

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

809 B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
September 17, 2014

SUBJECT: GENERAL PLAN AMENDMENT NO. 954 and CHANGE OF ZONE NO. 7739 – Intent to Adopt a Mitigated Negative Declaration – Applicant: MDMG Inc. – Engineer/Representative: MDMG Inc. – Third/Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural Community: Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) – Location: Northerly of Benton Road, easterly of Washington Street, southerly of Yates Road, westerly of Lake Skinner Recreational Area – 53.94 Gross Acres - Zoning: Light Agriculture - 5 Acre Minimum Lot Size (A-1-5). REQUEST: The General Plan Amendment will amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the land use designation of the subject site from Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) within the Highway 79 Policy Area to 20.04 acres of Medium Density Residential (MDR) (2-5 D.U./Ac.) for APN 964-030-007, and a total of 33.89 acres of Medium High Density Residential (MHDR) (5-8 D.U./Ac.) for APN's 964-030-008 and 472-210-003. The Change of Zone will change the zoning for the subject site from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4).

RECOMMENDED MOTION: That the Board of Supervisors:

Juan C Perez
TLMA Director/ Interim Planning
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- ☐ A-30
☐ 4/5 Vote
☐ Positions Added
☐ Change Order

Prev. Agn. Ref.:

District:3/3

Agenda Number:

16-2

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: General Plan Amendment No. 954 and Change of Zone No. 7739**

DATE: September 17, 2014

PAGE: Page 2 of 2

1. **DENY GENERAL PLAN AMENDMENT NO. 954** as initiated by the Board of Supervisors; but
2. **ADOPT a MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41782**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,
3. **TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 954** amending the Land Use designation for the subject property from "Rural Community" (RC) to "Community Development" (CD) and to amend the General Plan Land Use designation from "Estate Density Residential" (EDR) (2 acre minimum lot size) to "Medium Density Residential (MDR) (2-5 D.U./Ac.), Medium High Density Residential (MHDR) (5-8 D.U./Ac.); in accordance with Exhibit #7, and based on the findings and conclusions incorporated in the staff report, subject to adoption of the General Plan Amendment resolution by the Board of Supervisors; and,
4. **TENTATIVELY APPROVE CHANGE OF ZONE NO. 7739**, amending the zoning classification, for the subject property from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4) in accordance with Exhibit #3, pending adoption of the zoning ordinance by the Board of Supervisors.

BACKGROUND:

The **General Plan Amendment** proposes to amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the land use designation of the subject site from Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) within the Highway 79 Policy Area to 20.04 acres of Medium Density Residential (MDR) (2-5 D.U./Ac.) for APN 964-030-007, and a total of 33.89 acres of Medium High Density Residential (MHDR) (5-8 D.U./Ac.) for APN's 964-030-008 and 472-210-003. The **Change of Zone** proposes to change the zoning for the subject site from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4).

Impact on Citizens and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by Planning staff and the Planning Commission.

ATTACHMENTS (if needed, in this order):

- A. **Planning Commission Minutes**
- B. **Planning Commission Memo**
- C. **Planning Commission Staff Report**



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

DATE: September 17, 2014

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office *D.M.*

SUBJECT: General Plan Amendment No. 954 and Change of Zone No. 7739
(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|--|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input checked="" type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input checked="" type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | (3rd Dist) Press Enterprise and The Californian |
| <input type="checkbox"/> Place on Consent Calendar | <input checked="" type="checkbox"/> Mitigated Negative Declaration |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input checked="" type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input checked="" type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing:
(3rd Dist) Press Enterprise and The Californian

Do not send these documents to the County Clerk for posting until the Board has taken final action on the subject cases.

Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-1811

Desert Office • 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7040

"Planning Our Future... Preserving Our Past"

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



FROM: TLMA – Planning Department

SUBMITTAL DATE:
September 17, 2014

SUBJECT: GENERAL PLAN AMENDMENT NO. 954 and CHANGE OF ZONE NO. 7739 – Intent to Adopt a Mitigated Negative Declaration – Applicant: MDMG Inc. – Engineer/Representative: MDMG Inc. – Third/Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural Community: Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) – Location: Northerly of Benton Road, easterly of Washington Street, southerly of Yates Road, westerly of Lake Skinner Recreational Area – 53.94 Gross Acres - Zoning: Light Agriculture - 5 Acre Minimum Lot Size (A-1-5). REQUEST: The General Plan Amendment will amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the land use designation of the subject site from Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) within the Highway 79 Policy Area to 20.04 acres of Medium Density Residential (MDR) (2-5 D.U./Ac.) for APN 964-030-007, and a total of 33.89 acres of Medium High Density Residential (MHDR) (5-8 D.U./Ac.) for APN's 964-030-008 and 472-210-003. The Change of Zone will change the zoning for the subject site from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4).

RECOMMENDED MOTION: That the Board of Supervisors:

Juan C Perez
TLMA Director/ Interim Planning
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ Positions Added

☐ A-30

☐ Change Order

☐ 4/5 Vote

Prev. Agn. Ref.:

District:3/3

Agenda Number:

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: General Plan Amendment No. 954 and Change of Zone No. 7739

DATE: September 17, 2014

PAGE: Page 2 of 2

3. **TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 954** amending the Land Use designation for the subject property from "Rural Community" (RC) to "Community Development" (CD) and to amend the General Plan Land Use designation from "Estate Density Residential" (EDR) (2 acre minimum lot size) to "Medium Density Residential (MDR) (2-5 D.U./Ac.), Medium High Density Residential (MHDR) (5-8 D.U./Ac.); in accordance with Exhibit #7, and based on the findings and conclusions incorporated in the staff report, subject to adoption of the General Plan Amendment resolution by the Board of Supervisors; and,
4. **TENTATIVELY APPROVE CHANGE OF ZONE NO. 7739**, amending the zoning classification, for the subject property from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4) in accordance with Exhibit #3, pending adoption of the zoning ordinance by the Board of Supervisors.

BACKGROUND:

The **General Plan Amendment** proposes to amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the land use designation of the subject site from Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) within the Highway 79 Policy Area to 20.04 acres of Medium Density Residential (MDR) (2-5 D.U./Ac.) for APN 964-030-007, and a total of 33.89 acres of Medium High Density Residential (MHDR) (5-8 D.U./Ac.) for APN's 964-030-008 and 472-210-003. The **Change of Zone** proposes to change the zoning for the subject site from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4).

Impact on Citizens and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by Planning staff and the Planning Commission.

ATTACHMENTS (if needed, in this order):

- A. **Planning Commission Minutes**
- B. **Planning Commission Memo**
- C. **Planning Commission Staff Report**



**PLANNING COMMISSION
MINUTE ORDER
SEPTEMBER 17, 2014**

I. AGENDA ITEM 4.2

GENERAL PLAN AMENDMENT NO. 954 and CHANGE OF ZONE NO. 7739 – Intent to Adopt a Mitigated Negative Declaration – Applicant: MDMG Inc. – Engineer/Representative: MDMG Inc. – Third/Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural Community: Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) – Location: Northerly of Benton Road, easterly of Washington Street, southerly of Yates Road, westerly of Lake Skinner Recreational Area – 53.94 Gross Acres - Zoning: Light Agriculture - 5 Acre Minimum Lot Size (A-1-5). (Legislative)

II. PROJECT DESCRIPTION:

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the land use designation of the subject site from Estate Density Residential (RC-EDR) (2 Acre Minimum Lot Size) within the Highway 79 Policy Area to 20.04 acres of Medium Density Residential (MDR) (2-5 D.U./Ac.) for APN 964-030-007, and a total of 33.89 acres of Medium High Density Residential (MHDR) (5-8 D.U./Ac.) for APN's 964-030-008 and 472-210-003. The Change of Zone proposes to change the zoning for the subject site from Light Agriculture - 5 Acre Minimum (A-1-5) to Planned Residential (R-4).

III. MEETING SUMMARY:

The following staff presented the subject proposal:

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

- Larry Markham, 41635 Enterprise Circle, Temecula, (909) 3228482, spoke in favor of the proposed project.
- No one spoke in opposition or in a neutral position.

IV. CONTROVERSIAL ISSUES:

None

V. PLANNING COMMISSION ACTION:

Public Comments: **Closed**

Motion by Commissioner Petty, 2nd by Commissioner Sloman

A vote of 5-0

ADOPTED PLANNING COMMISSION RESOLUTION NO. 2014-008; and,

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.



**PLANNING COMMISSION
MINUTE ORDER
SEPTEMBER 17, 2014**

PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

- **DENY GENERAL PLAN AMENDMENT NO. 954** as initiated by the Board of Supervisors;
but,
- **ADOPT a MITIGATED NEGATIVE DECLARATION;** and,
- **APPROVE GENERAL PLAN AMENDMENT NO. 954 (as amended);** and,
- **APPROVE CHANGE OF ZONE NO. 7739.**

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.



Juan C. Perez
Interim Planning Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

Memorandum

To: Planning Commission

From: Matt Straite, project planner

RE: Additional Information for Agenda Item No. 4.2 – GPA954 and CZ7739

Additional letters submitted

EHL Letter- Attached is a copy of a letter by Dan Silver for the Endangered Habitats League. In the letter Mr. Silver expressed some concern regarding with School sites driving land use designation changes. Additionally he requested an "explanation of if and how the proposed mapped densities facilitate the objective of buffering the adjacent Conserved Habitat."

Staff is not clear on any such requirement from the General Plan or the MSHCP. With regard to the MSHCP, there is no restriction on densities or uses adjacent to conservation lands. Edge effects are minimized through implementation of section 6.1.4, Guidelines Pertaining to the Urban/Wildlands Interface. All proposed projects must be consistent with the guidelines outlined in section 6.1.4 to be deemed consistent with the MSHCP. This is not a matter of "worrying about it later." The MSHCP addresses this issue at the project level. There is currently no project that can be reviewed relative to Section 6.1.4.

MWD Letter- MWD provided a letter the day before the hearing dated September 11, 2014 requesting that "approval of the [implementing] project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities."

Any implementing project would be transmitted to MWD through the standard procedures used by Planning, no special accommodation is required to assure MWD has an opportunity to comment on proposed plans; however, staff does not feel it is appropriate to grant approval rights to MWD for any project as it would effect the County's discretionary rights.

Riverside Office • 4080 Lemon Street, 12th Floor
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Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



September 15, 2014

VIA ELECTRONIC MAIL

Riverside County Planning Commission
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

**RE: Item 2.2 GENERAL PLAN AMENDMENT NO. 1134, Item 4.2 GENERAL PLAN AMENDMENT NO. 954 and CHANGE OF ZONE NO. 7739;
Planning Commission Hearing Date, Sept 17, 2014**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to provide written testimony. For your reference, EHL served on the Advisory Committee to the 2003 General Plan Update.

Item 2.2, GPA 1134 — *OPPOSE INITIATION*

This proposal is for an "Extraordinary Foundation Amendment" to convert remote rural land in the Pass area to light industrial use. As you know, Extraordinary Foundation Amendments are used only in rare circumstances, not for the "garden variety" development being proposed. It is worth revisiting the *purpose* of the Certainty System, which is to avoid the constant piecemealing of development absent a coherent regional context and framework. The dysfunctional commutes and traffic congestion that plague Riverside County are in large part a result of the historic failure to plan comprehensively.

It is indeed disheartening to find management and staff "rubberstamping" the exact type of piecemeal development that the Certainty System is designed to avert. Absent any discernable independent analysis, staff has adopted the applicant's "finding" that the common occurrence of a highway improvement justifies a radical change to a remote rural area outside of the normal General Plan Amendment cycle. The argument of additional transportation capacity being a "new condition" or "changed circumstance" justifying Extraordinary Amendment can be made in hundreds of locations.

Additionally, while a finding of "basic structural employment" was *intended* to encompass a tangible, new manufacturing facility or processing plant that required quick action to secure, the employment here is *purely speculative*. Are these warehouses, or what? How much will actually be built after the rezoned property is perhaps "flipped" and sold? Who knows? The bar for a finding of "basic structural employment" could hardly be set any lower.

