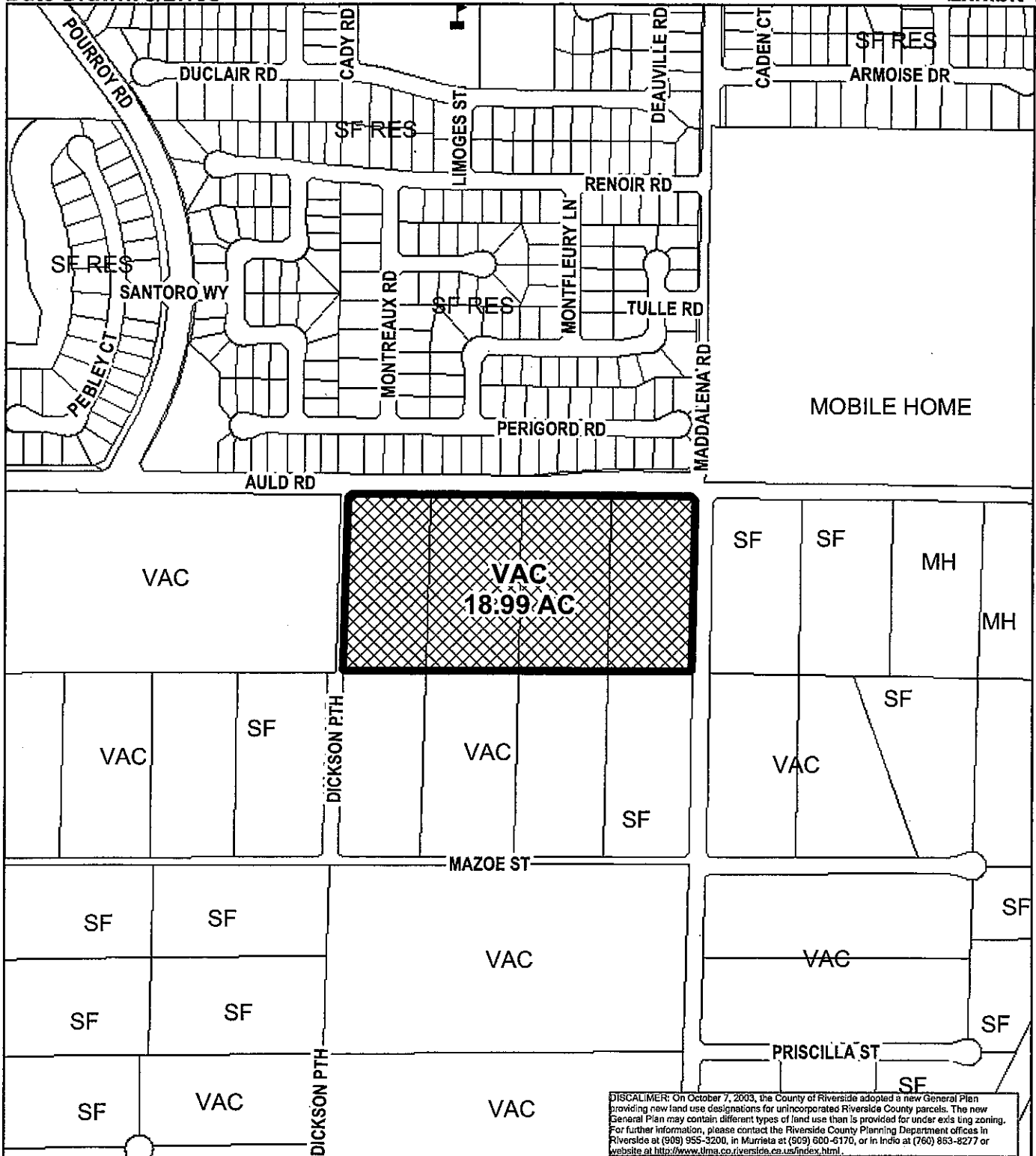
**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Area  
 Plan: Rancho California  
 Township/Range: T7SR2W  
 Section: 9



Assessors  
 Bk. Pg. 964-05  
 Thomas  
 Bros. Pg. 929 E2





RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone  
Area: Rancho California  
Township/Range: T7SR2W  
Section: 9



Assessors  
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Thomas  
Bros. Pg. 929 E2



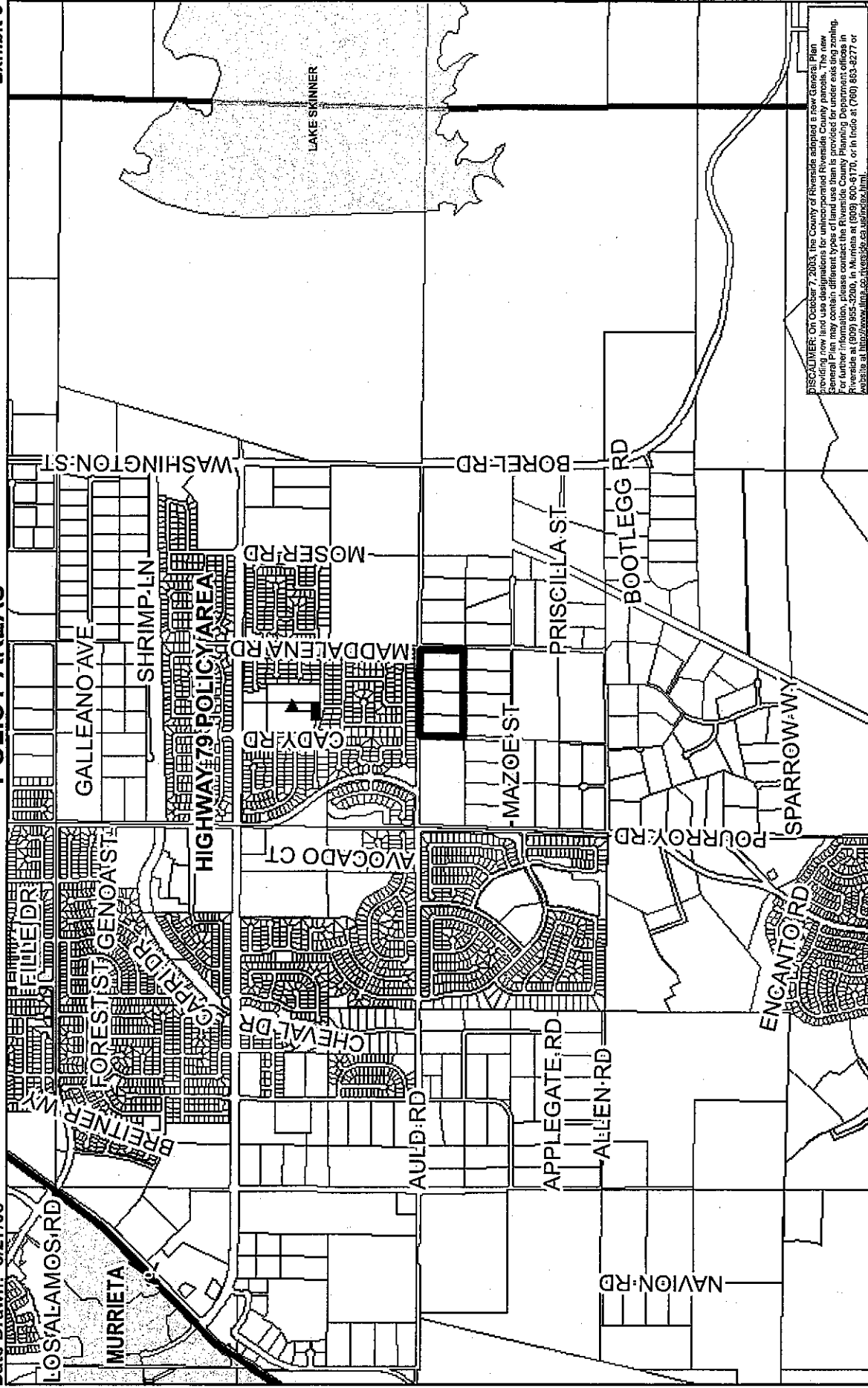
Supervisor Stone  
District 3

Date Drawn: 3/27/08

GP A00945

POLICY AREAS

Planner: Amy Aldana  
Date: 3/13/08  
Exhibit 8



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 more information on the new General Plan, please contact the Planning Department in Riverside at (951) 955-3200, in Murrieta at (951) 800-9170, or in Inland at (760) 863-3277 or website at <http://www.ultara.co.riverside.ca.us/index.html>.

Zone Area: Rancho California  
Township/Range: T7SR2W  
Section : 9

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors  
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Bros. Pg. 929 E2



