

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

324B



FROM: TLMA - Planning Department

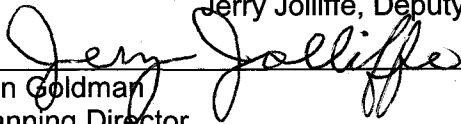
SUBMITTAL DATE:
June 17, 2010


SUBJECT: GENERAL PLAN AMENDMENT NO. 1042 - Foundation-Regular – Applicant: John Kardum – Engineer/Representative: N/A - First Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RUR: RM) (10 Acre Minimum Lot Size) – Location: Easterly of Via Santa Rosa, and westerly of City of Temecula - 37.4 Gross Acres - Zoning: Residential Agricultural - 20 Acre Minimum Lot Size (R-A-20), and Scenic Highway Commercial (C-P-S) - **REQUEST:** This General Plan Amendment proposes to amend 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 Mountainous (RUR: RM) (10 Acre Minimum Lot Size) to Commercial Tourist (CT) (0.20-0.35 FAR) - APN(s): 940-020-001, 940-020-002

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 based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

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

Jerry Jolliffe, Deputy Planning Director for,


Ron Goldman
Planning Director

Initials:
RG:th 

(continued on attached page)

REVIEWED BY EXECUTIVE OFFICE

DATE

6/23/10
Tina Grande

Departmental Concurrence

Policy

Consent

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

Prev. Agn. Ref.

District: First

Agenda Number:

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 MARCH 3, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. **AGENDA ITEM 7.2: GENERAL PLAN AMENDMENT NO. 1042** - Foundation / Regular - Applicant: John Kardum - Engineer/Representative: N/A - First Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RUR: RM) (10 Acre Minimum Lot Size) - Location: Easterly of Via Santa Rosa, and westerly of City of Temecula - 37.4 Gross Acres - Zoning: Residential Agricultural - 20 Acre Minimum Lot Size (R-A-20), and Scenic Highway Commercial (C-P-S)

- II. **PROJECT DESCRIPTION**
This General Plan Amendment proposes to amend 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 Mountainous (RUR: RM) (10 Acre Minimum Lot Size) to Commercial Tourist (CT) (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

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

- IV. **CONTROVERSIAL ISSUES**
NONE

- V. **PLANNING COMMISSION ACTION**
The Planning Commission commented on the General Plan Amendment. If you wish to listen to the entire discussion, see Section VI below. Additionally, the comments of individual Commissioners are summarized in the Planning Director's Report and Recommendation to the Board of Supervisors.

- 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 AUGUST 19, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. **AGENDA ITEM 8.4: GENERAL PLAN AMENDMENT NO. 1042** – Foundation / Regular – Applicant: John Kardum – Engineer/Representative: N/A - First Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RUR: RM) (10 Acre Minimum) – Location: Easterly of Via Santa Rosa, and westerly of City of Temecula - 37.4 Gross Acres - Zoning: Residential Agricultural - 20 Acre Minimum (R-A-20), and Scenic Highway Commercial (C-P-S) - APN(s): 940-020-001, 940-020-002.
- II. **PROJECT DESCRIPTION**
This General Plan Amendment proposes to amend 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 Mountainous (RUR: RM) (10 Acre Minimum) to Commercial Tourist (CT) (0.20-0.35 Floor Area Ratio).
- III. **MEETING SUMMARY**
The following staff presented the subject proposal:
Project Planner, Tamara Harrison at 951-955-9721 or e-mail tharriso@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, continued the subject proposal off calendar.
- 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.

Agenda Item No.: 7.2
Area Plan: Southwest
Zoning District: Rancho California Area
Supervisory District: First
Project Planner: Tamara Harrison
Planning Commission: March 3, 2010

General Plan Amendment No. 1042
Applicant: John Kardum
Engineer/Representative: N/A

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 1042 from Rural: Rural Mountainous to Community Development: Commercial Tourist 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: Commissioner Roth stated that he is familiar with the subject site and that he agrees with staff's recommendation that the Board of Supervisors tentatively decline to adopt an order initiating proceedings. Mr. Roth indicated that any development of the site would be difficult, given the site's location in a high fire area, the site's potential environmental resources, and the site's limited access from Rancho California Road. Mr. Roth also noted that many of the reasons given on page 5 of the General Plan Amendment application concerning the site's lack of suitability for residential development would also apply to potential commercial development. Specifically, Mr. Roth pointed out that since the site overlooks a sewer treatment plant, an industrial park, and other commercial projects, it is probably not suitable for a Commercial Tourist designation. Lastly, Mr. Roth suggested that the applicant contact the County's Environmental Programs Department (EPD) and the Regional Conservation Authority (RCA) to discuss the possible purchase of the property by the County for conservation purposes.

Commissioner John Snell: No Comments

Commissioner John Petty: No Comments

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 7.2
Area Plan: Southwest
Zoning District: Rancho California Area
Supervisory District: First
Project Planner: Tamara Harrison
Planning Commission: March 3, 2010
Continued from: August 19, 2009

General Plan Amendment No. 1042
Applicant: John Kardum
Engineer/Representative: N/A

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component and Land Use designations from "Rural: Rural Mountainous" (RUR:RM) (10 acre min.) to "Community Development: Commercial Tourist" (CD:CT) (0.20-0.35 FAR) for an approximately 37.4-acre site. The project is located easterly of Rancho California Road and southwesterly of the City of Temecula.

