

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

806B



REVIEWED BY EXECUTIVE OFFICE

DATE 6/6/13 mg
Tina Grande

Departmental Concurrence

FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 15, 2013

SUBJECT: SPECIFIC PLAN NO. 375, SUBSTANTIAL CONFORMANCE NO. 1- No Further Environmental Document Required- Applicant: Black Emerald LLC- Fourth/Fourth Supervisorial District- Location: Easterly and westerly of Highway 86 South, northerly of the Imperial County line, and southerly of 81st Avenue- **REQUEST:** The project proposes to make the following minor alterations to the Specific Plan - A. Slightly revise Exhibit 3-30 the Specific Plan to reflect an increased fence height along the western and southern edge of the project as well as a slight change in the alignment of the fence line. B. Modify 30.Planning.160 and 161 to require a higher fenceline.

RECOMMENDED MOTION:

RECEIVE AND FILE The Notice of Decision for the above referenced case acted on by the Director on April 22, 2013.

The Planning Department recommended approval; and,
THE PLANNING COMMISSION:

APPROVED SPECIFIC PLAN NO. 375, SUBSTANTIAL CONFORMANCE NO. 1, based on the findings and conclusions incorporated in the staff report.

Carolyn Syms Luna
Carolyn Syms Luna
Planning Director

Initials: MS

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

Prev. Agn. Ref.

District: Fourth

Agenda Number:

1-2

5813 704 10 6W 1: 52

APPROVED IN ORIGINALS
RECEIVED RIVERSIDE COUNTY



RIVERSIDE COUNTY
PLANNING DEPARTMENT

PLANNING COMMISSION HEARING REPORT OF ACTIONS MAY 15, 2013

1.0 CONSENT CALENDAR 1.1

Planning Commission Action:
**BY A VOTE OF 4-0
(COMMISSIONER
ZUPPARDO ABSENT)
APPROVED SPECIFIC PLAN
SUBSTANTIAL
CONFORMANCE**

**SPECIFIC PLAN NO. 375
SUBSTANTIAL
CONFORMANCE NO. 1-** No
Further Environmental
Document Required -
Applicant: Black Emerald LLC -
Fourth/Fourth Supervisorial
District - Location: Easterly and
westerly of Highway 86 south
northerly of the Imperial County
line and southerly of 81st
Avenue - **REQUEST:** The
project proposes to make the
following minor alterations to
the Specific Plan – A) slightly
revise Exhibit 3-30 the Specific
Plan to reflect an increased
height along the western and
southern edge of the project as
well as a slight change in the
alignment of the fence line. B)
Modify 30.Planning.160 and
161 to require a higher
fenceline. Project Planner: Matt
Straite at (951) 955-8631 or
email mstraite@rctlma.org.
(Legislative)

Agenda Item No.: 7:19
Area Plan: Eastern Coachella Valley
Zoning District: Lower Coachella Valley
Supervisory District: Fourth/Fourth
Project Planner: Matt Straite
Planning Commission: May 15, 2013

SPECIFIC PLAN NO. 375, SUBSTANTIAL
CONFORMANCE NO. 1
Applicant: Black Emerald LLC
Engineer/Rep.: Innovative Land Concepts

COUNTY OF RIVERSIDE PLANNING DIRECTORS REPORT

PROJECT DESCRIPTION AND LOCATION:

Specific Plan No. 375 Substantial Conformance No. 1 proposes to:

- A. Slightly revise Exhibit 3-30 the Specific Plan to reflect an increased fence height along the western and southern edge of the project as well as a slight change in the alignment of the fence line.
- B. Revise two of the conditions of approval as follows (shown in ~~redline-strikeout~~):

30. PLANNING.160

SP - TEMP PERIM FENCING

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

PRIOR TO THE ISSUANCE OF A GRADING PERMIT temporary construction fencing (chain link) shall be installed along the project's entire western perimeter as shown in exhibit 3-30 of the SPECIFIC PLAN. If said fencing has already been installed and is in place, this condition shall be set to not apply.

*This Condition was added as a result of discussions at the December 13, 2011 Board Hearing and revised through SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO. 1.

30. PLANNING.161

SP - PERMANENT PERIM FENCING

Prior to the approval of any implementing project within the SPECIFIC PLAN (I.E.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT the temporary fencing required in Condition of Approval 30.PLANNING.160 for the area that borders the entire planning area where this development is being proposed (regardless of the proximity of the proposed development to the actual edge of the SPECIFIC PLAN), shall be replaced with permanent fencing that shall consist of tube steel, wrought iron, block wall, or similar permanent fencing as shown in exhibit 3-30 of the SPECIFIC PLAN. Said Permanent Perimeter fencing shall be a minimum of 7 feet tall. If said fencing has already been installed and is in place, this condition shall be set to not apply. To be clear, it is the responsibility of the first proposed development (commercial or residential) within the Planning Area to construct all fencing for the entire Planning Area as it relates to the western edge of the SPECIFIC PLAN. Permanent Perimeter Fencing will be constructed based on the following triggers:

10.11

SPECIFIC PLAN NO. 375, SUBSTANTIAL CONFORMANCE NO. 1

Planning Commission Staff Report: May 15, 2013

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- a. Prior to the issuance of any building permit, in any portion of Planning Areas 2-1 through 2-16, the Permanent Fence shall be placed along the western and northern borders of the project, up to and including that portion of the project along 84th Avenue to Buchanan Street. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.
- b. Prior to the issuance of any building permit in District 2 Planning Areas 2-17 through 2-20, or any portion of Planning Areas 4-1 and 4-2, the Permanent Fence shall be placed along the western and southern portions of those Planning Areas, from the intersection of 84th Avenue and Buchanan Street to the southeast corner of Planning Area 2-18. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.
- c. Prior to the issuance of any building permit in any portion of Planning Areas 4-3 and 4-4, or any portion of Planning Areas 5-1 through 5-8, the Permanent Fence shall be placed along the western, northern and southern portions of those Planning Areas. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.
- d. Prior to the issuance of any building permit in any portion of Planning Areas 5-12 or 5-13, the last section of the Permanent Fence protecting Travertine Rock (eastern portion abutting Planning Area 5-14) shall be constructed. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.
- e. Prior to the issuance of the 4,500 residential dwelling unit building permit on the west side of SR 86S, notwithstanding the triggers in 30. PLANNING.161 (a through d above) all portions of the Permanent Fence shall be installed.

With respect to the fencing along the edge of Planning Area 1-17, permanent fencing that shall consist of tube steel, wrought iron, block wall, or similar permanent fencing as shown in exhibit 3-30 of the SPECIFIC PLAN shall be installed prior to the operation of any portion of the site that would constitute any use other than the current (as of 2012) waste management use of the site.

*This Condition was added as a result of discussions at the December 13, 2011 Board Hearing and revised through SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO.1.