Most importantly, there is an enormous dereliction of the planning function at play here, a dereliction that would set an awful precedent for rendering the Certainty System meaningless. Specifically, what is the current General Plan capacity for light industrial in the region? How many acres are already so mapped? What is the objective need for *additional* such capacity, and how was this determined? And if regional need *is* present, what is the *best location* for rezoning to light industrial use in terms of jobs-housing balance, transportation, vehicle miles travelled, GHG emissions, habitat, etc. These are the basic planning questions that the Planning Department has chosen not to ask, yet are the exact questions that the comprehensive rather than piecemeal approach of the Certainty System is designed to pose. At a minimum, you should demand answers. Otherwise, what we have is individual development applications subsuming real planning.

Your Commission should strongly recommend *denial of initiation* and question Planning Department management as to its intent and capacity to plan comprehensively. Parenthetically, we note that there is not a single mention of the MSHCP in the staff report.

Item 4.2, PGA 954 — NO POSITION

This Southwest GPA, entered properly into the Certainty System GPA cycle, proposes to extend medium and higher density development adjacent to other developed areas. As seen elsewhere, though, the “tail” of school facility siting is “wagging the dog” of County planning, absent a more thorough look at patterns of growth and development. We note consistency of the project with the MSHCP via a HANS determination but request an explanation of if and how the proposed mapped densities facilitate the objective of buffering the adjacent Conserved Habitat. Or is this a matter of “we’ll worry about it later”?

Thank you for considering our views.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver".

Dan Silver, MD
Executive Director



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

September 11, 2014

Via Regular Mail

Mr. Matt Straite, Project Planner
County of Riverside Planning Department
PO Box 1409
Riverside, CA 92502-1409

Dear Mr. Straite:

**Notice of Public Hearing and Intent to Adopt a Mitigated
Negative Declaration for the General Plan Amendment No. 954 and Change of Zone No. 7739**

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Public Hearing and Intent to Adopt a Mitigated Negative Declaration for General Plan Amendment No. 954 and Change of Zone No. 7739, located in Riverside County, California. The proposed project site encompasses approximately 54 acres and is bounded by Benton Road to the south, Washington Street to the west, Yates Road to the north, and Metropolitan's Lake Skinner to the east. The General Plan Amendment proposes to amend the General Plan Foundation Component of the project site from Rural Community to Community Development and to amend the land use designation of the project site from Estate Density Residential to Medium Density Residential.

Metropolitan's fee property associated with the Robert A. Skinner Water Treatment Plant and Lake Skinner is located immediately adjacent to the east of the proposed project area. In addition, Metropolitan owns and operates the 75-inch-inside-diameter San Diego Pipeline No. 3, the 99-inch-inside-diameter San Diego Pipeline No. 4, and the 108-inch-inside-diameter Lake Skinner Bypass No. 2 immediately adjacent to the east of the proposed project area within the fee property area. The pipelines extend in a generally north-south direction (see enclosed map). This letter contains Metropolitan's comments to the proposed project as a potentially affected public agency.

Based on a review of the proposed project boundaries, the project has potential to impact Metropolitan's San Diego Pipeline Nos. 3 and 4, and the Lake Skinner Bypass No. 2. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that any design plans for any activity associated with this general plan amendment and change of zone in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities. Any future design plans associated with this project should be submitted to the attention of Metropolitan's Substructures Team.

Mr. Straite

Page 2

September 11, 2014

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easement of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation on this project. For further assistance, please contact Ms. Michelle Morrison at (213) 217-7906.

Very truly yours,

A handwritten signature in black ink, appearing to read "Deirdre West", with a large, stylized initial "D" and a checkmark-like flourish at the end.

Deirdre West
Manager, Environmental Planning Team

MM/mm

(J:\Environmental Planning&Compliance\Completed Jobs\September 2014\Job No. 20140902MIS)

Enclosures: Planning Guidelines and Map of Metropolitan Facilities in Project Vicinity

Guidelines for Developments in the
Area of Facilities, Fee Properties, and/or Easements
of The Metropolitan Water District of Southern California

1. Introduction

a. The following general guidelines should be followed for the design of proposed facilities and developments in the area of Metropolitan's facilities, fee properties, and/or easements.

b. We require that 3 copies of your tentative and final record maps, grading, paving, street improvement, landscape, storm drain, and utility plans be submitted for our review and written approval as they pertain to Metropolitan's facilities, fee properties and/or easements, prior to the commencement of any construction work.

2. Plans, Parcel and Tract Maps

The following are Metropolitan's requirements for the identification of its facilities, fee properties, and/or easements on your plans, parcel maps and tract maps:

a. Metropolitan's fee properties and/or easements and its pipelines and other facilities must be fully shown and identified as Metropolitan's on all applicable plans.

b. Metropolitan's fee properties and/or easements must be shown and identified as Metropolitan's with the official recording data on all applicable parcel and tract maps.

c. Metropolitan's fee properties and/or easements and existing survey monuments must be dimensionally tied to the parcel or tract boundaries.

d. Metropolitan's records of surveys must be referenced on the parcel and tract maps.

3. Maintenance of Access Along Metropolitan's Rights-of-Way

a. Proposed cut or fill slopes exceeding 10 percent are normally not allowed within Metropolitan's fee properties or easements. This is required to facilitate the use of construction and maintenance equipment, and provide access to its aboveground and belowground facilities.

b. We require that 16-foot-wide commercial-type driveway approaches be constructed on both sides of all streets crossing Metropolitan's rights-of-way. Openings are required in any median island. Access ramps, if necessary, must be at least 16-foot-wide. Grades of ramps are normally not allowed to exceed 10 percent. If the slope of an access ramp must exceed 10 percent due to the topography, the ramp must be paved. We require a 40-foot-long level area on the driveway approach to access ramps where the ramp meets the street. At Metropolitan's fee properties, we may require fences and gates.

c. The terms of Metropolitan's permanent easement deeds normally preclude the building or maintenance of structures of any nature or kind within its easements, to ensure safety and avoid interference with operation and maintenance of Metropolitan's pipelines or other facilities. Metropolitan must have vehicular access along the easements at all times for inspection, patrolling, and for maintenance of the pipelines and other facilities on a routine basis. We require a 20-foot-wide clear zone around all above-ground facilities for this routine access. This clear zone should slope away from our facility on a grade not to exceed 2 percent. We must also have access along the easements with construction equipment. An example of this is shown on Figure 1.

d. The footings of any proposed buildings adjacent to Metropolitan's fee properties and/or easements must not encroach into the fee property or easement or impose additional loading on Metropolitan's pipelines or other facilities therein. A typical situation is shown on Figure 2. Prints of the detail plans of the footings for any building or structure adjacent to the fee property or easement must be submitted for our review and written approval as they pertain to the pipeline or other facilities therein. Also, roof eaves of buildings adjacent to the easement or fee property must not overhang into the fee property or easement area.

e. Metropolitan's pipelines and other facilities, e.g. structures, manholes, equipment, survey monuments, etc. within its fee properties and/or easements must be protected from damage by the easement holder on Metropolitan's property or the property owner where Metropolitan has an easement, at no expense to Metropolitan. If the facility is a cathodic protection station it shall be located prior to any grading or excavation. The exact location, description and way of protection shall be shown on the related plans for the easement area.

4. Easements on Metropolitan's Property

a. We encourage the use of Metropolitan's fee rights-of-way by governmental agencies for public street and utility purposes, provided that such use does not interfere with Metropolitan's use of the property, the entire width of the property is accepted into the agency's public street system and fair market value is paid for such use of the right-of-way.

b. Please contact the Director of Metropolitan's Right of Way and Land Division, telephone (213) 250-6302, concerning easements for landscaping, street, storm drain, sewer, water or other public facilities proposed within Metropolitan's fee properties. A map and legal description of the requested easements must be submitted. Also, written evidence must be submitted that shows the city or county will accept the easement for the specific purposes into its public system. The grant of the easement will be subject to Metropolitan's rights to use its land for water pipelines and related purposes to the same extent as if such grant had not been made. There will be a charge for the easement. Please note that, if entry is required on the property prior to issuance of the easement, an entry permit must be obtained. There will also be a charge for the entry permit.

5. Landscaping

Metropolitan's landscape guidelines for its fee properties and/or easements are as follows:

a. A green belt may be allowed within Metropolitan's fee property or easement.

b. All landscape plans shall show the location and size of Metropolitan's fee property and/or easement and the location and size of Metropolitan's pipeline or other facilities therein.

c. Absolutely no trees will be allowed within 15 feet of the centerline of Metropolitan's existing or future pipelines and facilities.

d. Deep-rooted trees are prohibited within Metropolitan's fee properties and/or easements. Shallow-rooted trees are the only trees allowed. The shallow-rooted trees will not be permitted any closer than 15 feet from the centerline of the pipeline, and such trees shall not be taller than 25 feet with a root spread no greater than 20 feet in diameter at maturity. Shrubs, bushes, vines, and ground cover are permitted, but larger shrubs and bushes should not be planted directly over our pipeline. Turf is acceptable. We require submittal of landscape plans for Metropolitan's prior review and written approval. (See Figure 3).

e. The landscape plans must contain provisions for Metropolitan's vehicular access at all times along its rights-of-way to its pipelines or facilities therein. Gates capable of accepting Metropolitan's locks are required in any fences across its rights-of-way. Also, any walks or drainage facilities across its access route must be constructed to AASHTO H-20 loading standards.

f. Rights to landscape any of Metropolitan's fee properties must be acquired from its Right of Way and Land Division. Appropriate entry permits must be obtained prior to any entry on its property. There will be a charge for any entry permit or easements required.

6. Fencing

Metropolitan requires that perimeter fencing of its fee properties and facilities be constructed of universal chain link, 6 feet in height and topped with 3 strands of barbed wire angled upward and outward at a 45 degree angle or an approved equal for a total fence height of 7 feet. Suitable substitute fencing may be considered by Metropolitan. (Please see Figure 5 for details).

7. Utilities in Metropolitan's Fee Properties and/or Easements or Adjacent to Its Pipeline in Public Streets

Metropolitan's policy for the alinement of utilities permitted within its fee properties and/or easements and street rights-of-way is as follows:

a. Permanent structures, including catch basins, manholes, power poles, telephone riser boxes, etc., shall not be located within its fee properties and/or easements.

b. We request that permanent utility structures within public streets, in which Metropolitan's facilities are constructed under the Metropolitan Water District Act, be placed as far from our pipeline as possible, but not closer than 5 feet from the outside of our pipeline.

c. The installation of utilities over or under Metropolitan's pipeline(s) must be in accordance with the requirements shown on the enclosed prints of Drawings Nos. C-11632 and C-9547. Whenever possible we request a minimum of one foot clearance between Metropolitan's pipe and your facility. Temporary support of Metropolitan's pipe may also be required at undercrossings of its pipe in an open trench. The temporary support plans must be reviewed and approved by Metropolitan.

d. Lateral utility crossings of Metropolitan's pipelines must be as perpendicular to its pipeline alignment as practical. Prior to any excavation our pipeline shall be located manually and any excavation within two feet of our pipeline must be done by hand. This shall be noted on the appropriate drawings.

e. Utilities constructed longitudinally within Metropolitan's rights-of-way must be located outside the theoretical trench prism for uncovering its pipeline and must be located parallel to and as close to its rights-of-way lines as practical.

f. When piping is jacked or installed in jacked casing or tunnel under Metropolitan's pipe, there must be at least two feet of vertical clearance between the bottom of Metropolitan's pipe and the top of the jacked pipe, jacked casing or tunnel. We also require that detail drawings of the shoring for the jacking or tunneling pits be submitted for our review and approval. Provisions must be made to grout any voids around the exterior of the jacked pipe, jacked casing or tunnel. If the piping is installed in a jacked casing or tunnel the annular space between the piping and the jacked casing or tunnel must be filled with grout.

g. Overhead electrical and telephone line requirements:

1) Conductor clearances are to conform to the California State Public Utilities Commission, General Order 95, for Overhead Electrical Line Construction or at a greater clearance if required by Metropolitan. Under no circumstances shall clearance be less than 35 feet.

2) A marker must be attached to the power pole showing the ground clearance and line voltage, to help prevent damage to your facilities during maintenance or other work being done in the area.

3) Line clearance over Metropolitan's fee properties and/or easements shall be shown on the drawing to indicate the lowest point of the line under the most adverse conditions including consideration of sag, wind load, temperature change, and support type. We require that overhead lines be located at least 30 feet laterally away from all above-ground structures on the pipelines.

