


Attachment E

Planning Commission Staff Reports

Agenda Item No.: **3.1**
Area Plan: southwest
Zoning District: Rancho California Area
Supervisory District: Third
Project Planner: Matt Straite
Planning Commission: July 15, 2015
Continued from: July 16, 2014

GENERAL PLAN AMENDMENT NO. 903
CHANGE OF ZONE NO. 7818
EA No. 41706
Applicant: Milan Chakrabarty
Engineer/Representative: Jim Morrissey


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 903 proposes to amend the General Plan Foundation Component of the 3.5 acre site subject from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).

Change of Zone No. 7818 proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

The project is located in the Southwest Area Plan, more specifically it is northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.

FURTHER PLANNING CONSIDERATIONS:

May 27, 2015

The project was before the Commission on July 16, 2014. The night before the hearing Staff received a letter from Ray Johnson with several pages of attachments. Additionally, letters were received from the Endangered Habitats League (EHL) and the Eastern Municipal Water District (EMWD). All are attached.¹ In response to these letters the Environmental Assessment (EA) was revised and recirculated between January 23 and February 12, 2015. Staff received another letter from Ray Johnson during the public review of the recirculated EA dated February 13, 2015 (attached). The revised EA fully addressed all comments raised in Mr. Johnson's February 13th letter. A detailed response to his letter is attached.

Staff has prepared responses to all four letters (attached). With the comments addressed, the CEQA documentation is adequate, addresses all concerns, and is presented to the Commission for a formal recommendation to the Board of Supervisors.

The Background section and Potential Issues of Concern section below are unchanged from the July Staff Report.

BACKGROUND:

The proposed General Plan Amendment was before the Planning Commission on October 28, 2009 and

¹ Mr. Johnson's letter dated July 15, 2014 included several pages of attachments that were distributed to the Planning Commission on July 16th. These were not attached due to the size of the documents, however, the letter is attached.

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before the Board of Supervisors on December 1, 2009 as part of the General Plan Initiation process (GPIP). The project was initiated by the Board. Staff recommended initiation.

The project is requesting a Foundation Level change. The application for the change was submitted during the permitted window in 2008 and is therefore consistent with the 'Certainty System' as outlined in the General Plan. The subject site is located in the "French Valley" community within the Southwest Area Plan. The site is also located within the City of Murrieta's Sphere of Influence and also falls within the General Plan's Highway 79 Policy Area. The site abuts Winchester Road which has been defined under the General Plan's Circulation Element as an expressway with a right-of-way that ranges between 184' and 220'. Many of the lots found to the south, east and southeast of the subject site, that abut Winchester Road as well are currently within the Community Development Foundation Component. This proposal would continue the existing Community Development land use pattern along Winchester Road and would be consistent with the "Land Use Concept" for the "Southwest" area plan which focuses urban development near the incorporated cities of Murrieta and Temecula and also in French Valley.

POTENTIAL ISSUES OF CONCERN:

SB-18 Tribal Consultation

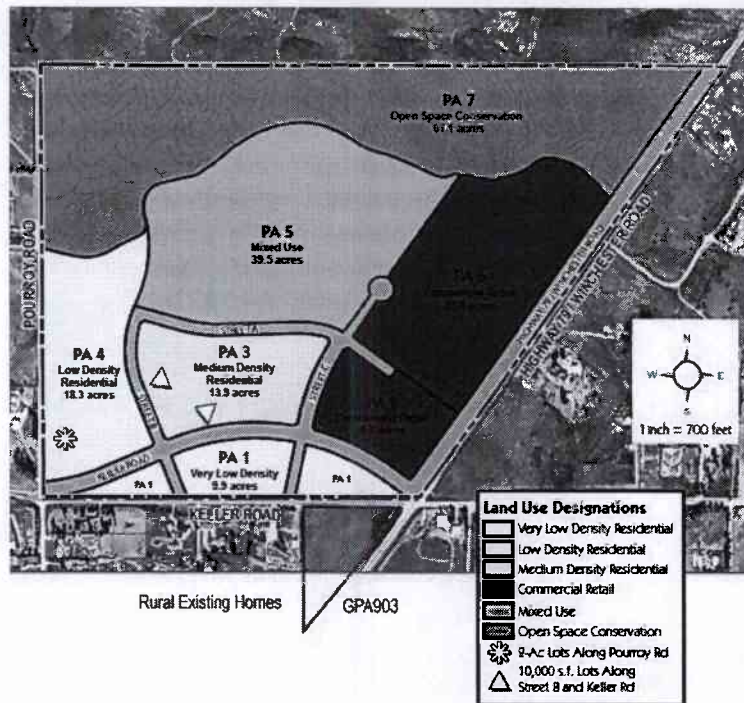
The Pechanga Tribe, through State required SB-18 consultation, has requested that any implementing project within the project area contact the Pechanga Tribe while processing any required entitlements. They additionally request to participate in all future CEQA analysis. The new AB-52 Tribal Consultation bill would require consultation requests of the tribes as well; however, the CEQA notification predates the July 1st deadline for participation in the bill.

Appropriate for Commercial Activity

Because the site had such access challenges and based on the unique shape and configuration of the site (the site is a triangle) staff had concerns about the ability of the site to support an implementing commercial project. Staff requested that the applicant submit a project with the General Plan Amendment and Zone Change; however, the applicant did not desire to plan the site at this time. In order to fully understand the capacity of the site to support a commercial venture, Staff worked with the applicant to create a number of mock commercial projects on the site in order to ascertain the ability of the site to physically accommodate parking requirements, access, fire circulation and other requirements. These mock projects were circulated to all departments during the LDC review of the General Plan Amendment and Change of Zone (see attached). The project will not be required to adhere to any of the mock designs submitted; they were only meant to illustrate the ability of the site to accommodate the proposed use. Using these designs as a guide, all departments indicated support of the proposed change in Land Use.

Highway 79 Policy Area

The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is changing away from residential to Commercial Retail, thus the policy does not apply. The policy only applies to residential changes in intensity.



The Keller Crossing Specific Plan

SP380, now approved, lies north of the site. To clarify, the Specific Plan is approved and not part of this project. The Specific Plan contains 37.8 acres of Commercial retail along Winchester and 39.5 acres of mixed use inside the project. The mixed use is intended to be either single family housing or a congregate care facility, not retail. Further, the project realigns Keller Road to meet Winchester Road at a 90 degree angle (it currently meets at a 45 degree angle). However, the Specific Plan accommodated access to the project site for GPA903. The access would require vehicles to pass in front of existing single family residences in a Rural General Plan Land Use designation. There is only one point of access to the project site. Approval of the project would increase the traffic on the access road (now called Old Keller Road) past the existing Rural Residential prop-

erty. This was studied in the CEQA document at a qualitative level as the CEQA is done on a programmatic basis. Actual traffic volume would depend on the implementing project, any project specific CEQA analysis at this stage would be speculative. The property bordering the access to GPA903, within the Specific Plan is also rural; however, these property areas are already intended to act as basins, as well as single family dwelling locations. Subsequent traffic analysis of an implementing project is forthcoming.

