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

1262



FROM: TLMA - Planning Department

SUBMITTAL DATE: November 17, 2010

SUBJECT: GENERAL PLAN AMENDMENT NO. 1082 (Entitlement / Policy Amendment) – Applicant: Pacific Engineering & Associates – Engineer/Representative: Pacific Engineering & Associates – Fourth Supervisorial District – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan: Indian Lands (IND) – Location: Southerly of Avenue 66, easterly of Polk Street - 39 Gross Acres – Zoning: Light Agriculture – 10 Ac. Min. (A-1-10) – REQUEST: The general plan amendment proposes to amend the General Plan foundation component and land use designation for the subject property from "Indian Lands" (IND) ("Areas Subject to Indian Jurisdiction") to "Agriculture" (AG) (10 Acre Minimum).

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating the above referenced general plan amendment based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

BACKGROUND:

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

Carolyn Syms Lluna
Planning Director

Initials: CSL:jo

(continued on attached page)

 Dep't Recomm.:
 Consent
 Policy

 Per Exec. Ofc.:
 Consent
 Policy

Prev. Agn. Ref.

District: Fourth

Agenda Number:

The Honorable Board of Supervisors
Re: GENERAL PLAN AMENDMENT NO. 1082

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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 application, 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.

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

I. AGENDA ITEM 7.2: GENERAL PLAN AMENDMENT NO. 1082 - Entitlement / Policy - Applicant: Pacific Engineering & Associates- Engineer/Representative: Pacific Engineering - Fourth Supervisorial District - Lower Coachella Valley - Eastern Coachella Valley Area Plan: "Areas Subject to Indian Jurisdiction" - Location: Southerly of Avenue 66 and easterly of Polk Street - 40 Gross Acres - Zoning: Light Agriculture (A-1-10) - APN: 749-090-037.

II. PROJECT DESCRIPTION

The applicant proposes to amend the General Plan from Indian Lands; (IND) (Areas Subject to Indian Jurisdiction) to Agriculture (AG) (10 AC Min.) on approximately 40 acres of land. The applicant's goal with this proposed general plan amendment is to create a future land division with two 20 acre gross parcels.

III. MEETING SUMMARY

The following staff presented the subject proposal: Project Planner, Jay T. Olivas at (760) 863-8277 or email jolivas@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 (Commissioner Zuppardo Absent), recommended to the Board of Supervisors;

INITATION of 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.

Agenda Item No.:

Area Plan: Eastern Coachella Valley Zoning District: Lower Coachella Valley

Supervisorial District: Fourth Project Planner: Jay Olivas

Planning Commission: November 19, 2009

GENERAL PLAN AMENDMENT NO. 1082

(Entitlement/Policy Amendment)

Applicant: Pacific Engineering & Associates Engineer/Representative: Pacific Engineering

& Associates

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommended that an order initiating proceedings from "Indian Lands" (IND) ("Areas Subject to Indian Jurisdiction") to "Agriculture" (AG) (10 Ac. Min.) due to the rural nature of the area and due to a possible future parcel map to create two 20 acre gross lots. The Planning Commission made the comments below. The Planning Director continues to recommend an order initiating proceedings from "Indian Lands" (IND) ("Areas Subject to Indian Jurisdiction") to "Agriculture" (AG) (10 Ac. Min.). For additional information regarding this case, see the attached Planning Department Staff Report.

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

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

Commissioner John Roth: Questions about modifying Indian lands, resolved by discussion with County Counsel.

Commissioner John Snell: Questions about modifying Indian lands, resolved by discussion with County Counsel.

Commissioner John Petty: None

Commissioner Jim Porras: Questions about modifying Indian lands, resolved by discussion with County Counsel.

Commissioner Jan Zappardo: None

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Agenda Item No.: 7. 2

Area Plan: Eastern Coachella Valley

Zoning District: Lower Coachella Valley

Supervisorial District: Fourth Project Planner: Jay Olivas

Planning Commission: November 18, 2009

GENERAL PLAN AMENDMENT NO. 1082
Applicant: Pacific Engineering & Associates

Engineer/Rep.: Pacific Engineering &

Associates

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan from "Indian Lands" (IND) ("Areas Subject to Indian Jurisdiction") to "Agriculture" (AG) (10 AC Min.) on approximately 40 acres of land. The applicant's goal with this proposed general plan amendment is to create a future land division with two 20 acre gross parcels and this GPIP is a first step before a possible future tentative parcel map can be submitted.