13,800  
Feet

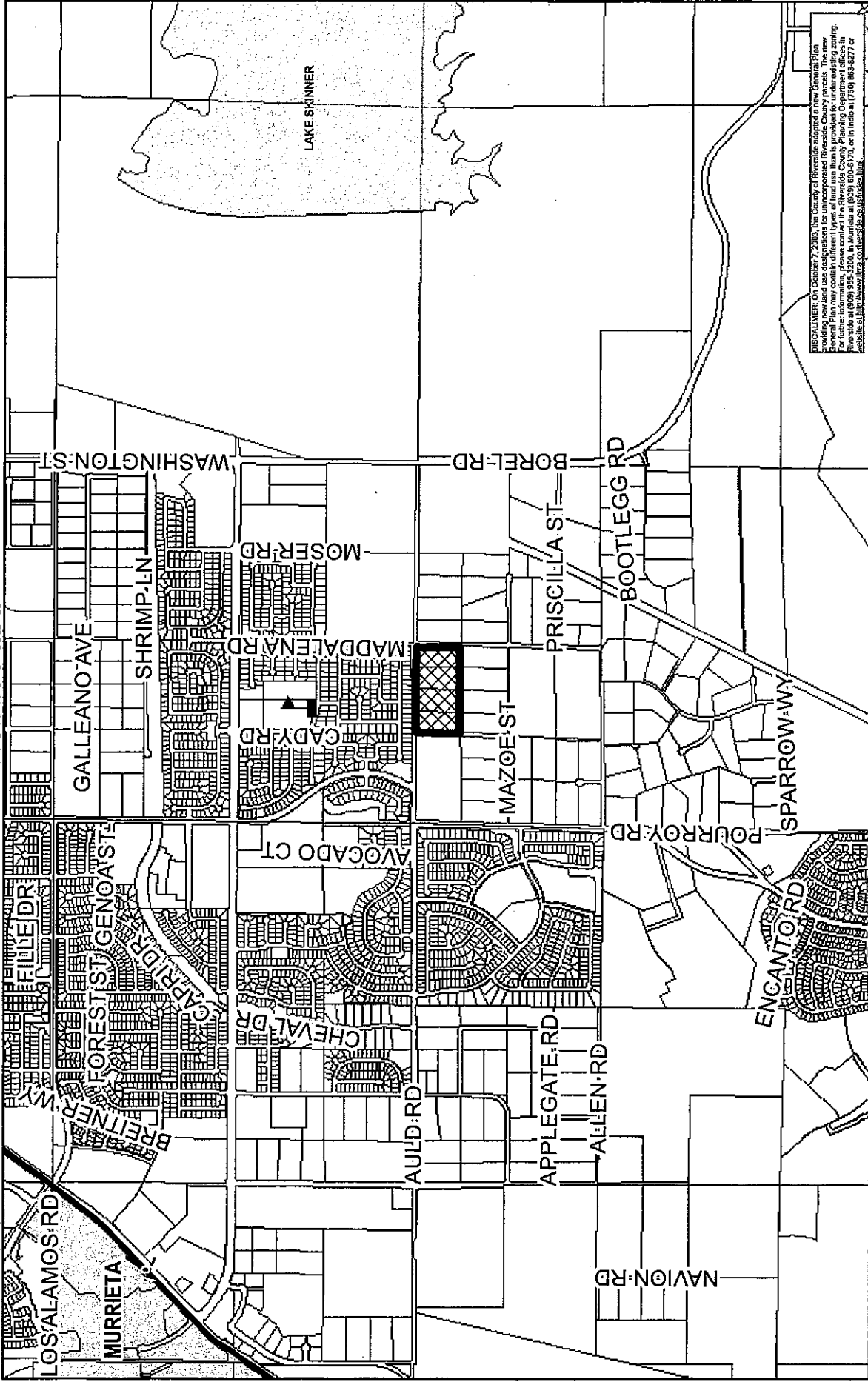
Supervisor Stone  
District 3

Date Drawn: 3/27/08

GF A00945

VICINITY MAP

Planner: Penny Aldana  
Date: 3/13/08  
VICINITY MAP



RESOLUTION NO. 2008072008, THE COUNTY OF RIVERSIDE HAS ADOPTED A NEW LOCAL PLAN  
including new and use designations for unincorporated Riverside County. The new  
General Plan may contain different types of land use than is provided for under existing zoning.  
For further information, please contact the Riverside County Planning Department offices in  
Riverside at (951) 953-7300, or in Indio at (760) 863-8277 or  
available at: <http://www.riverside.ca.gov/planning/landuse.htm>.

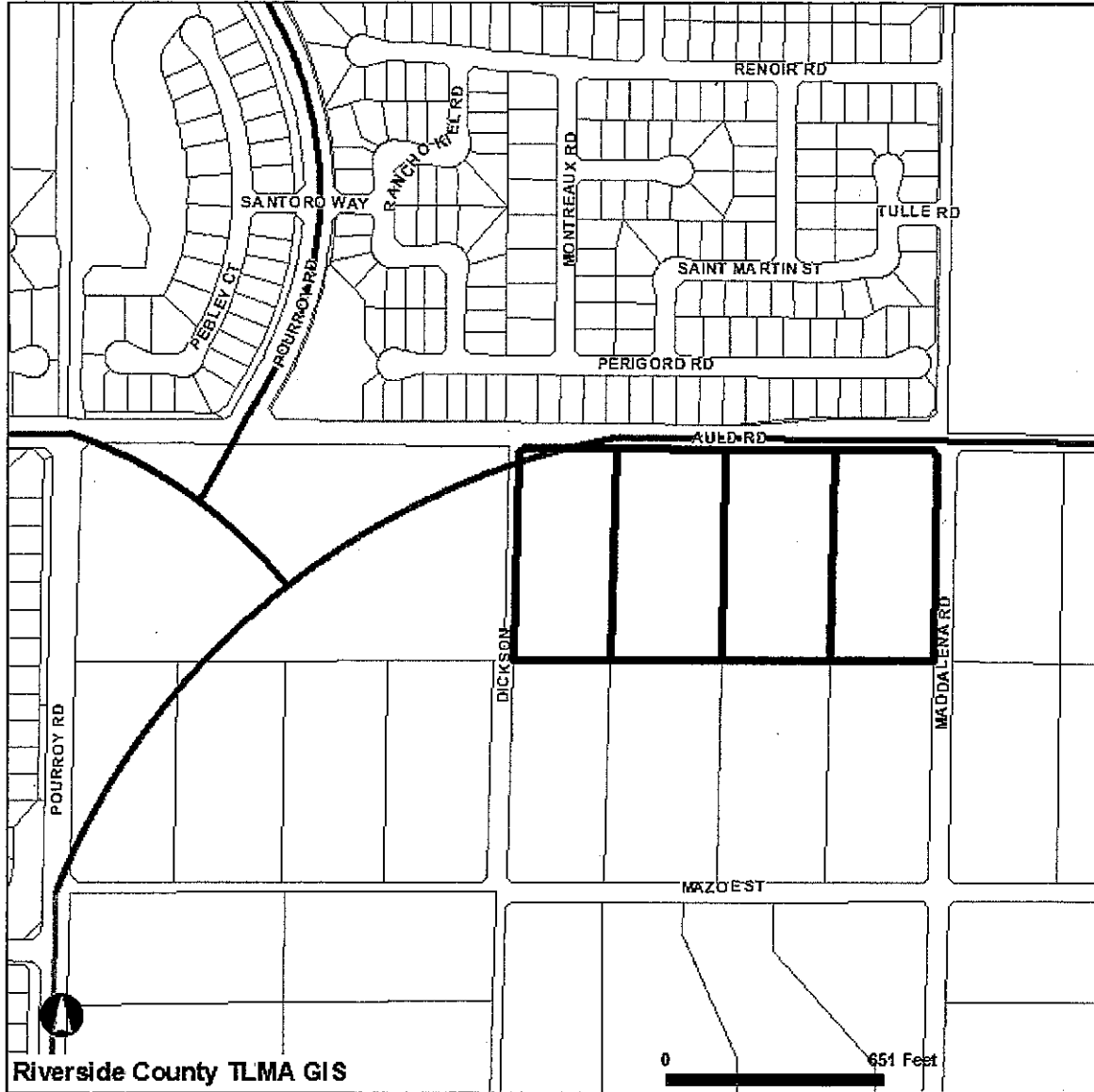
Zone Rancho California  
Area:  
Township/Range: T7SR2W  
Section : 9

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors  
Bk. Pg. 964-05  
Thomas  
Bros. Pg. 929 E2



RIVERSIDE COUNTY GIS












Riverside County TLMA GIS

**Selected parcel(s):**

964-050-006 964-050-007 964-050-008 964-050-009

**CIRCULATION ELEMENT ROADS**

-  SELECTED PARCEL
-  SECONDARY (100' ROW)
-  CIRCULATION ELEMENT RIGHT-OF-WAY
-  INTERSTATES
-  URBAN ARTERIAL (152' ROW)
-  HIGHWAYS
-  CITY
-  ARTERIAL (128' ROW)
-  PARCELS

**\*IMPORTANT\***

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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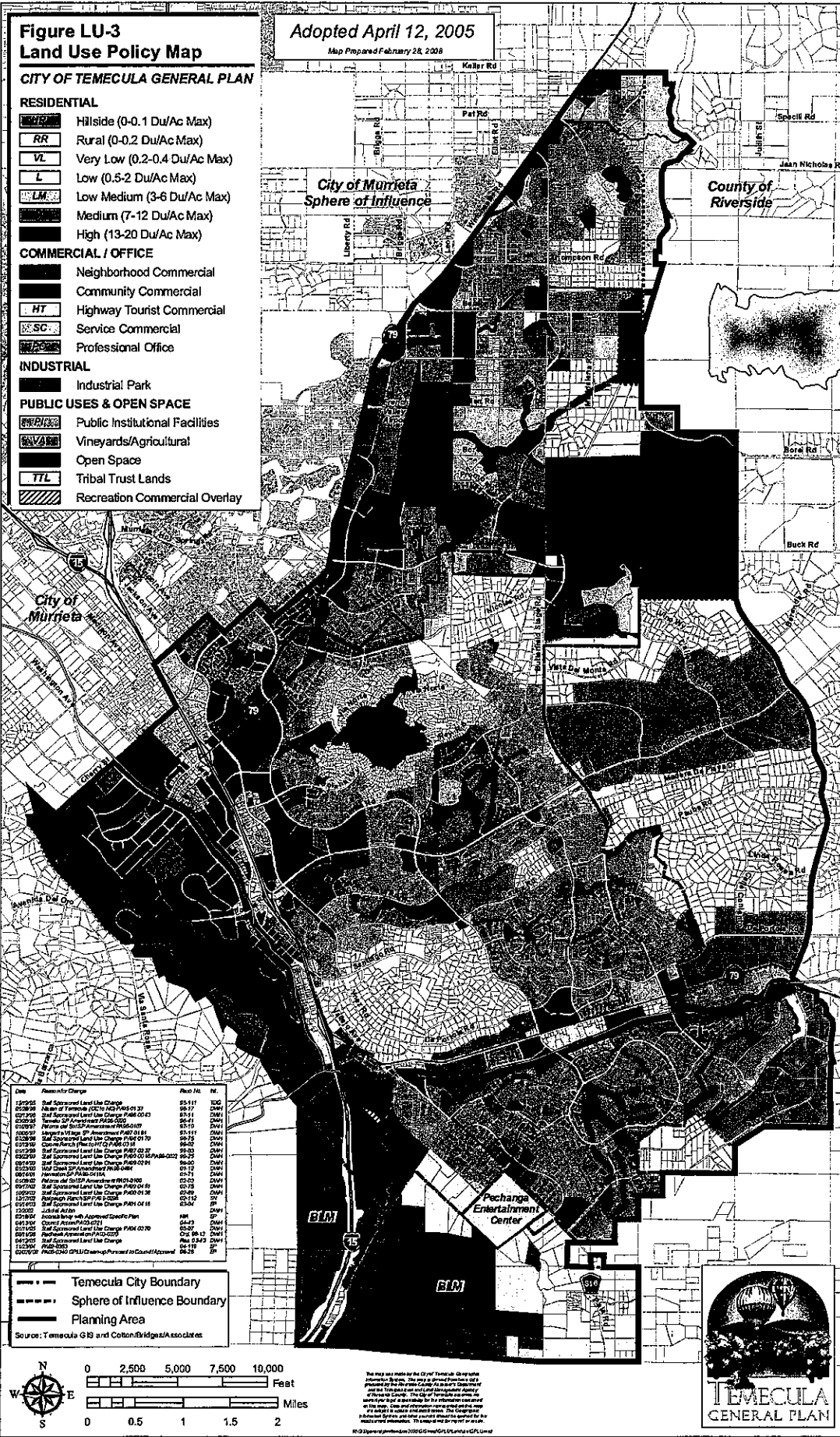
LAND USE

# Figure LU-3 Land Use Policy Map

Adopted April 12, 2005  
Map Prepared February 28, 2008

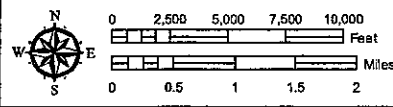
## CITY OF TEMECULA GENERAL PLAN

- RESIDENTIAL**
- HS** Hillside (0-0.1 Du/Ac Max)
  - RR** Rural (0-0.2 Du/Ac Max)
  - VL** Very Low (0.2-0.4 Du/Ac Max)
  - L** Low (0.5-2 Du/Ac Max)
  - LM** Low Medium (3-6 Du/Ac Max)
  - M** Medium (7-12 Du/Ac Max)
  - H** High (13-20 Du/Ac Max)
- COMMERCIAL / OFFICE**
- NC** Neighborhood Commercial
  - CC** Community Commercial
  - HT** Highway Tourist Commercial
  - SC** Service Commercial
  - PO** Professional Office
- INDUSTRIAL**
- IP** Industrial Park
- PUBLIC USES & OPEN SPACE**
- PIF** Public Institutional Facilities
  - VA** Vineyards/Agricultural
  - OS** Open Space
  - TTL** Tribal Trust Lands
  - RCO** Recreation Commercial Overlay