BACKGROUND:

The Specific Plan was adopted on February 7, 2012.

The ordinance does not require a hearing on the item, unless the Planning Commission directs staff to do so. The Director is required to make a recommendation to the Commission and then forward the recommendation to the Planning Commission for decision. The decision is required to go to the Board for receive and file.

No further CEQA documents are required because the changes proposed are not impacting mitigation in any way, and will therefore have no alterations or impacts to the existing EIR. The proposed change is therefore consistent with the CEQA provisions in Section 15061 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

PROJECT DATA:

1. Existing General Plan Land Use (Ex. #5): Various designations as reflected on the Specific Plan land Use Plan.
2. Existing Zoning (Ex. #2): Specific Plan (SP)
3. Surrounding Zoning (Ex. #2): Heavy Agriculture with a 10 and 20 acre minimum (A-2-10 and A-2-20) to the north, east and west, Controlled Development (W-2) to the north, east and west, and Watercourse, Watershed & Conservation Areas (W-1) to the northeast. Imperial County to the south.
4. Existing Land Use (Ex. #1): Agriculture and Single Family
5. Surrounding Land Use (Ex. #1): Agriculture and Single Family to the north, south, east and west
6. Project Data: Total Acreage proposed in Riverside County: 3,938
Units proposed: 16,655

THE PLANNING DIRECTOR RECOMMENDATIONS:

APPROVAL of **SPECIFIC PLAN NO. 375, SUBSTANTIAL CONFORMANCE NO. 1**, based on the findings and conclusions incorporated in the staff report; and,

FINDINGS:

1. The project site is designated with various Land Use Designations as reflected on the Specific Plan Land Use Plan in the Eastern Coachella Valley Area Plan. Upon adoption of the General Plan Amendment the project will be consistent with the Land Uses as proposed on the Specific Plan Land Use Plan.
2. The project site is surrounded by properties which are designated Agriculture: Agriculture (AG), Community Development: Commercial Tourist (CD:CT), Open Space – Water (OS-W), Commercial Retail (CR), Indian Land (IND), and Medium Density Residential (MDR) in the Eastern Coachella Valley Area Plan Area plan. The County of Imperial is located to the south.
3. The current land uses on surrounding parcels include vacant land in the County of Imperial to the south, the Salton Sea to the east, vacant land and farming to the west, and some single family residential and farming to the north.
4. The zoning for the subject site is Specific Plan (SP).
5. Section 2.11 of Ordinance No. 348 explains that a substantial conformance to a Specific Plan is a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. The proposed revision is consistent with these provisions because the changes to the fencing are not substantial and will not alter the resolution or the design of the project in any way. The resolution lists mitigation, these changes are not considered substantial changes to mitigation.

SPECIFIC PLAN NO. 375, SUBSTANTIAL CONFORMANCE NO. 1

Planning Commission Staff Report: May 15, 2013

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6. The proposed uses are consistent with the development standards set forth in the Specific Plan and the Specific Plan zoning ordinance.
7. The project site is surrounded by properties which are zoned Heavy Agriculture with a 10 and 20 acre minimum (A-2-10 and A-2-20) to the north, east and west, Controlled Development (W-2) to the north, east and west, and Watercourse, Watershed & Conservation Areas (W-1) to the northeast. Imperial County to the south.
8. Agricultural, limited residential, and limited commercial uses have been constructed and are operating in the project vicinity.
9. This project is not located within the Coachella Valley Multi-Species Habitat Conservation Plan, this project will not hinder the requirements of the plan.
10. Environmental Impact Report (EIR) No. 514 was prepared and circulated as required by the California Environmental Quality Act (CEQA). The proposed project is consistent with, and will not alter or impact, the EIR. No further CEQA documents are required because the changes proposed are not impacting mitigation in any way, and will therefore have no alterations or impacts to the existing EIR. The proposed change is therefore consistent with the CEQA provisions in Section 15061 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONCLUSIONS:

1. The proposed project is in conformance with the Land Use Designations as illustrated in the Specific Plan Land Use Plan, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Specific Plan (SP) zoning classification of Ordinance No. 348.
3. The proposed project is consistent with all other applicable provisions of Ordinance No. 348.
4. The proposed project does not require any additional CEQA review pursuant to CEQA section 15061.
5. The public's health, safety, and general welfare are protected through project design.
6. The proposed project is compatible with the present and future logical development of the area.
7. The proposed project will not preclude reserve design for the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP).

INFORMATIONAL ITEMS:

1. As of this writing no letters have been received for the project.
2. The Project site is not located within:

SPECIFIC PLAN NO. 375, SUBSTANTIAL CONFORMANCE NO. 1

Planning Commission Staff Report: May 15, 2013

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- a. A City of sphere of influence;
- b. The Stephens Kangaroo Rat Fee Area or Core Reserve Area;
- c. Fringe Toed Lizard sand source area;
- d. A high fire area;
- e. An Area drainage plan area; or,
- f. A dam inundation area.

3. The Project site is located within (or contains):
- a. Agriculture Preserve- Coachella Valley No. 27, 31, and 97;
 - b. CSA #125 – Thermal-Street Lighting;
 - c. The Coachella Valley Recreation and Parks District;
 - d. The boundaries of the Coachella Valley Unified School District; and,
 - e. A low, moderate and high liquefaction area.

The subject site is currently designated as Assessor's Parcel Numbers: 737090002, 737110001, 737110004, 737110006, 737110009, 737120005-9, 737140002, 737140003, 737140009, 737140010, 737170003, 737170004, 737170006-8, 737170010-15, 737180001, 737180002, 737180004, 737180007, 737180009-14, 737190001-7, 737190009-13, 737200002, 737200003, 737200004, 737200006-10, 737200016-20, 737200023, 737200024, 737200026-32, 737210001, 737210007-13, 737220001-7, 737220009, 737220010, 737230006, 737230013-15, 737240002, 737240003, 737240004, 737250002, 737260003, 737260005, 737260007-17, 737270001, 737270003, 737270005-11, 737280001-8, 737290001, 737290004, 737290005, 737290006, 737290011, 737290012, 737290014-19, 755270015, 755270016, 755270021, 755270022, 755270023, 755270024, 755300016, 755300017, 755300022-26, 755310012, 755310013, 755310015, 755310028-32, 755310035, 755310037, 755310038, 755310040, 755310042-45

MS

Y:\Planning Case Files-Riverside office\SP00375S1\DH-PC-BOS Hearings\DH-PC\Staff Report for SP375S1 4-9-13.doc

Date Prepared: 5/11/11

Date Revised: 4/9/13

RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA00910 CZ07623 SP00375 EIR514
VICINITY/POLICY AREAS

Supervisor Benoit
 District 4

Date Drawn: 8/15/11
 Vicinity Map



Zoning District: Lower Coachella Valley
 Township/Range: T8SR8E & T8SR9E
 Section: 19, 20, 25, 28, 29, 31, 32, 33, & 34
 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 (951) 955-3200 (Western County), or in Indio at (760) 893-8277 (Eastern County) or website at <http://www.dmr.com/riverside/plan/index.html>.