4) When underground electrical conduits, 120 volts or greater, are installed within Metropolitan's fee property and/or easement, the conduits must be incased in a minimum of three inches of red concrete. Where possible, above ground warning signs must also be placed at the right-of-way lines where the conduits enter and exit the right-of-way.

h. The construction of sewerlines in Metropolitan's fee properties and/or easements must conform to the California Department of Health Services Criteria for the Separation of Water Mains and Sanitary Services and the local City or County Health Code Ordinance as it relates to installation of sewers in the vicinity of pressure waterlines. The construction of sewerlines should also conform to these standards in street rights-of-way.

i. Cross sections shall be provided for all pipeline crossings showing Metropolitan's fee property and/or easement limits and the location of our pipeline(s). The exact locations of the crossing pipelines and their elevations shall be marked on as-built drawings for our information.

j. Potholing of Metropolitan's pipeline is required if the vertical clearance between a utility and Metropolitan's pipeline is indicated on the plan to be one foot or less. If the indicated clearance is between one and two feet, potholing is suggested. Metropolitan will provide a representative to assist others in locating and identifying its pipeline. Two-working days notice is requested.

k. Adequate shoring and bracing is required for the full depth of the trench when the excavation encroaches within the zone shown on Figure 4.

1. The location of utilities within Metropolitan's fee property and/or easement shall be plainly marked to help prevent damage during maintenance or other work done in the area. Detectable tape over buried utilities should be placed a minimum of 12 inches above the utility and shall conform to the following requirements:

1) Water pipeline: A two-inch blue warning tape shall be imprinted with:

"CAUTION BURIED WATER PIPELINE"

2) Gas, oil, or chemical pipeline: A two-inch yellow warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

3) Sewer or storm drain pipeline: A two-inch green warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

4) Electric, street lighting, or traffic signals conduit: A two-inch red warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

5) Telephone, or television conduit: A two-inch orange warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

m. Cathodic Protection requirements:

1) If there is a cathodic protection station for Metropolitan's pipeline in the area of the proposed work, it shall be located prior to any grading or excavation. The exact location, description and manner of protection shall be shown on all applicable plans. Please contact Metropolitan's Corrosion Engineering Section, located at Metropolitan's F. E. Weymouth Softening and Filtration Plant, 700 North Moreno Avenue, La Verne, California 91750, telephone (714) 593-7474, for the locations of Metropolitan's cathodic protection stations.

2) If an induced-current cathodic protection system is to be installed on any pipeline crossing Metropolitan's pipeline, please contact Mr. Wayne E. Risner at (714) 593-7474 or (213) 250-5085. He will review the proposed system and determine if any conflicts will arise with the existing cathodic protection systems installed by Metropolitan.

3) Within Metropolitan's rights-of-way, pipelines and carrier pipes (casings) shall be coated with an approved protective coating to conform to Metropolitan's requirements, and shall be maintained in a neat and orderly condition as directed by Metropolitan. The application and monitoring of cathodic protection on the pipeline and casing shall conform to Title 49 of the Code of Federal Regulations, Part 195.

4) If a steel carrier pipe (casing) is used:

(a) Cathodic protection shall be provided by use of a sacrificial magnesium anode (a sketch showing the cathodic protection details can be provided for the designers information).

(b) The steel carrier pipe shall be protected with a coal tar enamel coating inside and out in accordance with AWWA C203 specification.

n. All trenches shall be excavated to comply with the CAL/OSHA Construction Safety Orders, Article 6, beginning with Sections 1539 through 1547. Trench backfill shall be placed in 8-inch lifts and shall be compacted to 95 percent relative compaction (ASTM D698) across roadways and through protective dikes. Trench backfill elsewhere will be compacted to 90 percent relative compaction (ASTM D698).

o. Control cables connected with the operation of Metropolitan's system are buried within streets, its fee properties and/or easements. The locations and elevations of these cables shall be shown on the drawings. The drawings shall note that prior to any excavation in the area, the control cables shall be located and measures shall be taken by the contractor to protect the cables in place.

p. Metropolitan is a member of Underground Service Alert (USA). The contractor (excavator) shall contact USA at 1-800-422-4133 (Southern California) at least 48 hours prior to starting any excavation work. The contractor will be liable for any damage to Metropolitan's facilities as a result of the construction.

8. Paramount Right

Facilities constructed within Metropolitan's fee properties and/or easements shall be subject to the paramount right of Metropolitan to use its fee properties and/or easements for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove any of the facilities from the fee properties and/or easements, such removal and replacement shall be at the expense of the owner of the facility.

9. Modification of Metropolitan's Facilities

When a manhole or other of Metropolitan's facilities must be modified to accommodate your construction or reconstruction, Metropolitan will modify the facilities with its forces. This should be noted on the construction plans. The estimated cost to perform this modification will be given to you and we will require a deposit for this amount before the work is performed. Once the deposit is received, we will schedule the work. Our forces will coordinate the work with your contractor. Our final billing will be based on actual cost incurred, and will include materials, construction, engineering plan review, inspection, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount.

10. Drainage

a. Residential or commercial development typically increases and concentrates the peak storm water runoff as well as the total yearly storm runoff from an area, thereby increasing the requirements for storm drain facilities downstream of the development. Also, throughout the year water from landscape irrigation, car washing, and other outdoor domestic water uses flows into the storm drainage system resulting in weed abatement, insect infestation, obstructed access and other problems. Therefore, it is Metropolitan's usual practice not to approve plans that show discharge of drainage from developments onto its fee properties and/or easements.

b. If water must be carried across or discharged onto Metropolitan's fee properties and/or easements, Metropolitan will insist that plans for development provide that it be carried by closed conduit or lined open channel approved in writing by Metropolitan. Also the drainage facilities must be maintained by others, e.g., city, county, homeowners association, etc. If the development proposes changes to existing drainage features, then the developer shall make provisions to provide for replacement and these changes must be approved by Metropolitan in writing.

11. Construction Coordination

During construction, Metropolitan's field representative will make periodic inspections. We request that a stipulation be added to the plans or specifications for notification of Mr. _____ of Metropolitan's Operations Services Branch, telephone (213) 250-_____, at least two working days prior to any work in the vicinity of our facilities.

12. Pipeline Loading Restrictions

a. Metropolitan's pipelines and conduits vary in structural strength, and some are not adequate for AASHTO H-20 loading. Therefore, specific loads over the specific sections of pipe or conduit must be reviewed and approved by Metropolitan. However, Metropolitan's pipelines are typically adequate for AASHTO H-20 loading provided that the cover over the pipeline is not less than four feet or the cover is not substantially increased. If the temporary cover over the pipeline during construction is between three and four feet, equipment must be restricted to that which

imposes loads no greater than AASHTO H-10. If the cover is between two and three feet, equipment must be restricted to that of a Caterpillar D-4 tract-type tractor. If the cover is less than two feet, only hand equipment may be used. Also, if the contractor plans to use any equipment over Metropolitan's pipeline which will impose loads greater than AASHTO H-20, it will be necessary to submit the specifications of such equipment for our review and approval at least one week prior to its use. More restrictive requirements may apply to the loading guideline over the San Diego Pipelines 1 and 2, portions of the Orange County Feeder, and the Colorado River Aqueduct. Please contact us for loading restrictions on all of Metropolitan's pipelines and conduits.

b. The existing cover over the pipeline shall be maintained unless Metropolitan determines that proposed changes do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance.

13. Blasting

a. At least 20 days prior to the start of any drilling for rock excavation blasting, or any blasting, in the vicinity of Metropolitan's facilities, a two-part preliminary conceptual plan shall be submitted to Metropolitan as follows:

b. Part 1 of the conceptual plan shall include a complete summary of proposed transportation, handling, storage, and use of explosions.

c. Part 2 shall include the proposed general concept for blasting, including controlled blasting techniques and controls of noise, fly rock, airblast, and ground vibration.

14. CEQA Requirements

a. When Environmental Documents Have Not Been Prepared

1) Regulations implementing the California Environmental Quality Act (CEQA) require that Metropolitan have an opportunity to consult with the agency or consultants preparing any environmental documentation. We are required to review and consider the environmental effects of the project as shown in the Negative Declaration or Environmental Impact Report (EIR) prepared for your project before committing Metropolitan to approve your request.

2) In order to ensure compliance with the regulations implementing CEQA where Metropolitan is not the Lead Agency, the following minimum procedures to ensure compliance with the Act have been established:

a) Metropolitan shall be timely advised of any determination that a Categorical Exemption applies to the project. The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

b) Metropolitan is to be consulted during the preparation of the Negative Declaration or EIR.

c) Metropolitan is to review and submit any necessary comments on the Negative Declaration or draft EIR.

d) Metropolitan is to be indemnified for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

b. When Environmental Documents Have Been Prepared

If environmental documents have been prepared for your project, please furnish us a copy for our review and files in a timely manner so that we may have sufficient time to review and comment. The following steps must also be accomplished:

1) The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

2) You must agree to indemnify Metropolitan, its officers, engineers, and agents for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

15. Metropolitan's Plan-Review Cost

a. An engineering review of your proposed facilities and developments and the preparation of a letter response

giving Metropolitan's comments, requirements and/or approval that will require 8 man-hours or less of effort is typically performed at no cost to the developer, unless a facility must be modified where Metropolitan has superior rights. If an engineering review and letter response requires more than 8 man-hours of effort by Metropolitan to determine if the proposed facility or development is compatible with its facilities, or if modifications to Metropolitan's manhole(s) or other facilities will be required, then all of Metropolitan's costs associated with the project must be paid by the developer, unless the developer has superior rights.

b. A deposit of funds will be required from the developer before Metropolitan can begin its detailed engineering plan review that will exceed 8 hours. The amount of the required deposit will be determined after a cursory review of the plans for the proposed development.

c. Metropolitan's final billing will be based on actual cost incurred, and will include engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount. Additional deposits may be required if the cost of Metropolitan's review exceeds the amount of the initial deposit.

16. Caution

We advise you that Metropolitan's plan reviews and responses are based upon information available to Metropolitan which was prepared by or on behalf of Metropolitan for general record purposes only. Such information may not be sufficiently detailed or accurate for your purposes. No warranty of any kind, either express or implied, is attached to the information therein conveyed as to its accuracy, and no inference should be drawn from Metropolitan's failure to comment on any aspect of your project. You are therefore cautioned to make such surveys and other field investigations as you may deem prudent to assure yourself that any plans for your project are correct.