MSHCP Consistency

This project is located within Multi Species Habitat Conservation Plan Criteria Area Cell No. 5275. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.

Available Commercial Property

The site neighbors Rural Residential designations to the west of the site. A Commercial Retail designation exists just east of the subject site across Winchester Road in the Winchester 1800 Specific Plan (SP286). The majority of the commercial lots directly across Winchester Rd. are vacant with the exception of a lot that sits at the corner of Winchester and Keller Roads. A commercial center is also being proposed under Plot Plan No. 24054 (PP24054), to the south of the site at the southwest corner of Koon Street and Winchester Road (APN: 476-010-015). As a matter of background, PP24054 is currently at the Board stage but has been waiting for a number of years based on funding. General Plan Amendment No. 1050 and Change of Zone No. 7709 are being processed concurrently with PP24054 and were both recommended for approval to the Board of Supervisors by the Planning Commission on September 30, 2009. A market study was not required, despite the ample amount of commercial property along Highway 79 because the project site is small, and is therefore not considered a large change to the area.

General Plan Findings

In order to support the initiation of a proposed General Plan Amendment it must be established that the

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proposal satisfies certain required findings. The Administration Element of the General Plan explains that there are four (4) 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. 903 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 in the General Plan.

The Administration Element of the General Plan explains that two findings must be made to justify a 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) 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 involve a change that would 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 original 2003 General Plan identified the subject property and other lands to the north and west as Rural Residential. Land immediately to the east, on the easterly side of Winchester Road was designated Commercial Retail. In addition, land adjoining the Commercial area to the east was designated Very High Density Residential (14-20 du/ac), with additional Medium Density Residential (2-5 du/ac) surrounding both land use designations.

Since adoption of the original General Plan a number of significant land use changes have occurred. Land north of the subject property, as part of SP380, has added Commercial Retail, Commercial Office, Mixed Use, and Low Density Residential Development. SP380 has also changed the alignment of Keller Road and established a roadway section with four (4) travel lanes within a 100-foot right of way.

Prior to the adoption of SP380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Rd. /Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of SP380, substantial urban development is now provided for on the west side of Winchester Rd. /Highway 79, immediately adjacent to and north of the subject property. In addition, SP380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan. Lastly, the subject property is immediately adjacent to Highway 79, a six (6) lane State Highway

extending from Beaumont to Temecula.

The proposed change in land use for the subject property would further the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.

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

The new condition in the area has been outlined above. The approval of Specific Plan No. 380 has changed the land use patterns of the area. Additionally, Highway 79 has recently been widened which will result in increased traffic volume through the area. The rural residential density along the Highway no longer represents the highest and best use of the property based on the changes outlined above.

SUMMARY OF FINDINGS:

- | | |
|--|--|
| 1. Proposed General Plan Land Use (Ex. #6): | Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). |
| 2. Surrounding General Plan Land Use (Ex. #5): | Within SP380 to the north the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP380, Rural Residential (R-R) to the south, and west and within SP286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286. |
| 3. Existing Zoning (Ex. #2): | Rural Residential (R-R) |
| 4. Surrounding Zoning (Ex. #2): | Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west. |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Vacant and single family dwellings to the north, south, east and west. |
| 7. Project Data: | Total Acreage: 3.5 acres |
| 8. Environmental Concerns: | See attached environmental assessment |

RECOMMENDATION:

ADOPTION of the **PLANNING COMMISSION RESOLUTION NO. 2015-05** recommending adoption of General Plan Amendment No. 903 to the Riverside County Board of Supervisors;

PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS:

ADOPTION of a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41706**, 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,

APPROVAL of **GENERAL PLAN AMENDMENT NO. 903**, amending the Land Use Designation for the subject property from Rural-Rural Residential (R:RR) to Community Development-Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

APPROVAL of **CHANGE OF ZONE NO. 7818**, amending the zoning classification for the subject property from Rural Residential (RR) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption 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 project site is designated Rural: Rural Residential (R:RR) (5 acre minimum lot size) on the Southwest Area Plan, the proposed designation is Community Development: Commercial Retail (CD:CR).
2. The application was submitted during the permitted time period to request foundation changes in 2008.
3. The proposed commercial use is permitted in the Commercial Retail (CR) designation.
4. The adoption of SP380, the Keller Crossing Specific Plan, north of the subject property, has added commercial retail, commercial office, mixed use, and low density residential development.
5. Based on the adoption of SP380, the alignment of Keller Road has changed. The Road is now established with a roadway section with four (4) travel lanes within a 100-foot right of way.
6. Prior to the adoption of SP380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of SP380, substantial urban development is now provided for on the west side of Winchester Rd. /Highway 79, immediately adjacent to and north of the subject property.
7. SP380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Rd./Highway 79 plan.

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8. The subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula that has recently been widened to accommodate an increase in traffic.
9. 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.
10. The change would not create an internal inconsistency among the elements of the General Plan. Based on Staff's review of the proposed change, the change would not create any inconsistencies among the elements of the General Plan.
11. The proposal to convert from Rural Residential to Commercial would contribute to the achievement of the General Plan because the parcel in question is better suited to a commercial use than a rural residential use. The General Plan encourages a mix of uses. The Rural Residential designation on a property this size located on a major Highway would likely not result in the development of that property as a residential use. Therefore, the parcel is no longer suitable as a Rural Residential property, and far better suited as a commercial use, thus helping to achieve the goal outlined in the General Plan of creating a mix of uses in the most appropriate locations.
12. The change would not create an internal inconsistency among the elements of the General Plan. Based on Staff's review of the proposed change, the change would not create any inconsistencies among the elements of the General Plan.
13. The project site is surrounded by properties which are designated, within SP380 to the north; the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP380, Rural Residential (R-R) to the south, and west; and within SP286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286.
14. The zoning for the subject site is Rural Residential (R-R).
15. The project site is surrounded by properties which are zoned Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west.
16. This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.
17. This project is within the City Sphere of Influence of the City of Murrieta.
18. Environmental Assessment No. 41706 identified that there were no potential impacts.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Retail (CD:CR) Land Use Designation, and with all other elements of the Riverside County General Plan.

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2. The proposed project is consistent with the proposed zoning classification of General Commercial (C-1/C-P) according to Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.
4. The proposed project is consistent with the provisions of the Administration Element of the 2003 General Plan.
5. The proposed project is consistent with the provisions of Ordinance No. 348, Section 2.1 and 2.5 relating to Foundation Component Amendments-Regular.
6. The proposed project is consistent with the vision of the General Plan for the area and the proposed change would not create an internal inconsistency among the elements of the General Plan.
7. The surrounding changes in Land Use and circulation that have occurred after the 2003 General Plan was adopted and with the changes in land uses near the site justify the proposed amendment.
8. The SB-18 Tribal Consultation request for consultation was completed.
9. The public's health, safety, and general welfare are protected through project design.
10. The proposed project is compatible with the present and future logical development of the area.
11. The proposed project will not have a significant effect on the environment.
12. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

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. A 100-year flood plain, an area drainage plan, or dam inundation area;
 - b. High fire area;
 - c. The Stephen's Kangaroo Rat Fee Area or Core Reserve Area; or,
 - d. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. The city of Murrieta sphere of influence;
 - b. An area of low liquefaction; and,
 - c. The Valley Wide Recreation and Parks District.
4. The project site is currently designated as Assessor's Parcel Number: 476-010-010.

INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement"), made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and the Milankumar S. Chakrabarty and Manjushree Chakrabarty Revocable Trust dated May 21, 2013 ("PROPERTY OWNER"), relating to the PROPERTY OWNER'S indemnification of the COUNTY under the terms set forth herein:

WITNESSETH:

WHEREAS, the PROPERTY OWNER has a legal interest in the certain real property described as APN 476-010-060 formerly known as APN 476-010-010 ("PROPERTY"); and,

WHEREAS, on January 15, 2008, PROPERTY OWNER filed an application for General Plan Amendment No. 903 and Change of Zone No. 7818 ("PROJECT"); and,

WHEREAS, judicial challenges of projects requiring discretionary approvals, including, but not limited to, California Environmental Quality Act determinations, are costly and time consuming. Additionally, project opponents often seek an award of attorneys' fees in such challenges; and,

WHEREAS, since property owners are the primary beneficiaries of such approvals, it is appropriate that such owners bear the expense of defending against any such judicial challenge, and bear the responsibility of any costs, attorneys' fees and damages which may be awarded to a successful challenger; and,

WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

WHEREAS, this Agreement is entered into by the COUNTY and PROPERTY OWNER to establish specific terms concerning PROPERTY OWNER'S indemnification obligation for the PROJECT.

NOW, THEREFORE, it is mutually agreed between COUNTY and PROPERTY OWNER as follows:

1. **Indemnification.** PROPERTY OWNER, at its own expense, shall defend, indemnify and hold harmless the COUNTY, its agents, officers, and employees from and against any claim, action or proceeding brought against the COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, and expenses including, but not limited to, costs associated with Public Records Act requests submitted to the COUNTY related to the PROJECT and an award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.")

2. **Defense Cooperation.** PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. **Representation and Payment for Legal Services Rendered.** COUNTY shall have the absolute right to approve any and all counsel retained to defend COUNTY in the LITIGATION. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by APPLICANT to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of APPLICANT's obligations under this Agreement.

4. **Payment for COUNTY's LITIGATION Costs.** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1. herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. **Return of Deposit.** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. **Notices.** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:
Office of County Counsel
Attn: Melissa Cushman
3960 Orange Street, Suite 500
Riverside, CA 92501

PROPERTY OWNER :
Milan Chakrabarty
1003 East Florida Ave Suite 101
Hemet, CA 92543

7. **Default and Termination.** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. **COUNTY Review of the PROJECT.** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. **Complete Agreement/Governing Law.** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. **Successors and Assigns.** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. **Amendment and Waiver.** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

12. **Severability.** If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. **Survival of Indemnification.** The parties agree that this Agreement shall constitute a separate agreement from any PROJECT approval, and if the PROJECT, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

14. **Interpretation.** The parties have been advised by their respective attorneys, or if not represented by an attorney, represent that they had an opportunity to be so represented in the review of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. **Captions and Headings.** The captions and section headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

16. **Jurisdiction and Venue.** Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed in the Courts of Riverside County, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court or jurisdiction.

17. **Counterparts; Facsimile & Electronic Execution.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. To facilitate execution of this Agreement, the parties may execute and exchange facsimile or electronic counterparts, and facsimile or electronic counterparts shall serve as originals.


18. **Joint and Several Liability.** In the event there is more than one PROPERTY OWNER, the liability of PROPERTY OWNER shall be joint and several, and PROPERTY OWNER each of them shall be jointly and severally liable

for performance of all of the obligations of PROPERTY OWNER under this Agreement.

19. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.


IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

COUNTY:
COUNTY OF RIVERSIDE,
a political subdivision of the State of California

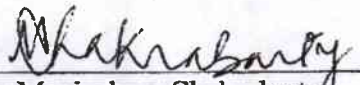
By: 
Name: Steven Weiss Title: Planning Director

Dated: 5/20/15

PROPERTY OWNER:
The Milankumar S. Chakrabarty and
Manjushree Chakrabarty Revocable Trust dated May 21, 2013

By: 
Name: Milankumar S. Chakrabarty,
Trustee of the Milankumar S. Chakrabarty and
Manjushree Chakrabarty Revocable Trust dated May 21, 2013

Dated: 5/5/15

By: 
Name: Manjushree Chakrabarty,
Trustee of the Milankumar S. Chakrabarty and
Manjushree Chakrabarty Revocable Trust dated May 21, 2013

Dated: 5/5/15

FORM APPROVED COUNTY COUNSEL
BY:  7/7/15
MICHELLE CLACK DATE

COUNTY OF RIVERSIDE

ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

Environmental Assessment (E.A.) Number: 41706

Project Case Type (s) and Number(s): General Plan Amendment No. 903 and Change of Zone No. 7818

Lead Agency Name: County of Riverside Planning Department

Address: P.O. Box 1409, Riverside, CA 92502-1409

Contact Person: Matt Straite

Telephone Number: 951-955-8631

Applicant's/ Eng Name: Milan Chakrabarty

Applicant's/ Eng Address: 1003 East Florida Ave. Suite 101 Hemet CA 90343

I. PROJECT INFORMATION

A. Project Description: The General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P). Due to the structure of the County Zoning Ordinance, commercial uses that are permitted and conditionally permitted require subsequent environmental review. As such, a subsequent environmental document would be prepared for any office and/or retail commercial center when such an application is filed for this project site. At that time the additional details provided by the plan would be evaluated to further determine the potential environmental effects of the project.

B. Type of Project: Site Specific ☒; Countywide ☐; Community ☐; Policy ☐.

C. Total Project Area: 3.5

Residential Acres: n/a

Lots: n/a

Units: n/a

Projected No. of Residents: n/a

Commercial Acres: 3.5

Lots: 1

Sq. Ft. of Bldg. Area: n/a

Est. No. of Employees: n/a

Industrial Acres: n/a

Lots: n/a

Sq. Ft. of Bldg. Area: n/a

Est. No. of Employees: n/a

D. Assessor's Parcel No(s): 476-010-060

E. Street References: Northwesternly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.

F. Section, Township & Range Description or reference/attach a Legal Description:
Section 28 North West, Township 6 South, Range 2 West

G. Brief description of the existing environmental setting of the project site and its surroundings: Vacant dry farmland

II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

A. General Plan Elements/Policies:

- 1. Land Use:** Once the project is approved, the project is consistent with the provisions of the Land Use Element.