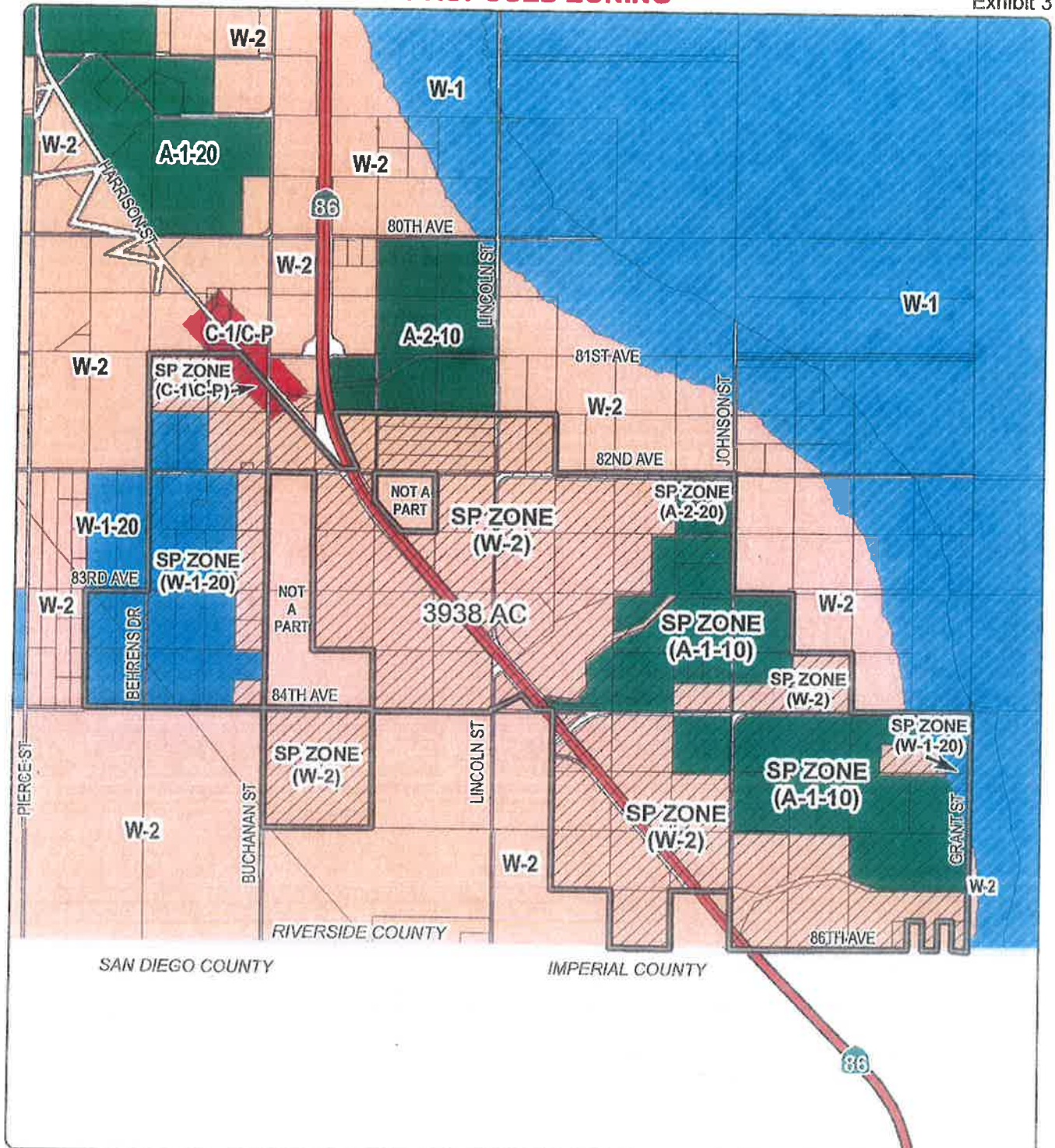
Assessors Bk. Pg. 737-09 > 29, 755-27 > 31
 Thomas Bros. Pg. 683 E5
 Edition 2009



RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA00910 CZ07623 SP00375 EIR514
PROPOSED ZONING

Supervisor Benoit
 District 4

Date Drawn: 8/15/11
 Exhibit 3

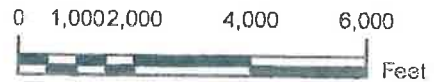


Zoning District: Lower Coachella Valley
 Township/Range: T8SR8E & T8SR9E
 Section: 19, 20, 25, 28, 29, 31, 32, 33, & 34

Assessors Bk. Pg. 737-09 > 29, 755-27 > 31
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 Edition 2009



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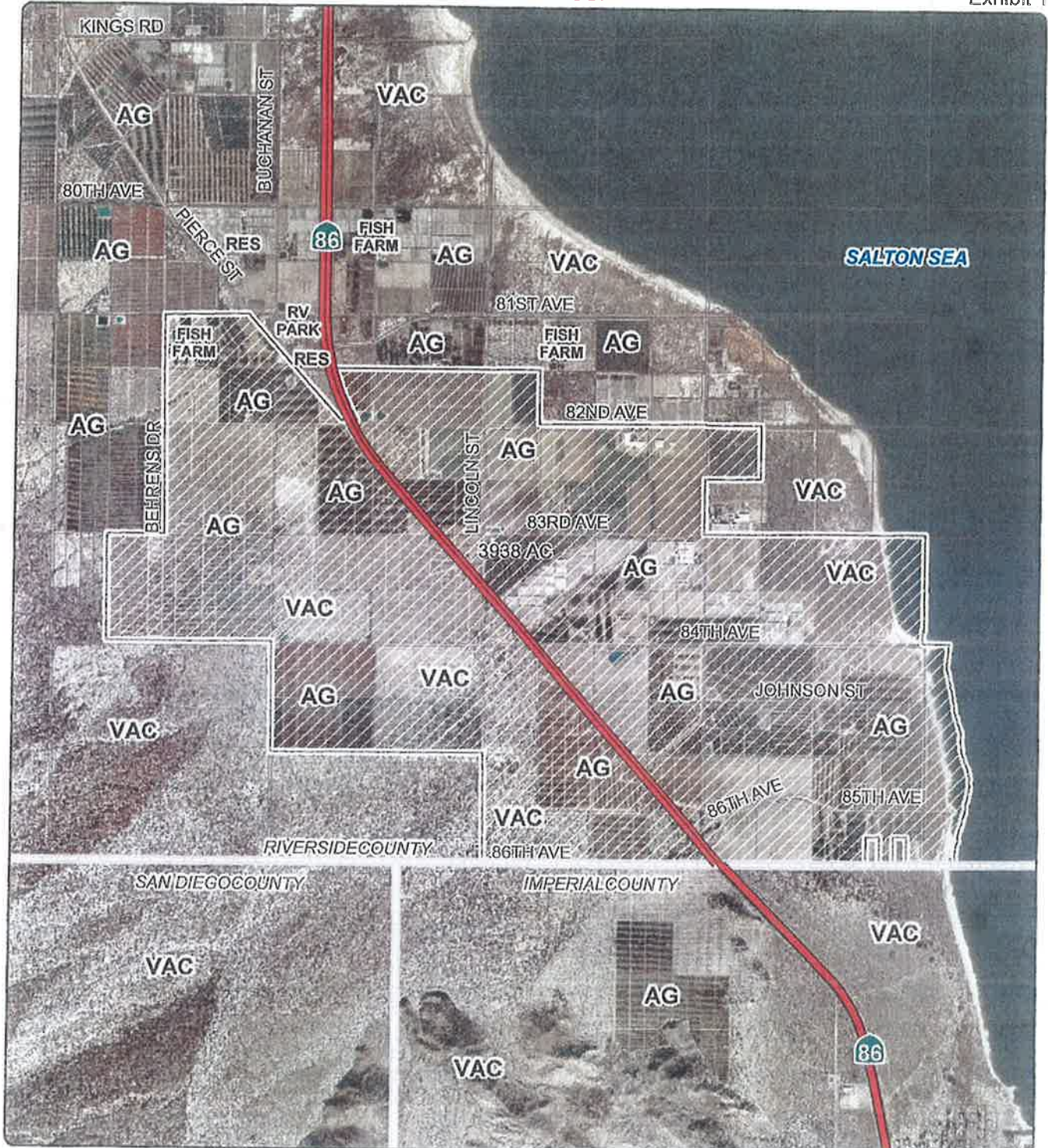


RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA00910 CZ07623 SP00375 EIR514

Supervisor Benoit
 District 4

LAND USE

Date Drawn: 8/15/11
 Exhibit 1

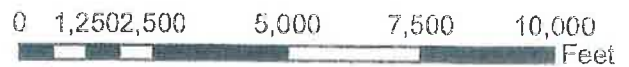


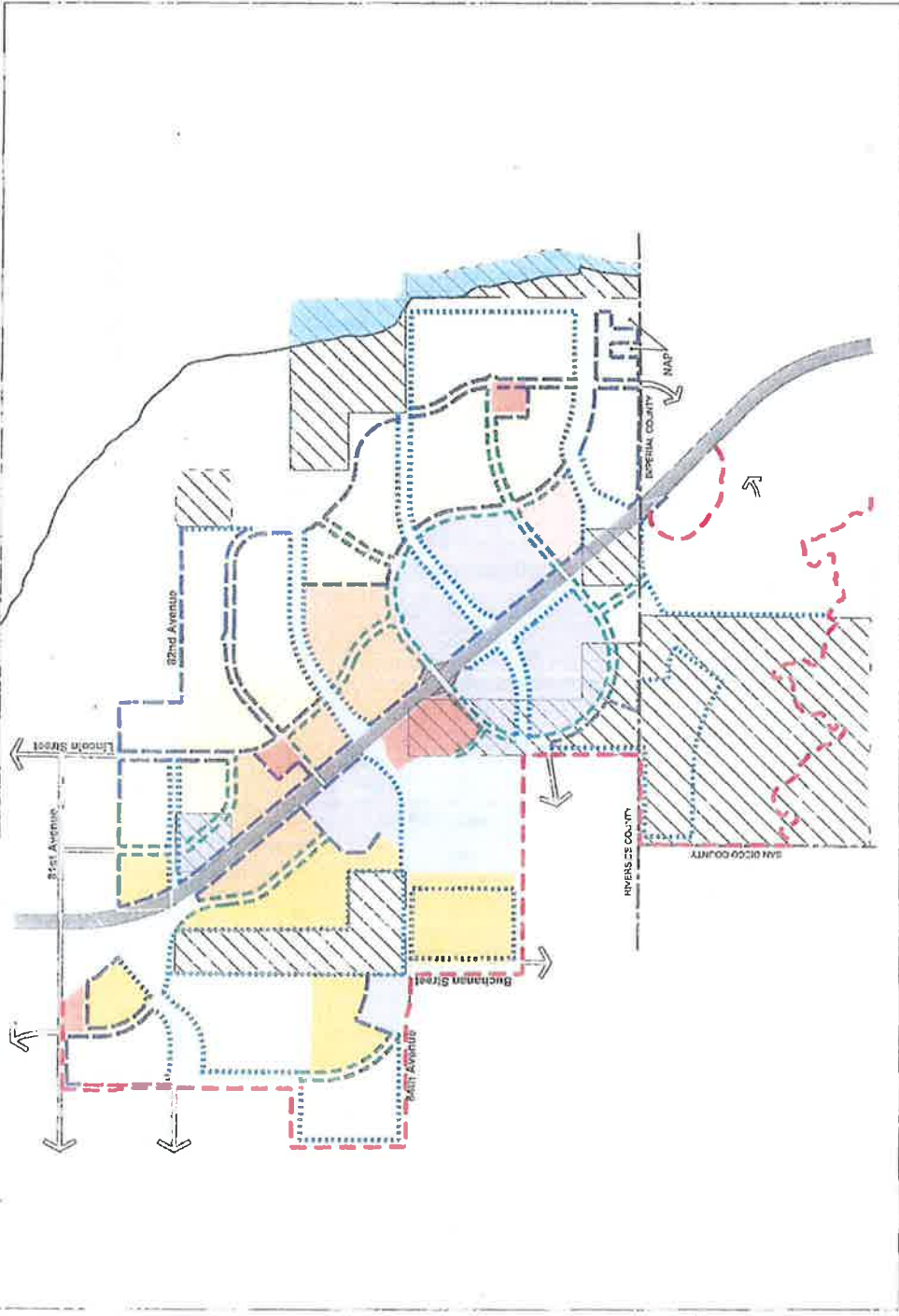
Zoning District: Lower Coachella Valley
 Township/Range: T8SR8E & T8SR9E
 Section: 19, 20, 25, 28, 29, 31, 32, 33, & 34

Assessors Bk. Pg. 737-09 > 29, 755-27 > 31
 Thomas Bros. Pg. 683 E5
 Edition 2009







DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan. This map 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) 955-3200 (Western County), or in Indio at (760) 653-6277 (Eastern County) or website at <http://www.riverside.ca.gov/landuse.html>





LEGEND

-  6' Masonry Wall
-  Low Stone Wall (42" Max. Ht.)
-  View Fence
(wrought iron, tubular steel/aluminum, glass, or plexi-glass; low masonry base - optional)
-  7' Required Restrictive Fence

NOTE:
 This plan is conceptual in nature and is not intended to require any wall or fence in the locations shown, except for the required restrictive fence. The purpose of the plan is to suggest the most appropriate type of wall or fence should the developer/builder propose the same. Adjustments for wall heights and fencing materials are permissible. Conditions that may arise at future development stages may require a variation from this plan without a Specific Plan amendment.