The project is located within Torres Martinez tribal land near Mecca, and more specifically located, southerly of Avenue 66 and easterly of Polk Street within the Lower Coachella Valley Zoning District.

BACKGROUND:

A proposed General Plan Amendment (GPA) shall not be processed unless the Board of Supervisors (Board) adopts an order initiating proceedings for the proposed GPA. The Planning Director is required to prepare and submit to the Board a report and recommendation concerning initiation.

Before submitting his report and recommendation to the Board, the Planning Director must request comments on the proposed GPA from the Planning Commission (Commission) and must include the Commission's comments, if any, in his report. The Commission may make its comments in any form it deems appropriate. For example, the Commission may recommend that the Board adopt or decline to adopt an order initiating proceedings for the proposed GPA. A recommendation is not, however, required and the Commission may choose instead to simply identify its concerns regarding the proposed GPA. In addition to any comments the Commission may make as a group, the Planning Director will include the comments of individual Commission members in his report to the Board.

A noticed public hearing is not required for the Commission to comment on the initiation of a proposed GPA. Nor is such a hearing required for the Board to actually initiate or decline to initiate proceedings for the proposed GPA. The Planning Department did, however, notify the applicant by mail that the Commission would consider the initiation of this proposed GPA on this date, at this time and at this place.

After reviewing the Planning Director's report and recommendation, which as noted above, must include the Commission's comments, the Board may either adopt or decline to adopt an order initiating proceedings for the proposed GPA.

If the Board adopts an order initiating proceedings, the proposed GPA will thereafter be processed, reviewed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Commission and the Board. The adoption of an order initiating proceedings does not imply that the proposed GPA will be approved.

If the Board declines to adopt an order initiating proceedings, the proposed GPA shall not be processed.

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The Board established the initiation procedures for proposed GPAs in Ordinance No. 348.4573 which was effective May 8, 2008. Proposed GPA No. 1082 is considered an Entitlement/Policy GPA as described in Section 2.4 of that ordinance.

Proposed General Plan Amendment No. 1082 is a stand alone case. The applicant proposes to modify existing "Indian Lands" ("Areas Subject to Indian Jurisdiction") on the General Plan to "Agriculture" (10 AC Min.). The applicant wishes to file a future parcel map which this GPIP is a necessary first step which the applicant is proposing to create two 20 gross acre lots. The 40 acre site contains vacant land with surrounding lots containing existing mobile homes and vacant properties. This GPIP from "Indian Lands" to "Agriculture" would maintain the rural nature of the area with the possibility of two future 20 acre parcels. The "Agriculture" designation would be compatible with this extensive rural area with limited improvements and existing access along Avenue 66. Staff is recommending to tentatively approve the proposed foundation general plan amendment.

For additional information, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

SUMMARY OF FINDINGS:

1. Existing Land Use (Ex. #1): Vacant land

Surrounding Land Use (Ex. #1): Mobilehomes, vacant land

Existing Zoning (Ex. #2): Light Agriculture (A-1-10)
 Surrounding Zoning (Ex. #2): Light Agriculture (A-1-10)

5. Riverside County General Plan "Indian Lands" (IND) ("Areas Subject to Indian

Jurisdiction")

6. Project Data: Total Acreage: 40

7. Environmental Concerns: Not applicable at this time

RECOMMENDATIONS:

The Planning Director's recommendation is to **tentatively approve** to adopt an order initiating proceedings for General Plan Amendment No. 1082. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

- 1. As of this writing, no letter in opposition or in favor of this project has been received.
- The project site is <u>not</u> located within:
 - a. General Plan Policy Overlay Area
 - b. California Gnatcatcher, Quino Checkerspot Butterfly habitat
 - c. Redevelopment Area
 - d. Conservation Area
- 3. The project site is located within:
 - a. The boundaries of the Coachella Valley Unified School District.
 - b. The boundaries of the Coachella Valley Water District.
 - c. The Coachella Valley MSHCP fee area.

GENERAL PLAN AMENDMENT NO. 1082 PC Staff Report: November 18, 2009

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- d. Floodplain Management Area
- 4. The project site is currently designated as Assessor's Parcel Number 749-090-037.
- 5. This project was filed with the Planning Department on July 21, 2009
- 6. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$2,967.00.

