

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



504B

FROM: TLMA - Transportation Department


SUBMITTAL DATE:
May 7, 2013

SUBJECT: GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GPA NO. 1119 -
Applicant: County of Riverside – All Supervisorial Districts – Amend Circulation Element Policy C 2.1, which identifies the target levels of service within Riverside County.

RECOMMENDED MOTION: The Transportation Department recommends that the Board of Supervisors adopt an order initiating the above referenced General Plan Amendment based on the attached report.

BACKGROUND: The County's General Plan, adopted in 2003, contains policies related to Land Use, Circulation, Open Space, Safety, Noise, Housing, Air Quality and other subjects. These policies set an overall blue-print and provide guidance for how the unincorporated County area will evolve into the future. Circulation Element Policy C 2.1 refers to target Levels of Service. Level of Service (LOS) is a qualitative measure used by the transportation profession to determine the level of effectiveness of the transportation system, usually measured at peak hours. It ranges from LOS A, complete free flow operations, to LOS F which is forced and heavily congested flow. Circulation Element Policy 2.1 identifies the target LOS for County roadways as LOS C, with LOS D allowed within Community Development Areas and LOS E allowed in designated community centers to the extent that it would support transit oriented development and walkable communities.

When an Environmental Impact Report (EIR) or its equivalent has been prepared for a plan, program or project, the Board of Supervisors has traditionally balanced these LOS targets in relation to the overall benefits, impacts and costs of the future plans, programs or projects. The



Juan C. Perez
Director of Transportation and Land Management
(Continued on Next Page)

Initials:
JCP: rf

REVIEWED BY EXECUTIVE OFFICE
DATE 5/6/13 TUGJ
Tina Grande

Departmental Concurrence

Dept's Recomm.: Policy
Per Exec. Ofc.: Policy
 Consent
 Consent

3013 MAY -9 6W 11:08
COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

Prev. Agn. Ref.

District: All

Agenda Number:

15-1

The Honorable Board of Supervisors

Re: **GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GPA NO. 1119**

Page 2 of 2

object of the EIR is to fully analyze and disclose the potential impacts and benefits of a proposal, so that the decision makers can weigh each case on its merit and make an informed decision. The Board considers the proposal in the context of the numerous policies included in the General Plan and then makes an interpretive decision that is in the best interest of the County, which may include findings that the overall benefits of a project are sufficiently significant to override meeting certain individual policies in the General Plan. Unforeseen circumstances have arisen that could prevent the County's interpretive practice with respect to Circulation Element Policy C 2.1, and the proposed amendment clarifies that this policy is subject to the County's normal interpretive practices.

Therefore, the purpose of this County-initiated amendment is to amend the language of Circulation Element Policy C 2.1 to clarify that the Riverside County Board of Supervisor may exercise its discretion to interpret the Riverside County General Plan policies.

The proposal is to initiate General Plan Amendment proceedings for a County initiated General Plan Amendment (GPA) No. 1119. Pursuant to Ordinance No. 348, Article II, a proposed GPA must receive comments from the Planning Commission and then be initiated by the Board of Supervisors prior to commencement of the General Plan process. The Planning Commission made comments on the initiation of General Plan Amendment No. 1119 on January 16, 2013 which are attached hereto.

As indicated in the attached report, the proposed GPA will modify the language within the County's General Plan Circulation Element to make Policy C 2.1 include the following statement:

"Other levels of service may be allowed by the Board of Supervisors for a plan, program or project for which an Environmental Impact Report, or equivalent has been completed, based on the Board's policy decision about the balancing of congestion management consideration in relation to the benefits, impacts and costs of future plans, programs and projects."



RIVERSIDE COUNTY
PLANNING DEPARTMENT

RIVERSIDE COUNTY PLANNING COMMISSION

9:00 A.M.

JANUARY 16, 2013

**PLANNING
COMMISSIONERS
2013**

1st District
Charissa Leach

2nd District
Edward Sloman

3rd District
John Petty
Chairman

4th District
Bill Sanchez
Vice Chairman

5th District
Jan Zuppardo

Planning Director
Carolyn
Syms Luna

Legal Counsel
Michelle Clack
Deputy County
Counsel

Phone
951 955-3200

Fax
951 955-1811

AGENDA

• REGULAR MEETING • RIVERSIDE COUNTY •
RIVERSIDE COUNTY PLANNING COMMISSION
4080 LEMON STREET, 1ST FLOOR, BOARD CHAMBERS
RIVERSIDE, CALIFORNIA 92501

CALL TO ORDER - ROLL CALL
SALUTE TO THE FLAG

If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s).