SP375 Exhibit 3-30
**Wall and Fence
 Concept Plan**

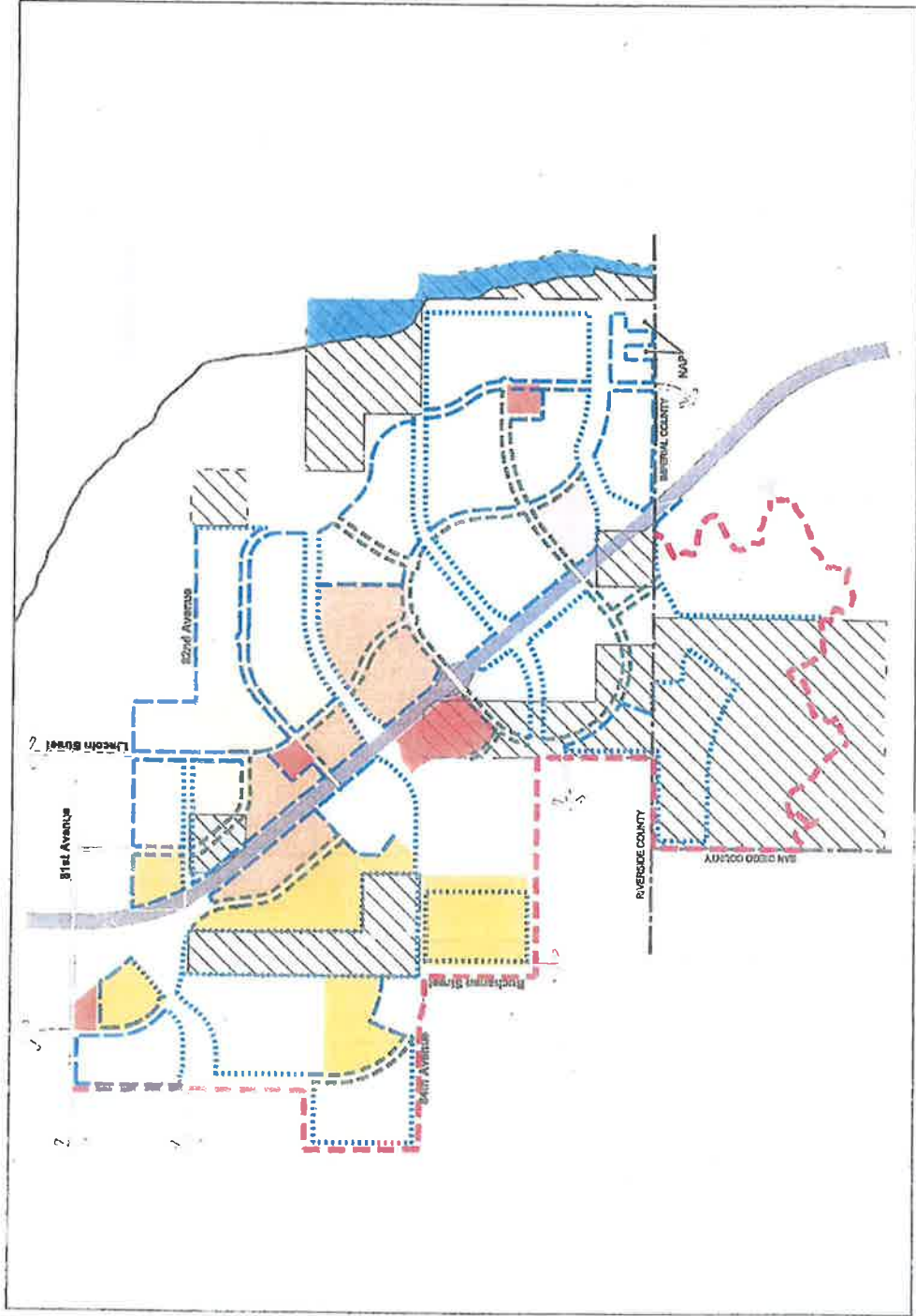
Travertine Point Specific Plan

Black Emerald, LLC



March 2015

Modified Exhibit



LEGEND

- 6' Masonry Wall
- Low Stone Wall (42" Max. Ht.)
- View Fence
(wrought iron, tubular steel/aluminum, glass, or plexi-glass; low masonry base - optional)
- 6' Restrictive Fence

NOTE:
 This plan is conceptual in nature and is not intended to require any wall or fence in the locations shown, except for the required restrictive fence. The purpose of the plan is to suggest the most appropriate type of wall or fence should the developer/builder propose the same. Adjustments for wall heights and fencing materials are permissible. Conditions that may arise at future development stages may require a variation from this plan without a Specific Plan amendment.

Travertine Point Specific Plan

Black Emerald, LLC

**SP375 Exhibit 3-30
 Wall and Fence
 Concept Plan**



Original Exhibit

3ST CONFORMANCE - SP Case #: SP00375S1

Parcel: 737-190-003

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 SPSC - SPSC DESCRIPTION

RECOMMND

This SPECIFIC PLAN SUBSTANTIAL CONFORMANCE proposes to make the following minor alterations to the SPECIFIC PLAN:

A. slightly revise Exhibit 3-30 the Specific Plan to reflect an increased height along the western and southern edge of the project as well as a slight change in the alignment of the fence line.

B. Modify 30.Planning.160 and 161 to require a higher fenceline.

10. EVERY. 2 SPSC - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the SPECIFIC PLAN SUBSTANTIAL CONFORMANCE; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the SPECIFIC PLAN SUBSTANTIAL CONFORMANCE, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is

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16:20

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 2

ST CONFORMANCE - SP Case #: SP00375S1

Parcel: 737-190-003

10. GENERAL CONDITIONS

10. EVERY. 2 SPSC - HOLD HARMLESS (cont.)

RECOMMND

ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 SPSC - DEFINITIONS

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Specific Plan No. 375 Substantial Conformance No. 1 shall be henceforth defined as follows:

SPECIFIC PLAN = Specific Plan No. 375.

SPECIFIC PLAN SUBSTANTIAL CONFORMANCE = Substantial Conformance No. 1 to Specific Plan No. 375.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 SPSC - SC DOCUMENT TO BE PREPA

RECOMMND

Within ninety (90) days of the approval of the SPECIFIC PLAN SUBSTANTIAL CONFORMANCE, the applicant shall provide to the Planning Department fifteen (15) copies of the final SPECIFIC PLAN SUBSTANTIAL CONFORMANCE document. The document shall illustrate the differences between the current proposal and the SPECIFIC PLAN. The final documents shall replace the approved SPECIFIC PLAN.