2. **Circulation:** The project is consistent with the Highway 79 policy area provisions, and all other policies of the Circulation Element.
3. **Multipurpose Open Space:** The project is consistent with the policies of the Open Space Element.
4. **Safety:** The project is consistent with the policies of the Safety Element.
5. **Noise:** The project is consistent with the policies of the Noise.
6. **Housing:** The project is consistent with the policies of the Housing.
7. **Air Quality:** The project is consistent with the policies of the Air Quality.

B. General Plan Area Plan(s): Southwest

C. Foundation Component(s): Rural

D. Land Use Designation(s): Rural: Rural Residential (R:RR)

E. Overlay(s), if any: N/A

F. Policy Area(s), if any: Highway 79 Policy Area

G. Adjacent and Surrounding:

1. **Area Plan(s):** Southwest to the north, south, east and west
2. **Foundation Component(s):** Community Development to the north (SP380) and the south-east, and Rural to the west.
3. **Land Use Designation(s):** Community Development Specific Plan to the north, Rural: Rural Residential (R:RR) to the east, Community Development: Commercial Retail (CD:CR) to the south-east.
4. **Overlay(s), if any:** None
5. **Policy Area(s), if any:** Highway 79 Policy Area to the north, south, east, and west.

H. Adopted Specific Plan Information

1. **Name and Number of Specific Plan, if any:** N/A
2. **Specific Plan Planning Area, and Policies, if any:** N/A

I. Existing Zoning: Rural Residential (RR)

J. Proposed Zoning, if any: General Commercial (C-1/C-P).

K. Adjacent and Surrounding Zoning: Specific Plan (SP) to the north and south-east, and, Rural Residential (RR) to the west.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture & Forest Resources | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Mandatory Findings of |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services | Significance |

IV. DETERMINATION

On the basis of this initial evaluation:

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED

☒ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED

☐ I find that although the proposed project could have a significant effect on the environment, **NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED** because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible.

☐ I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An **ADDENDUM** to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.

☐ I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a **SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT** is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.

☐ I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR

or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

Signature

5/15/14

Date

Matt Striate, project planner
Printed Name

For Juan C Perez, Interim Planning Director

V. ENVIRONMENTAL ISSUES ASSESSMENT

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21178.1), this Initial Study has been prepared to analyze the proposed project to determine any potential significant impacts upon the environment that would result from construction and implementation of the project. In accordance with California Code of Regulations, Section 15063, this Initial Study is a preliminary analysis prepared by the Lead Agency, the County of Riverside, in consultation with other jurisdictional agencies, to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report is required for the proposed project. The purpose of this Initial Study is to inform the decision-makers, affected agencies, and the public of potential environmental impacts associated with the implementation of the proposed project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS Would the project				
1. Scenic Resources				
a) Have a substantial effect upon a scenic highway corridor within which it is located?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features; obstruct any prominent scenic vista or view open to the public; or result in the creation of an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure 9 in the Southwest Area Plan- "Scenic Highways"

Findings of Fact:

a-b) The proposed project is not located along any scenic highway corridors in the Southwest Area plan. The closest Scenic Highway Corridor is the 215. This project will not impact any designated scenic highway corridors. The project area has been in a transitional phase from rural to urban due to the expansion of the urban areas to the north and south of the site and the recent widening of Highway 79 from two (2) lanes to a four (4) lane roadway, along with the approval of development projects in the surrounding area, including Specific Plan 380 located to the north.

The proposed project would permit commercial development within a setting that is currently rural in nature, but adjacent to a State Highway. The current RR Zone permits single family building heights of up to 40 feet, with other buildings or structures up to 50 feet. The C-1/C-P Zone would modify this building height to permit up to 50 feet in height and other building or structures up to 75 feet in height. Typically, the additional building height in the C-1/C-P Zone affords commercial uses the erection of towers or other non-habitable structures that provide a variable architectural style. Although a formal site plan has not been prepared, the project site slopes downward toward Highway 79. When future development occurs, it is reasonable to assume the ultimate pad elevation of the site would be lower than the adjoining house to the east, but probably higher than the existing State Highway. Topography in the area generally recedes in elevation from west to east. As such, visibility of the project site would be more prominent for properties to the east of Highway 79, than properties west of Highway 79. However, the increased building height and change in land use provided by this application would result in a land use similar to that planned for other commercial land uses, including that contained in the approved Specific Plan to the north, but would not affect scenic resources or vistas, since none are identified in the area.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

2. Mt. Palomar Observatory

a) Interfere with the nighttime use of the Mt. Palomar Observatory, as protected through Riverside County Ordinance No. 655?

☐☐☒☐

Source: GIS database, Ord. No. 655 (Regulating Light Pollution), Southwest Area Plan Figure 6

Findings of Fact:

a) The proposed project is located within Zone b of the Palomar Nighttime Lighting Policy Area according to figure 6 in the Southwest Area Plan section of the General Plan. This means the site is within two (2) designated circular rings of Mt. Palomar, one within a 45 mile radius (Zone B) and one within a 15 mile radius. Future land uses for the subject property must conform to County lighting requirements as a matter of standard project approval. The proposed project will change the General Plan designation for the site, which could lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County development standards, such as exterior lighting.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

3. Other Lighting Issues

a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

☐☐☐☒

b) Expose residential property to unacceptable light levels?

☐☐☐☒

Source: On-site Inspection, Project Application Description

Findings of Fact:

a-b) The proposed project will change the General Plan designation and zoning for the site, which could lead to a higher level of development on the property. Current County regulations require outdoor lighting to be shielded so that light only illuminate the parcel upon which the lighting source is located. This would prevent exposing adjoining residential properties to new light sources. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County development standards, such as exterior lighting.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation is required

Monitoring: No monitoring is required

AGRICULTURE & FOREST RESOURCES Would the project

4. Agriculture

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

☐ ☐ ☒ ☐

b) Conflict with existing agricultural zoning, agricultural use or with land subject to a Williamson Act contract or land within a Riverside County Agricultural Preserve?

☐ ☐ ☒ ☐

c) Cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625 "Right-to-Farm")?

☐ ☐ ☒ ☐

d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

☐ ☐ ☒ ☐

Source: Riverside County General Plan Figure OS-2 "Agricultural Resources," GIS database, and Project Application Materials.

Findings of Fact:

a) The proposed project is located within an area designated "local importance" in the General Plan and on the Riverside County Important Farmland 2010 Map, Sheet 1 of 3, prepared by the California Department of Conservation. Farmland of Local Importance is either currently producing, or has the capability of production, but does not meet the criteria of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The California State Department of Conservation makes these designations based on soil types and land use designations. The subject property is not farmed and the subject property and surrounding properties are designated for residential and commercial development. The County General Plan identifies lands for agricultural uses, but none are designated agriculture in the immediate area. Therefore, there is no impact upon agricultural zoning or agricultural uses.

b) There are no Williamson Act contracts on the project site. As a result, the current and proposed zoning is consistent with the current General Plan and the proposed change is not inconsistent with the County's vision for the area. There are no impacts.

c-d) The property surrounding the site is not agriculturally zoned. There are no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Forest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Govt. Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure OS-3 "Parks, Forests and Recreation Areas," and Project Application Materials.