Date	Description of Change	Plan No.	By
12/27/00	Staff Recommended Land Use Change	05-011	DDC
02/28/01	Adopted by Temecula (CZU AG) 01/27	05-017	DWH
03/29/01	Staff Recommended Land Use Change PA00-0023	05-018	DWH
03/29/01	Temecula ZP Amendment PA00-0025	05-019	DWH
01/07/02	Revised City of Temecula General Plan	05-019	DWH
03/02/02	Mayor's Village ZP Amendment PA01-0188	05-111	DWH
03/28/02	Staff Recommended Land Use Change PA01-0179	05-120	DWH
03/28/02	Corona Ranch Phase II ZP Amendment PA01-0181	05-121	DWH
03/28/02	Staff Recommended Land Use Change PA01-0207	05-122	DWH
03/28/02	Staff Recommended Land Use Change PA01-0208	05-123	DWH
03/28/02	Staff Recommended Land Use Change PA01-0209	05-124	DWH
03/28/02	Staff Recommended Land Use Change PA01-0210	05-125	DWH
03/28/02	Staff Recommended Land Use Change PA01-0211	05-126	DWH
03/28/02	Staff Recommended Land Use Change PA01-0212	05-127	DWH
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03/28/02	Staff Recommended Land Use Change PA01-0267	05-182	DWH
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03/28/02	Staff Recommended Land Use Change PA01-0277	05-192	DWH
03/28/02	Staff Recommended Land Use Change PA01-0278	05-193	DWH
03/28/02	Staff Recommended Land Use Change PA01-0279	05-194	DWH
03/28/02	Staff Recommended Land Use Change PA01-0280	05-195	DWH
03/28/02	Staff Recommended Land Use Change PA01-0281	05-196	DWH
03/28/02	Staff Recommended Land Use Change PA01-0282	05-197	DWH
03/28/02	Staff Recommended Land Use Change PA01-0283	05-198	DWH
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03/28/02	Staff Recommended Land Use Change PA01-0285	05-200	DWH

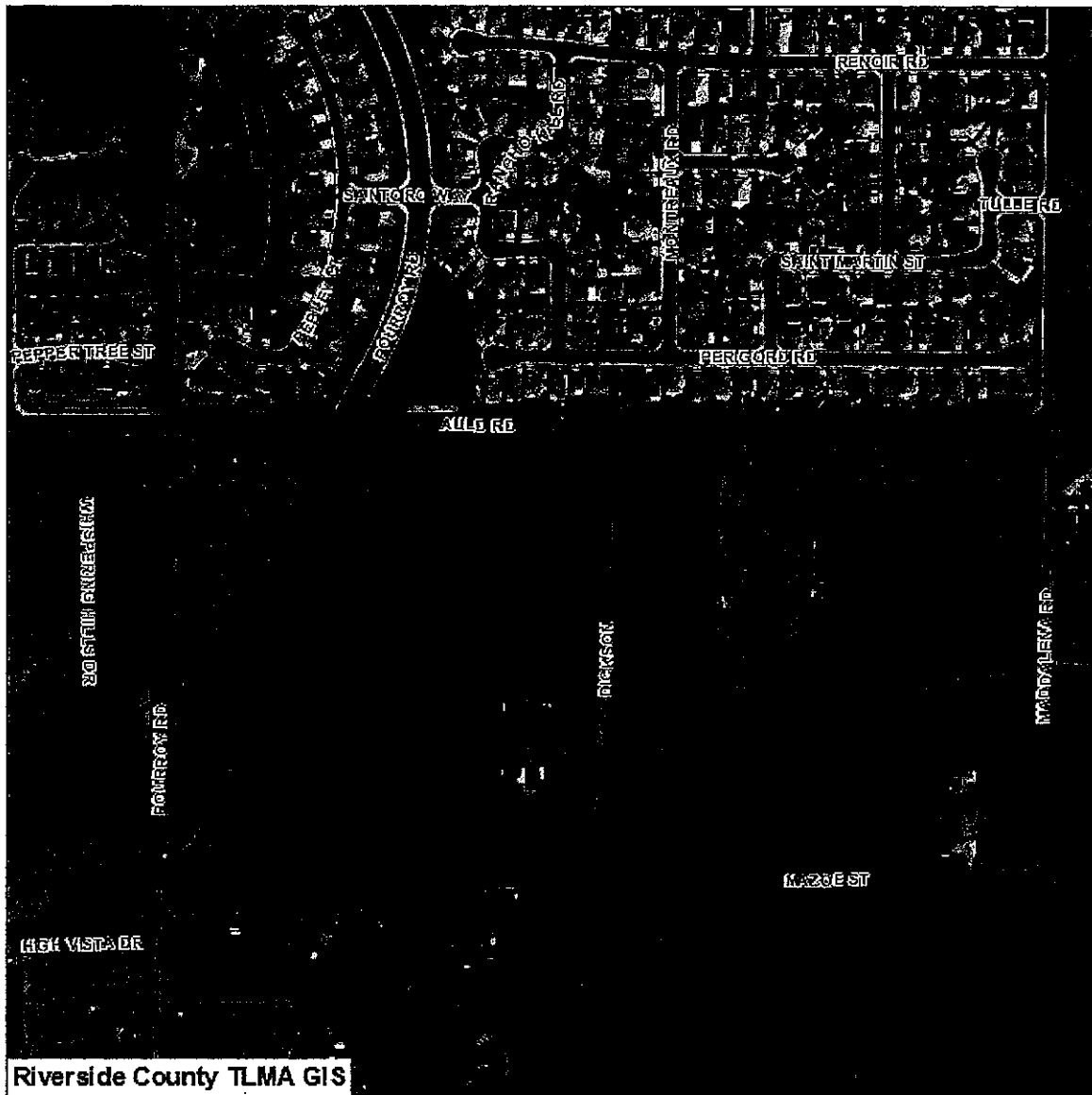
--- Temecula City Boundary  
 - - - Sphere of Influence Boundary  
 --- Planning Area  
 Source: Temecula GIS and Cotton/Widjet Associates












The map was made by the City of Temecula. It is not intended to be used for any other purpose. The City of Temecula is not responsible for any errors or omissions. The City of Temecula is not responsible for any damages or losses resulting from the use of this map. The City of Temecula is not responsible for any claims or lawsuits resulting from the use of this map. The City of Temecula is not responsible for any claims or lawsuits resulting from the use of this map.



RIVERSIDE COUNTY GIS



CIRCULATION ELEMENT ROADS

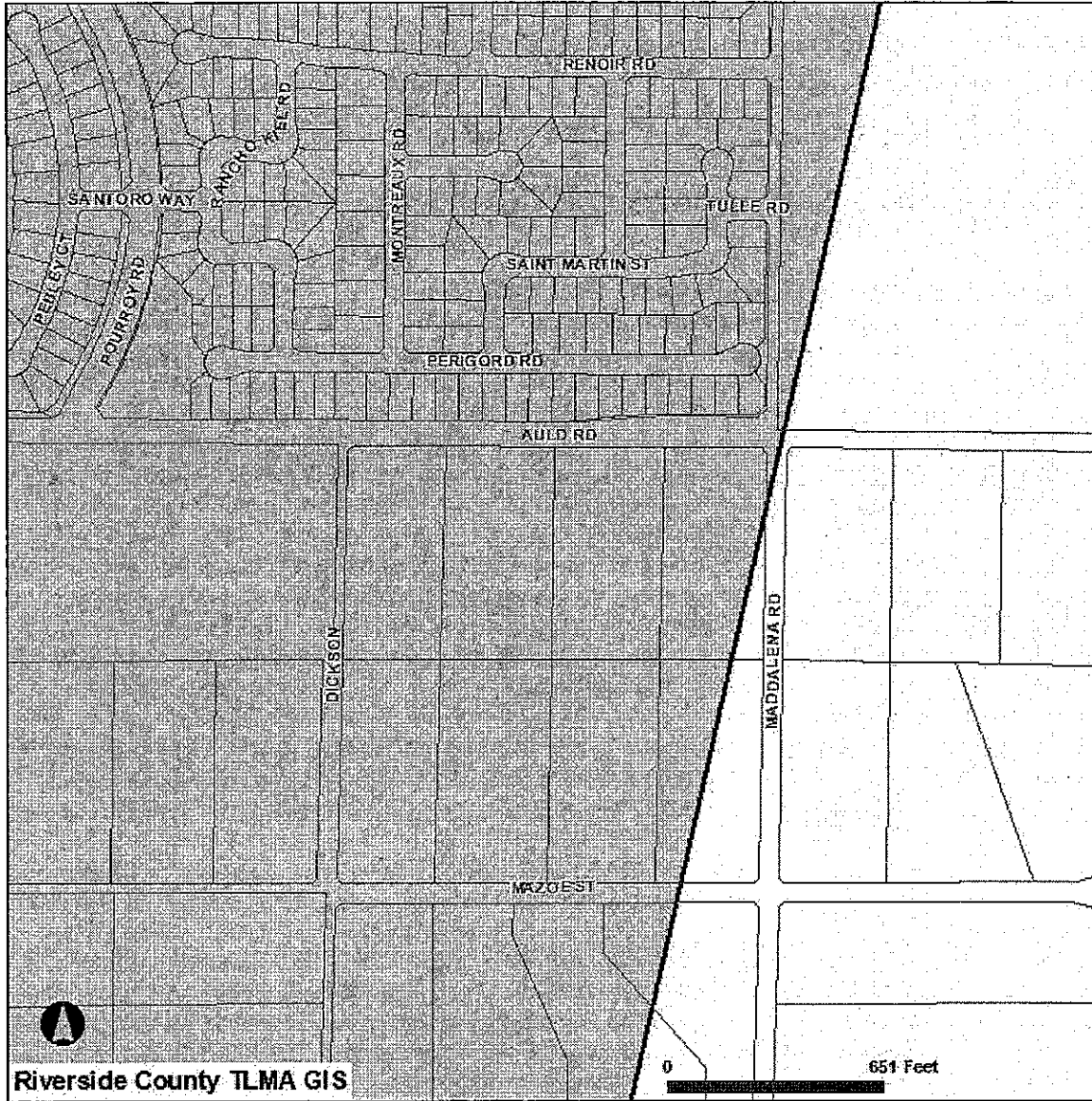
-  STREAMS
-  INTERSTATES
-  HIGHWAYS
-  ARTERIAL (128' ROW)
-  SECONDARY (100' ROW)
-  URBAN ARTERIAL (152' ROW)
-  CITY
-  PARCELS
-  CIRCULATION ELEMENT RIGHT-OF-WAY

**\*IMPORTANT\***

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RIVERSIDE COUNTY GIS



Riverside County TLMA GIS

AIRPORTS

INTERSTATES

HIGHWAYS

PARCELS

AIRPORT INFLUENCE AREAS

COMPATIBILITY ZONE E

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REPORT PRINTED ON...Tue Jan 19 11:19:37 2010



Applicant: Leonard Bustin on behalf of Congregation Havurim  
41935 Calle Cabrillo  
Temecula, CA 92592  
(951) 695-4988  
Feb. 6, 2008

To: Riverside County Planning Commission

Re: APN 964-050-006, 007, 008, and 009

Request: We request you amend the Southwest Area Plan for these 18.99 acres from Rural Residential A-1-5 to Community Development Foundation, Commercial Retail.