POTENTIAL ISSUES OF CONCERN:

The subject site is located in the "Santa Rosa" community within the Southwest Area Plan. The community is characterized by the rural environment and the mountainous nature of the area. The area's separation from more urban developments further enhances the community's character. Allowing a more intensive land use designation at the proposed site would not be consistent with the character of the area and would be contrary to the overall vision for the area.

Lying southwest of the City of Temecula, the subject site also falls within the City of Temecula Sphere of Influence. The Temecula General Plan has designated the property as Open Space as well as a Hillside Residential which allows 0-0.1 du/ac max. The County's Santa Rosa Plateau/De Luz Policy Area NOW allows 0.1-0.2 du/ac depending on topography and other factors. The City of Temecula's sphere plan envisions uses similar to those established under the County's General Plan.

The Southwest Area Plan is characterized by severe slopes due a number of mountain ranges in the area. The terrain is a fundamental feature of the character of the area plan and the visual aspects should be preserved. The parcels in question possess slopes that may range from 15%-30% and potentially greater and have a high susceptibility to landslides and rockfalls. Increasing the intensity of uses on the site could create an increase in potential public safety issues by exposing additional structures to hazards when developing or grading, therefore, creating an internal inconsistency between the Land Use Map/Element and the Safety Element of the general plan. The applicant has indicated that past slope analysis and geotechnical reviews of the site determined that approximately 12 acres of the site may be suitable for commercial development. The site also falls with in a high fire area according to County mapping. Limiting development potential in such areas is one way to address fire hazards. The nearest fire station is approximately 1 ½ miles to the east.

The site also falls within Cell Group J' of the County's Multiple Species Habitat Conservation Plan (MSHCP). Cell group J is included in those areas that will ultimately assemble Proposed Linkage 10 under the MSCHP plan. Conservation in this cell group ranges from 15%-25% with the bulk of the conservation occurring in the northern portion of the cell. The proposed site falls within the northern portion of the cell; therefore, the sites development potential may be limited in order to preserve habitat linkages.

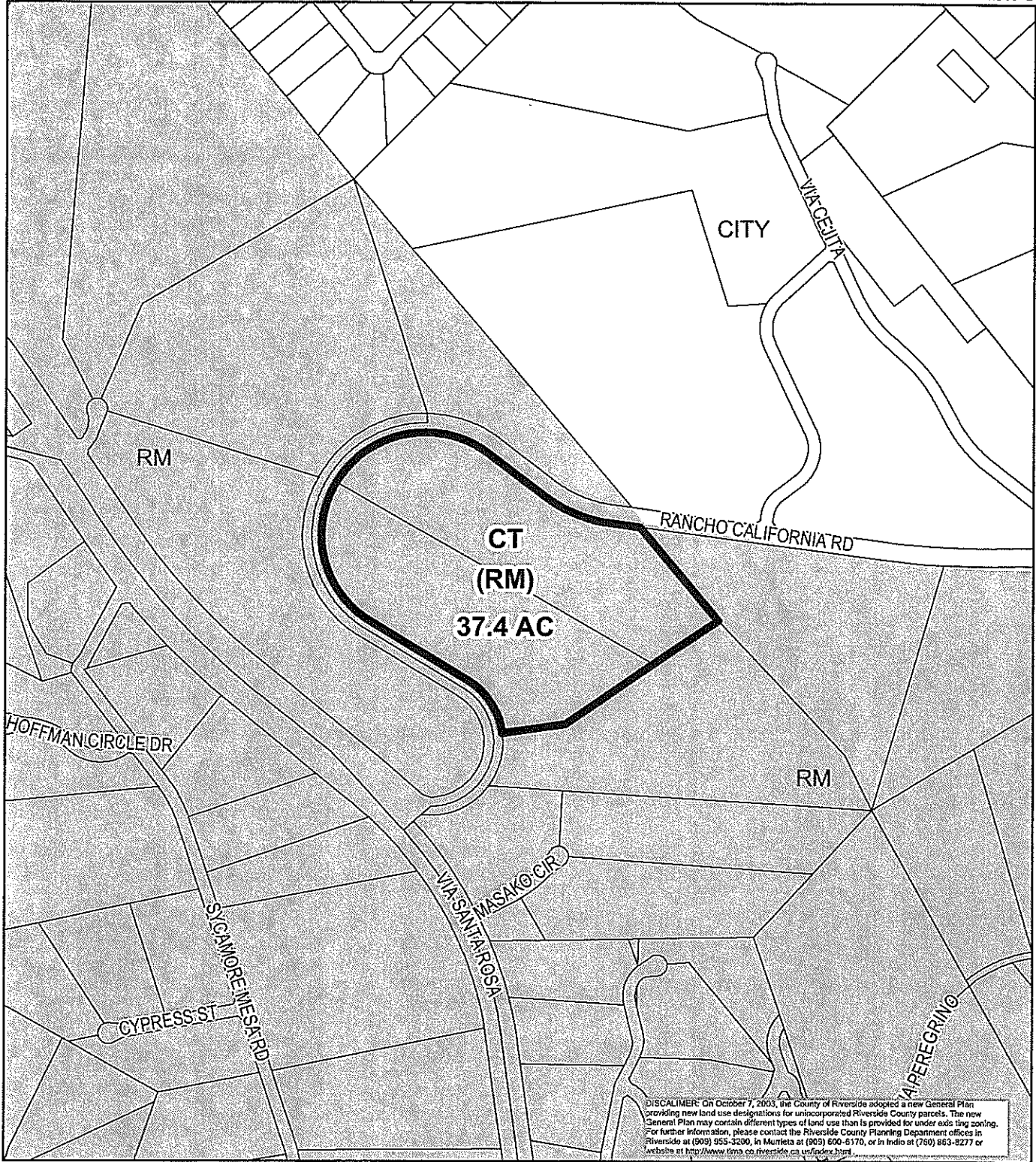
No substantial change has occurred in the area since the adoption of the General Plan in 2003 that would justify the proposal. Currently, there is no sewer on site to serve a commercial use, although other services are available. Existing commercial uses are already available in the nearby in the City of Temecula, outside of those areas with low intensity uses, high fire risk, steep slopes and having potential habitat value.