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ENTITLEMENT / POLICY AMENDMENT

CYCLE: Quarterly

Case No. GPA No. 1082	Supervisorial District: Fourth		Existing Zoning: <u>A-1-10</u>
Area Plan: <u>Eastern Coachella Valley</u> Acreage: 40			
EXISTING GENERAL PLAN DESIGNATIONS	NATIONS		
Existing General Plan Foundation:	Agriculture (AG)		
Existing General Plan Land Use Designation: <u>Indian Lands (IND) or "Areas Subject to Indian Jurisdiction"</u>	ignation: <u>Indian Lands (IN</u> I	D) or "Areas Subject to In	dian Jurisdiction"
Existing Policy Area(s) or Overlay(s):	N/A	A	- 5-10
Existing Map(s) of Issue (cite GP figure	# and page #):N/A		
Existing Text of Issue (cite GP page #, p	olus policy #, if applicable): N/A		
PROPOSED GENERAL PLAN CHANGES		(For categories with no proposed change, write "N/A" on applicable line.)	A" on applicable line.)
Proposed General Plan Foundation:	Agriculture (AG)		
Proposed General Plan Land Use Designation: Agriculture (AG)	ssignation: <u>Agriculture (AG)</u>		
Proposed Change to Policy Area or Overlay:	Overlay:	N/A	
Proposed Change to Map (cite GP map name):	lap name):	N/A	

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Proposed Revision(s) to GP Text: (Attach redline/strike-out of text):

Page 2 of 5

CHECK LIST

Affected by	Yes	8 N	Comments
Coachella Valley MSHCP Conservation Area		×	Within fee area
Western Riverside County MSHCP Cell		×	
Agricultural Preserve		×	
Airport Compatibility Zone		×	Zone D
Flood Plain (Zone A – 100 Year)	×		Subject to Floodplain Management Review
FLT Sand Source Area or FLT Preserve		×	
Fault Zone		×	
Faults within ½ Mile		×	
Liquefaction Potential; Subsidence	×		High
High Fire Area		×	
Code Compliant		×	
MSHCP Conserved Land		×	
Access / Alternate Access Issues	×		Primary access from Avenue 66
Water / Sewer Issues	×		Connection to sewer is not required, septic proposed
City Sphere of Influence		×	
Proposed Annexation/ Incorporation Area		×	
Other Issues* (see below)		×	

Case: ENTITLEMENT/POLICY FAST TRACK GPA 1082
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(Check all that apply) **ENTITLEMENT/POLICY FINDINGS**

Is there a reasonable possibility that the first two findings listed below and any one or more of the subsequent findings listed below can be made?*

Finding	Yes	No	Comment
The proposed change does not involve a change in or conflict with: the Riverside County Vision; any General Planning Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.	×		The GPA responds to the increased need for potential single-family housing within the community which the change from Indian Lands to Agriculture land will accommodate by allowing a potential future residential parcel map to be filed which will maintain the rural character or the area with the potential for two 20 acre lots.
The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.	×	_	The proposed amendment does contribute to the purposes of the General Plan as it proposes improved residential development and maintains rural lot size with possible future land division.
Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.	×		The proposal supplies a need for higher densities and affordable housing within the community which the land is intended to be divided as the result of the general plan amendment for future housing which may increase as opposed to maintaining one 40 acre lot.
A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.		×	
An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.		×	
An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobsto-workers in the County.		×	
An amendment is required to address changes in ownership of land or land not under the land use authority of the Board of Supervisors.		×	

