

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

4



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 18, 2013

SUBJECT: DENIAL OF PUBLIC USE PERMIT NO. 915 – Applicant: Anka Behavioral Health, Inc. - Fourth/Fourth Supervisorial District – Sky Valley Zoning District.

RECOMMENDED MOTION:

DENIAL of PUBLIC USE PERMIT NO. 915, for a 10-bedroom facility for up to 15 adults who are experiencing severe mental illness, based upon the findings and conclusions contained herein.

Departmental Concurrence

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

Initials CSL:jo

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FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2013

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*

Tina Grande

County Executive Office Signature

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: 4th/4th

Agenda Number:

3-14

BACKGROUND:

Anka Behavioral Health, Inc. submitted an application for a 10-bedroom facility for up to 15 adults who are experiencing severe mental illness. Public Use Permit No. 915 (Project) was heard and approved by the Planning Commission on November 7, 2012 (4-1 Vote). The Project was scheduled as a Receive and File item for the January 22, 2013 Board of Supervisors hearing. At that hearing, the Board pulled the Project from the agenda due to the extensive public opposition so that it could be scheduled for a future public hearing. The Project was scheduled for the February 26, 2013 Board hearing. At that hearing, the Board by a vote of 5-0, tentatively denied the Project, primarily due to public testimony regarding safety and security concerns from the residents in the vicinity of the Project.

As a result of the tentative denial, the Board of Supervisors directed staff to return with findings and conclusions for denial of the Project. The recommended findings and conclusions for denial are contained herein.

FINDINGS:

1. Public Use Permit No. 915 would, if approved, permit a ten (10) bedroom facility for adults experiencing severe mental illness, which is licensed by the California Department of Social Services and certified by the California Department of Health Care Services to operate within an existing 4,750 square foot residential building.
2. The project site is designated Rural Residential (R-R) (5 Acre Minimum) on the Western Coachella Valley Area Plan.
3. The project site is surrounded by properties which are designated Rural Residential (R-R) (5 Acre Minimum).
4. The existing and surrounding zoning for the project site is One Family Dwellings – 1¼ Acre Minimum (R-1-1¼).
5. The project site is located in a rural residential neighborhood surrounded by vacant land and single family dwellings.
6. The proposed use is permitted subject to approval of a public use permit in the R-1-1¼ zone.
7. The use set forth in Section 18.29.a.(4) of Ordinance No. 348 is the following: any hospital or other facility that is licensed by the California Department of Public Health, or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.
8. The California Department of Mental Hygiene is now incorporated into the California Department of Health Care Services.
9. The project is not located within the sphere of influence of any city. However, it is located within the boundaries of the Sky Valley Community Council.
10. The Sky Valley Community Council, an advisory body to the Board of Supervisors, opposed the proposed project because of concerns related to neighborhood resident safety, distance from hospitals and response time for emergency services.

11. The Sky Valley Homeowners Association also opposed the proposed project and provided the following testimony at the public hearing: the proposed facility is not consistent with the rural residential neighborhood; the facility will be a considerable distance from law enforcement agencies, hospitals and ambulance services; and, the facility would be in an isolated area with no infrastructure to serve the facility's population.
12. Numerous neighborhood residents also testified about concerns with the facility's inconsistency with the residential neighborhood and the neighborhood's safety, in particular, the response time for fire and law enforcement services to the neighborhood. Those not present at the public hearing made their opposition known by submitting written letters to the Board of Supervisors and the Planning Commission.
13. At the conclusion of public testimony the Board of Supervisors closed the public hearing for the proposed project.
14. In light of the above, the Board of Supervisors finds the proposed use inconsistent with the Rural Residential designation and the R-1-1 ¼ zoning classification because the lack of urban services, close proximity to residential homes and the distance between the neighborhood and emergency services may detrimentally affect the health, safety and general welfare of the community by potentially increasing crime in the community; thereby jeopardizing lives and causing damage to surrounding property.
15. Pursuant to Section 18.29.d. of Ordinance No. 348, a public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community.
16. The project is CEQA exempt per CEQA Guidelines Section 15061(b)(4) and 15270, projects which are disapproved.

CONCLUSIONS:

1. The proposed project is not in conformance with the Rural: Rural Residential (5 Acre Minimum) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is not consistent with the One Family Dwellings – 1¼ Acre Minimum (R-1-1¼) zoning classification of Ordinance No. 348.
3. The public's health, safety, and general welfare are not protected through project design.
4. The proposed project is not compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.

INFORMATIONAL ITEMS:

1. The project site is not located within:
 - a. A city sphere of influence;
 - b. A FEMA 100-year flood plain, an area drainage plan, or dam inundation area;
 - c. A high fire area;
2. The project site is located within:
 - a. The Sky Valley #104 County Service Area;
 - b. Moderate Liquefaction Area.
3. The subject site is currently designated as Assessor's Parcel Number 645-120-019