Location: Southeast corner of Auld and proposed Butterfield Stage Road intersection. See maps and photos showing site.

This request is to change the use of four parcels owned by three different owners from Rural Residential A-1-5 to Community Development, Commercial Retail. Leonard Bustin is the applicant on behalf of Congregation Havurim, a non-profit organization with a minimal budget that has been forced into a difficult position concerning the many fees in addition to the condemnation of about half of its site due to the Butterfield Stage Road alignment. Access for the parcels will also become sub-standard in the process. See enclosed map.

The owners of the affected sites have agreed to cooperate with one another to find a solution to the negative effects of the new road. The plan calls for a commercial site large enough to be practical for a shopping center. In addition to the higher use, access is to be improved by a private reciprocal easement. We shall prepare the easement language and record upon approval of our plan. See draft sketch enclosed.

Summary: A contiguous 20 acre commercial retail site was cut into three dislocated parcels and we are filling the void for a small regional shopping center. We believe our request is reasonable and makes common sense. We were forced into our predicament and our application cures many problems caused by the alignment.

We request you amend the Southwest Area Plan for the above 18.99 acres from Rural Residential A-1-5 to Community Development Foundation, Commercial Retail.

January 27, 2010

*VIA ELECTRONIC MAIL AND FACSIMILE*

Riverside County Planning Commission  
ATTN: Mike Harrod  
County of Riverside  
4080 Lemon St., 9<sup>th</sup> Floor  
Riverside, CA 92501

**RE: Items 6.0 and 7.0, General Plan Amendment Initiation Proceedings  
(February 3, 2010)**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals. In contrast to several of the staff recommendations, we urge the Commission to uphold the integrity of the current General Plan and to respect the MSHCP.

Item 6.1, GPA 958 (Mead Valley)

***Disagree with recommendation for initiation.*** For convoluted reasons, staff has reversed its previous recommendation to deny encroachment of higher density into a Rural area. Specifically, staff states that because infrastructure from a previous subdivision has induced *unplanned* growth, that unplanned growth should move forward. Although only 5 acres, this is simply a reversion to the “service-based” growth that characterized the County prior to the 2003 Integrated Project.

Item 6.2, GPA 970 (Eastvale)

***Disagree with recommendation for initiation.*** Even with the staff-proposed modification, it is unclear why development should be allowed in a flood-prone area. We are also not convinced that MSHCP and recreational purposes would be advanced by development along the Santa Ana River.

Item 6.3, GPA 1008 (Temescal Canyon)

***Disagree with recommendation for initiation.*** New industrial uses are being proposed for a mining site in Temescal Wash, an important habitat area included in the MSHCP. Much of the site (totaling 328 acres) is now designated Open Space-Rural. It would seem obvious that the *only* new uses the County should consider would be those consistent with the County’s adopted MSHCP. *However, this proposal is overtly acknowledged to be inconsistent with the approved MSHCP.*

Conservation within this Cell Group will range from 65%-75% of the Cell Group focusing on the central portions of the Cell Group. The site, much of it disturbed, is located within this central portion of the Cell Group.

According to the staff report, a "Criteria Refinement" or "Plan Amendment" would be required to alter the MSCHP to fit the applicant's proposal. Such changes to the MSHCP are typically politically rather than biologically driven, and are fraught with problems. We are extremely skeptical that alterations to the MSHCP would be beneficial or even acceptable, due to habitat depletion and lack of options. If initiated, the stage would be set for serious conflicts between the project and the MSHCP, the conservation community, and the state and federal wildlife agencies. Why would the Planning Dept purposely set up the Environmental Programs Dept for such a scenario? Isn't this bad faith with the adopted MSHCP? *This proposal's conflict with the MSHCP creates internal inconsistencies between elements of the General Plan, as the MSHCP is part of the General Plan.* This request should be denied, along with a strong policy statement that GPAs should be consistent rather than in conflict with the MSHCP.

Item 6.4, GPA 973 (Winchester)

*No position.*

Item 6.5, GPA 975 (French Valley)

**Concur with recommendation to deny initiation.** The conversion of this 151-acre Rural area to Community Development (urban residential and commercial retail) would be incompatible with surrounding uses, create flood hazards, and "leapfrog" over vacant parcels already so designated.

Item 7.1, GPA 945 (French Valley)

**Concur with recommendation to deny initiation.** The conversion of this 89-acre Rural land to Community Development (commercial retail) would "leapfrog" over vacant parcels already so designated.

Item 7.2, GPA 925 (French Valley)

**Disagree with recommendation for initiation.** This 231-acre proposal is part of a complex of parcels that now form an intact Rural community separator. It lies within the Sphere of Influence of the City of Murrieta. Urban conversion is being recommended *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* MSHCP cells are also involved, and these issues are unresolved. Staff's recommendation indicates a substantial failure of the landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. Staff's proposal to require a specific plan for this and associated GPAs 926, 974, 976 and 998 does not cure the underlying planning failure. Specific plans are a prime historic engine of sprawl in the unincorporated area.

Item 7.3, GPA 976 (Winchester)

***Disagree with recommendation for initiation.*** This 272-acre proposal is part of an intact Rural area that serves as a community separator. Urban conversion is being recommended *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* Staff's recommendation indicates a substantial failure of the landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. Staff's proposal to require a specific plan for this and nearby GPAs does not cure the underlying planning failure. Specific plans are a prime historic engine of sprawl in the unincorporated area.

Item 7.4, GPA 928 (French Valley)

***Concur with recommendation to deny initiation.*** The proposal, within Murrieta's Sphere of Influence, to convert 33-acres of Rural to Community Development medium density residential has no demonstrable need and would represent a failure of orderly development. It would conflict with airport compatibility criteria. Finally, MSHCP issues are unresolved. According to staff, "Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan."

Item 7.5, GPA 978 (Rancho California)

***Concur with recommendation to deny initiation.*** There are no changed circumstances to justify a change from the Rural designator for this 46-acre site. Such a change would also pose inconsistencies with the MSHCP. According to staff, "Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan." There is also inconsistency with airport standards.

Item 7.6, GPA 1085 (Reche Canyon)

***Concur with recommendation to deny initiation.*** According to staff, "The site's characteristics are highly consistent with the existing Rural Mountainous designation given the steep slopes, lack of existing water and sewer, fire danger and limited access." Development intensity on this 319-acre site should not be increased in hazard zones, and to do so "would again create an internal inconsistency between the Land Use Map/Element and the Safety Element of the General Plan." Multiple MSHCP issues are also involved. No new circumstances justify a change.

Thank you for considering our views.

Sincerely,

Dan Silver, MD  
Executive Director

Electronic cc: Board Offices  
George Johnson, TLMA  
Ron Goldman, Planning Dept.

Carolyn Luna, EPD  
Charles Landry, RCA  
Interested parties

**Leonard Bustin**  
41935 Calle Cabrillo  
Temecula, CA 92592  
GPA945-Applicant

**Michael Schweitzer**  
41951 Remington STE#160  
Temecula, CA 92590  
GPA945-Engineer

**Havurim Congregation**  
P.O. Box 891663  
Temecula, CA 92589  
GPA945-Owner

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GPA945-ENGINEER

GPA945-OWNER

**PLANNING COMMISSION  
MINUTE ORDER FEBRUARY 3, 2010  
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 7.1: GENERAL PLAN AMENDMENT NO. 945 - Foundation / Regular - Applicant:** Leonard Bustin - Engineer/Representative: Michael Schweitzer. - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Policy Area(s) - Highway 79 Policy Area; Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size)- Location: Northerly of Mazoe Street, southerly of Auld Road, easterly of Dickson Path and westerly of Maddalena Road - 18.99 Gross Acres - Zoning: Light Agriculture- 5 Acre Minimum Lot Size (A-1-5)
- II. PROJECT DESCRIPTION**  
This General Plan Amendment proposes to change the General Plan Foundation Component of the subject site from Rural to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio).
- III. MEETING SUMMARY**  
The following staff presented the subject proposal:  
Project Planner: Tamara Harrison, Ph: (951) 955-9721 or E-mail [tharriso@rctlma.org](mailto:tharriso@rctlma.org)
- The following did not wish to speak but want to be recorded in favor of the subject proposal:  
Scott Seidman, Applicant, 43696 Ortana St., Temecula, CA 92592  
Leonard Bustin, Applicant
- 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, recommended to the Board of Supervisors;  
  
**TO DECLINE TO INITIATE the GENERAL PLAN AMENDMENT**
- 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](mailto:cgriffin@rctlma.org).



**Agenda Item No.: 7.1**  
**Area Plan: Southwest Area**  
**Zoning District: Rancho California**  
**Supervisorial District: Third**  
**Project Planner: Tamara Harrison**  
**Planning Commission: February 3, 2010**

**General Plan Amendment No. 945**  
**Applicant: Leonard Bustin**  
**Engineer/Representative: Michael Schweitzer**

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

### **RECOMMENDATIONS:**

The Planning Director recommended that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for GPA00945 from Rural: Rural Residential to Community Development: Commercial Retail and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board tentatively decline to adopt an order initiating proceedings for the general plan amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

### **PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:**

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

**Commissioner John Roth:** No Comments

**Commissioner John Snell:** No Comments

**Commissioner John Petty:** Commissioner Petty disagreed with staff's recommendation to decline to initiate proceedings for General Plan Amendment No. 945. Mr. Petty commented that the re-alignment of Butterfield Stage Road presents a new circumstance for the area that would justify reconsidering the current General Plan designation. Commissioner Petty also commented that he would have liked for staff to present an alternative designation as opposed to recommending to tentatively decline to adopt an order initiating proceedings for the case. Finally, Mr. Petty stated that the applicant should be allowed to move forward with the proposal to Commercial Retail.

**Commissioner Jim Porras:** No Comments

**Commissioner Jan Zuppardo:** No Comments

**Agenda Item No.: 7.1**  
**Area Plan: Southwest**  
**Zoning Area: Rancho California**  
**Supervisory District: Third**  
**Project Planner: Tamara Harrison**  
**Planning Commission: February 3, 2010**

**General Plan Amendment No. 945**  
**Applicant: Leonard Bustin**  
**Engineer/Representative: Michael Schweitzer**

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

### **PROJECT DESCRIPTION AND LOCATION:**

The applicant proposes to amend the General Plan Foundation Component of the subject site from "Rural" (RUR) to "Community Development" (CD) and to amend the General Plan Land Use designation of the subject site from "Rural Residential" (RR) (5 acre minimum lot size) to "Commercial Retail" (CR) for an approximately 18.99 acre site. The project is located southerly of Auld Road, northerly of Mazoe Street, easterly of Dickson Path and westerly of Maddalena Road.

### **POTENTIAL ISSUES OF CONCERN:**

The subject site is located in the "French Valley" community within the "Southwest" area plan and is also located within the City of Temecula's Sphere of Influence. The Rural Residential designation can be found to the south and to the east of the subject site. The Commercial Retail designation can be found to the west of the site directly across Dickson Path. Medium Density Residential can be found directly north of the site across Auld Road. The City of Temecula's General Plan has given the subject site an anticipated land use designation of Rural (RR) (0-0.2 du/ac max).