Case: ENTITLEMENT/POLICY FAST TRACK GPA 1082
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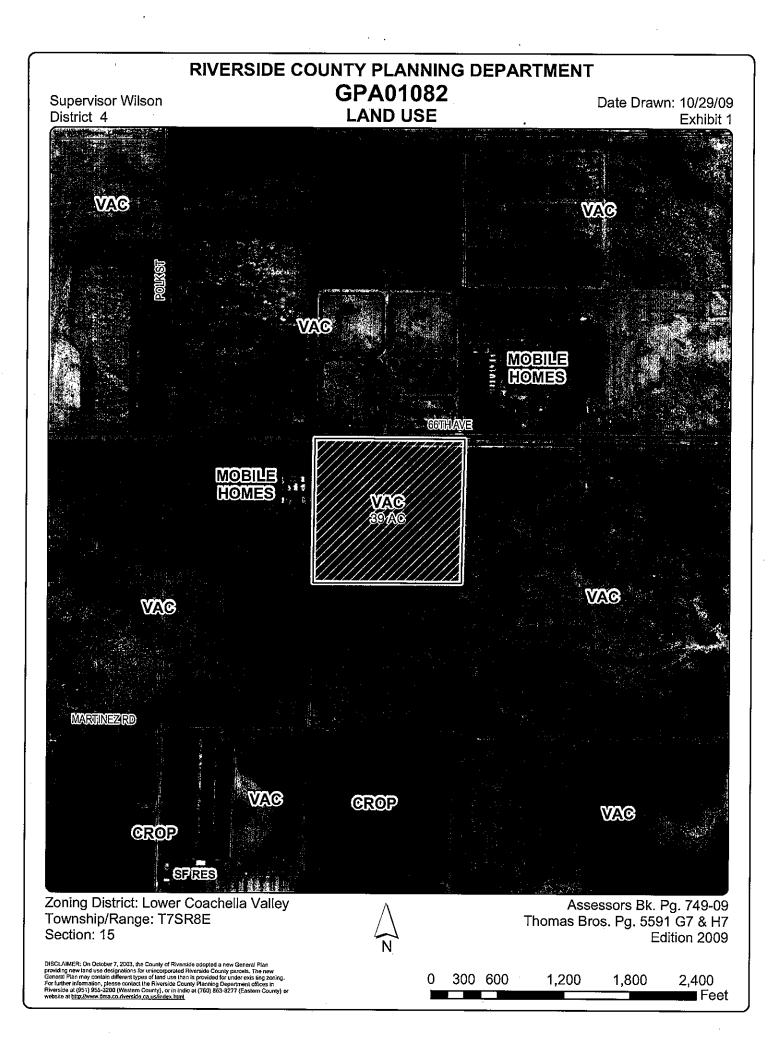
* THE ADOPTION OF AN ORDER BY THE BOARD OF SUPERVISORS INITIATING AMENDMENT PROCEEDINGS SHALL NOT IMPLY ANY SUCH AMENDMENT WILL BE APPROVED.

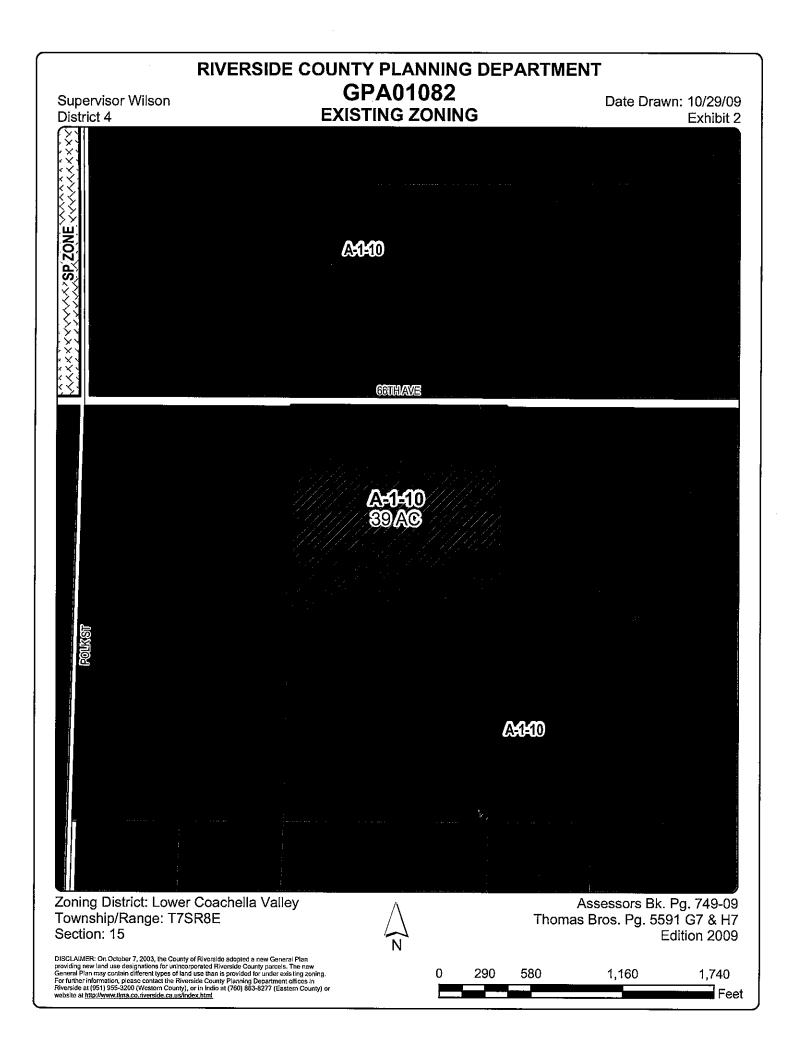
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STAFF COMMENTS:

Department	Comments
Planning	None at this time
Transportation	None at this time
EPD	None at this time
Fire	None at this time
Flood	None at this time
Building and Safety	None at this time
Geologist	None at this time

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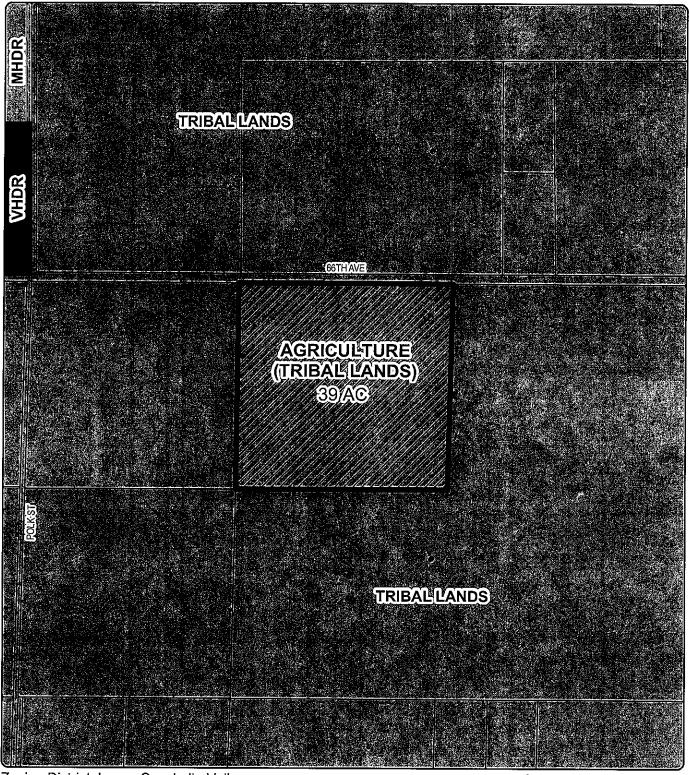
RIVERSIDE COUNTY PLANNING DEPARTMENT **GPA01082**

Supervisor Wilson District: 4

PROPOSED GENERAL PLAN

Date Drawn: 10/29/09

Exhibit 6



Zoning District: Lower Coachella Valley Township/Range: T7SR8E

Section: 15

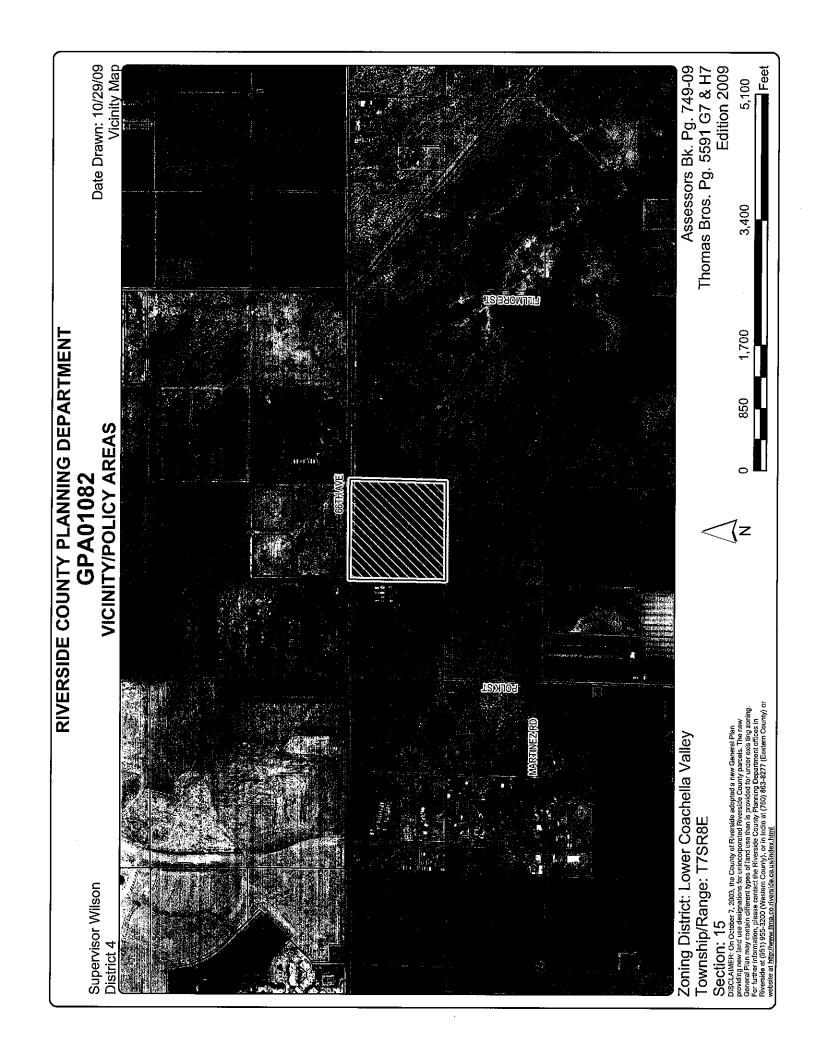
Assessors Bk. Pg. 749-09 Thomas Bros. Pg. 5591 G7 & H7 Edition 2009