20.PLANNING. 4 SPSC- CONDITION MODIFIED

RECOMMND

Within thirty (30) days after the approval of the SUBSTANTIAL CONFORMANCE, the Planning Department shall delete conditions 30.PLANNING.160 and 30.PLANNING.161 of the SPECIFIC PLAN and replace it with the following:

30. PLANNING.160 SP - TEMP PERIM FENCING

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: .tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

PRIOR TO THE ISSUANCE OF A GRADING PERMIT temporary construction fencing (chain link) shall be installed along

04/09/13
16:20

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 3

3ST CONFORMANCE - SP Case #: SP00375S1

Parcel: 737-190-003

20. PRIOR TO A CERTAIN DATE

20.PLANNING. 4

SRSC- CONDITION MODIFIED (cont.)

RECOMMND

the projects entire western perimeter as shown in exhibit 3-30 of the SPECIFIC PLAN. If said fencing has already been installed and is in place, this condition shall be set to not apply.

*This Condition was added as a result of discussions at the December 13, 2011 Board Hearing and revised through SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO.1.

30. PLANNING.161 SP - PERMANENT PERIM FENCING

Prior to the approval of any implementing project within the SPECIFIC PLAN (I.E.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT the temporary fencing required in Condition of Approval 30.PLANNING.160 for the area that borders the entire planning area where this development is being proposed (regardless of the proximity of the proposed development to the actual edge of the SPECIFIC PLAN), shall be replaced with permanent fencing that shall consist of tube steel, wrought iron, block wall, or similar permanent fencing as shown in exhibit 3-30 of the SPECIFIC PLAN. Said Permanent Perimeter fencing shall be a minimum of 7 feet tall. If said fencing has already been installed and is in place, this condition shall be set to not apply. To be clear, it is the responsibility of the first proposed development (commercial or residential) within the Planning Area to construct all fencing for the entire Planning Area as it relates to the western edge of the SPECIFIC PLAN. Permanent Perimeter Fencing will be constructed based on the following triggers:

a.Prior to the issuance of any building permit, in any portion of , Planning Area's 2-1 through 2-16, the Permanent Fence shall be placed along the western and northern borders of the project, up to and including that portion of the project along 84th Avenue to Buchanan Street. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.

b.Prior to the issuance of any building permit in District 2 Planning Areas 2-17 through 2-20, or any portion of

ST CONFORMANCE - SP Case #: SP00375S1

Parcel: 737-190-003

20. PRIOR TO A CERTAIN DATE

20.PLANNING. 4

SPSC- CONDITION MODIFIED (cont.) (cont.)

RECOMMND

Planning Areas 4-1 and 4-2, the Permanent Fence shall be placed along the western and southern portions of those Planning Areas, from the intersection of 84th Avenue and Buchanan Street to the southeast corner of Planning Area 2-18. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.

c.Prior to the issuance of any building permit in any portion of Planning Areas 4-3 and 4-4, or any portion of Planning Areas 5-1 through 5-8, the Permanent Fence shall be placed along the western, northern and southern portions of those Planning Areas. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.

d.Prior to the issuance of any building permit in any portion of Planning Areas 5-12 or 5-13, the last section of the Permanent Fence protecting Travertine Rock (eastern portion abutting Planning Area 5-14) shall be constructed. This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure, and not a grading permit.

e.Prior to the issuance of the 4,500 residential dwelling unit building permit on the west side of SR 86S, notwithstanding the triggers in 30. PLANNING.161 a through d above, all portions of the Permanent Fence shall be installed.

With respect to the fencing along the edge of Planning Area 1-17, permanent fencing that shall consist of tube steel, wrought iron, block wall, or similar permanent fencing as shown in exhibit 3-30 of the SPECIFIC PLAN shall be installed prior to the operation of any portion of the site that would constitute any use other than the current (as of 2012) waste management use of the site.

*This Condition was added as a result of discussions at the December 13, 2011 Board Hearing and revised through SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO.1.



**PLANNING COMMISSION
MINUTE ORDER
MAY 15, 2013**

I. AGENDA ITEM: 1.1

SPECIFIC PLAN NO. 375- SUBSTANTIAL CONFORMANCE NO. 1- No Further Environmental Document Required - Applicant: Black Emerald LLC - Fourth/Fourth Supervisorial District - Location: Easterly and westerly of Highway 86 south northerly of the Imperial County line and southerly of 81st Avenue.

II. PROJECT DESCRIPTION:

REQUEST: The project proposes to make the following minor alterations to the Specific Plan – A) slightly revise Exhibit 3-30 the Specific Plan to reflect an increased height along the western and southern edge of the project as well as a slight change in the alignment of the fence line. B) Modify 30.Planning.160 and 161 to require a higher fence line.

III. MEETING SUMMARY:

Project Planner: Matt Straite at (951) 955-8631 or email mstraite@rctlma.org.

IV. PLANNING COMMISSION ACTION:

Motion by Commissioner Sanchez, 2nd by Chairman Petty
A vote of 4-0 (Commissioner Zuppardo absent)

APPROVED

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.



Carolyn Syms Luna
Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

Memorandum

DATE: May 15, 2013
TO: Planning Commission
FROM: Matt Straite
RE: **Agenda Item 1.1- Additional Findings, an Additional Condition of Approval, and Revisions to Conditions of Approval and Exhibits**

This Memo contains the following sections:

- **Section 1:** Additional findings for the Specific Plan Substantial Conformance
- **Section 2:** An additional Condition of Approval (not included in the staff report) to provide an effective date for this Substantial Conformance. This does not create any new mitigation.
- **Section 3:** Minor Revisions to the Conditions of Approval and Exhibits included in the staff report

Section 1: The following additional findings are intended to add to the findings found in the Staff Report and are hereby included in the record:

11. Pursuant to Ordinance No. 348 section 2.11.b.4(a), the project as modified by this substantial conformance:

- Meets the *intent* of the Specific Plan because the substantial conformance only proposes to increase the fence height, timing of construction and location on part of the property; the intent of the fencing shown in the Specific Plan was to limit access from the site to neighboring property. The modifications to the fence design and location only enhance ability for the fence to limit access offsite, and is therefore consistent with the intent of the Specific Plan. More globally, the intent of the Specific Plan is to provide homes, parks, business uses, trails and other urban uses. Such a small fence design alteration does not alter the location of proposed streets, homes, parks, trails, or other project features. Lastly, the proposed design modification does not propose ANY changes to mitigation measures as a result of this substantial conformance.
- Meets and *adopted purpose* of the Specific Plan because the substantial conformance only proposes small design modifications to the fence height, timing of construction and location which do not result in a change to the purpose of the Specific Plan which is to provide homes, parks, business uses, trails and other urban uses. More specifically, the slight alterations to the design and location of the fence do not change or displace any of the other uses proposed in the Specific Plan.