A 20 acre parcel to the west of the subject site across Dickson Path at the southeast corner of Pourroy Road and Auld Road is currently designated as Commercial Retail (CR) and remains vacant. The planned realignment of a number of General Plan Circulation Element roads will break up the existing 20 acre piece of CR and the applicant is seeking to replace the full 20 acres of CR at the subject site (the existing Commercial Retail parcel does not share the same owner as the parcels in question). Staff recognizes that the anticipated road alignment will alter the existing CR in the area; however, there will be an adequate amount of CR that will remain once the re-alignment is complete and an additional 20 acres of Commercial Retail would be excessive for the area. Once the road alignment is complete, the existing 20 acres of CR will be broken down into 3 pieces (see attached exhibit titled "Circulation Element Roads"). One of the parcels will be approximately 7 acres, one will be approximately 4 acres and the third parcel will be approximately 2 ½ acres.

The subject site falls within the General Plan's Highway 79 Policy Area and would be required to comply with the policy area and its requirements before any approvals can be made. A workshop was held at the regular Planning Commission meeting on September 30, 2009 in order to discuss the Highway 79 Policy area and the regular Foundation General Plan Amendments that fall within the policy area. As a result of the workshop, the Planning Commission recommended that those Foundation General Plan Amendments within the policy area be brought forward on a case by case basis in order to determine the appropriateness of each proposal and that the Highway 79 policies be reviewed during the General Plan update for potential amendments.

County mapping has identified the subject site as being located within the boundaries of the County Multi-Species Habitat Conservation Plan (MSHCP). Although the site is not specifically listed within a Cell Group under MSHCP, the site will be required to conform to additional plan wide requirements of

the MSHCP such as Riparian/Riverine Policies, Specific Species Surveys, Urban/Wildlands Interface Guidelines (UWIG) and Narrow Endemic Plant Species Policies and Determination of Biologically Equivalent or Superior Preservation Analysis (DBESP) as applicable.

County mapping has also identified the site as being located within Compatibility Zone E of the French Valley Airport and will require review by the County's Airport Land Use Commission.

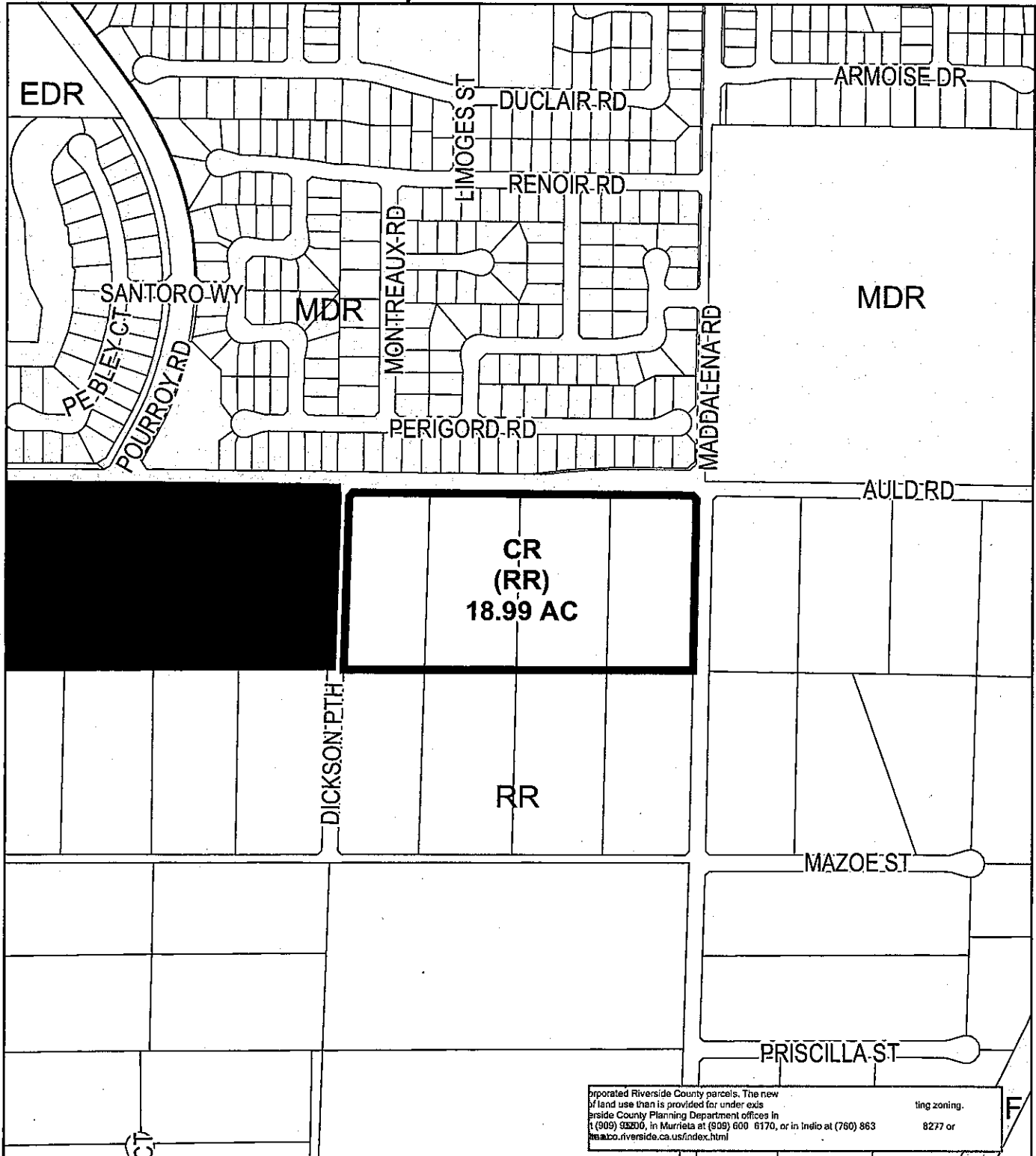
**RECOMMENDATION:**

The Planning Director's recommendation is to **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 945 from Rural: Rural Residential to Community Development: Commercial Retail. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

**INFORMATIONAL ITEMS:**

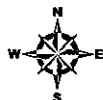
1. This project was filed with the Planning Department on February 13, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$5351.33.
3. The project site is currently designated as Assessor's Parcel Numbers 964-050-006, 964-050-007, 964-050-008 and 964-050-009.

**Proposed General Plan**



**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Area  
Plan: Rancho California  
Township/Range: T7SR2W  
Section: 9