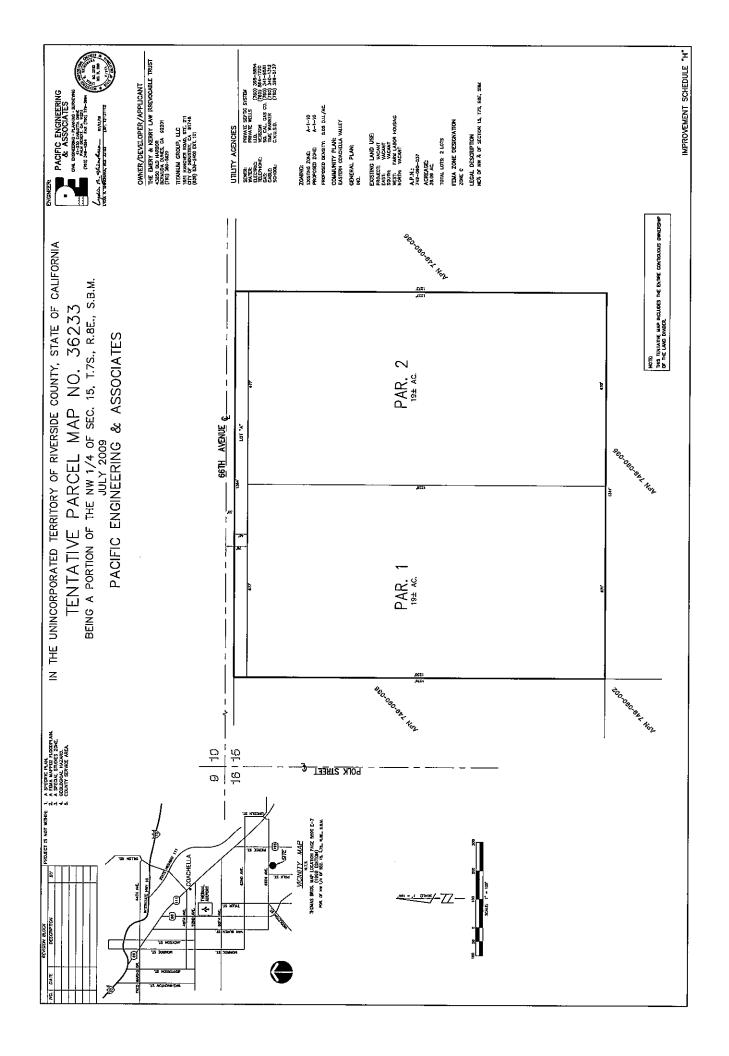
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside County Planning Department offices in Riverside of (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at http://www.tima.co.riverside.ca.us/index.html.