RECOMMENDATION:

The Planning Director's recommendation is to **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 1042 from Rural: Rural Mountainous to Community Development: Commercial Tourist. 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 15, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$5153.80.
3. The project site is currently designated as Assessor's Parcel Numbers 940-020-001 and 940-020-002.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T8SR3W
Section : 10



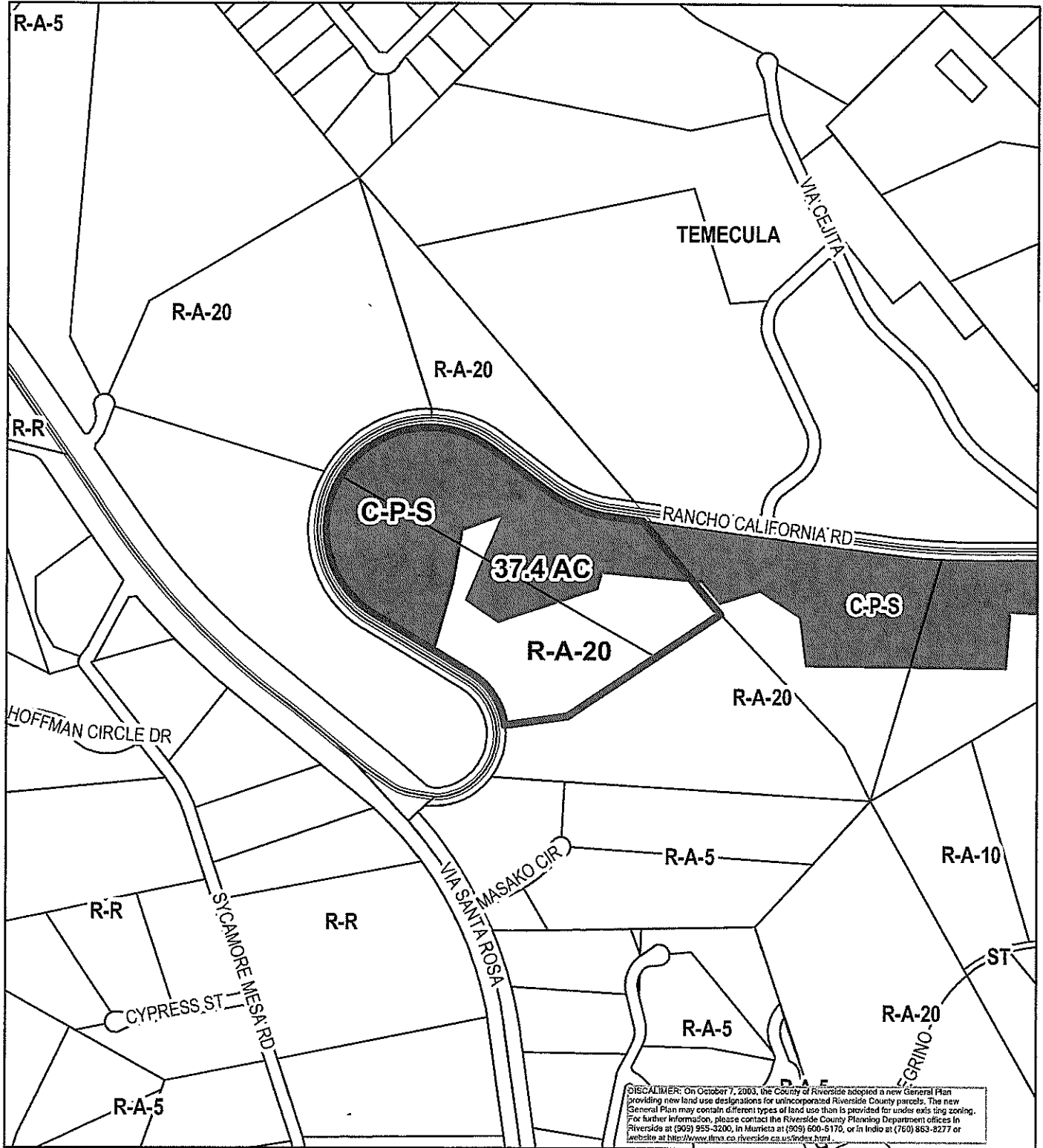
Assessors
Bk.Pg. 940-02
Thomas
Bros. Pg. 958 E7



Supervisor Buster
District 1
Date Drawn: 3/21/08

GPA01042
EXISTING ZONING

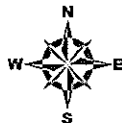
Planner: Amy Aldana
Date: 3/12/08
Exhibit 2