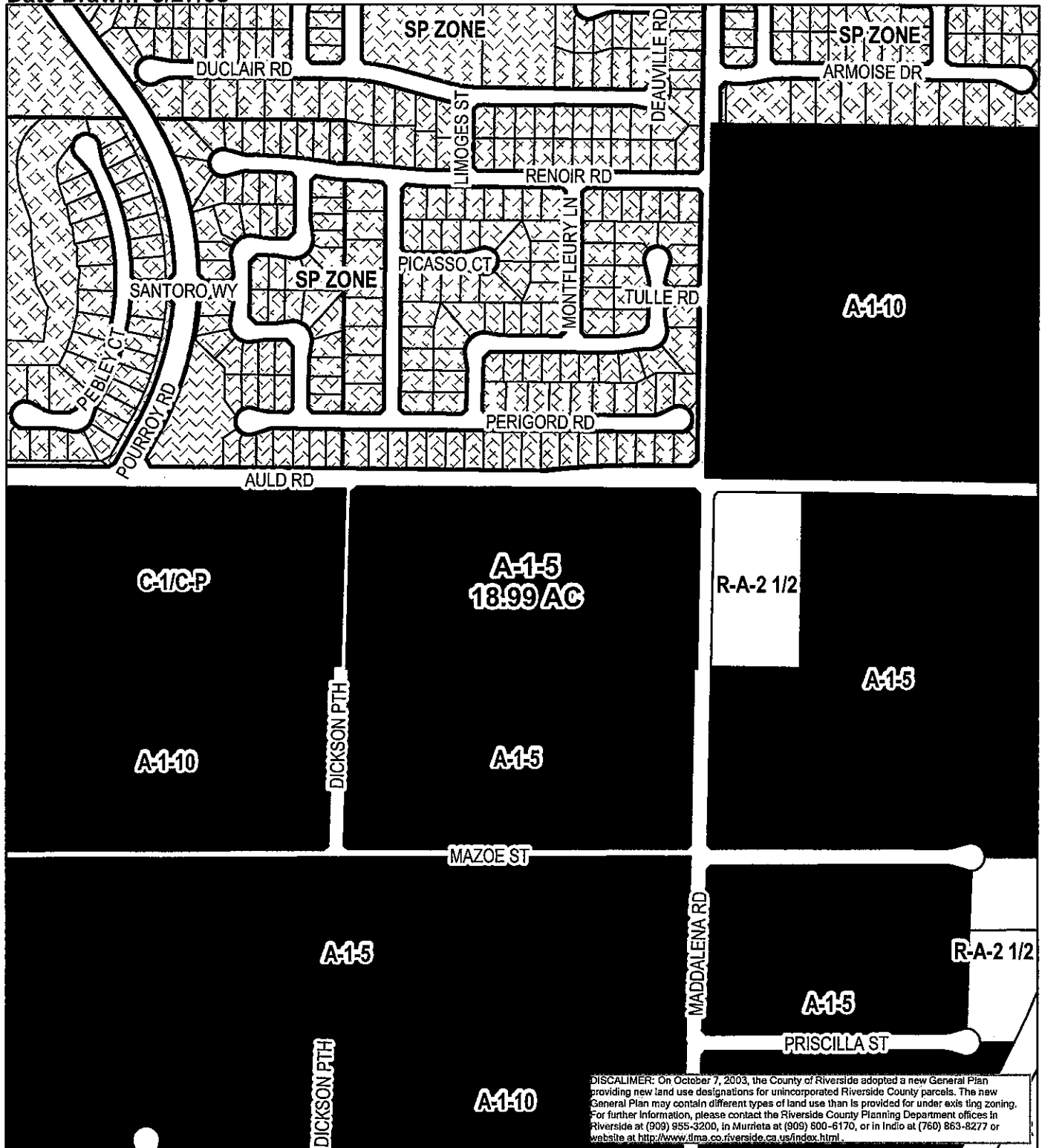


Assessors  
Bk. Pg. 964-05  
Thomas  
Bros. Pg. 929 E2

Supervisor Stone  
 District 3  
 Date Drawn: 3/27/08

**GPA00945**  
**EXISTING ZONING**

Planner: Amy Aldana  
 Date: 3/13/08  
 Exhibit 2



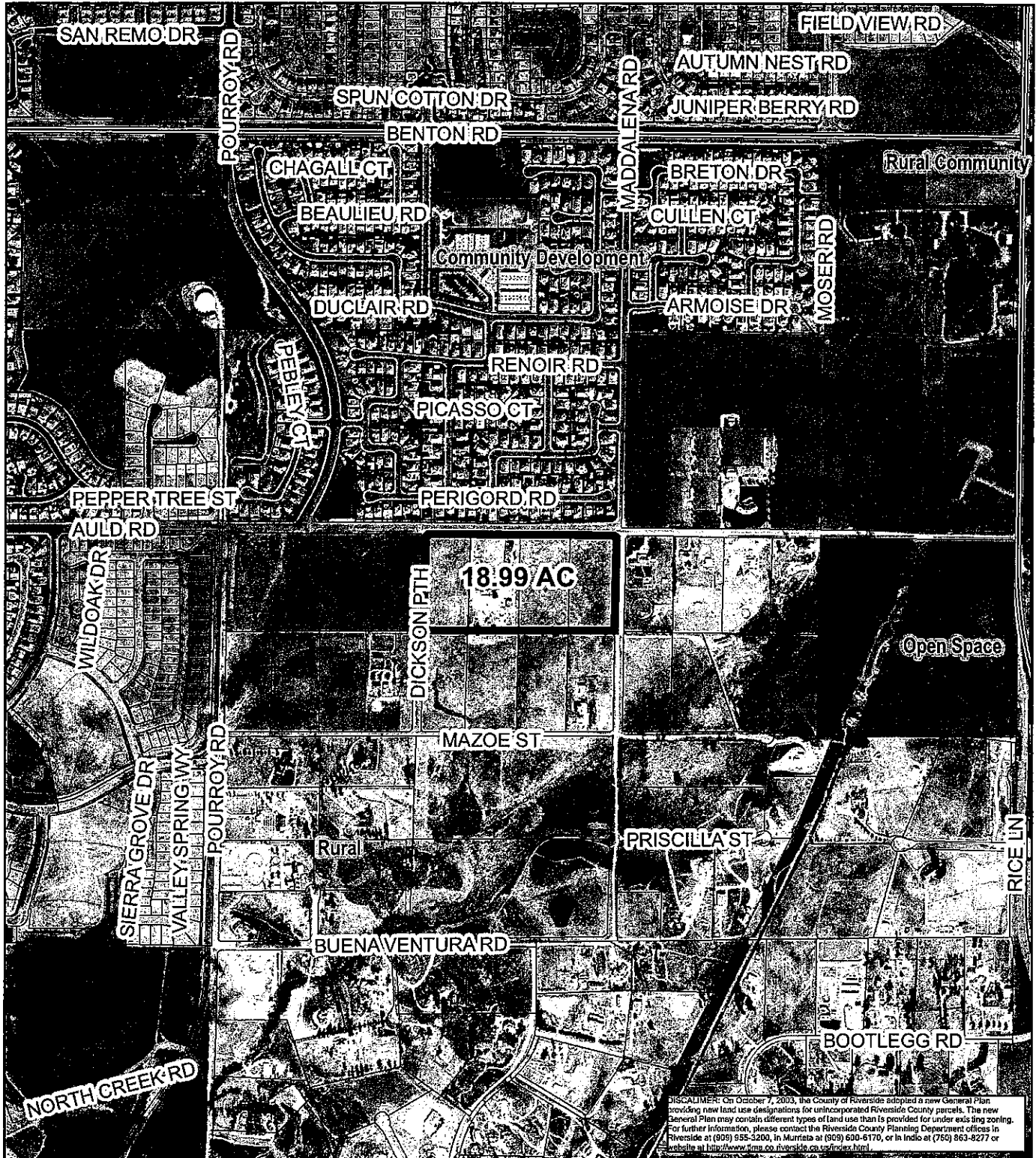
DISCALIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 600-6170, or in Indio at (760) 863-8277 or website at <http://www.dma.co.riverside.ca.us/index.html>.

Zone  
 Area: Rancho California  
 Township/Range: T7SR2W  
 Section : 9

**RIVERSIDE COUNTY PLANNING DEPARTMENT**

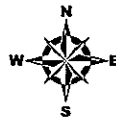
Assessors  
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 Thomas  
 Bros. Pg. 929 E2





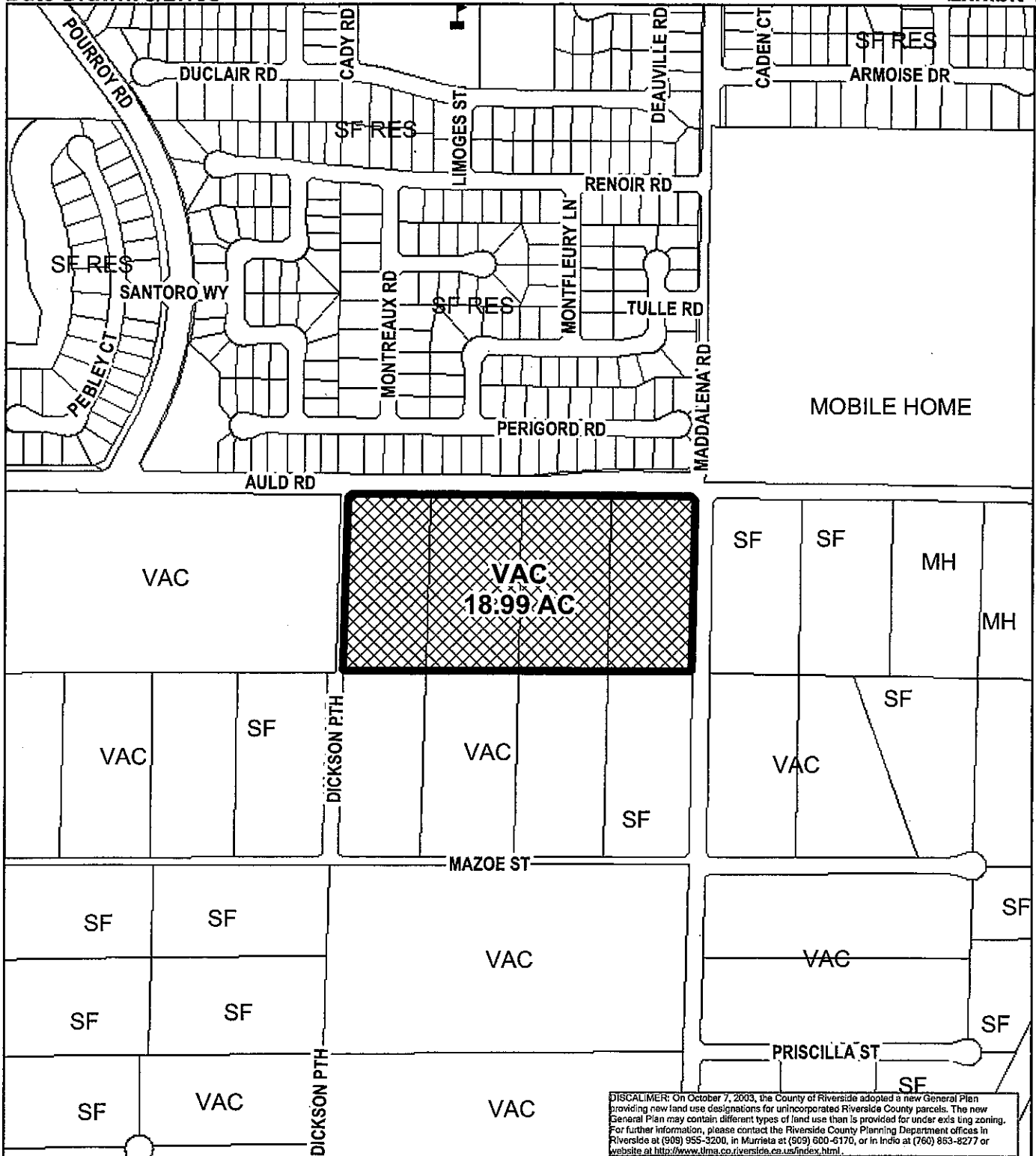
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Assessors  
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 Bros. Pg. 929 E2





RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone  
Area: Rancho California  
Township/Range: T7SR2W  
Section: 9



Assessors  
Bk. Pg. 964-05  
Thomas  
Bros. Pg. 929 E2



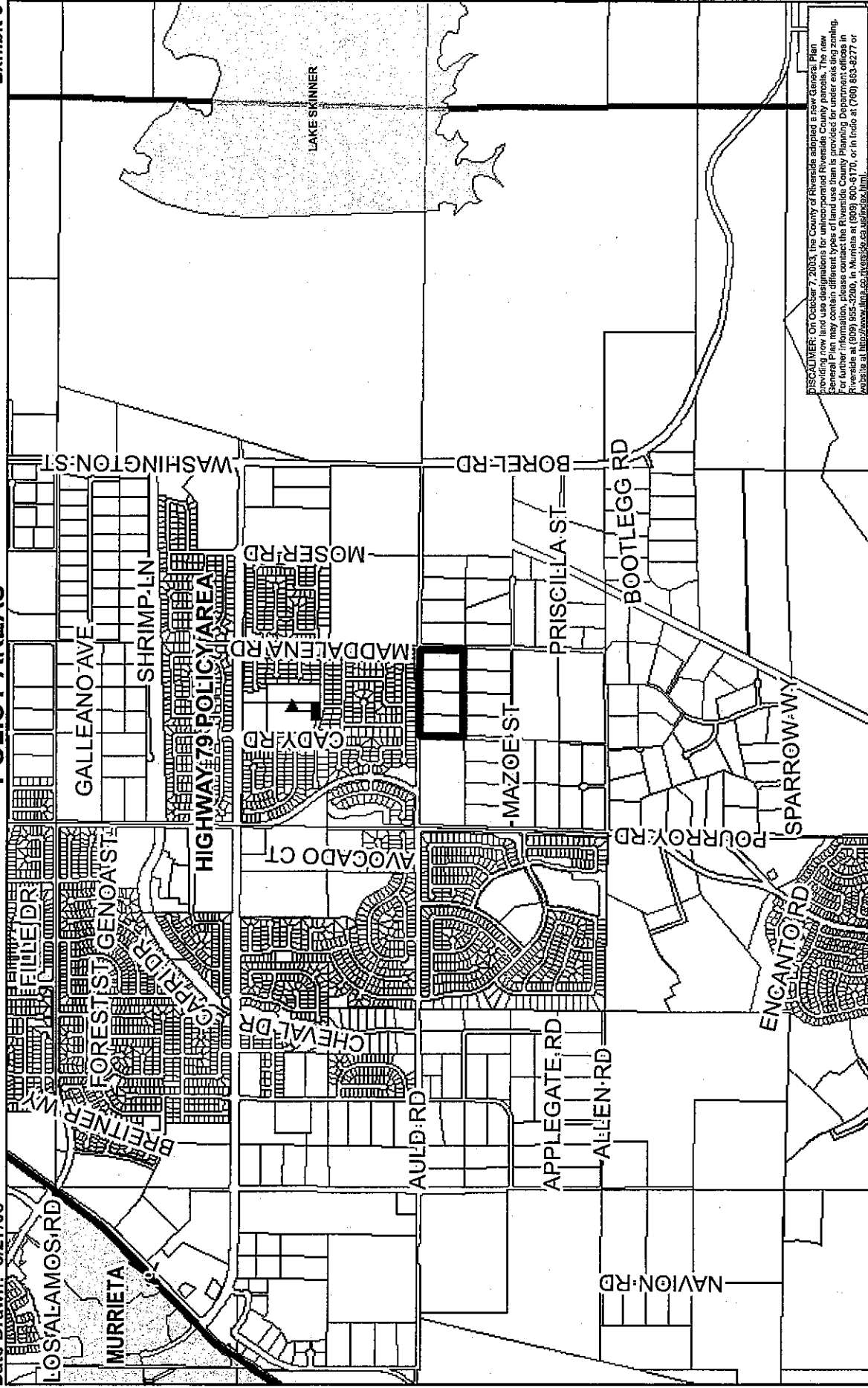
Supervisor Stone  
District 3

Date Drawn: 3/27/08

GP A00945

POLICY AREAS

Planner: Amy Aldana  
Date: 3/13/08  
Exhibit 8



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Zone Area: Rancho California  
Township/Range: T7SR2W  
Section : 9