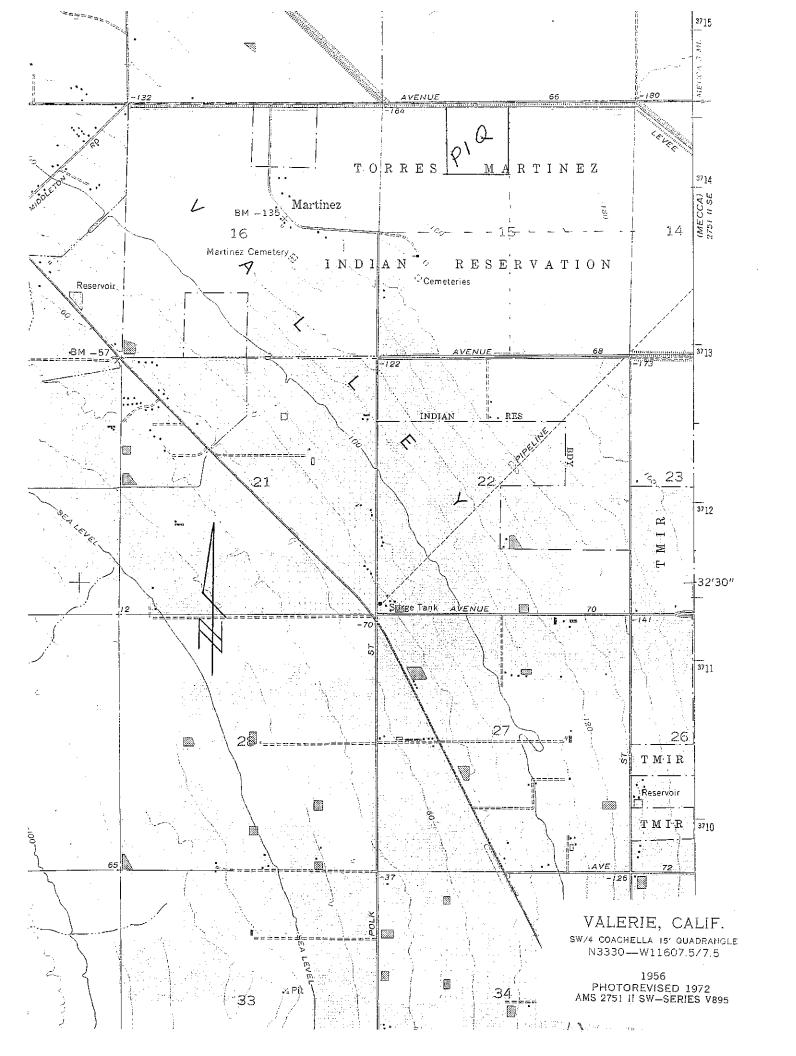
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1,740

Feet

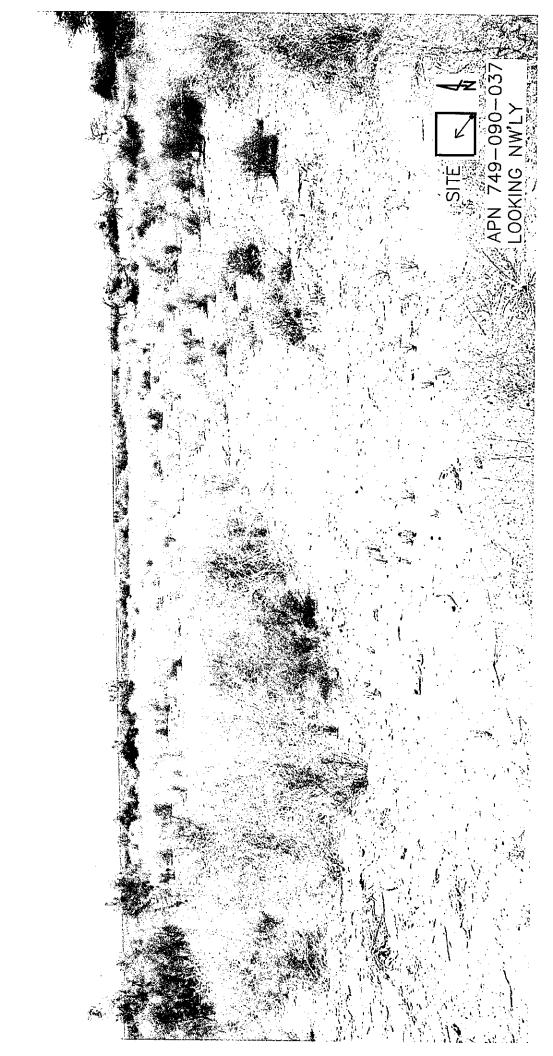














COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Ron Goldman · Planning Director

APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

SECTIONS I, II, AND VI BELOW MUST BE COMPLETED FOR ANY AMENDMENT TO THE AREA PLAN MAPS OF THE GENERAL PLAN.