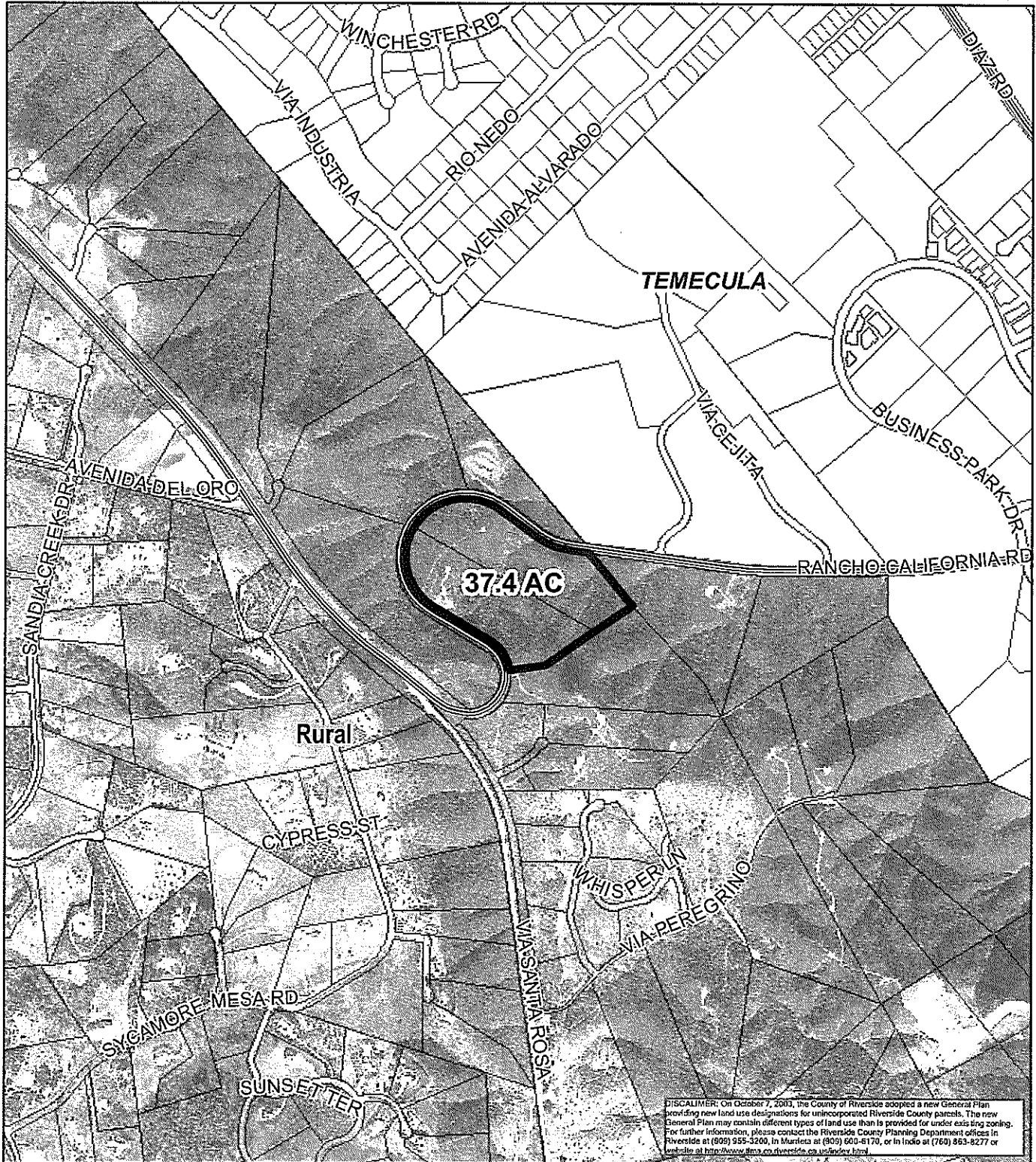


RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T8SR3W
Section: 10

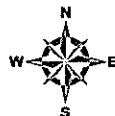
Assessors
Bk. Pg. 940-02
Thomas
Bros. Pg. 958 E7