Findings of Fact:

a-c) The County has no forest land zoning, nor is the property forested. There will be no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

AIR QUALITY Would the project

6. Air Quality Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors which are located within 1 mile of the project site to project substantial point source emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve the construction of a sensitive receptor located within one mile of an existing substantial point source emitter?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: SCAQMD CEQA Air Quality Handbook

Findings of Fact:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a-f) The proposed land use change would result in an intensification of the use on the site, in terms of building and traffic trips. Although no development is proposed at this time, the applicant has submitted conceptual site plans for the purpose of determining whether development could reasonably occur on the property given its existing constraints. The applicant has submitted three (3) different plans with building, parking and landscaping areas identified, and which vary in size from 45,490 square feet for general retail uses to two (2) story buildings of 62,088 and 62,168 square feet split between retail on the ground floor and office on the second floor. Utilizing the CalEEMod air quality program from the South Coast Air Quality Management District and inputting basic building factors, such as the largest building size, but selecting the retail strip mall computer tab category to generate maximum vehicle trips, and only mitigating for dust by watering the site three times daily, the amount of construction and operational emissions did not exceed daily thresholds published by the District. Consistency with the 2012 Air Quality Management Plan is determined based upon whether the "project will not result in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP..." and "Whether the project will exceed the assumptions in the AQMP..." "The violations that are referred to are the state and federal criteria pollutant ambient air quality standards..." (1993 CEQA Air Quality Handbook) Since the project would not violate air quality daily threshold standards it would not be inconsistent with regional air quality plans. The proposed project is also consistent with the vision of the General Plan. There are no point source emitters within 1 mile of the proposed site. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure consistency with County development and air quality requirements. Based upon this analysis, the impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

BIOLOGICAL RESOURCES Would the project

7. Wildlife & Vegetation

a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?

☐ ☐ ☐ ☒

b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?

☐ ☐ ☐ ☒

c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?

☐ ☐ ☐ ☒

d) Interfere substantially with the movement of any

☐ ☐ ☐ ☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: GIS database, WRCMSHCP and/or CVMSHCP, On-site Inspection

Findings of Fact:

a-g) This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The proposed project has been submitted to the Environmental Programs Department to process a Habitat Acquisitions and Negotiations Strategy (HANS No. 2015) application. The process has been completed and Conservation requirements are not been required. The project is therefore consistent with the requirements of the MSHCP at this stage. Additional ground studies will be required at a future stage to further determine consistency with the MSHCP at the construction stage. Further, this project does not provide the opportunity for physical disturbance of the property, therefore, there is no potential for take of sensitive species or conflict with adopted conservation plans, including but not limited to the MSHCP. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts to Biological Resources as well as any further potential conflicts with adopted conversation plans, including but not limited to the MSHCP.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

CULTURAL RESOURCES Would the project

8. Historic Resources

a) Alter or destroy an historic site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: On-site Inspection, Project Application Materials, PDA04829

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact:

a-b) A Phase I Archaeological Assessment has been completed for the project site consistent with Riverside County requirements. This involved a site visit, historical/archaeological records search, contact with Native American representatives, and historical background research. Based on this effort it was found that no historic sites or resources exist on the property. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA may be undertaken, if necessary, to determine if evidence of historical resources exist due to the length of time that has transpired since the last evaluation and whether site changes through natural events, such as wind or soil erosion, during that time have exposed potential resources.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

9. Archaeological Resources

a) Alter or destroy an archaeological site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: On-site Inspection, Project Application Materials, PDA04829

Findings of Fact:

a-d) A cultural resources report for the project site was submitted that analyzed the project site for historical and archaeological resources. The study determined that there were no recorded archaeological sites on the property and the site was determined to be less than significant due to the lack of cultural deposits. State law requires that the County Coroner be notified if human remains are found on the property and is a standard development requirement. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA may be undertaken, if necessary, to determine if evidence of archaeological resources exist due to the length of time that has transpired since the last evaluation and whether site changes through natural events, such as wind or soil erosion, during that time have exposed potential resources.

Additionally, the Pechanga Tribe, through State required SB-18 consultation, has requested that any implementing project within the project area contact the Pechanga Tribe while processing any required entitlements. They additionally request to participate in all future CEQA analysis.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation is required

Monitoring: No monitoring is required

10. Paleontological Resources

a) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature?

☐ ☐ ☒ ☐

Source: Riverside County General Plan Figure OS-8 "Paleontological Sensitivity"

Findings of Fact:

a) According to the General Plan the project is in an area of low and undetermined paleontological sensitivity to the north east and for the remainder of the site (about 80% of the site) respectively. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

GEOLOGY AND SOILS Would the project

11. Alquist-Priolo Earthquake Fault Zone or County Fault Hazard Zones

☐ ☐ ☒ ☒

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death?

b) Be subject to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

☐ ☐ ☐ ☒

Source: Riverside County General Plan Figure S-2 "Earthquake Fault Study Zones," GIS database, Geologist Comments

Findings of Fact:

a-b) The *Geotechnical Investigation* completed for the proposed land use change found no known faults have been mapped on or immediately adjacent to the project site. According to the General Plan, there are no mapped fault zones within or near the project site. Ground shaking from a geological event would affect the subject property. However, due to the distance of the site from existing faults and standard Building Code requirements that include the completion of a geotechnical study, potential adverse impacts from an earthquake would not result in a significant impact.

Mitigation: No mitigation is required

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Monitoring: No monitoring is required

12. Liquefaction Potential Zone

a) Be subject to seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Riverside County General Plan Figure S-3 "Generalized Liquefaction"

Findings of Fact:

a) According to the General Plan, the site is not mapped as being within a potential liquefaction area. The *Geotechnical Investigation* of the site found the risks associated with liquefaction to be negligible. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and a possible subsequent soils investigation maybe undertaken to comply with the requirements of the adopted Building Code to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

13. Ground-shaking Zone

a) Be subject to strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan Figure S-4 "Earthquake-Induced Slope Instability Map," and Figures S-13 through S-21 (showing General Ground Shaking Risk)

Findings of Fact:

a) Every project in California has some degree of potential exposure to significant ground shaking. The proposed project is located within an area of very high groundshaking, according to the General Plan Safety Element. The adopted Building Code provides standard construction requirements that would address potential ground shaking under these types of circumstances. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review would be undertaken as part of permit issuance to determine appropriate building requirements, as referenced previously. This will include adherence to the California Building code, Title 24, which would mitigate to some degree, the potential adverse effects from ground shaking.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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14. Landslide Risk

a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, collapse, or rockfall hazards?