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Mary C. Stark at (951) 955-7436 or E-mail at mcstark@rctlma.org. Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

OATH OF OFFICE – COMMISSIONER CHARISSA LEACH
OATH OF OFFICE – COMMISSIONER EDWARD SLOMAN

1.0 CONSENT CALENDAR

1.1 NONE

2.0 GENERAL PLAN AMENDMENT INITIATION PROCEEDINGS: 9:00 a.m. or as soon as possible thereafter. (Presentation available upon Commissioners' request).

2.1 GENERAL PLAN AMENDMENT NO. 1120 - The General Plan Amendment (GPA) proposes to modify language within the County's General Plan that requires compliance with the Multiple Species Habitat Conservation Plan (MSHCP) required and implemented under the County's General Plan. The General Plan incorporates the MSHCP by reference and therefore, Section 6 of the MSHCP requires that all discretionary projects located within a criteria cell unit must comply with the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process and other habitat conservation requirements. These requirements include the Protection of Riparian/Riverine Areas and Vernal Pools (Section 6.1.2); the requirements for the Protection of Narrow Endemic Plant Species (Section 6.1.3); the requirements for Urban/Wildlands Interface Guidelines (Section 6.1.4); and the imposition of conditions and/or mitigation measures that are necessary to ensure surveys are prepared for development projects (Section 6.3.2). The proposed amendment will affect all Area Plans in the unincorporated County of Riverside. Project Planner: Adam Rush at (951) 955-6646 or email arush@rctlma.org. (Legislative)

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

2.2 GENERAL PLAN AMENDMENT NO. 1119 proposes to amend the language of Riverside County General Plan Circulation Element Policy C 2.1 to include language clarifying that the Board of Supervisors may apply other Level of Service (LOS) requirements on a plan, program or project that has completed an Environmental Impact Report, based on the Board's policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects. The proposed amendment to General Plan Policy C 2.1 shall change the language of the policy as follows (with new text underlined, and deleted text shown as strike-out):

General Plan Policy C 2.1:

"Maintain the following Countywide target LOS:

LOS "C" along all County maintained roads and conventional state Highways, except that:

~~As an exception,~~ LOS "D" may be allowed in Community Development areas, only at intersections of any combination of Secondary Highways, Major Highways, Arterials, Urban Arterials, Expressways, conventional state highways or freeway ramp intersections.

LOS "E" may be allowed in designated community centers to the extent that it would support transit-oriented development and walkable communities. (AI 3)

Other levels of service may be allowed by the Board of Supervisors for a plan, program or project for which an Environmental Impact Report, or equivalent, has been completed, based on the Board's policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects."

The proposed amendment is a Countywide amendment. (Legislative)

Project Planner: Richard Fairhurst at (951) 955-6757 or email rfarhur@rctlma.org.

3.0 PUBLIC HEARING: 9:00 a.m. or as soon as possible thereafter:

3.1 CHANGE OF ZONE NO. 7764 - No New Environmental Documents Required — Applicant: Daniel Koby – Engineer/Representative: B3 Consulting – Third/Third Supervisorial District – Hemet-San Jacinto Zoning District – Harvest Valley/Winchester Area Plan: Community Development: Commercial Retail (CD:CR) and Community Development: High Density Residential (CD:HDR) – Location: Southerly of Highway 74, easterly of Calvert Avenue, westerly of California Avenue – 45.07 Gross Acres - Zoning: Controlled Development Areas (W-2) - REQUEST: The Change of Zone proposes to change the site's zoning classification from Controlled Development Areas (W-2) to Scenic Highway Commercial (C-P-S) and General Residential (R-3). Project Planner: HP Kang at (951) 955-1888 or email hpkang@rctlma.org. (Legislative)

4.0 WORKSHOP

5.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

6.0 DIRECTOR'S REPORT

7.0 COMMISSIONER'S COMMENTS

Agenda Item No.: 2.2
Area Plan: All
Zoning District: All
Supervisory District: All
Project Planner: Richard Fairhurst
Planning Commission: January 16, 2013

General Plan Amendment No. 1119
(Entitlement/Policy Amendment)
Applicant: Riverside County Transportation
Department
Engineer/Representative: Riverside County
Transportation Department

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1119 proposes to amend the language of Riverside County General Plan Circulation Element Policy C 2.1 to include language clarifying that the Board of Supervisors may apply other Level of Service (LOS) requirements on a plan, program or project that has completed an Environmental Impact Report, based on the Board's policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects. The proposed amendment to General Plan Policy C 2.1 shall change the language of the policy as follows (with new text underlined, and deleted text shown as strike-out):

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The proposed amendment is a Countywide amendment.

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 all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve a noticed public hearing.