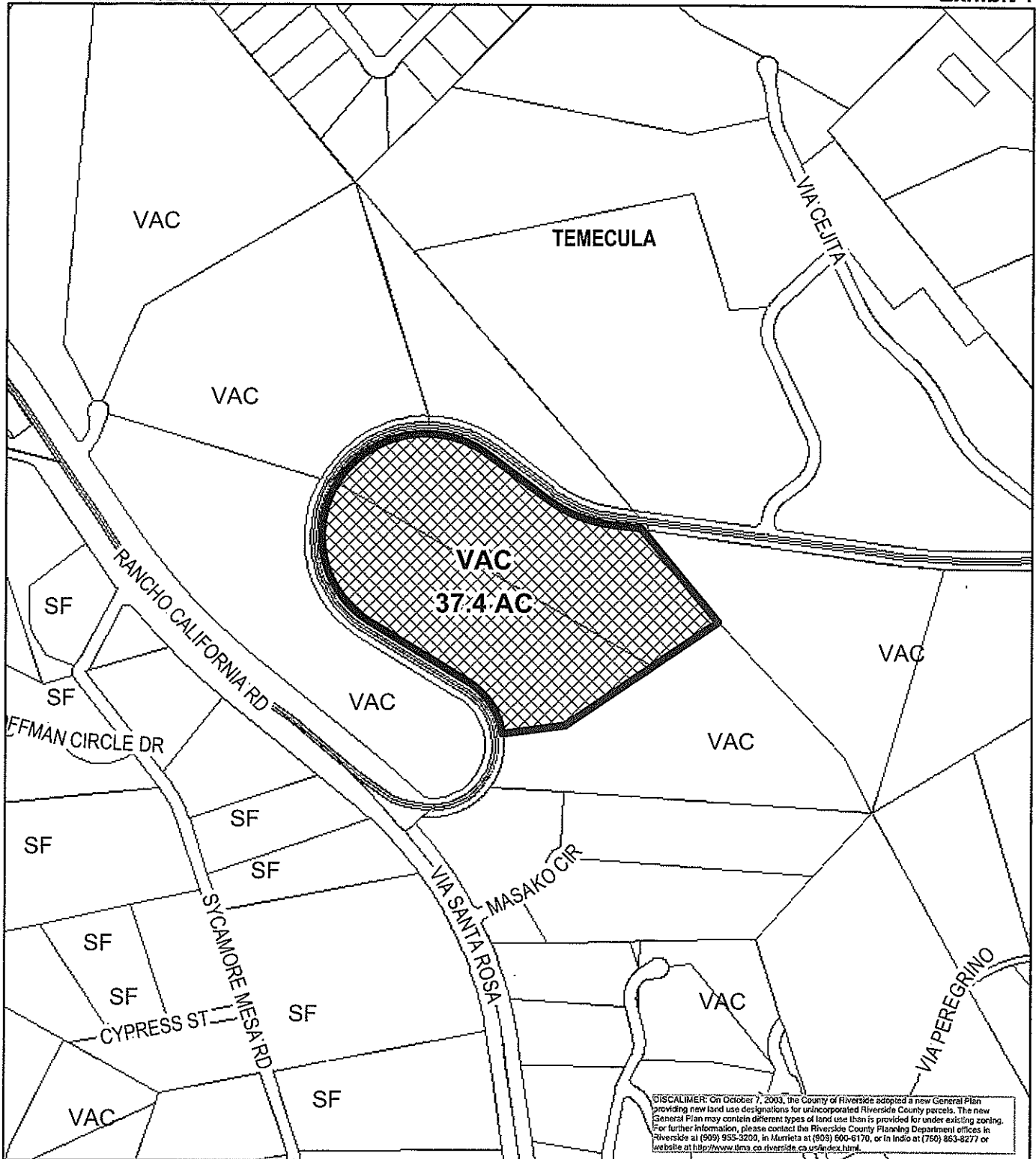
RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Rancho California
Township/Range: T8SR3W
Section: 10



Assessors
Bk. Pg. 940-02
Thomas
Bros. Pg. 958 E7

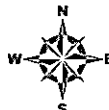




DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please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