17. Additional Information

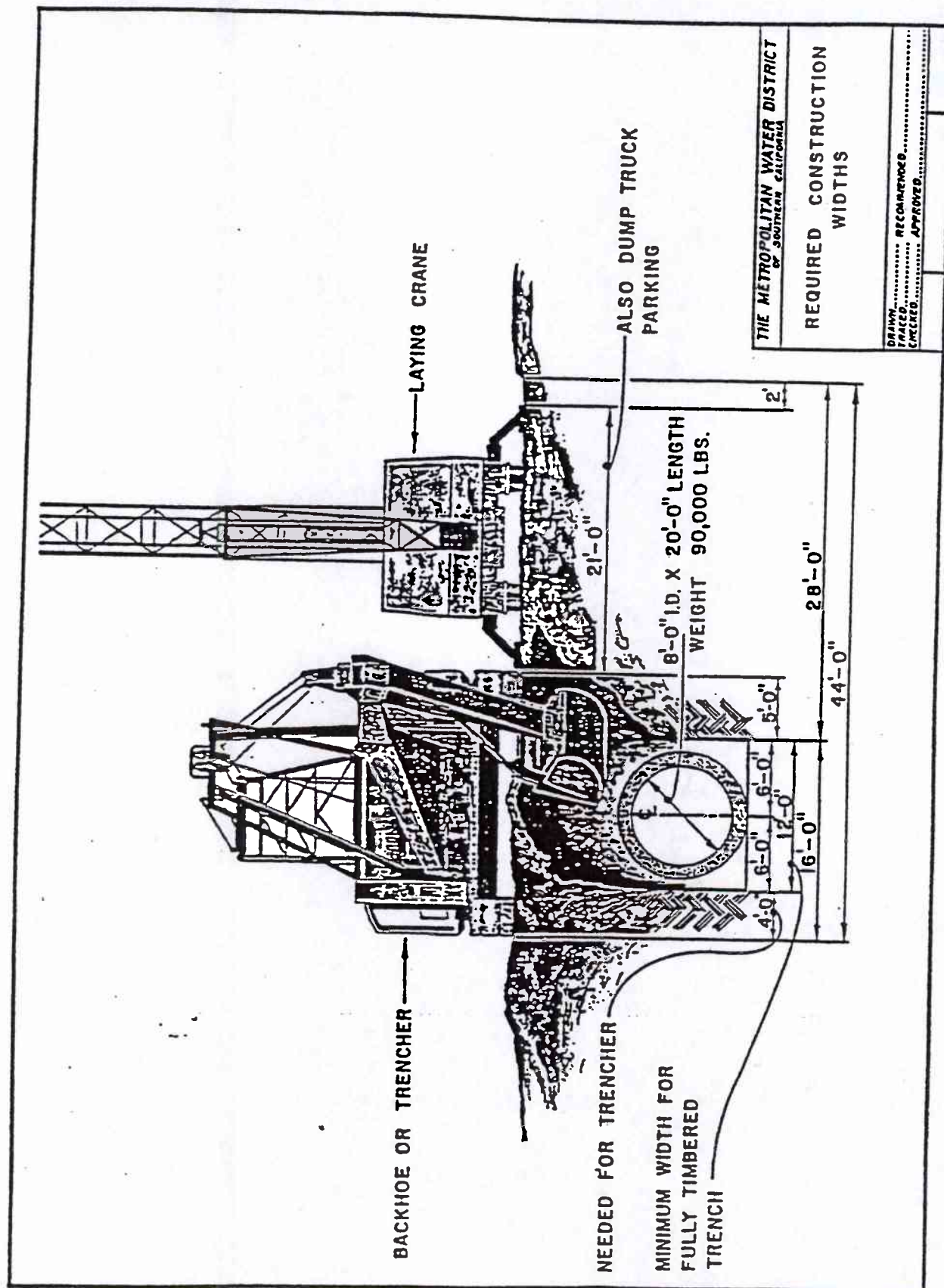
Should you require additional information, please contact:

Civil Engineering Substructures Section
Metropolitan Water District
of Southern California
P.O. Box 54153
Los Angeles, California 90054-0153
(213) 217-6000

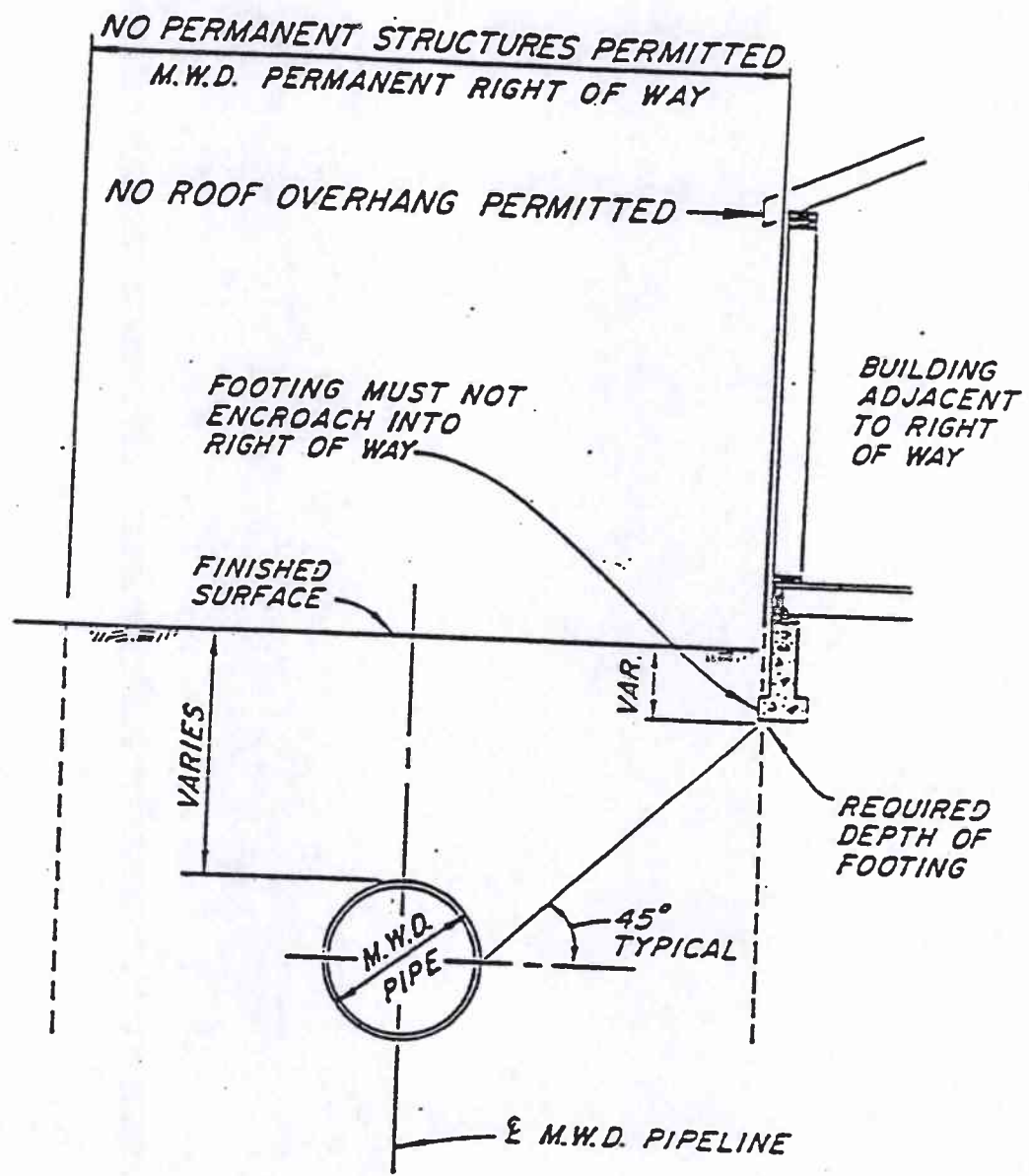
JEH/MRW/lk

Rev. January 22, 1989

Encl.



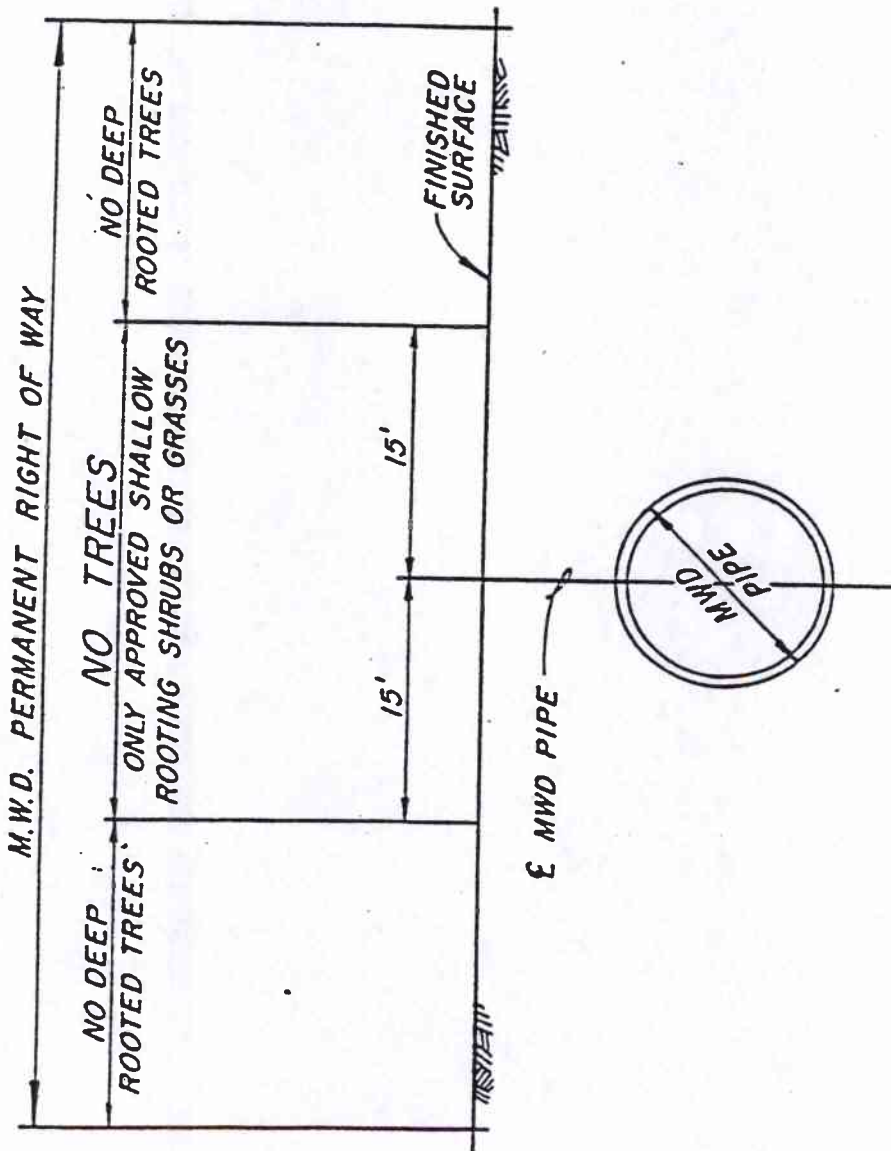
FORM NO. 25 9 1000 11-57 P.O. 57-8114



NOTE: M.W.D. PIPELINE SIZE, DEPTH, LOCATION AND WIDTH OF PERMANENT RIGHT OF WAY VARIES.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
REQUIREMENTS FOR BUILDINGS AND FOOTINGS ADJACENT TO M.W.D. RIGHT OF WAY	
DRAWN _____	RECOMMENDED _____
TRACED _____	APPROVED _____
CHECKED _____	

FIGURE 2



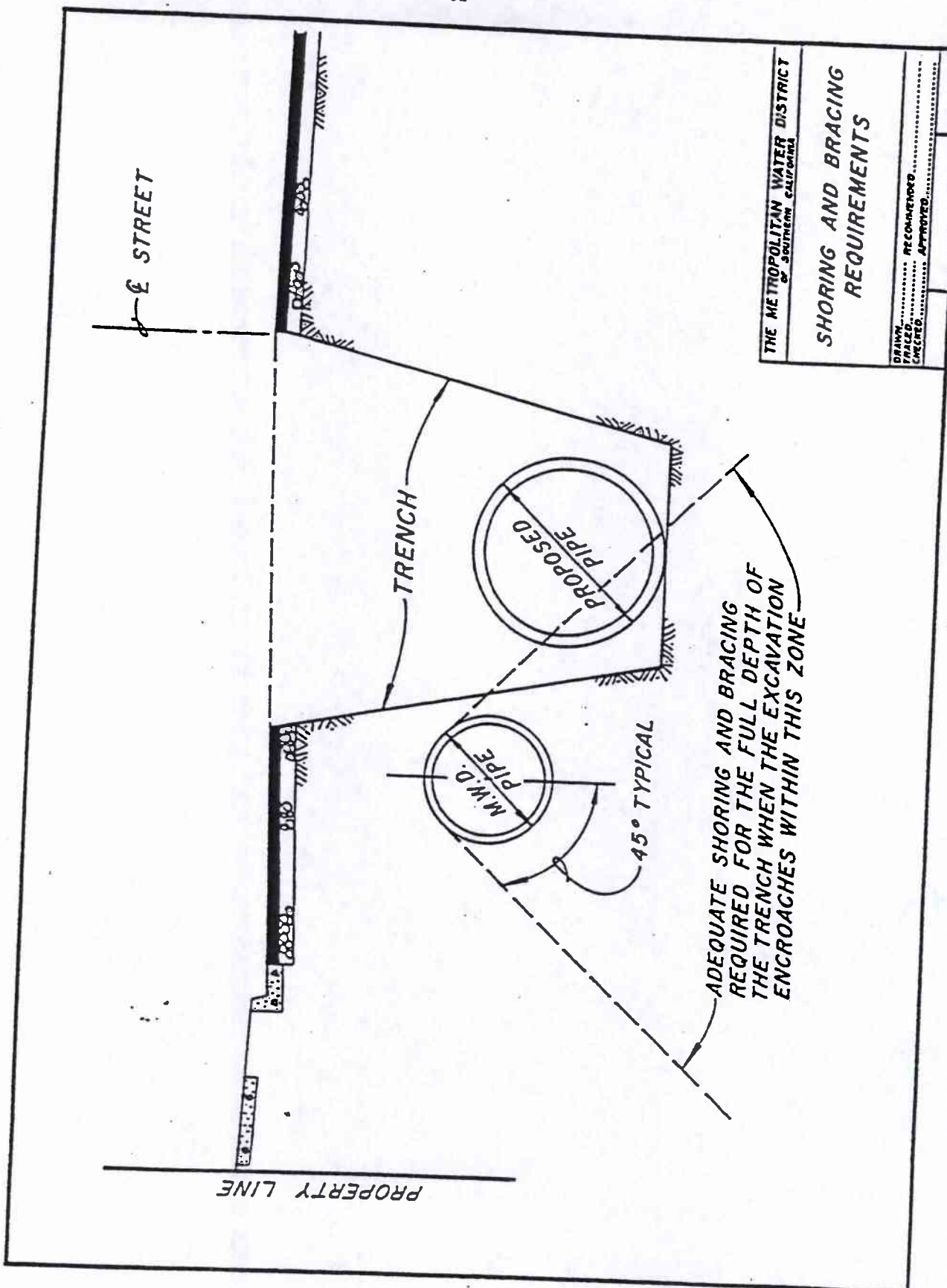
THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

LANDSCAPE GUIDELINES
FOR

M.W.D. RIGHT OF WAY

DRAWN.....
CHECKED.....
RECOMMENDED.....
APPROVED.....