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Source: On-site Inspection, Riverside County General Plan Figure S-5 "Regions Underlain by Steep Slope"

Findings of Fact:

a) The project site is generally flat and based on exhibit S-5 from the General Plan, there are no steep slopes that could potentially result in landslides. There will be no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

15. Ground Subsidence

a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in ground subsidence?

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Source: Riverside County General Plan Figure S-7 "Documented Subsidence Areas Map"

Findings of Fact:

a) According to the General Plan, Figure S-7, the lower half of the site is in an area potentially susceptible to subsidence. Construction methods exist to respond to this type of condition and would be applied in conjunction with other standard Building Code requirements. Therefore, there are no potentially adverse impacts based on the proposed project.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

16. Other Geologic Hazards

a) Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?

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Source: On-site Inspection, Project Application Materials, Geologist Review

Findings of Fact:

a) Based on the review of the proposed project by the County Geologist, the project does not present any other geological hazards or risks. Lake Skinner is located about 13,000 feet (2.5 miles) to the southeast of the project site. Based upon Figure 10, Flood Hazards, Southwest Area Plan, the project

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site is not located within a Dam Inundation zone for Lake Skinner. This indicates a low likelihood for seiche resulting from strong seismic activity near the Lake Skinner Dam, which would impact the property.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

17. Slopes

a) Change topography or ground surface relief features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create cut or fill slopes greater than 2:1 or higher than 10 feet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in grading that affects or negates subsurface sewage disposal systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-5 "Regions Underlain by Steep Slope", Project Application Materials

Findings of Fact:

a-c) The project site generally slopes from west to the east towards Highway 79. No significant slopes exist on-site nor near the project site. Although no specific development plans have been submitted that identify potential grading, it is unlikely slopes greater than those referenced would occur due to site conditions. Nor would future grading notably change topographic relief due to the small size of the site. Due to the change from residential to commercial land use it is unlikely a future user would utilize a subsurface disposal system. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review would be undertaken of the proposed grading plan and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

18. Soils

a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have soils incapable of adequately supporting use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Project Application Materials, On-site Inspection

Findings of Fact:

a-c) Expansive soils are a concern due to the potential to crack building foundations and render them uninhabitable. According to the Soil Survey, Western Riverside Area, prepared by the Department of the Interior, the following four (4) soil types exist on the project site: Monserate, Escondido, Friant, and Garretson. All of these soil types are identified as having low shrink-swell potential. In addition, the *Geotechnical Investigation* completed for the project site, also identified the near surface soil characteristics as having a low expansive potential. Appropriate Building Code requirements would be applied to future development of the site. There are several single family structures near the site, all of which are on septic currently. The project proposes to increase the intensity of the property. Specific Plan No. 380 will eventually bring sewer to the site; however, the timing is unknown. Should an implementing project on the subject site build prior to the development of the SP to the north, the site may require septic, although this is unknown at this stage of development. All septic systems require separate permitting from the County Environmental Health Department, with full percolation testing. Such testing, should it be needed, will be performed at the implementation stage. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and , if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

19. Erosion

a) Change deposition, siltation, or erosion that may modify the channel of a river or stream or the bed of a lake?

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b) Result in any increase in water erosion either on or off site?

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Source: Project Application Materials, On-site Inspection

Findings of Fact:

a-b) The project site is not located within a designated drainage course or blue line stream as delineated on the applicable U.S.G.S. Map. However, a blue line stream is delineated to the west and south of the site. Since the project site exceeds one (1) acre in size, compliance with applicable erosion control requirements, such as a Water Quality Management Plan (WQMP) and/or Storm Water Pollution Prevention Plan (SWPPP), would be required to address potential site erosion and off-site pollutant discharge. The specific details of these plans are normally prepared at the time building plans and site improvements are known. As such, once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of erosion related issues would occur and , if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Monitoring: No monitoring is required

20. Wind Erosion and Blowsand from project either on or off site.

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a) Be impacted by or result in an increase in wind erosion and blowsand, either on or off site?

Source: Riverside County General Plan Figure S-8 "Wind Erosion Susceptibility Map," Ord. No. 460, Article XV & Ord. No. 484

Findings of Fact:

a) According to General Plan figure S-8 the project is not located in an area of high wind erosion. To reduce potential dust and soil erosion during grading, site watering is to be employed. This would also have the benefit of reducing potential impacts upon the adjoining properties. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and , if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

GREENHOUSE GAS EMISSIONS Would the project

21. Greenhouse Gas Emissions

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a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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Source: Application Materials

Findings of Fact:

a.-b.) The proposed amendment would increase the potential intensity of the site, resulting in an increase in potential impacts because there could be a larger building footprint and more vehicle trips in the area (vehicle trips are the largest generator of greenhouse gasses in this area). Any future implementing project on this site will be required to comply with California's AB-32 greenhouse gas reduction requirement. The South Coast Air Quality Management District is responsible for developing greenhouse gas emission thresholds. At this time the District has adopted an interim threshold level of 3,000 metric tons per year. Based upon the preliminary air quality analysis referenced earlier, construction and operational emissions are estimated to be less than threshold levels. At this time , it is somewhat speculative to review the specific potential impacts as the size of the proposed development (implementing project) is not specifically known. Additionally, many of the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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identified potential mitigation for GHG impacts are implemented at the construction level of development. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts. However, due to the size of the site and the County's development restrictions, it is unlikely that any future development would exceed adopted threshold levels as evidenced by the preliminary air quality evaluation.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

HAZARDS AND HAZARDOUS MATERIALS Would the project

22. Hazards and Hazardous Materials

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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c) Impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?

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d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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Source: Project Application Materials

Findings of Fact:

a-b, d-e) The proposed change in land use from residential to commercial and associated project improvements during and after construction would have the potential to leak and/or discharge fuel and oil from construction equipment and maintenance equipment due to the size and intensity of future uses permitted. During project operation, materials such as fertilizers for landscaping and cleaning solvents for building maintenance will be used. In addition, pre-packaged hazardous materials may be transported to the site for sale, such as household cleaners, or stored for use within site buildings as part of building maintenance. However, the volume of the products transported to the site, used on-site or the amount of fluids leaked during construction would not be significant due to the size of the project site and the potential type of uses that could occur within the proposed zoning district. In addition, compliance with project Water Quality Management Plan (WQMP) and/or Storm Water Pollution Prevention Plan (SWPPP) would reduce the potential impact to less than significant. The

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site is not listed as a hazardous materials site. The Menifee Union School District adjoins the project site to the north and no schools exist or are proposed by the District at this time within ¼ mile of the project boundary. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, along with any applicable WQMP and/or SWPPP, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts.