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T8SR3W
Section: 10



Assessors
Bk. Pg. 940-02
Thomas
Bros. Pg. 958 E7



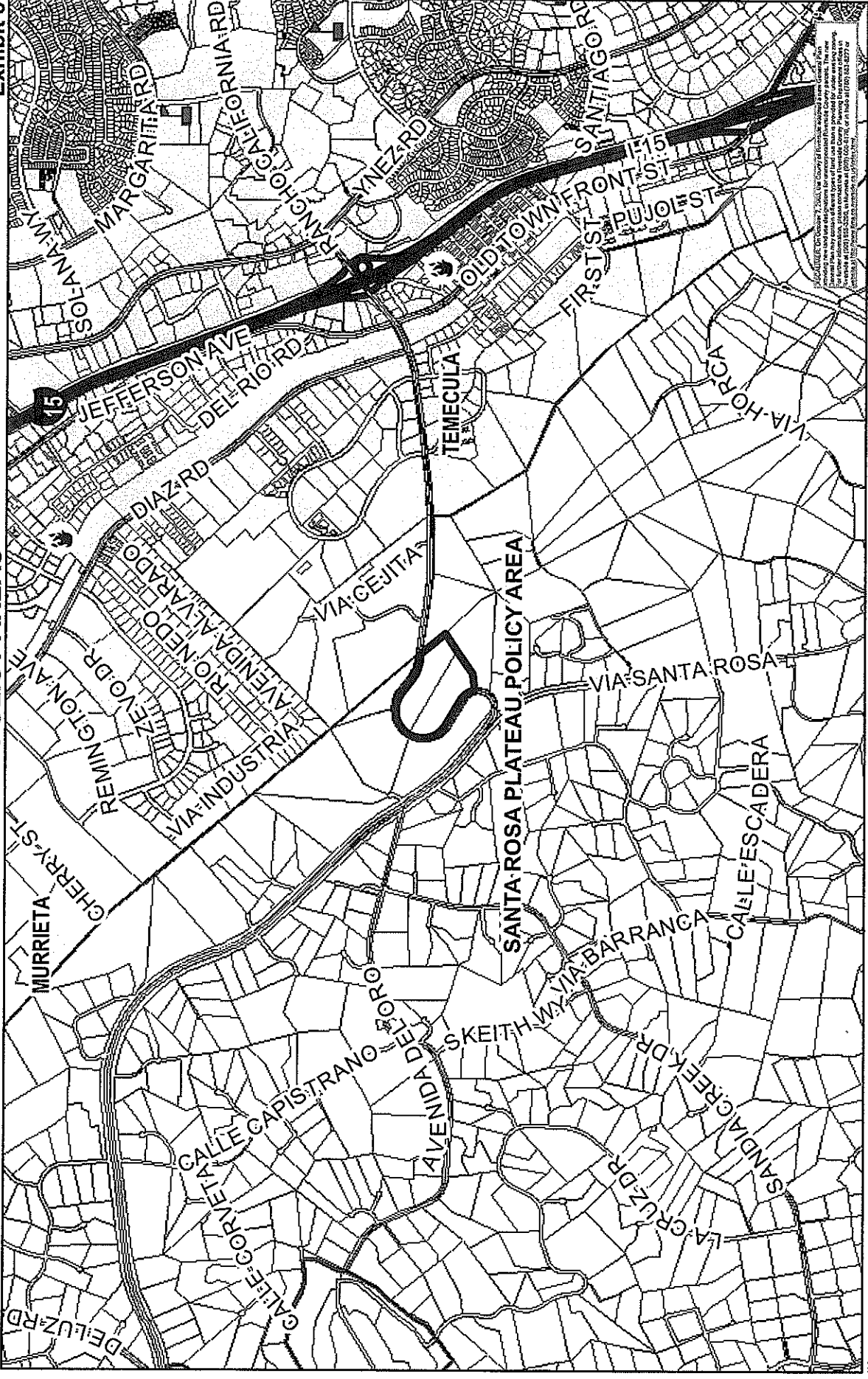
Supervisor Buster
District 1

Date Drawn: 3/21/08

GPA01042

POLICY AREAS

Planner: Amy Aldana
Date: 3/12/08
Exhibit 8



Zone
Area: Rancho California
Township/Range: T8SR3W
Section: 10

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors

Bk. Pg. 940-02
Thomas
17,700 Bros. Pg. 958 E7



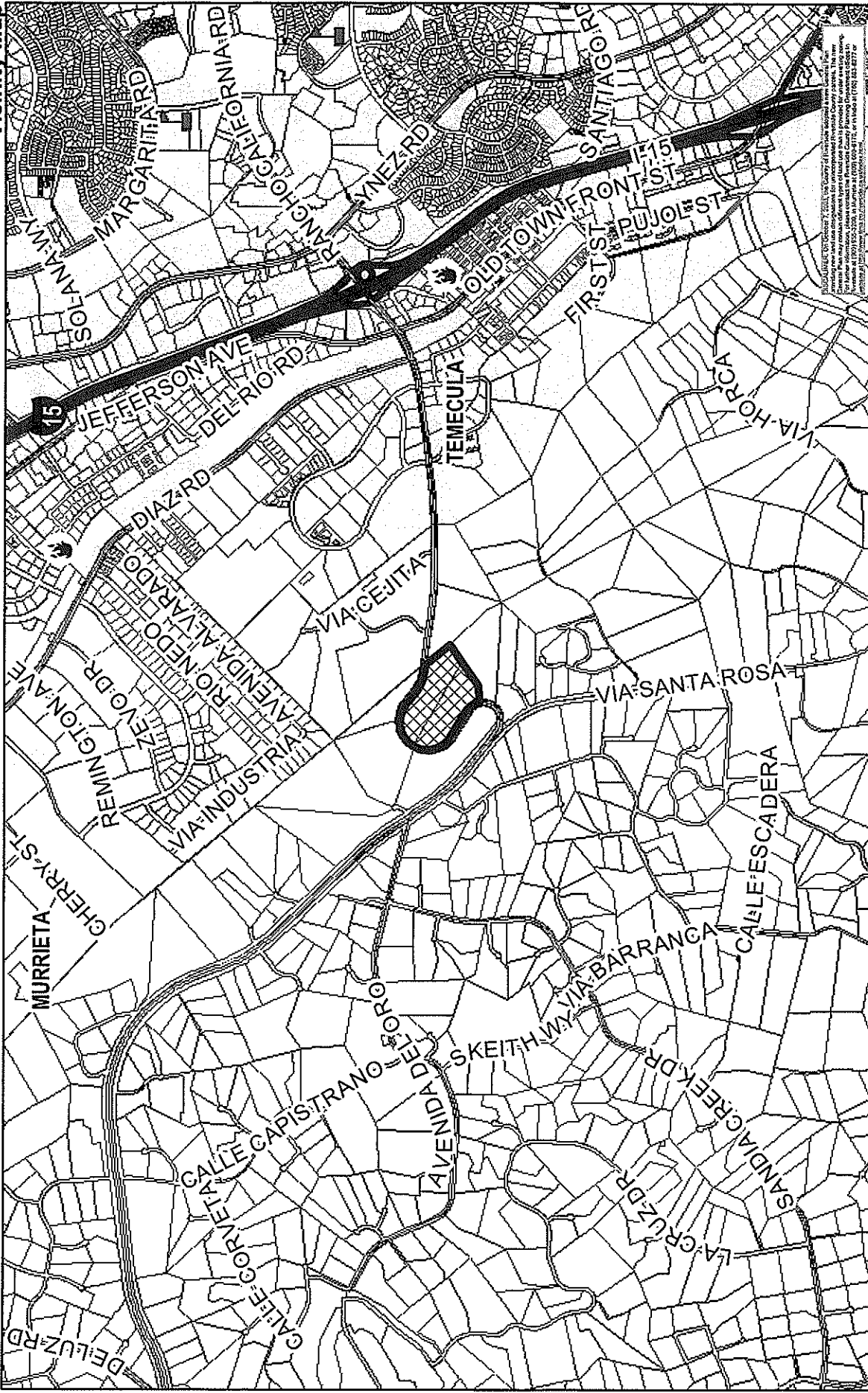
Feet

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Planner: Amy Aldana
Date: 3/12/08
Vicinity Map