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 of 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. This particular GPA application is a General Plan Entitlement/Policy Amendment GPA, under Section 2.4.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings subject to the development review process and final CEQA determination. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1119 falls into the Entitlement/Policy category, because it involves changes in a General Plan policy that does not change the Riverside County Vision, Foundation Component, or a General Plan Principal.

The Administration Element of the General Plan explains that the first two findings and any one or more of the subsequent findings listed below would justify an entitlement/policy amendment:

- a. The proposed change does not involve a change in or conflict with:
 - (1) The Riverside County Vision;
 - (2) Any General Plan Principle; or,
 - (3) Any Foundation Component designation in the General Plan.
- b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.
- c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.
- d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
- e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
- f. 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 jobs-to-workers in the County.

- g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

Consideration Analysis:

First Required Finding: The first required finding explains that the proposed Amendment must not involve a change in or conflict with the Riverside County Vision; any General Plan Principle; or any Foundation Component designation in the General Plan.

A. The proposed change does not conflict with:

(1) The Riverside County Vision.

The objectives of the Riverside County Vision contained in Chapter 2 of the General Plan, especially those that are related to Transportation, will not be changed by the proposed amendment and will continue to be considered under the amended policy.

(2) Any General Plan Principle.

The General Plan Principles identified in Appendix B of the General Plan will not be changed by the proposed amendment and will continue to be considered under the amended policy.

(3) Any Foundation Component designation in the General Plan.

The proposed policy will not change any Foundation Component designation in the General Plan and it does not conflict with any Foundation Component designation.

Second Required Finding: The second required finding explains that the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.

This General Plan Amendment does not authorize or approve any project or activity that would result in a physical change to the environment. Additionally, the County has in the past balanced its general plan policies, and in adopting this amendment is clarifying and restoring the County's existing General Plan interpretative practice and is not implementing any change in County practice that would result in any adverse effects on the purposes of the General Plan. Therefore, the proposed General Plan Amendment will not be detrimental to the achievement of the purposes of the General Plan.

Third Required Finding: In addition to the two above findings, the General Plan indicates that an additional finding, from a list of five, must also be made.

The appropriate additional finding for the proposed amendment is:

- c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.

This amendment is intended to clarify the intent of Policy C 2.1 so that it reflects the Riverside County Board of Supervisors' discretion to interpret the Riverside County General Plan policies in accordance with CEQA. Unanticipated circumstances have arisen that could prevent the

County's interpretive practice with respect to this policy, and the proposed amendment clarifies that this policy is subject to the County's normal interpretive practices.

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and requests that the Planning Commission provide comments to the Board of Supervisors regarding General Plan Amendment No. 1119. 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 letters, in support or opposition have been received.
2. The project site is a Countywide policy amendment to Policy C 2.1 of the Circulation Element of the General Plan.

FK:rf
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Date Prepared: 12/11/12
Date Revised: 1/7/13



**PLANNING COMMISSION
MINUTE ORDER
DATE: JANUARY 16, 2013**

I. AGENDA ITEM 2.2

GENERAL PLAN AMENDMENT NO. 1119 proposes to amend the language of Riverside County General Plan Circulation Element Policy C 2.1 to include language clarifying that the Board of Supervisors may apply other Level of Service (LOS) requirements on a plan, program or project that has completed an Environmental Impact Report, based on the Board's policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects. The proposed amendment to General Plan Policy C 2.1 shall change the language of the policy as follows (with new text underlined, and deleted text shown as strike-out):

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The proposed amendment is a Countywide amendment. (Legislative)

II. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner: Project Planner: Richard Fairhurst at (951) 955-6757 or email rfarhur@rctlma.org.

The following spoke in favor of the project:

- Larry Markham, MDMG 41635 Enterprise Cir. N, Ste. B, Temecula CA (909) 322-8482

The following spoke in opposition of the project:

- Michael Fitts

III. CONTROVERSIAL ISSUES:

No

IV. PLANNING COMMISSION ACTION:

COMMISSIONER COMMENTS:

Commissioner Petty thanked Transportation for the summary of Level of Service targets of other jurisdictions, and cited several examples of Cities that used LOS D or E as their minimum LOS within the County. He noted there was tremendous precedent for allowing Levels of Service less than Level of Service C. He also stated that this policy was a case where one size does not fit all and that there has to be flexibility given that there are so many different types of land use plans and development that the General Plan needs the flexibility of this policy. He also commented that the proposed amendment would not require any particular Level of Service. Commissioner Petty supported the initiation request by giving it a "Green Light" to proceed and noted that if it was initiated by the Board of Supervisors that it would return for a full hearing before the Commission at a later date.

No other Commissioners made comments on the proposed amendment.

CD: The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.