c) The project will result in higher development intensity of the site than was proposed in the General Plan in 2003. A cul-de-sac road has been planned as future access to the property as part of the adoption of Specific Plan 380 to the north. Keller Road would be realigned and diverted away from the property necessitating an alternative roadway alignment for access. This access arrangement is similar to that provided for the commercial areas planned within Specific Plan 380, since direct vehicle access from properties adjoining Highway 79 is no longer permitted. The planned circulation system for the area is designed to accommodate future development demand. Should a concern arise due development plans submitted for the property the Transportation Department has the ability to require necessary mitigation to assure the streets will accommodate emergency services and access.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

23. Airports

a) Result in an inconsistency with an Airport Master Plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require review by the Airport Land Use Commission?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Riverside County General Plan Figure S-19 "Airport Locations," GIS database

Findings of Fact:

a-d) Based on the General Plan, figure S-19, the project is not located within an Airport Influence area or compatibility zone and will not require review by ALUC or impact any airport operations in any way.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

24. Hazardous Fire Area

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Source: Riverside County General Plan Figure S-11 "Wildfire Susceptibility," GIS database

Findings of Fact:

a) According to General Plan Figure S-11 the project is not located within a Wildfire Susceptibility Area. There will be no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

HYDROLOGY AND WATER QUALITY Would the project

25. Water Quality Impacts

a) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

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b) Violate any water quality standards or waste discharge requirements?

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c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

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d) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

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e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

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f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

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g) Otherwise substantially degrade water quality?

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h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)?

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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County Flood Control District Review.

Findings of Fact:

a-h) The project is not located within a flood zone. No defined drainage course blue line stream traverses the property, based in part upon an evaluation of Winchester, CA U.S.G.S. Map. The site is not subject to other flood hazards, including dam inundation (see topic in geology regarding seiche). Development of the project site would require the preparation of standard plans, such as grading plans, and a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), since the site is greater than one (1) acre in size. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to evaluate project compliance, assess potential impacts, and ensure compliance with County development standards, which will include a hydrology analysis.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

26. Floodplains

Degree of Suitability in 100-Year Floodplains. As indicated below, the appropriate Degree of Suitability has been checked.

NA - Not Applicable <input checked="" type="checkbox"/>	U - Generally Unsuitable <input type="checkbox"/>	R - Restricted <input type="checkbox"/>		
a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Changes in absorption rates or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Dam Inundation Area)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-9 "100- and 500-Year Flood Hazard Zones," Figure S-10 "Dam Failure Inundation Zone," Riverside County Flood Control District Flood Hazard Report/Condition, GIS database

Findings of Fact:

a-d) The project is not located within a flood zone. As noted previously, no defined drainage course traverses the project site nor is the site within a Dam inundation area. Development of the property has the potential to increase stormwater runoff due to an increase in impervious surfaces, such as buildings and paved parking areas. However, as a standard condition/measure, a retention/detention

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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basin(s) is required to maintain the historic rate of stormwater runoff from the property, thereby minimizing the potential effect upon drainage facilities. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County drainage policies and standards.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

LAND USE/PLANNING Would the project

27. Land Use

a) Result in a substantial alteration of the present or planned land use of an area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Affect land use within a city sphere of influence and/or within adjacent city or county boundaries?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Riverside County General Plan, GIS database, Project Application Materials

Findings of Fact:

a-b) The project will result in a change in the Land Use pattern for the area. The area is currently designated for residential uses with a 5 acre minimum lot size. The parcel is currently substandard for the minimum lot size. However, property near the site, specifically to the north has experienced some increases in density over what was adopted with the 2003 General Plan. Based on the widening on Highway 79, which fronts the property, and the approval of the Specific Plan to the north, compounded with the fact that the lot was substandard in the first place, the subject site is no longer suitable for residential development. As previously stated, the potential impacts in this EA are being evaluated for the Land Use change only. For these reasons, the Land Use and zoning impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

28. Planning

a) Be consistent with the site's existing or proposed zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Be compatible with existing surrounding zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Be compatible with existing and planned surrounding land uses?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Be consistent with the land use designations and policies of the General Plan (including those of any applicable Specific Plan)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) Disrupt or divide the physical arrangement of an

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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established community (including a low-income or minority community)?

Source: Riverside County General Plan Land Use Element, Staff review, GIS database

Findings of Fact:

a-e) The project includes a Change of Zone to assure the General Plan and zoning are consistent. Many projects around and near the project site have changed their General Plan and zoning designations since the 2003 General Plan, most recently a Specific Plan was approved adjacent to the project site to the north, the Keller Crossing Specific Plan, SP380. The proposed Land Use change is consistent with all policies of the General Plan and will not divide the physical arrangement of any community. As previously stated, the potential impacts in this EA are being evaluated for the Land Use potential of the site. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County development criteria. For these reasons, the Land Use and zoning impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

MINERAL RESOURCES Would the project

29. Mineral Resources

a) Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?

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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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c) Be an incompatible land use located adjacent to a State classified or designated area or existing surface mine?

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d) Expose people or property to hazards from proposed, existing or abandoned quarries or mines?

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Source: Riverside County General Plan Figure OS-5 "Mineral Resources Area"

Findings of Fact:

a-d) According to the General Plan figure OS-5 the project is not located in an area known to have mineral resources that would preclude the development of the ultimate density requested in the project. There are no known mines on or near the site. Further, the project proposes no grading or construction of any kind; therefore there are no potential impacts to or from mineral resources. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

NOISE Would the project result in

Definitions for Noise Acceptability Ratings

Where indicated below, the appropriate Noise Acceptability Rating(s) has been checked.

NA - Not Applicable

A - Generally Acceptable

B - Conditionally Acceptable

C - Generally Unacceptable

D - Land Use Discouraged

30. Airport Noise

a) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the project area to excessive noise levels?

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NA ☒ A ☐ B ☐ C ☐ D ☐

b) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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NA ☒ A ☐ B ☐ C ☐ D ☐

Source: Riverside County General Plan Figure S-19 "Airport Locations," County of Riverside Airport Facilities Map

Findings of Fact:

a-b) According to the General Plan, Figure S-19, the project is not located within an airport influence area. Therefore, there will be no significant impacts from airport noise.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

31. Railroad Noise

NA ☒ A ☐ B ☐ C ☐ D ☐

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Source: Riverside County General Plan Figure C-1 "Circulation Plan", GIS database, On-site Inspection

Findings of Fact:

The project is not located near any railroads. Therefore, there will be no significant impacts from railroad noise.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation is required

Monitoring: No monitoring is required

32. Highway Noise

NA <input checked="" type="checkbox"/>	A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	D <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: On-site Inspection, Project Application Materials

Findings of Fact:

The project is located adjacent to Highway 79 . Noise from this distance could be significant. However, Building Code requirements would reduce the potential interior noise levels to less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

33. Other Noise

NA <input checked="" type="checkbox"/>	A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	D <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Project Application Materials, GIS database

Findings of Fact:

The project is not located near any other source of potential noise, therefore, there will be no significant impacts from other noise.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

34. Noise Effects on or by the Project

a) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County General Plan, Table N-1 ("Land Use Compatibility for Community Noise Exposure"); Project Application Materials

Findings of Fact:

a-d) Development of the site would generate noise during construction and operation. Construction noise from private construction projects within ¼ mile of an inhabited dwelling is exempt from adopted noise standards, but must comply with restrictions contained in Ordinance 847 related to times and days. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

POPULATION AND HOUSING Would the project

35. Housing

a) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

b) Create a demand for additional housing, particularly housing affordable to households earning 80% or less of the County's median income?