GRA01042 VICINITY MAP

Supervisor Buster
District 1
Date Drawn: 3/21/08



Assessors
Bk. Pg. 940-02
Thomas
17,700 Bros. Pg. 958 E7

Zone
Area: Rancho California
Township/Range: T8SR3W
Section : 10

RIVERSIDE COUNTY PLANNING DEPARTMENT

0 2,950 5,900 11,800 17,700 Feet



LAND USE

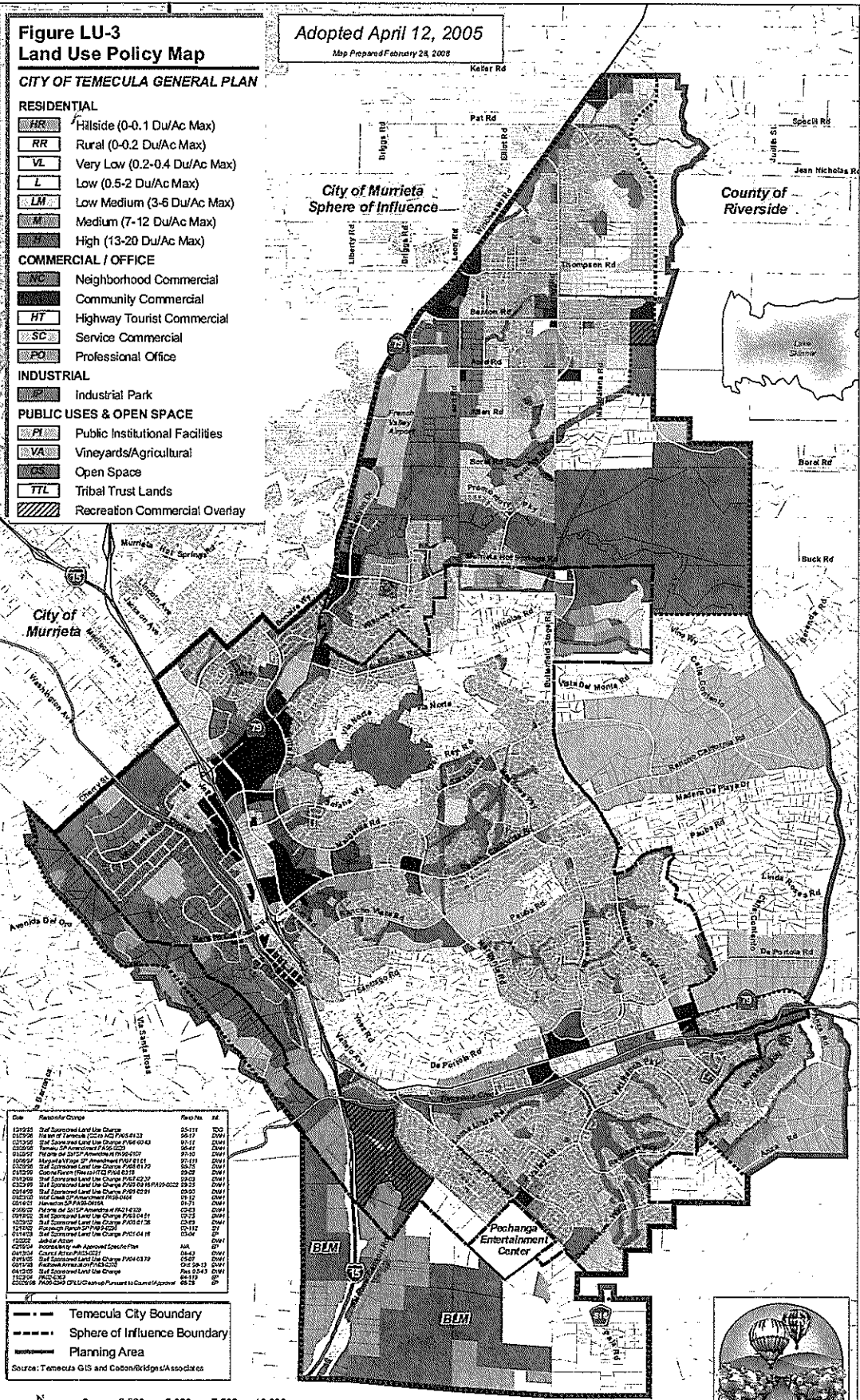
Figure LU-3 Land Use Policy Map

Adopted April 12, 2005

Map Prepared February 28, 2005

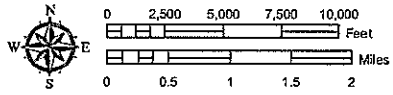
CITY OF TEMECULA GENERAL PLAN

- RESIDENTIAL**
- HR** 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**
- P** Industrial Park
- PUBLIC USES & OPEN SPACE**
- PI** Public Institutional Facilities
 - VA** Vineyards/Agricultural
 - OS** Open Space
 - TTL** Tribal Trust Lands
 - RCO** Recreation Commercial Overlay