FOR OTHER TYPES OF AMENDMENTS, PLEASE CONSULT PLANNING DEPARTMENT STAFF FOR ASSISTANCE PRIOR TO COMPLETING THE APPLICATION.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
CASE NUMBER: GPAQ1082 DATE SUBMITTED: 9/2/09
I. GENERAL INFORMATION EA 4 2202
APPLICATION INFORMATION CFG & 5555
Applicant's Name: PACIFIC ENGINEERING & ASSOC. E-Mail: paceng@gmail.com
Mailing Address: 41-230 CARLOTTA DRIVE
PALM DESERT, CA 92211 Street
City State ZIP
Daytime Phone No: (760) 346-4264 Fax No: (760) 779-5994
Engineer/Representative's Name: PACIFIC ENGINEERING & ASSOC. E-Mail: paceng@gmail.com
Mailing Address: 41-230 CARLOTTA DRIVE
PALM DESERT, CA 92211
City State ZIP
Daytime Phone No: (
Property Owner's Name: SEE ATTACHED E-Mail:
Mailing Address:
Street
City State ZIP
Daytime Phone No: () Fax No: ()
f 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.

GENERAL PLAN APPLICATION FOR APN 749-090-037

PROPERTY OWNERS INFORMATION:

1. THE EMERY & KERRY LAW IRREVOCABLE TRUST OF 1990
43850 Old Harbor
BERMUDA DUNES, CA 92201
(760) 360-5820
(760) 347-0433 FAX
emerylaiw@gmail.com

2. TITANIUM GROUP 1661 HANDOVER ROAD, STE. 211 (626) 839-2400 EXT. 101 (626) 839-2550 FAX sueyen@sylcpa.com

APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

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.

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.
PACIFIC ENGINEERING & ASSOC. PRINTED NAME OF APPLICANT SIGNATURE OF APPLICANT SIGNATURE OF APPLICANT
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.
THE EMERY & KERRY LAW IRREV. TRUST
PRINTED NAME OF PROPERTY OWNER(S) PRINTED NAME OF PROPERTY OWNER(S)
TITANIUM GROUP Ster L Pelly
PRINTED NAME OF PROPERTY OWNER(S) SIGNATURE OF PROPERTY OWNER(S)
If the subject property is owned by persons who have not signed as owners above, 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): 749-090-037
Section: 15 Township: 7 SOUTH Range: 8 EAST
Approximate Gross Acreage: 39.09
General location (nearby or cross streets): North of, South of
66TH AVENUE, East of POLK STREET, West of

<u>APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN</u> Thomas Brothers map, edition year, page number, and coordinates: 2006 ED., 5590 G-1 Existing Zoning Classification(s): A-1-10 Existing Land Use Designation(s): INDIAN LANDS Proposal (describe the details of the proposed general plan amendment): PROPOSED TO AMEND EXISTING LAND USE FROM INDIAN LANDS TO AGRICULTURE Related cases filed in conjunction with this request: TENTATIVE PARCEL MAP NO. 36233 Has there been previous development applications (parcel maps, zone changes, plot plans, etc.) filed on the project site? Yes \(\bar{1} \) No \(\bar{7} \) Case Nos. E.A. Nos. (if known) ____ ____ E.I.R. Nos. (if applicable): _ Name of Company or District serving the area the project site is located Are facilities/services available at (if none, write "none.") the project site? **Electric Company** LLD. Gas Company THE GAS CO. Telephone Company VERIZON Water Company/District CVWD Sewer District CVWD Is water service available at the project site: Yes \(\square\) No \(\sqrt{}\) If "No," how far away are the nearest available water line(s)? (No of feet/miles) OVER 1 MILE AWAY Is sewer service available at the site? Yes \(\square\) No \(\sqrt{Z} \) If "No," how far away are the nearest available sewer line(s)? (No. of feet/miles) OVER 1 MILE AWAY Is the project site located in a Recreation and Park District or County Service Area authorized to collect fees for park and recreational services? Yes 🔽 No 🗀

Is the project site located within 8.5 miles of March Air Reserve Base? Yes ☐ No ☑

APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN Which one of the following watersheds is the project site located within (refer to Riverside County GIS for watershed location)? (Check answer): 🏻 Santa Ana Riv⊷ 🔲 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) Ly Li 1-5 Owner/Representative (2) NOTE: An 8½" x 11" legible reduction of the proposal must accompany application. II. AMENDMENTS TO THE AREA PLAN MAPS OF THE GENERAL PLAN: AREA PLAN MAP PROPOSED FOR AMENDMENT (Please name): N/A EXISTING DESIGNATION(S): PROPOSED DESIGNATION(S):