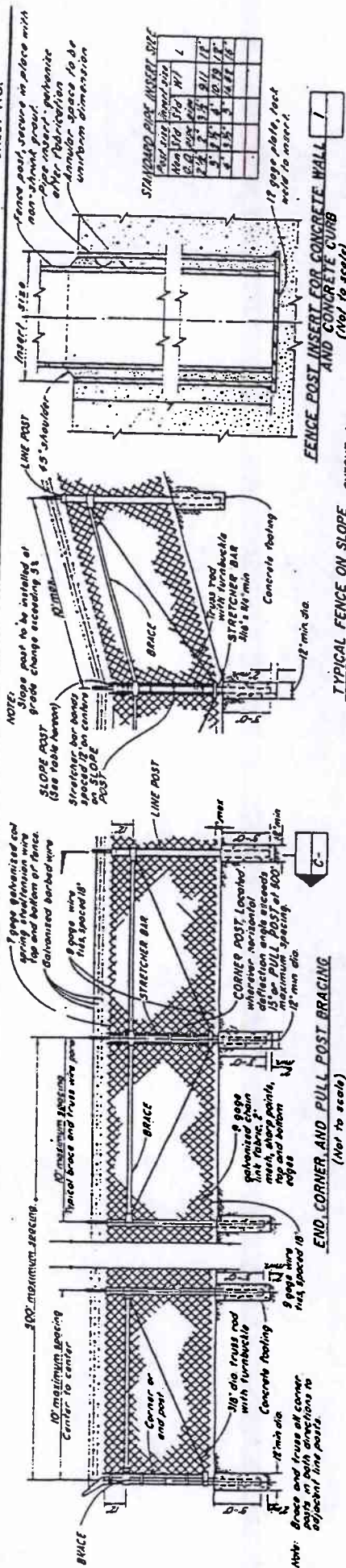
FIGURE 3



THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
SHORING AND BRACING REQUIREMENTS	
DRAWN.....	RECOMMENDED.....
TRACED.....	CHECKED.....
APPROVED.....	

FIGURE 4

FORM NO. 39 9 UNDO 11-68 P.O. NO. 48-1487



Use	Type	Minimum Surface (inches)	Actual O.D. (inches)	Weight per foot (pounds)
End, corner, slope, pull and gate posts for single gates 6 feet or less in width and less than 12 inches or higher than 12 inches or higher	Pipe	2 1/2	2.375	3.79
End, corner, slope, pull and gate posts for single gates 8 feet or less in width and less than 12 inches or higher than 12 inches or higher	Pipe	2	2.375	3.65
Gate posts for single swing gates over 6 feet but not over 15 feet in width and less than 12 inches or higher than 12 inches or higher over 26 feet in width	Pipe	3 1/2	4.000	9.11
Gate posts for single swing gates over 15 feet but not over 18 feet in width and less than 12 inches or higher than 12 inches or higher over 26 feet in width	Pipe	5	6.025	18.97
Gate posts for single swing gates over 18 feet in width and double swing gates over 36 feet in width	Pipe	6	8.625	24.70
Low posts for chain link fencing 12 inches or higher than 12 inches or higher	Pipe	2 1/2	2.315	3.65
Line posts for chain link fencing less than 12 inches in width	Pipe	1 1/2	1.750	2.72
Broace	Pipe	1 1/2	1.650	2.22
Gate posts for single swing gates over 26 feet in width	Pipe	1 1/2	1.650	2.22
Gate posts for single swing gates over 26 feet in width	Pipe	1 1/2	1.650	2.22

GENERAL NOTES

All various parts and materials shall be protected after fabrication.

Lightweight lightning shall be turn-buckle or equivalent, having minimum 6" travel.

Extension arms for hoisted wire shall be steel, malleable iron or wrought iron and shall be attached to the top of the extension arm in such round head rivet. The extension arm shall be made of steel each at approximately 5 inch center to center in a plane approximately 1 inch from the vertical.

All gate hinges shall be heavy duty malleable cast steel, industrial approved quality and design, or equivalent.

Secure cap to post with 4 inch round head rivet.

DETAIL OF CUTOFF
FOR CHAIN AND LOCK
(Not to scale)

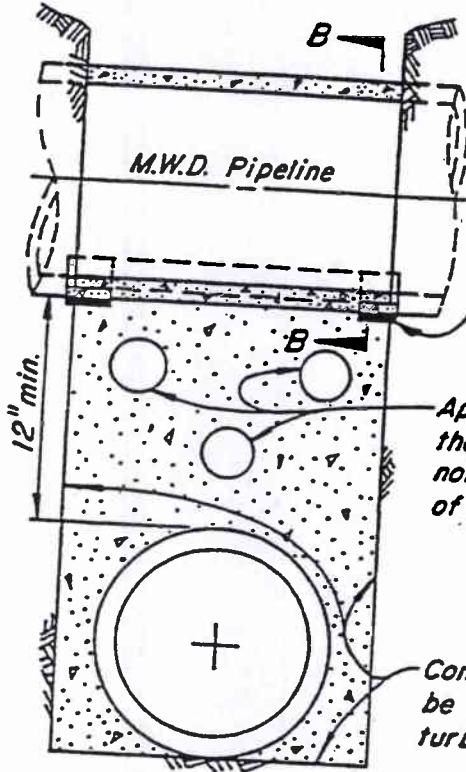
ELEVATION AT SHALLOW DRAIN CROSSINGS
(Not to scale)

DOUBLE SWING GATE DETAIL
(Not to scale)

**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
DISTRIBUTION SYSTEM**

**CHAIN LINK
FENCE DETAILS**

[illegible]

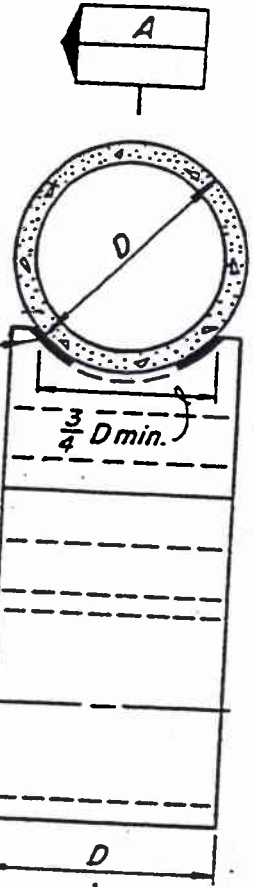


SECTION "A-A"

$\frac{3}{4}$ " x 6" premolded expansion joint filler

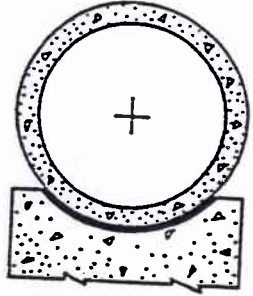
Apertures as directed by the Engineer, total volume not to exceed $\frac{1}{2}$ the volume of the supporting wall

Concrete support wall to be placed against undisturbed ground



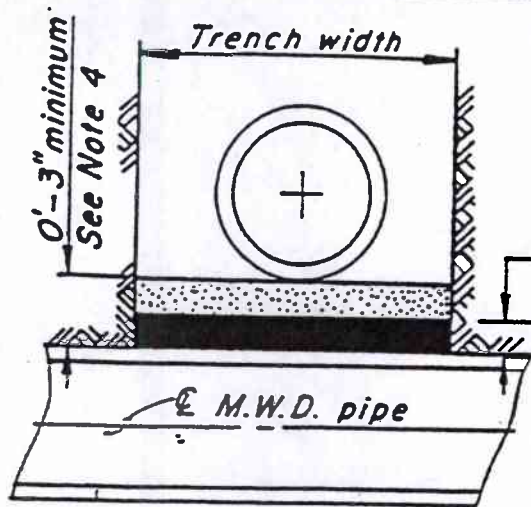
CROSS SECTION

1. Supporting wall shall have a firm bearing on the subgrade and against the side of the excavation.
2. Premolded expansion joint filler per ASTM D-1751-73 to be used in support for steel pipe only.
3. If trench width is 4 feet or greater, measured along centerline of M.W.D. pipe, concrete support must be constructed.
4. If trench width is less than 4 feet, clean sand backfill, compacted to 90% density in accordance with the provisions of ASTM Standard D-1557-70 may be used in lieu of the concrete support wall.

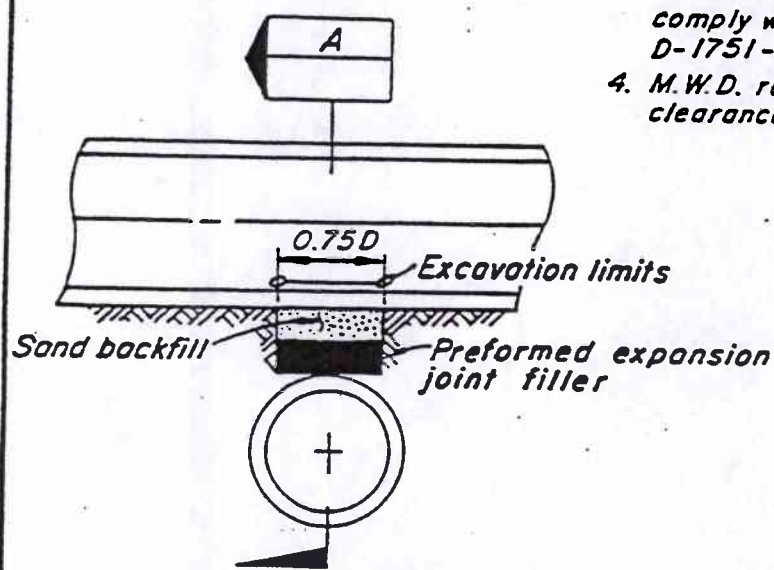


SECTION "B-B"

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
TYPICAL SUPPORT FOR M.W.D. PIPELINE	
DRAWN _____	RECOMMENDED _____
TRACED _____	APPROVED _____
CHECKED _____	
C-9547	



SECTION A



CROSS SECTION

3" Preformed expansion joint filler

NOTES

1. This method to be used where the utility line is 24" or greater in diameter and the clearance between the utility line and M.W.D. pipe is 12" or less.
2. Special protection may be required if the utility line diameter is greater than M.W.D. pipe or if the cover over the utility line to the street surface is minimal and there is 12" or less clearance between M.W.D. pipe and the utility line.
3. Preformed expansion joint filler to comply with ASTM designation D-1751-73.
4. M.W.D. requests 12" minimum clearance whenever possible.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
TYPICAL EXPANSION JOINT FILLER PROTECTION FOR OVERCROSSING OF M.W.D. PIPELINE	
DRAWN: _____	RECOMMENDED: _____
TRACED: _____	APPROVED: _____
CHECKED: _____	

C-11632

Agenda Item No.: 4 . 2
Area Plan: Southwest
Zoning District: Rancho California
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: September 17, 2014

GENERAL PLAN AMENDMENT NO. 954
CHANGE OF ZONE NO. 7739
Environmental Assessment No. 41782
Applicant: MDMG INC.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

GENERAL PLAN AMENDMENT NO. 954 proposes to change the site's Foundation Component from Rural Community (RC) to Community Development (CD) and to amend the site's General Plan Land Use designation from Estate Density Residential (EDR) (2 acre minimum lot size) to 20.04 acres of Medium Density Residential (MDR) (2-5 D.U./Ac.) for APN 964-030-007, and a total of 33.89 acres of Medium High Density Residential (MHDR) (5-8 D.U./Ac.) for APN's 964-030-008 and 472-210-003. The application was submitted during the permitted period to request foundation changes.