Code	Reason for Change	Project No.	Staff
021925	Staff Recommended Land Use Change	04111	DCD
021926	City of Temecula CIP# P105-0123	04111	DW1
021927	Staff Recommended Land Use Change P104-0043	04111	DW1
021928	Temecula CIP Amendment #105-0220	04111	DW1
021929	Permit for Staff Recommended P105-0107	04111	DW1
021930	Mariposa Vineyard P105-0111	04111	DW1
021931	Staff Recommended Land Use Change P105-0172	04111	DW1
021932	Corporate Facility P105-0219	04111	DW1
021933	Staff Recommended Land Use Change P105-0219	04111	DW1
021934	Staff Recommended Land Use Change P105-0418 P105-0222	04111	DW1
021935	Staff Recommended Land Use Change P105-0221	04111	DW1
021936	Staff Recommended Land Use Change P105-0418	04111	DW1
021937	Staff Recommended Land Use Change P105-0418	04111	DW1
021938	Permit for Staff Recommended P105-0108	04111	DW1
021939	Staff Recommended Land Use Change P105-0108	04111	DW1
021940	Staff Recommended Land Use Change P105-0138	04111	DW1
021941	Staff Recommended Land Use Change P105-0138	04111	DW1
021942	Staff Recommended Land Use Change P105-0138	04111	DW1
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021998	Staff Recommended Land Use Change P105-0138	04111	DW1
021999	Staff Recommended Land Use Change P105-0138	04111	DW1
022000	Staff Recommended Land Use Change P105-0138	04111	DW1

- Temecula City Boundary
 - Sphere of Influence Boundary
 - Planning Area
- Source: Temecula GIS and Cabon/Ridgely Associates



This map was prepared by the City of Temecula, using data provided by the City of Temecula, the State of California, and the United States Department of Agriculture. The City of Temecula is not responsible for any errors or omissions on this map. The City of Temecula is not responsible for any damages or injuries resulting from the use of this map. The City of Temecula is not responsible for any claims or lawsuits filed against the City of Temecula or its officials, employees, or agents, arising out of or from the use of this map. The City of Temecula is not responsible for any claims or lawsuits filed against the City of Temecula or its officials, employees, or agents, arising out of or from the use of this map.



APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

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

~~The subject properties (Lot 147 and 148) were designated scenic highway commercial and changed to rural mountainous. We are requesting Lot 147 and 148 to be changed to commercial tourist. At Least, 12 acres of the 37 acres are suitable for building placement. The parcels are located from 1 to 2 parcels away from an existing industrial park and commercial designated land use. These lots have been on the market for over 20 years and there has not been any interest from a potential buyer for its residential and agricultural use. These two properties are not suitable for residential use, due to their close proximity and overlooking a sewage treatment plant, an industrial park, commercial property, traffic and road noise from Rancho California Road. A top quality commercial project in this location would be a definite asset to the County of Riverside and the City of Temecula.~~

III. AMENDMENTS TO POLICIES:

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

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

Element: _____ Area Plan: _____

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

C. PROPOSED POLICY (Attach more pages if needed): _____

Submittal to the Board of Supervisors
County of Riverside, State of California
4080 Lemon Street
Riverside 92501-3657

Alois Wittmann
29017 Geronimo Drive
Rancho Palos Verdes
CA, 90275

Subject: Restitution of commercial (C-P-S) zoning for lot sites 147 and 148 bordered by the "S" curve of Rancho California Road in the Temecula area of Riverside County.

We, Mr. & Mrs. Cords and Mr. & Mrs. A. Wittmann, jointly acquired lots 147 and 148, Riverside County parcel map 6835, with the intent to efficiently use the promontory land site for a hotel/office park development. To realize this project, we applied for a zoning plan amendment from residential agriculture (R-A) to scenic highway commercial (C-P-S) which the Riverside County Board of Supervisors granted (ordinance # 348.2658) in December 1986.

To further our project, we commissioned in 1990 a site development study with Lohr & Associates Civil Engineering. This study determined that about 12 acres of approx 37 acres total are suitable for building placement; the remaining acreage will stay natural due to the topographically hilly character of the land. The identified building sites were then investigated by Leighton and Associates, Temecula for geotechnical subsurface and slope stability. Their findings (-project No. 11901077-01-) conclude that on geotechnical basis, the proposed commercial site development is entirely feasible.

After all this diligent, time and money consuming effort toward bringing the project to a conclusion, we learned in May of this year that Riverside County Planning had reverted the zoning for our property to residential GP-10, thereby voiding all our efforts. We are asking to reconstitute the C-P-S scenic highway commercial zoning for lots 147 & 148 and in fairness allow us to bring our project of twenty years to fruition. We have developers seeking out our promontory land for commercial use. A top quality project in this location would be a definite asset to the City of Temecula as well as the homeowners in the Santa Rosa Community Service District area. Both the topographical property character of lots 147 & 148, its nesting within the northern lobe of the Rancho California Road curve, and the closeness of the Temecula business park area are objectionable to residential land use, whereas these very features are integral to our planned commercial land use.

A timely and positive response to our request to reconstitute the C-P-S commercial zoning for lots # 147 and #148 is appreciated, and it would allow us to engage an interested land developer.

A. Wittmann
Nov. 26, 2004

ATTACHMENT
PG. 3A

**John Kardum
26200 Avenida Del Oro
Temecula, CA 92590
Applicant/Owner- GPA 1042**

(1042)

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