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors  
Bk. Pg. 964-05  
Thomas  
Bros. Pg. 929 E2



13,800  
Feet



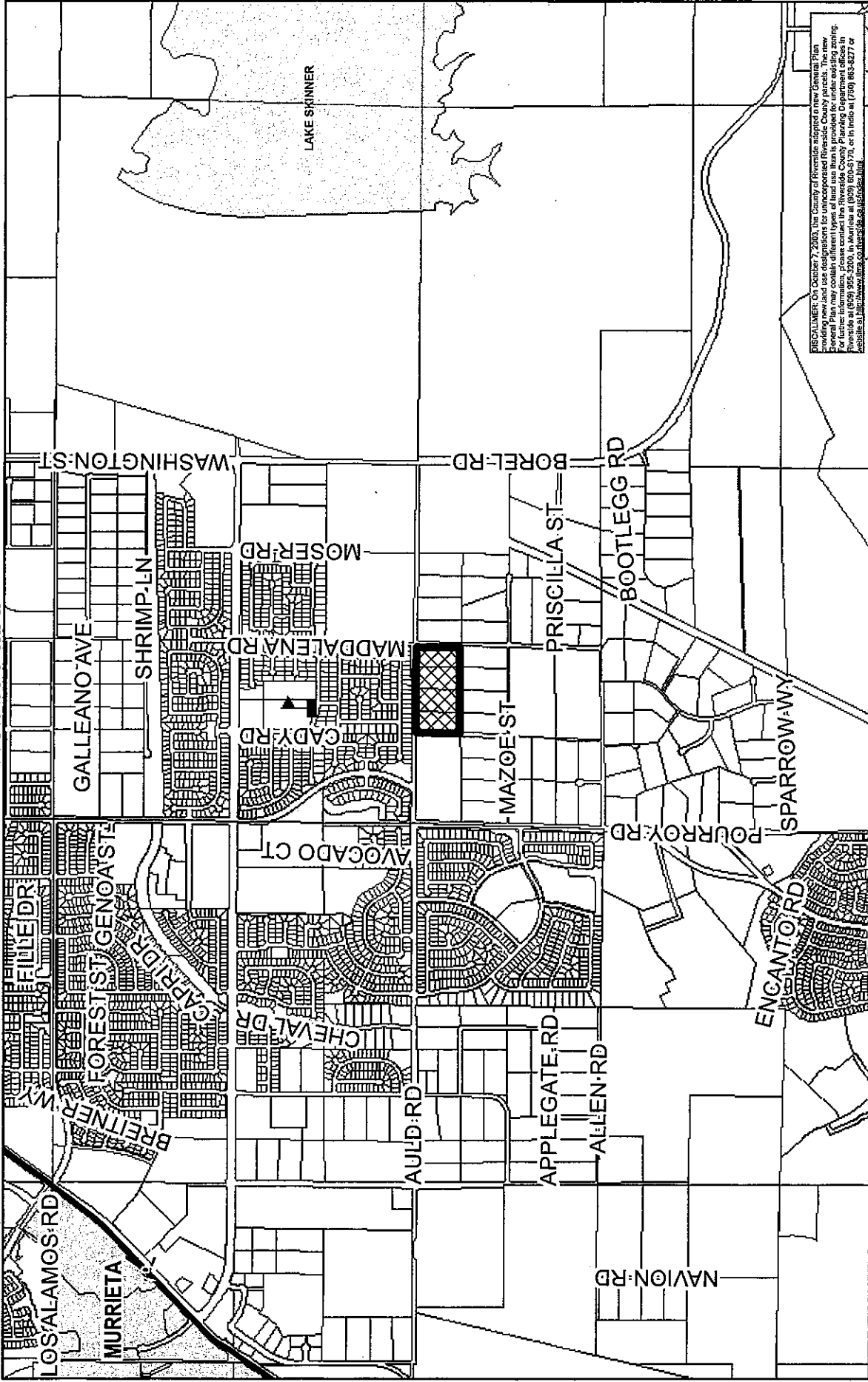
Supervisor Stone  
District 3

Date Drawn: 3/27/08

GF A00945

VICINITY MAP

Planner: Penny Aldana  
Date: 3/13/08  
VICINITY MAP



RESOLUTION NO. 2008072008, THE COUNTY OF RIVERSIDE HAS ADOPTED A NEW LOCAL PLAN  
including new and use designations for unincorporated Riverside County. The new  
General Plan may contain different types of land use than is provided for under existing zoning.  
For further information, please contact the Riverside County Planning Department offices in  
Riverside at (951) 955-7000, or in Indio at (760) 863-8277 or  
available at: <http://www.riverside.ca.gov/planning/landuse.htm>.

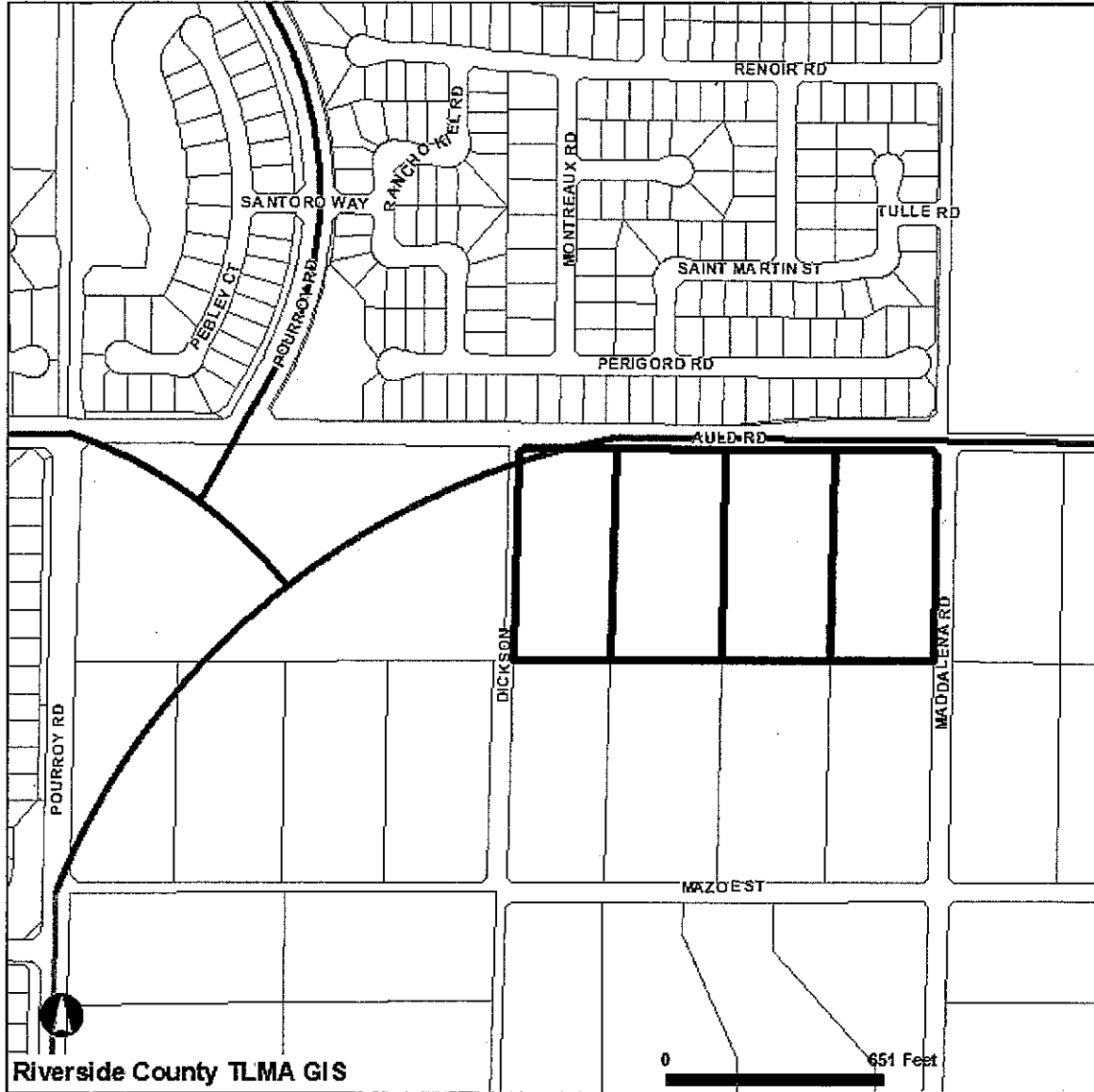
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RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors  
Bk. Pg. 964-05  
Thomas  
Bros. Pg. 929 E2



RIVERSIDE COUNTY GIS












Riverside County TLMA GIS

**Selected parcel(s):**

964-050-006 964-050-007 964-050-008 964-050-009

**CIRCULATION ELEMENT ROADS**

-  SELECTED PARCEL
-  SECONDARY (100' ROW)
-  CIRCULATION ELEMENT RIGHT-OF-WAY
-  INTERSTATES
-  URBAN ARTERIAL (152' ROW)
-  HIGHWAYS
-  CITY
-  ARTERIAL (128' ROW)
-  PARCELS