CHANGE OF ZONE NO. 7739 proposes to change the zoning for the subject site from Light Agriculture-5 Acre Minimum (A-1-5) to Planned Residential (R-4).

The project is located north of Benton Road, south of Yates Road, east of Washington Street and west of the Lake Skinner Recreation Area.

ISSUES OF POTENTIAL CONCERN:

General Plan Initiation

During the General Plan Initiation Process (GPIP) for the project Staff had proposed that the project site was not suitable for the higher density requested by the applicant. Staff instead proposed that the property go from Rural Community: Estate Density Residential (RC:EDR) to Community Development: Estate Density Residential (CD:EDR) to allow for growth in the future (see attached GPIP Staff Report). During the GPIP presentation to the Planning Commission, the following comments were provided:

Commissioner Roth expressed his opposition to prematurely converting rural areas into urbanized lands within the Community Development Foundation Component. Mr. Roth indicated that the County and residents were involved in a lengthy process that created the General Plan and the five-year certainty system and that the certainty system has somewhat been bypassed with policy areas, overlays and cases such as General Plan Amendment No. 954. He felt that the County was speeding up the process of urbanization in some rural areas. Finally, Mr. Roth stated that he has some concerns with both the applicant's proposal and with staff's proposal.

Commissioner Petty explained he concurred with Commissioner Roth's comments; however, he also felt that staff was proposing a reasonable compromise. Mr. Petty indicated that he is willing to give the applicant the benefit of the doubt and it will be up to the applicant to show cause and to notify and include the area residents to the west of the subject site in the discussions regarding the proposal.

Commissioners John Snell, Porras and Zuppardo had no comments.

At the Board of Supervisors GPIP proceedings the applicant's representative indicated that a high school site has now been designated across Washington Street from the northern portion of the project site. The Board of Supervisors, led by Supervisor Stone, asked how this is consistent with Highway 79

D.M.

policy area. Supervisor Stone indicated that the applicant should be permitted to continue processing their version of the proposed project with the understanding that there would be a high bar set and the project would be challenging.

In 2006, after the 2003 General Plan was adopted, the Temecula Valley Unified School District purchased a large plot of land generally bound by Washington Street to the east, Abella Street to the north, Thompson Road to the south with the intention of building a high school. Shortly after that two charter schools were constructed on a portion of the site, K-12th grade, with additional plans to build a Middle School at the corner of Washington and Abelia Street. Staff contacted the School Department for additional information. The Middle School has funding and is estimated to complete construction within 2 years. The High School also has funding and is estimated to complete construction within 4 years.

However, working with the applicant the proposed designations for the site have been revised. The Application, as submitted, was proposing High Density and Commercial Land Use designations, which staff did not support. Traditionally, density patterns work best when they are graduated, slowly transitioning from one to another. For example, large farms are generally incompatible with apartments, but may work well against rural lots without farms. The applicant has since revised the proposal so that the density is more appropriate for the area, they are now proposing Medium Density Residential (MDR) for the center portion of the site and Medium High Density Residential (MHDR) for the northern and southern parcels. With these changes, staff can support the proposal. The reasoning is outlined below in the findings section.

Highway 79 Policy Area Consistency

The General Plan's Highway 79 Policy Area requires that residential development be proposed at 9% below the mid-point of the existing Land Use designation due to transportation infrastructure and capacity deficiencies. Mitigation was added to the project's CEQA document that makes the project consistent with the goals of the policy.

General Plan Findings

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal satisfies certain required findings. The Administration Element of the General Plan and Article II of Ordinance No. 348 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. 954 falls into the Foundation Component- Regular category, because the request to change foundations was made during the permitted 5 year (now 8 year) General Plan Review Cycle as outlined the General Plan.

The Administration Element of the General Plan explains that two findings must be made to justify an Foundation Component- Regular amendment. The two findings are:

a. The proposed change does not involve a change in or conflict with:

(1) The Riverside County Vision;

(2) And that the change would not create an internal inconsistency among the elements of the General Plan.

- b. New conditions or circumstances disclosed during the review process justify modifying the General Plan.

Consideration Analysis:

The first finding per the General Plan Administrative element explains that the proposed Amendment must not create an internal inconsistency among the elements of the General Plan.

- A. The proposed change does not conflict with the Riverside County Vision, or create an inconsistency.

The General Plan envisioned the area as a mix of rural and urban densities. The proposed change would allow an increase in density which is appropriate because a school site has been constructed on the west side of Washington Street, across the street from the project site since the General Plan was approved in 2003. Additional school facilities are also planned for the site. The County General Plan vision discusses many concepts, they are broken into categories including housing, population growth, community, transportation, etc. The project has been reviewed against these visions and staff has determined that they are consistent with them. More specifically, to select a few key concepts, the infrastructure required to support this proposed density is existing in the area, the project respects the biological corridors through the appropriate transition to the conservation area to the east of the site, a full range of housing is afforded with this project which increases the mix of densities in the area, respects the need for appropriate density transitions, and most importantly, that the proposed change helps build communities near the schools, which are new in this area since 2003.

- B. New conditions or circumstances disclosed during the review process justify modifying the General Plan.

As discussed above, the State has located a new school campus across the street from the project site. This school campus is intended to accommodate the existing population and growth in the area. Higher density is best suited near a school site. This helps create the shortest distance for school children to get to the school that serves them. In 2003 when the project area was designated Estate Density, there was no school in the area. With the new school site existing two charter schools have been constructed and a High School is planned. The Estate Density Designation currently featured on the site is no longer in the best interest of the community as urban density near schools help foster walkability.

Because the proposed project is changing from one foundation to another, certain findings are required. The foundation findings are above. However, because the Land Use designation itself is also changing (from Estate Density Residential to Medium Density Residential and Medium High Density Residential) findings are required for designation change as well. The five required findings for the Land Use change are¹:

¹ In addition to the required findings of the General Plan, Ordinance No. 348 Article II specifically requires that the following findings must be made- that new conditions or circumstances disclosed during the review process justify modifying the General Plan (the same as E from the General Plan), that the modifications do not conflict with the overall Riverside County Vision (the same as A(2) from the General Plan), and that they would not create an internal inconsistency among the elements of the General Plan (the same as D from the General Plan). Therefore, if the findings required from the General Plan are satisfied then the findings required in Ordinance No. 348 are also satisfied.

- a. The proposed change does not involve a change in or conflict with:
 - (1) The Riverside County Vision.
 - (2) Any General Plan Principal.
- b. The proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan.
- c. 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.
- d. The change would not create an internal inconsistency among the elements of the General Plan.
- e. That there are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan.

Consideration Analysis:

Two of these were addressed in the foundation findings above: a(1) and e. The three additional required for the designation change are analyzed here:

A(2): The General Plan allows for changes to the Land Use Designations. The proposed change is consistent with the principals of the General Plan contained in Appendix B of the General Plan. There are 15 planning principals in the Appendix, the project is consistent with all principals that can be addressed by a General Plan change (some are County wide, others are project specific). The following is an analysis of the applicable principals to the proposed change.

Principal 1,C discusses the different maturity rates of different communities. This community, in the opinion of staff, is ready for this increase in density due to the addition of the school campus (which will actually be many schools by the time they are built out). In addition when the General Plan was adopted many of the community elements that were foreseen have now come to fruition. For example, The ultimate roadway width of Washington Street (of 152') has begun construction, utilities not present in 2003 are now available at the site, some additional development (consistent with the General plan) has been approved in the area, and new Specific Plans are proposed in the vicinity that are also proposing to increase density. These all reflect the

Principal 1,G discusses the efficient use of the land, and explains that higher density should be appropriate for the area. Staff analysis of this principal is as follows:

The northern parcel:

To the north of the parcel is an approved Tract Map that has not yet recoded. TR32272 has been approved for 38 residential lots with an average lot size of 7,200 square feet. To the east of the northern parcel is Metropolitan Water District Property related to the San Diego Canal and Lake Skinner facilities with a Land Use designation of Public Facilities (PF). To the west is the high school site across Washington Street. To the southwest of the parcel are several established rural single family lots, generally 2 acres in size, in an Estate Density Land Use designation. Therefore, a designation of High Density would still lack an appropriate transition, however, a designation MHDR would be

an appropriate density adjacent to the 7,200 square foot lots to the north. The Estate Density to the southwest is still a concern, but would place the MHDR designation across a major intersection. Additionally, this would place the higher density portion of the project adjacent to the high school where the applicant's proposal would place the high density farther from the school. Placing the MHDR designation on the northern parcel would keep the larger MDR lots adjacent to the Open Space Conservation property located to the east of the project. Lastly, a higher density project places structures closer together. Given the projects location near the Lake Skinner Dam, it's logical to place the higher density further from the dam because in the event of seiche or flooding, greater distance between structures eases the flow of the water through a community.

The center parcel:

As explained above, the density in the center parcel is more appropriate for Medium Density Residential because there are large lot estate homes to across Washington and this would provide a more gradual density transition between the low density homes and the preserve to the east of the site. Additionally this addresses the concerns with the projects proximity to the dam (see below).

The southern parcel:

The parcel to the south is best suited for Medium High Density Residential because the housing that exists to the west is higher in density (generally 8,000 sq foot lots). The lower parcel is also located on an intersection, at Benton and Washington, placing the higher density at an intersection and helping facilitate pedestrian activity by making it easier for school children to cross Washington at the intersection. The property across Washington to the west is also designated Commercial. The placement of MHDR near commercial services also fosters additional opportunities for pedestrian activity called for in the General Plan.

For these reasons, the densities proposed by this development are appropriate at this time.

Principal 2,A, discussing environmental protection, and B, discussing habitat preservation and the need for MSHCP consistency, are addressed in the MSHCP review of the project and through the CEQA document. The project is consistent with all provisions of the MSHCP.

Principal 4,A,1 discusses the need for a variety of housing options and densities, this change will promote a greater diversity on lot sizes in this area, particularly near a new set of schools.

Principal 4,A,3 and 4 discusses the need to distribute density in a rational way. This community, in the opinion of staff, is ready for this increase in density for the many reasons outlined above. These principals explain that density should transmission between communities. This proposed change will foster appropriate transitions (see the discussion regarding transitions in the discussion above for item Principal 1,G).

Principals in 8 pertain to the certainty system. Because this application was submitted in the permitted 5 year window, the project is consistent with this Principal.

B: Upon approval, the foundation will be consistent. Because this application was submitted in the permitted 5 year window, the project is consistent with the certainty principal.

C: As outlined in the consistency with the principals above, the project is consistent with the purposes of the General Plan, as explained in the 11 elements of the General Plan.

D: The project would not create an internal inconsistency within the General Plan. The project was reviewed against the policies of the General Plan, and found to be consistent with them.