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12. Pursuant to Ordinance No. 348 section 2.11.b.4(b), the project as modified by this substantial conformance is consistent with the findings and conclusions contained in Resolution No. 2012-40, certifying the Environmental Impact Report and adopting the Specific Plan, and Resolution No. 2012-36 adopting the General Plan Amendment, because the substantial conformance only proposes to modify the design, the timing of construction and the location of the fencing that borders the project. The alterations are minimal and will not displace any of the uses identified in the Specific Plan, will not alter any mitigation needed for the Specific Plan, and will strengthen the intent of the fence itself, which is to limit access from the site to neighboring properties. For these reasons, the substantial conformance is highly consistent with the findings and conclusions of the project Resolutions.

Section 2: An additional condition of approval:

10.PLANNING.XX SPSC EFFECTIVE DATE

Specific Plan No. 375, Substantial Conformance No. 1, revisions to 30. PLANNING. 160, 30. PLANNING. 161 and the changes proposed to the SPECIFIC PLAN including revisions to Exhibit 3-30 and the addition of Exhibit 3-30.1 shall not become effective until ten (10) business days after the occurrence of the County's written receipt of 1) that certain Settlement Agreement duly executed by and with Sierra Club; and 2) proof of dismissal with prejudice by the Sierra Club and Center for Biological Diversity of Superior Court Case No. INC1201574.

Section 3: The applicant requested the first set of condition modifications that were included in the staff report. Staff made some minor modifications to them in order to make them work within the system. After the staff report was printed, the applicant provided an updated set of conditions. The set below are intended to supersede those shown in the staff report. Again, staff reviewed the condition modifications proposed by the applicant and only made minor modifications again, to make them work within the County computer system. As a point of clarification, the Substantial Conformance is proposing to add an additional exhibit to the revised Specific Plan Wall and Fence Plan, Exhibit 3-30, in order to clarify the fencing outlined in the conditions below. Planning has elected to name the new exhibit 3-30.1, which is reflected in the revisions below and attached to this memo for the Commission's review.

Below are the final edits that will be made to the Specific Plan Conditions of approval if approved. The changes are shown in redline strikeout from the *original* Specific Plan conditions, not from the Staff Report version. Please disregard the conditions shown in the staff report.

30. PLANNING. 160 SP – TEMP PERIM FENCING

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

PRIOR TO THE ISSUANCE OF A GRADING PERMIT, temporary construction fencing (six-foot high chain link) (Temporary Fence) shall be installed, at the same location as the Permanent Fence, along the projects entire western perimeter, including along the Project's northern border through Planning Area 2-2 as shown in exhibits 3-30 and 3-30.1 of the SPECIFIC PLAN. The Temporary Fence need not be extended along the northern border of

SPECIFIC PLAN site if adjacent properties to the north of Planning Area 2-1 or 2-2, as applicable, have already been developed with residential, commercial or industrial development that is partly occupied at the time Applicant is required to install the Temporary Fence. Minor reasonable adjustments may be made to the temporary fencing location to accommodate topographical and other physical constraints. If said fencing has already been installed and is in place, this condition shall be set to not apply.

The applicant shall install a minimum eight-foot wide graded private access road (Access Road) along the entire length of the Temporary and Permanent Fence as such fencing is to be installed pursuant to the triggers set forth in 30.PLANNING. 161, as shown in exhibits 3-30 and 3-30.1 of the SPECIFIC PLAN, on the inside of the Temporary or Permanent Fence, to facilitate access for inspection by the third party monitoring activities for potential damage to fences and fence repairs by Applicant. The Access Road shall be installed in a manner consistent with the mitigation measures and conditions of approval for SPECIFIC PLAN. (The issuance of a grading permit to construct the Access Road is not the first mass grading permit).

*This Condition was added as a result of discussions at the December 13, 2011 Board Hearing and revised through SPECIFIC PLAN NO. 375 SUBSTANTIAL CONFORMANCE NO. 1 and the effective timeline indicated in 10.PLANNING.XX.

** This condition shall not apply to any grading permits required to create the access road needed to maintain the temporary fence referenced in this condition.

30. PLANNING. 161

SP – PERMANENT PERIM FENCING

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the temporary fencing required in Condition of Approval 30.PLANNING.160 for the area that borders the entire planning area where this development is being proposed (regardless of the proximity of the proposed development to the actual edge of the SPECIFIC PLAN), shall be replaced with permanent fencing that shall consist of tube steel, wrought iron, block wall, or similar permanent fencing, not of a low masonry base that may facilitate residents climbing the Permanent Fence, in the locations shown in exhibit 3-30 of the SPECIFIC PLAN. Said Permanent Fencing shall be a minimum of 7 feet tall along the entire length of the Permanent Fence as shown in Exhibits 3-30 and 3-30.1 to SPECIFIC PLAN, including along the entire northern boundary of Planning Area 2-1 through 2-2. The Permanent Fence need not be extended along the northern border of SPECIFIC PLAN site if adjacent properties to the north of Planning Area 2-1 and 2-2 have already been developed with residential, commercial or industrial development that is partly occupied at the time Applicant is required to install the Permanent Fence pursuant to the triggers set forth herein. Minor reasonable adjustments may be made to the Permanent Fence's location to accommodate topographical and other physical constraints. If said fencing has already been installed and is in place, this condition shall be set to not apply. The Permanent Fence shall be constructed based on the following triggers:

a. Prior to the issuance of any building permit, in any portion of Planning Areas 2-1 through 2-16, construction of the Permanent Fence shall be completed along the western and northern borders of the Project, beginning at the northern side of Planning

Area 2-1 and extending to and including that portion of the Project along 84th Avenue to Buchanan Street ("Segment A" as shown on Exhibit 3-30.1 of the SPECIFIC PLAN). This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure (including commercial development), and not to a grading permit.

b. Prior to the issuance of any building permit in any portion of Planning Areas 2-17 through 2-21 or 2-34, or any portion of Planning Areas 4-1 and 4-2, construction of the Permanent Fence shall be completed along the western and southern portions of Planning Areas 2-17 and 2-18, from the intersection of 84th Avenue and Buchanan Street to the southeast corner of Planning Area 2-18 ("Segment B" as shown on Exhibit 3-30.1 of the SPECIFIC PLAN). This trigger shall apply to a building permit, for some type of permanent, nonagricultural, habitable structure (including commercial development), and not to a grading permit.

c. Prior to the issuance of any building permit in any portion of Planning Areas 4-3 and 4-4, or any portion of Planning Areas 5-1 through 5-8 or 5-12, construction of all remaining portions of the Permanent Fence (as shown on Exhibits 3-30 and 3-30.1 of the Specific Plan) shall be completed except for the portion protecting Travertine Rock, which shall be completed as described in subsection 1.3(d) below (collectively "Segment C" as shown on Exhibit 3-30.1 of the SPECIFIC PLAN). This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure (including commercial development), and not to a grading permit.

d. Prior to the issuance of any building permit in any portion of Planning Areas 5-13, construction of the last section of the Permanent Fence protecting Travertine Rock (eastern portion abutting Planning Area 5-14) shall be completed ("Segment D" as shown on Exhibit 3-30.1 of the SPECIFIC PLAN). This trigger shall apply to a building permit, for some type of permanent, non-agricultural, habitable structure (including commercial development), and not to a grading permit.

e. Notwithstanding the triggers set forth above in subsections (a) through (d), construction of all portions of the Permanent Fence shall be completed prior to the issuance of the 4,500th residential dwelling unit building permit, on the west side of State Route 86s.