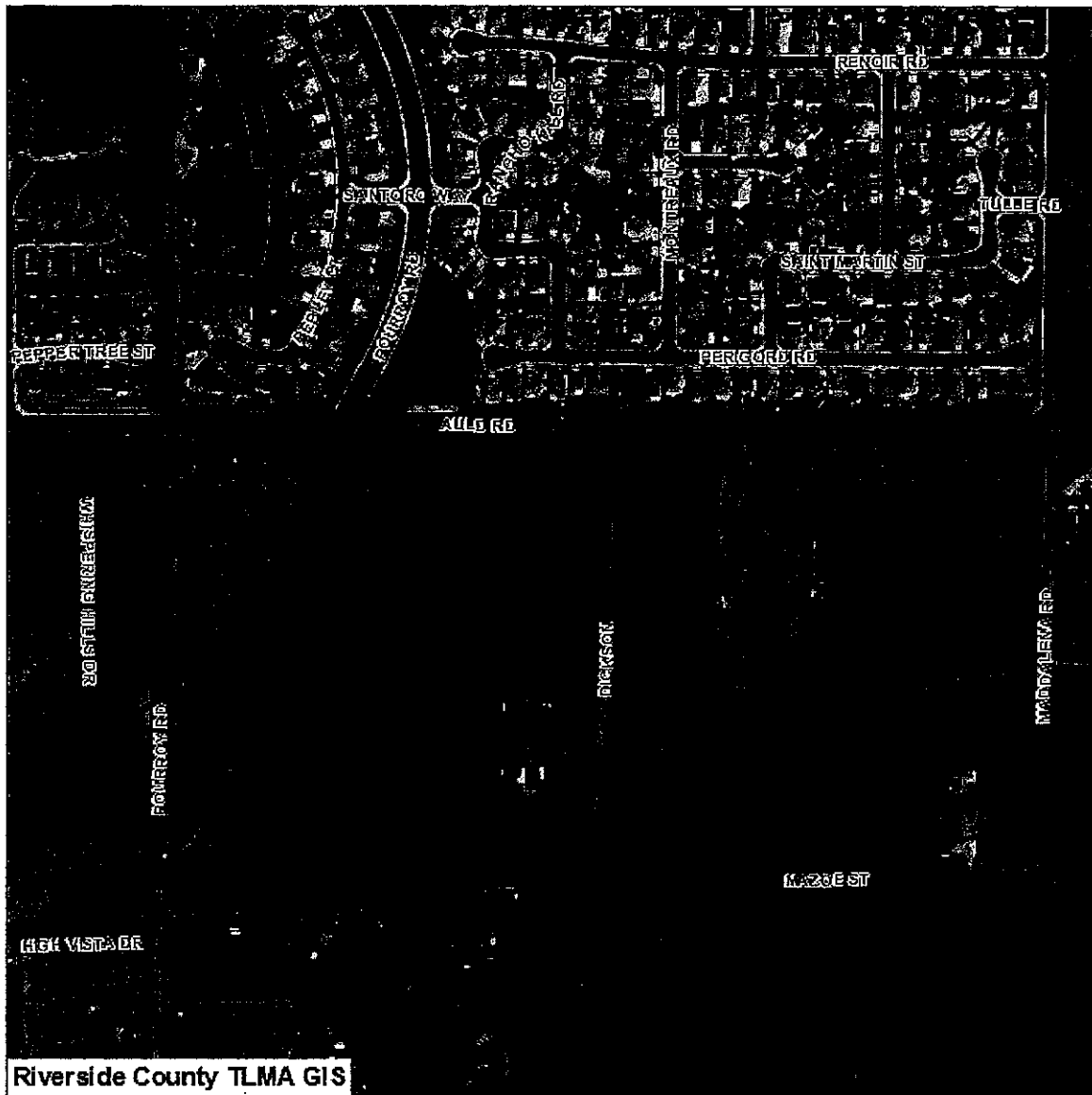
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RIVERSIDE COUNTY GIS



CIRCULATION ELEMENT ROADS

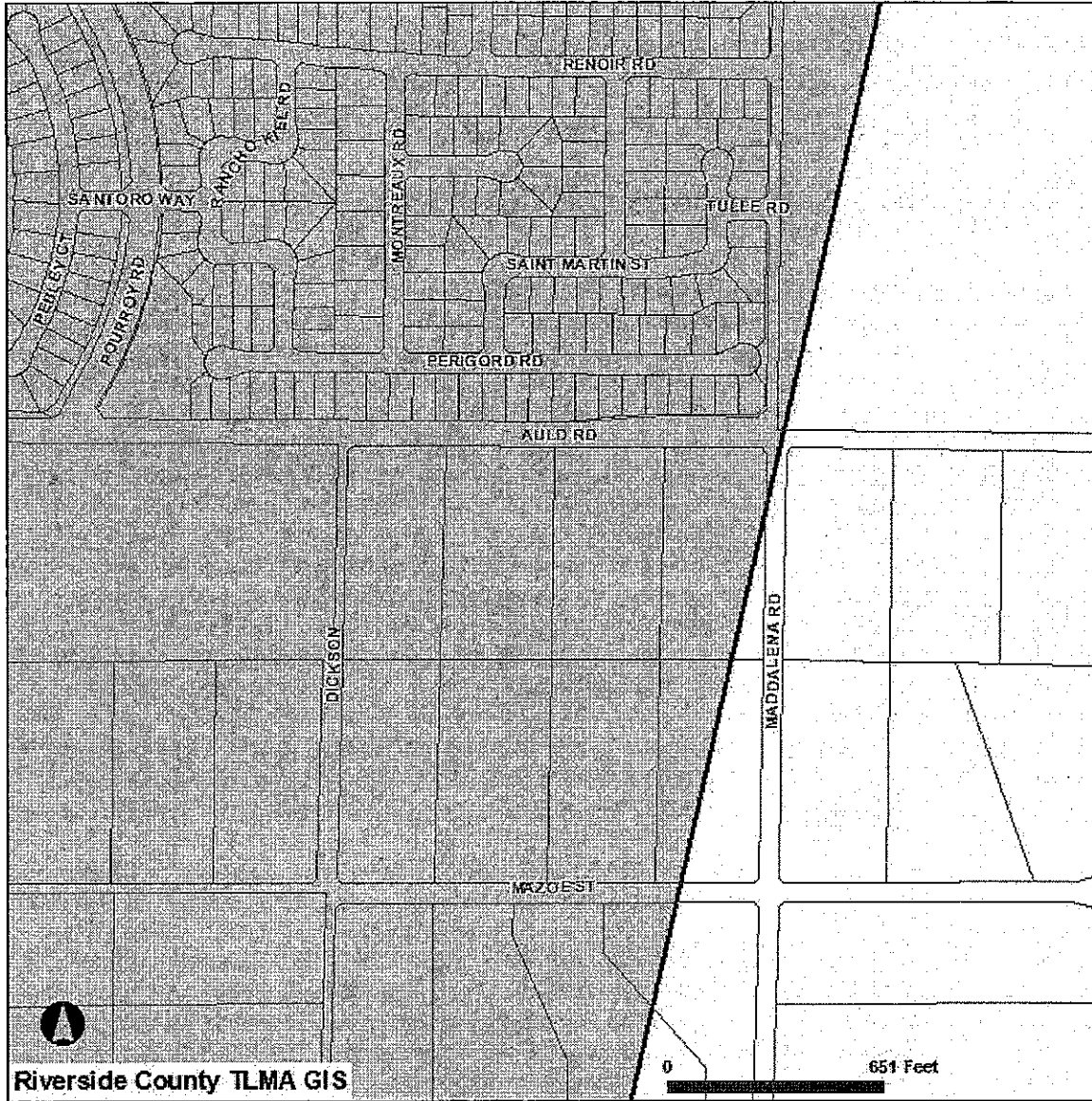
-  STREAMS
-  INTERSTATES
-  HIGHWAYS
-  ARTERIAL (128' ROW)
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January 27, 2010

*VIA ELECTRONIC MAIL AND FACSIMILE*

Riverside County Planning Commission  
ATTN: Mike Harrod  
County of Riverside  
4080 Lemon St., 9<sup>th</sup> Floor  
Riverside, CA 92501

**RE: Items 6.0 and 7.0, General Plan Amendment Initiation Proceedings  
(February 3, 2010)**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals. In contrast to several of the staff recommendations, we urge the Commission to uphold the integrity of the current General Plan and to respect the MSHCP.

Item 6.1, GPA 958 (Mead Valley)

***Disagree with recommendation for initiation.*** For convoluted reasons, staff has reversed its previous recommendation to deny encroachment of higher density into a Rural area. Specifically, staff states that because infrastructure from a previous subdivision has induced *unplanned* growth, that unplanned growth should move forward. Although only 5 acres, this is simply a reversion to the “service-based” growth that characterized the County prior to the 2003 Integrated Project.

Item 6.2, GPA 970 (Eastvale)

***Disagree with recommendation for initiation.*** Even with the staff-proposed modification, it is unclear why development should be allowed in a flood-prone area. We are also not convinced that MSHCP and recreational purposes would be advanced by development along the Santa Ana River.

Item 6.3, GPA 1008 (Temescal Canyon)

***Disagree with recommendation for initiation.*** New industrial uses are being proposed for a mining site in Temescal Wash, an important habitat area included in the MSHCP. Much of the site (totaling 328 acres) is now designated Open Space-Rural. It would seem obvious that the *only* new uses the County should consider would be those consistent with the County’s adopted MSHCP. *However, this proposal is overtly acknowledged to be inconsistent with the approved MSHCP.*

Conservation within this Cell Group will range from 65%-75% of the Cell Group focusing on the central portions of the Cell Group. The site, much of it disturbed, is located within this central portion of the Cell Group.

According to the staff report, a "Criteria Refinement" or "Plan Amendment" would be required to alter the MSCHP to fit the applicant's proposal. Such changes to the MSHCP are typically politically rather than biologically driven, and are fraught with problems. We are extremely skeptical that alterations to the MSHCP would be beneficial or even acceptable, due to habitat depletion and lack of options. If initiated, the stage would be set for serious conflicts between the project and the MSHCP, the conservation community, and the state and federal wildlife agencies. Why would the Planning Dept purposely set up the Environmental Programs Dept for such a scenario? Isn't this bad faith with the adopted MSHCP? *This proposal's conflict with the MSHCP creates internal inconsistencies between elements of the General Plan, as the MSHCP is part of the General Plan.* This request should be denied, along with a strong policy statement that GPAs should be consistent rather than in conflict with the MSHCP.

Item 6.4, GPA 973 (Winchester)

*No position.*

Item 6.5, GPA 975 (French Valley)

***Concur with recommendation to deny initiation.*** The conversion of this 151-acre Rural area to Community Development (urban residential and commercial retail) would be incompatible with surrounding uses, create flood hazards, and "leapfrog" over vacant parcels already so designated.

Item 7.1, GPA 945 (French Valley)

***Concur with recommendation to deny initiation.*** The conversion of this 89-acre Rural land to Community Development (commercial retail) would "leapfrog" over vacant parcels already so designated.

Item 7.2, GPA 925 (French Valley)

***Disagree with recommendation for initiation.*** This 231-acre proposal is part of a complex of parcels that now form an intact Rural community separator. It lies within the Sphere of Influence of the City of Murrieta. Urban conversion is being recommended *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* MSHCP cells are also involved, and these issues are unresolved. Staff's recommendation indicates a substantial failure of the landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. Staff's proposal to require a specific plan for this and associated GPAs 926, 974, 976 and 998 does not cure the underlying planning failure. Specific plans are a prime historic engine of sprawl in the unincorporated area.



Item 7.3, GPA 976 (Winchester)

***Disagree with recommendation for initiation.*** This 272-acre proposal is part of an intact Rural area that serves as a community separator. Urban conversion is being recommended *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* Staff's recommendation indicates a substantial failure of the landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. Staff's proposal to require a specific plan for this and nearby GPAs does not cure the underlying planning failure. Specific plans are a prime historic engine of sprawl in the unincorporated area.

Item 7.4, GPA 928 (French Valley)

***Concur with recommendation to deny initiation.*** The proposal, within Murrieta's Sphere of Influence, to convert 33-acres of Rural to Community Development medium density residential has no demonstrable need and would represent a failure of orderly development. It would conflict with airport compatibility criteria. Finally, MSHCP issues are unresolved. According to staff, "Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan."

Item 7.5, GPA 978 (Rancho California)

***Concur with recommendation to deny initiation.*** There are no changed circumstances to justify a change from the Rural designator for this 46-acre site. Such a change would also pose inconsistencies with the MSHCP. According to staff, "Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan." There is also inconsistency with airport standards.

Item 7.6, GPA 1085 (Reche Canyon)

***Concur with recommendation to deny initiation.*** According to staff, "The site's characteristics are highly consistent with the existing Rural Mountainous designation given the steep slopes, lack of existing water and sewer, fire danger and limited access." Development intensity on this 319-acre site should not be increased in hazard zones, and to do so "would again create an internal inconsistency between the Land Use Map/Element and the Safety Element of the General Plan." Multiple MSHCP issues are also involved. No new circumstances justify a change.

Thank you for considering our views.

Sincerely,

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Executive Director

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