SUMMARY OF FINDINGS:

- | | |
|--|---|
| 1. Existing General Plan Land Use (Ex. #5): | Rural Community- Estate Density Residential (RC-EDR) |
| 2. Surrounding General Plan Land Use (Ex. #5): | Community Development- Medium Density Residential (CD:MDR) to the north, Rural Community- Estate Density Residential (RC:EDR), Open Space- Conservation (OS-C) and Community Development- Commercial Retail (CD:CR) to the west, Rural Community- Estate Density Residential (RC-EDR) to the south, and Open Space- Conservation (OS-C) and Public Facilities (PF) to the east. |
| 3. Proposed Zoning (Ex. #2): | Planned Residential (R-4). |
| 4. Surrounding Zoning (Ex. #2): | One Family Dwelling (R-1) to the north, Specific Plan (SP) and Mobile Home Subdivision- 2 ½ Acre Minimum (R-T-R- 2 ½) to the west, Rural Residential (RR) to the east, and Residential Agricultural- 2 ½ Acre Minimum (R-A-2 ½) to the south. |
| 5. Existing Land Use (Ex. #1): | Vacant and single family dwelling. |
| 6. Surrounding Land Use (Ex. #1): | Vacant land to the east, scattered single family dwellings to the west and north, vacant to the south. |
| 7. Project Data: | Total Acreage: 53.94 Gross Acres |
| 8. Environmental Concerns: | See attached environmental assessment |

STAFF RECOMMENDS THAT THE PLANNING COMMISSION:

ADOPT PLANNING COMMISSION RESOLUTION NO. 2014-008 recommending adoption of General Plan Amendment No. 954 to the Board of Supervisors as shown in Exhibit #6; and,

STAFF RECOMMENDS THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATIONS TO THE BOARD OF SUPERVISORS:

DENY GENERAL PLAN AMENDMENT NO. 954 as initiated by the Board of Supervisors; but

ADOPT a MITIGATED NEGATIVE DECLARATION for ENVIRONMENTAL ASSESSMENT NO. 41782, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVE GENERAL PLAN AMENDMENT NO. 954 amending the Land Use designation for the subject property from "Rural Community" (RC) to "Community Development" (CD) and to amend the General Plan Land Use designation from "Estate Density Residential" (EDR) (2 acre minimum lot size) to "Medium Density Residential (MDR) (2-5 D.U./Ac.), Medium High Density Residential (MHDR) (5-8 D.U./Ac.); in accordance with Exhibit #7, and based on the findings and conclusions incorporated in the staff report, subject to adoption of the General Plan Amendment resolution by the Board of Supervisors; and,

APPROVE CHANGE OF ZONE NO. 7739, amending the zoning classification, for the subject property from Light Agriculture- 5 Acre Minimum (A-1-5) to Planned Residential (R-4) in accordance with Exhibit #3, subject to adoption of the zoning ordinance by the Board of Supervisors

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the attached environmental assessment, which is incorporated herein by reference.

1. The proposed project is consistent with the proposed Medium Density Residential (MDR) (2-5 D.U./Ac.), Medium High Density Residential (MHDR) (5-8 D.U./Ac.).
2. The project site is surrounded by properties which are designated as Medium Density Residential (MDR) to the north, Public Facility (PF) and Open Space Conservation Habitat(OS-CH) to the east, Estate Density Residential (EDR) to the south, and Commercial Retail(CR), Open Space Conservation (OS-C) and Rural Community Estate Density Residential to the west of the project location.
3. A new collection of school campuses have been constructed/approved by the state across the street from the site.
4. The proposed change does not conflict with the Riverside County Vision, or create an inconsistency.
5. The infrastructure required to support this proposed density is existing in the area.
6. The project respects the biological corridors through the appropriate transition to the conservation area to the east of the site.
7. A full range of housing is afforded with this project which increases the mix of densities in the area, respects the need for appropriate density transitions, and most importantly, that the proposed change helps build communities near the schools, which are new in this area since 2003.
8. As set forth herein, the proposed change is consistent with the principals of the General Plan contained in Appendix B of the General Plan.
9. To the north of the parcel is an approved Tract Map that has not yet recorded. TR32272 has been approved for 38 residential lots with an average lot size of 7,200 square feet. To the east of the northern parcel is Metropolitan Water District Property related to the San Diego Canal and Lake Skinner facilities with a Land Use designation of Public Facilities (PF). To the west is the high school site across Washington Street. To the southwest of the parcel are several

established rural single family lots, generally 2 acres in size, in an Estate Density Land Use designation. The proposed change would transition Land Uses between these neighboring uses.

10. Placing the MHDR designation on the northern parcel would keep the larger MDR lots adjacent to the Open Space Conservation property located to the east of the project.
11. The projects location is near the Lake Skinner Dam. It's logical to place the higher density further from the dam because in the event of seiche or flooding, greater distance between structures eases the flow of the water through a community.
12. The density in the center parcel is appropriate for Medium Density Residential because there are large lot estate homes to across Washington and this would provide a more gradual density transition between the low density homes and the preserve to the east of the site.
13. The parcel to the south is suited for Medium High Density Residential because the housing that exists to the west is higher in density (generally 8,000 sq foot lots) and the parcel is located on an intersection, at Benton and Washington, placing the higher density at an intersection and helping facilitate pedestrian activity by making it easier for school children to cross Washington at the intersection.
14. The application was submitted in the permitted 5 year window, demonstrating consistency with the Certainty Principal of the General Plan.
15. The zoning for the subject site is Light Agriculture- 5 Acre Minimum (A-1-5).
16. The project site is surrounded by properties which are zoned Rural Residential (RR) to the east, One Family Dwelling (R-1) to the north, Specific Plan (SP) and Mobile Home Subdivisions-2 ½ Acre Minimum (R-T-R-2 ½) to the west, and Residential Agricultural-2 ½ Acre Minimum (R-T-R-2 ½) to the south of the project area.
17. To the east and south of the project area are vacant tracts and to the north and west are scattered single family dwellings. Located to west of the project area are two charter schools and the development site for a proposed Middle School which will be located at the corner of Washington and Abelia Street.
18. This project is located within Criteria Cell 5567 of the Western Riverside County Multiple Species Habitat Conservation Plan. On June 6, 2011 a letter submitted by the Environmental Planning Division for the County of Riverside identified that the MSHCP conservation required was not outlined for this particular property. The project has completed a Habitat Acquisition and Negotiation Strategy Review(HANS 2055, see attached).
19. The proposed project is not located within a City Sphere of Influence.
20. Environmental Assessment No. 41782 identified that the proposed project, GPA 954 and CZ 7739, would not have a significant environmental impact and that a Mitigated Negative Declaration was prepared.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Medium High Density (MDR) and Medium High Density Residential (MHDR) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Planned Residential (R-4) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The project is clearly compatible with the present and future logical development of the area.
5. The project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).
7. The project is consistent with the vision and principals of the General Plan.
8. The project will increase housing and density options in this area of the County.
9. The project will aid in transition between urban development and large lots to the west.
10. The proposed project will contribute to the achievement of the purposes of the General Plan and not create any inconsistencies.

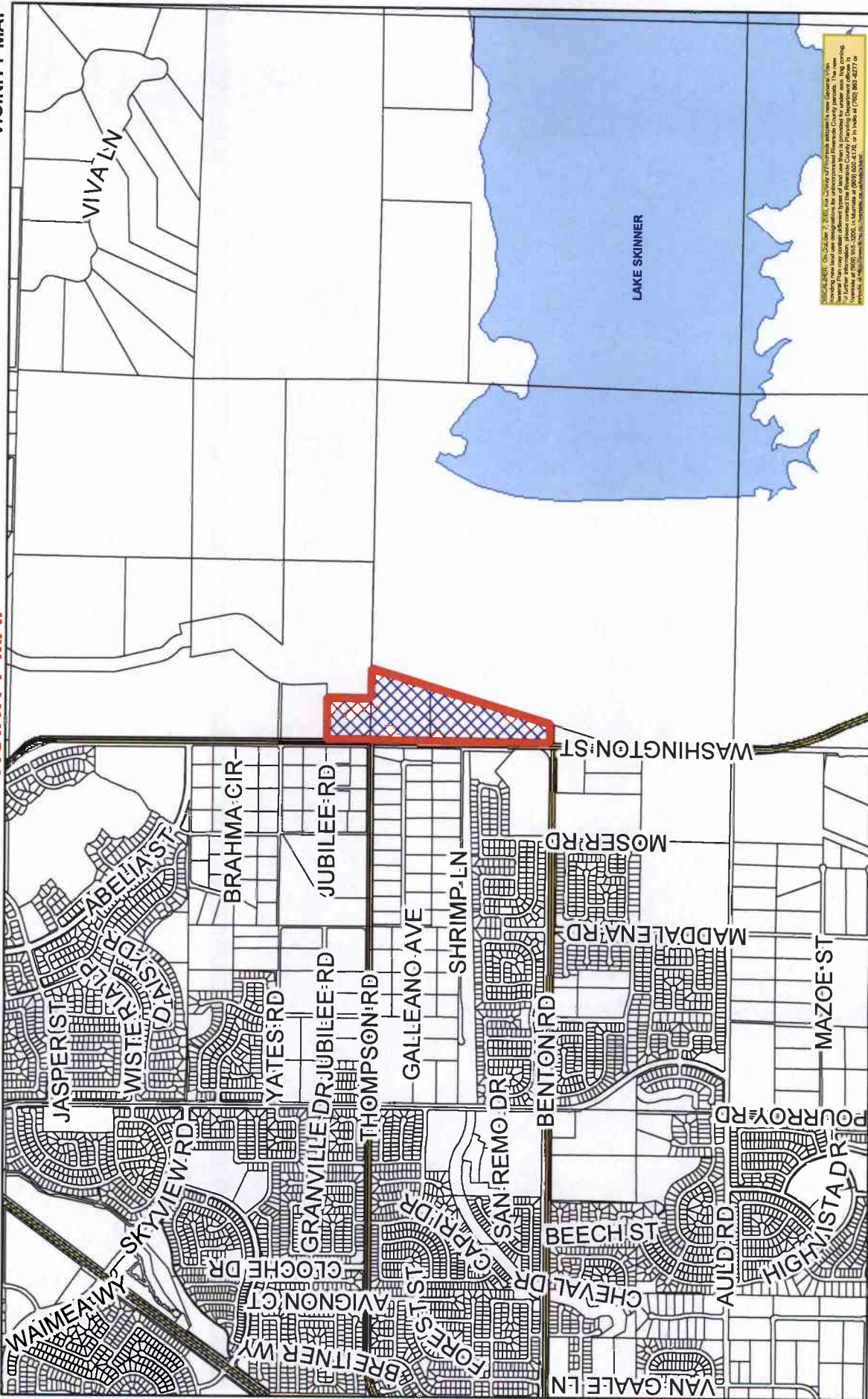
INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. City Sphere of Influence;
 - b. Fault Zone;
 - c. A 100-year flood plain, an area drainage plan;
 - d. Located within a high fire area
 - e. The Stephens Kangaroo Rat Fee Area or Core Reserve Area; or,
 - f. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. The boundaries of the Southwest Area Plan
 - b. The boundaries of the Highway 79 Policy Area;
 - c. Dam inundation area;
 - d. Santa Margarita Watershed
 - e. The Valley Wide Recreation and Parks District; and,
 - f. The southern half of the property has a low liquefaction potential
4. The subject site is currently designated as Assessor's Parcel Numbers 964-030-008, 964-030-007, 472-210-003.