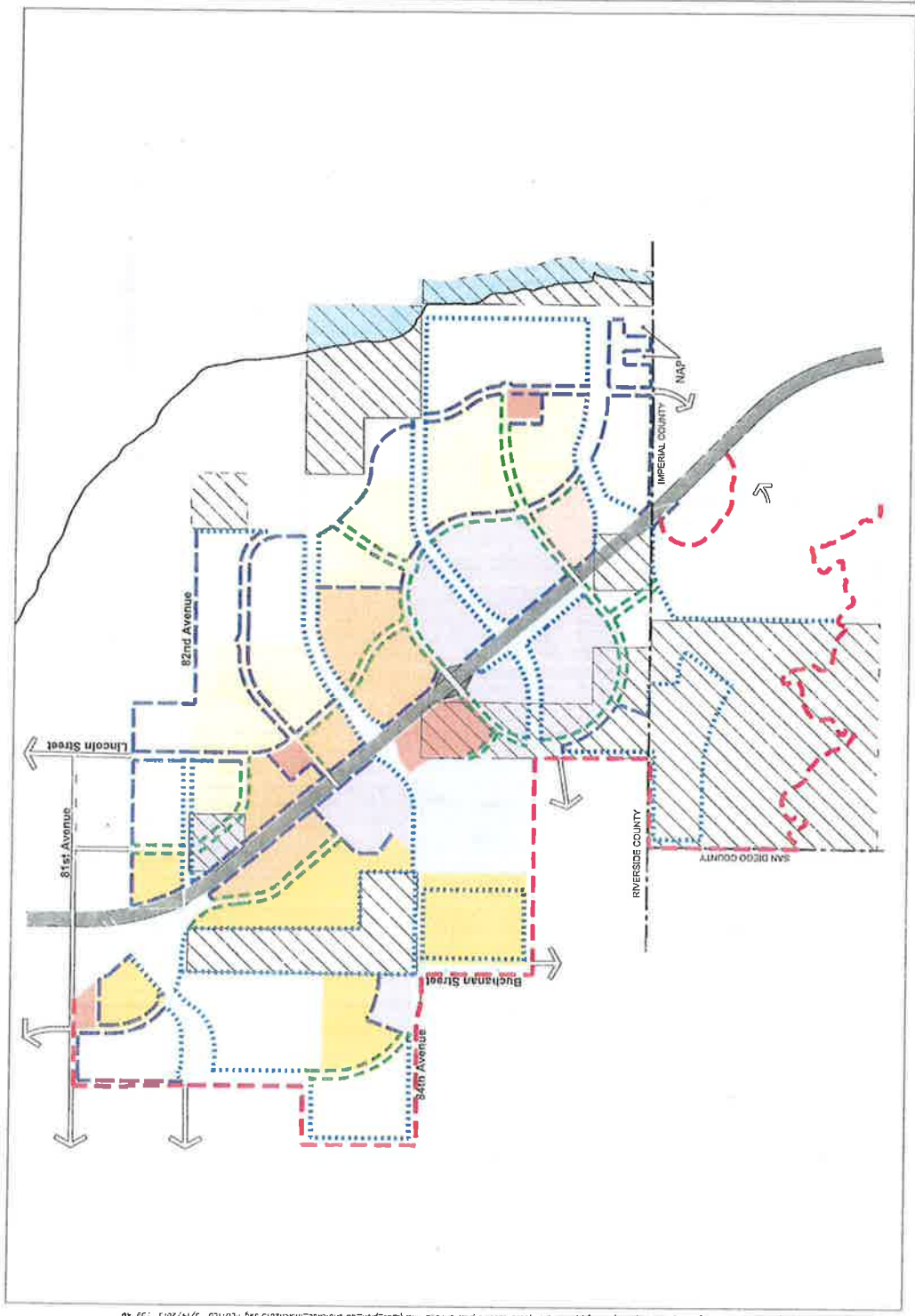
f. For purposes of constructing Segments A through D of the Permanent Fence, as described in subsections (a) through (d) above, the first proposed development [commercial or residential] within a planning area shall construct all required sections of that segment of the Permanent Fence, regardless of whether the planning area is adjacent to the western border of the Specific Plan or whether there is a roadway, drainage system or similar area between the planning area and the western border of the Specific Plan.

Relocation of the Permanent Fence is permitted, if, for any reason, the Permanent Fence cannot be installed at the approved locations. Applicant and its successors shall preserve a substantially similar open space buffer and grade a minimum 8 foot wide access road between the final location of the Permanent Fence and any approved home sites and shall not locate any residential lots immediately adjacent to the Permanent Fence.





With respect to the fencing along the edge of Planning Area 1-17, permanent fencing that shall consist of tube steel, wrought iron, block wall, or similar permanent fencing, as shown in Figure-Exhibits 3-30 and 3-30.1 of the SPECIFIC PLAN, shall be installed prior to the operation of any portion of the site that would constitute any use other than the current (as of 2012) waste management use of the site.

*This Condition was added as a result of discussions at the December 13, 2011 Board Hearing and revised through SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO. 1 and the effective timeline indicated in 10.PLANNING.XX.

** This condition shall not apply to any grading permits required to create the access road needed to maintain the permanent fence referenced in this condition.



LEGEND

-  6' Masonry Wall
-  Low Stone Wall (42" Max. Ht.)
-  View Fence
(wrought iron, tubular steel/aluminum, glass, or plexi-glass; low masonry base - optional)
-  7' Required Restrictive Fence

NOTE:

This plan is conceptual in nature and is not intended to require any wall or fence in the locations shown, except for the required restrictive fence. The purpose of the plan is to suggest the most appropriate type of wall or fence should the developer/builder propose the same. Adjustments for wall heights and fencing materials are permissible. Conditions that may arise at future development stages may require a variation from this plan without a Specific Plan amendment.

Revised Exhibit 3-30 (SP37/5 SC 1)

Wall and Fence Concept Plan

Travertine Point Specific Plan

Black Emerald, LLC