Date Prepared: 01/01/01
Date Revised: 08/14/14

GPA00954
VICINITY MAP

Planner: Amy Aldana
Date: 3/06/08
VICINITY MAP



Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 3 & 4

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. **472-21**
 964-03
Thomas
Bros. Pg. **899 G7**



Planner: Amy Aldana
Date: 3/06/08
Exhibit 6

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, in Murrieta at (909) 660-6170, or in Indio at (760) 863-8277 or website at www.ltrm.co.riverside.ca.us/index.html



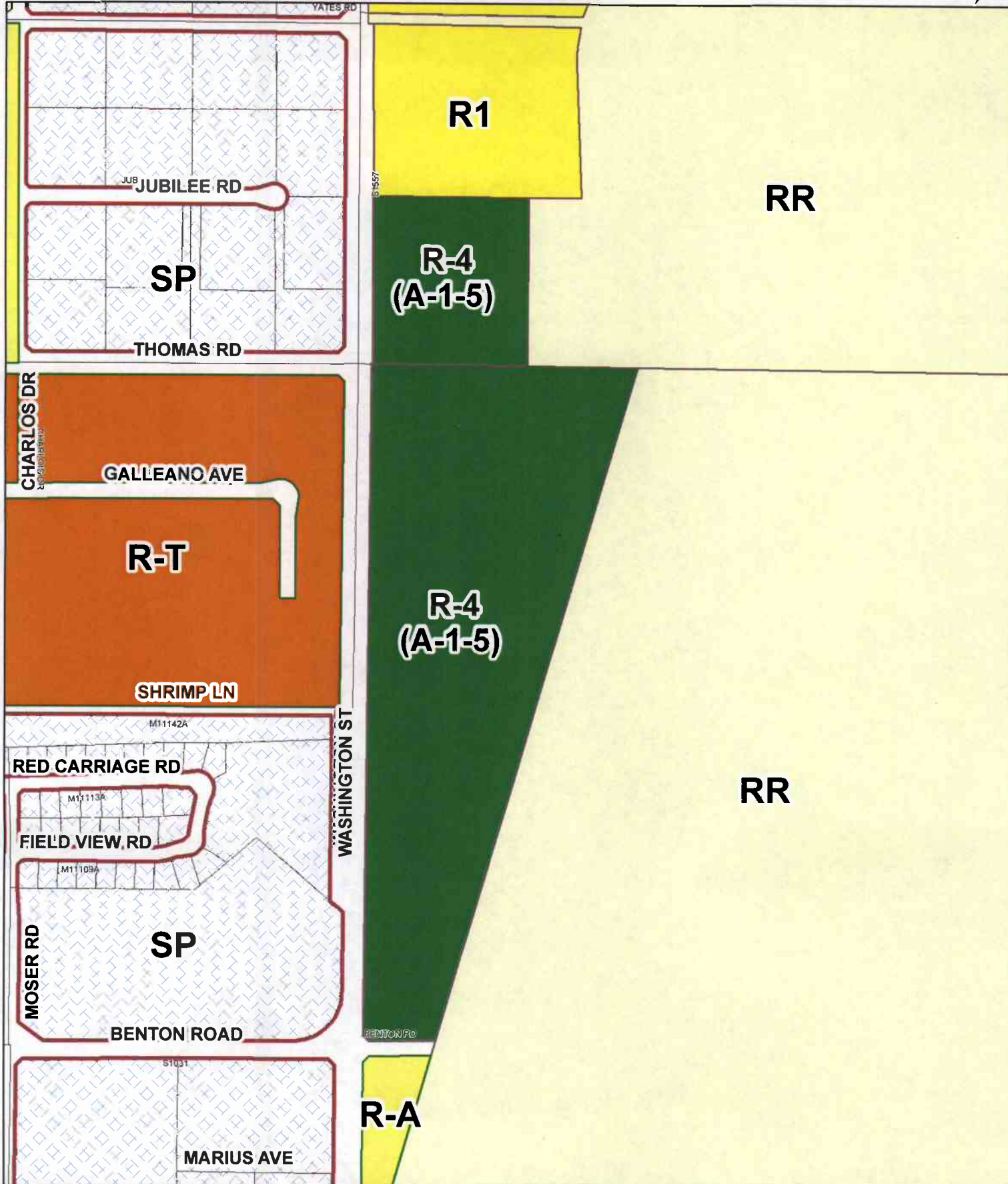
Assessors
Bk. Pg. 472-21
Thomas 964-03
Bros. Pg. 899 G7

RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA00954 CZ7739

Proposed Zoning

Supervisor Stone
District 3



0 250 500 1,000 Feet
1 inch = 500 feet

Orthophotos Flown 2/11 (WR, CV) or 4/07 (REMAP, Blythe)
Printed by mstraitte on 8/12/2014



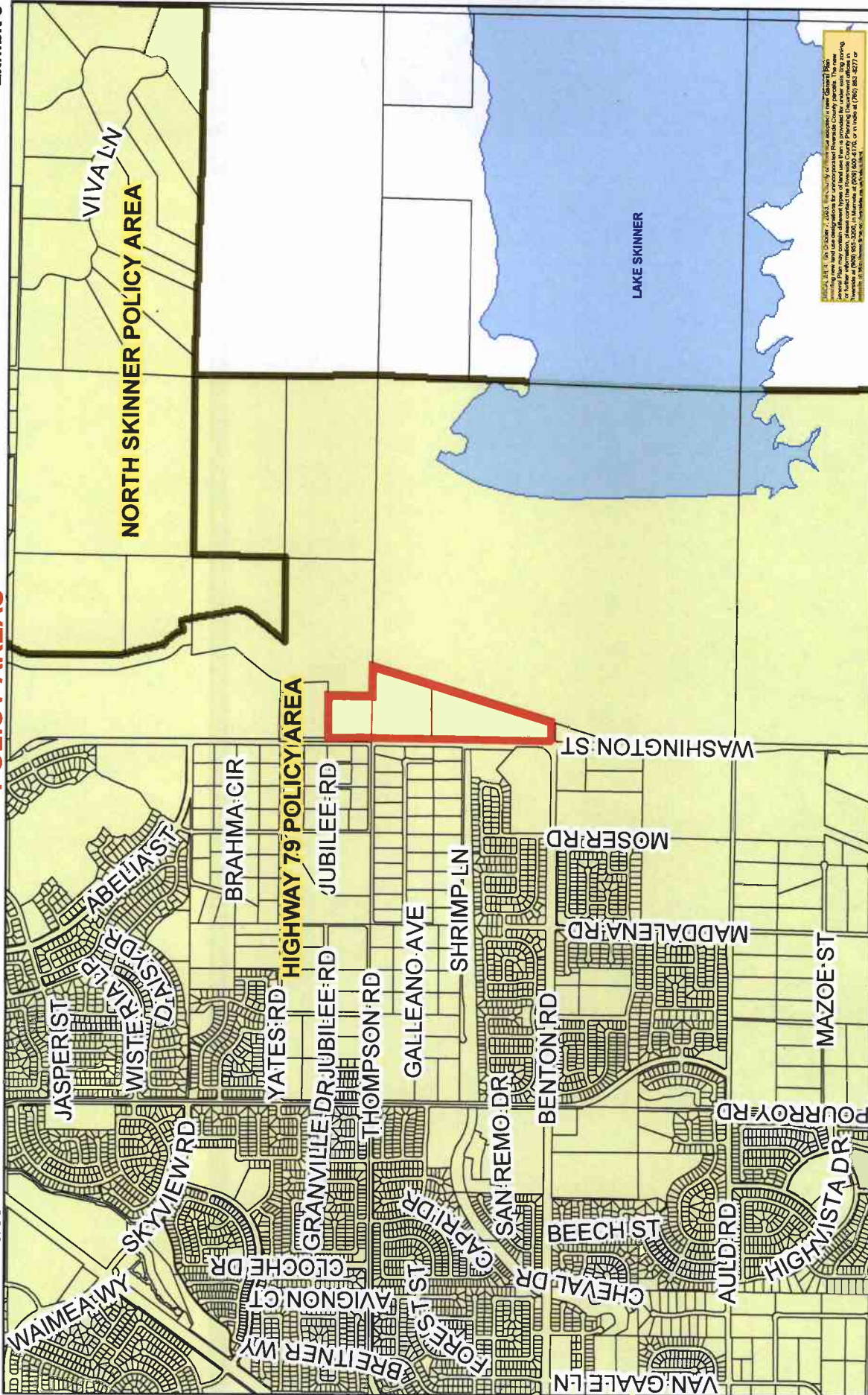
The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or resell this map.

Supervisor Stone
District 3

Date Drawn: 2/26/08

GPA00954
POLICY AREAS

Planner: Amy Aldana
Date: 3/06/08
Exhibit 8



Zone Rancho California
Area: T6SR2W
Section : 3 & 4

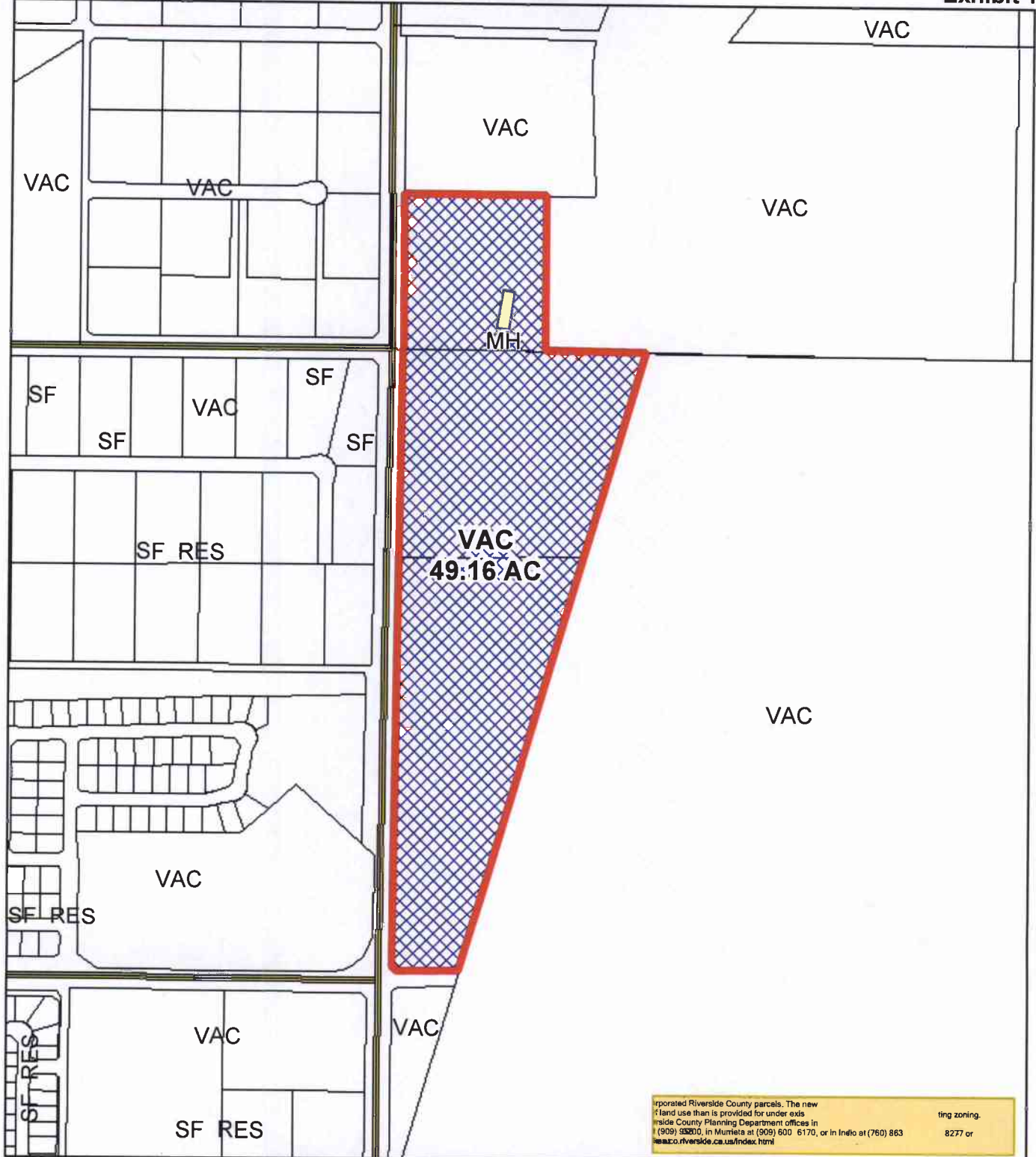
RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 472-21
Thomas 964-03
Bros. Pg. 899 G7

Supervisor Stone
District 3
Date Drawn: 2/26/08

GPA00954
Land Use

Planner: Amy Aldana
Date: 3/06/08
Exhibit 1



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Rancho California
Township/Range: T6SR2W
Section: 3 & 4



Assessors
Bk. Pg. 472-21
964-03
Thomas
Bros. Pg. 899 G7

Supervisor Stone
District 3
Date Drawn: 2/26/08

GPA00954

Planner: Amy Aldana
Date: 3/06/08
Exhibit Overview

DEVELOPMENT OPPORTUNITY



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Rancho California
Township/Range: T6SR2W
Section: 3 & 4



Assessors
Bk. Pg. 472-21
964-03
Thomas
Bros. Pg. 899 G7