☐ ☐ ☐ ☒

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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d) Affect a County Redevelopment Project Area?

☐ ☐ ☐ ☒

e) Cumulatively exceed official regional or local population projections?

☐ ☐ ☒ ☐

f) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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Source: Project Application Materials, GIS database, Riverside County General Plan Housing Element

Findings of Fact:

a-f) There are currently no residential structures on the subject site, so no displacement will occur. The proposed project will change the Land Use to commercial, thus potentially adding a demand for additional housing through the creation of jobs; however, the project site is small for a commercial property and is not capable of creating a large enough number of jobs to be significant. The impacts are less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation is required

Monitoring: No monitoring is required

PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

36. Fire Services

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan Safety Element

Findings of Fact:

The project would result in an increased need for all public services, including fire. However, the costs associated with the increased need are addressed through the County's Development Impact Fees which would be required of all development on the subject site. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

37. Sheriff Services

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan

Findings of Fact:

The project would result in an increased need for all public services, including the Sheriff. However, the costs associated with the increased need are addressed through the County's Development Impact Fees which would be required of all development on the subject site. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

38. Schools

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: GIS database

Findings of Fact:

The project would not result in direct need for schools, since the proposed project involves a change to commercial uses from a residential use. The State of California, through legislation, has

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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determined that they are responsible for the construction of schools and have established the specific methods to provide for such, including development impacts fees applied by the local the School Districts and local bond measures. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

39. Libraries

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan

Findings of Fact:

The project would not result in an increased need for books and materials for libraries, since the proposed project involves a change to commercial uses from a residential use. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

40. Health Services

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan

Findings of Fact:

The project would result in an increased need for many types of public services, including Health services, due to the future development and use of the project site by patrons and employees. However, health care is affected by a variety of factors and any increase in the use of the property could affect the distribution and demand for these services. Health services respond to local needs through market demand, which typically increase in availability as the population increases or new development occurs. The availability of additional commercial land use proposed as part of this project would also increase the availability of potential locations for the establishment of such uses. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

RECREATION

41. Parks and Recreation

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

b) Would the project include the use of existing

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

c) Is the project located within a Community Service Area (CSA) or recreation and park district with a Community Parks and Recreation Plan (Quimby fees)?

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Source: GIS database, Ord. No. 460, Section 10.35 (Regulating the Division of Land – Park and Recreation Fees and Dedications), Ord. No. 659 (Establishing Development Impact Fees), Parks & Open Space Department Review

Findings of Fact:

a-c) There are no trails or parks proposed or required near the site. Quimby fees are not required on commercial development. There is no CSA for this area and there will be no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

42. Recreational Trails

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Source: Open Space and Conservation Map for Western County trail alignments

Findings of Fact:

See 41.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

TRANSPORTATION/TRAFFIC Would the project

43. Circulation

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a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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c) Result in a change in air traffic patterns, including

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
either an increase in traffic levels or a change in location that results in substantial safety risks?				
d) Alter waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Conflict with adopted policies, plans or programs regarding public transit, bikeways or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County General Plan, Highway 79 Policy

Findings of Fact:

a) The project is located within the Highway 79 Policy Area of the General Plan. The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is replacing residential with Commercial Retail, thus the policy does not apply. The details of implementation will drive the consistency with any other circulation plans. The Land Use change, by itself, is consistent with the circulation plans.

b) The proposed project will be able to address any congestion management program through the standard fees and mitigation required at the time development is proposed. As previously explained, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

c-d) No air traffic or water traffic will be altered due to the project's distance from the closest airport and its potential building height or the location of water bodies from the proposed project. There will be no impact.

e-i) The proposed project would utilize the roadway system established as part of the recent approval of Specific Plan 380. This approval realigned the current access to the site and provides a cul-de-sac street extending to the subject property south of realigned Keller Road. The proposed project would not require design changes to the streets or roads that may increase hazards due to this adopted road design. Access to the site is currently available on a dirt road. Ultimate project development would require off-site street improvements consistent with County design criteria to ensure adequate access to the project site for patrons and emergency vehicles. The proposed change does not

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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conflict with any adopted policies regarding public transit, bikeways or pedestrian access because the site is rural today, and the proposed change will maintain the rural nature of the area. The efficiency of transit will not change, and therefore not impact any policies regarding transit or other alternative means of travel. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

44. Bike Trails

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Riverside County General Plan

Findings of Fact:

See 41.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

UTILITY AND SERVICE SYSTEMS Would the project

45. Water

a) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Department of Environmental Health Review

Findings of Fact:

a-b) The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The project site is within the service area of Eastern Municipal Water District (EMWD). Domestic water and wastewater transmission and treatment services would be provided by EMWD. An assessment of the availability of water to service the area will be required prior to the approval of an implementing project. This will include a commitment from the water purveyor in that area to provide water to the site (beyond that which already exists). Many of the homes in the surrounding area currently use well water. The increase in density will likely require connection to a public water system, the construction of which will have potential impacts. However, at this stage, the specific size and need of water infrastructure to the area would be too speculative to analyze. Once a development proposal or land use application to

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

46. Sewer

a) Require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects?

☐ ☐ ☐ ☒

b) Result in a determination by the wastewater treatment provider that serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☐ ☐ ☐ ☒

Source: Department of Environmental Health Review

Findings of Fact:

a-b) The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The homes near project site are currently using septic systems, although the Specific Plan recently approved to the north of the subject site will be required to bring sewer to the area. Depending on the trimming of the implementing project, it could use either sewer or septic. Specific permitting is required prior to the use of any septic system. The proposed project might be required to connect to and construct a sewer system which could result in potential impacts. The project site is within the service area of Eastern Municipal Water District. At this stage, the specific size and need of sewer infrastructure to the area would be too speculative to analyze, due to the connection distance and volume of wastewater discharge. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

47. Solid Waste

a) Is the project served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

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b) Does the project comply with federal, state, and

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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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local statutes and regulations related to solid wastes including the CIWMP (County Integrated Waste Management Plan)?

Source: Riverside County General Plan, Riverside County Waste Management District correspondence

Findings of Fact:

a-b) The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The County operates landfills and has adequate capacity to meet future demand for services. The disposal location would be dependent upon the status of the landfills at that particular time. For example, the Lamb Canyon Landfill, located north of the project site, has a current daily permitted capacity of 5,000 tons. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

48. Utilities

Would the project impact the following facilities requiring or resulting in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects?

a) Electricity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Street lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Application Materials

Findings of Fact:

a-g) At this stage, the specific size and type of infrastructure facilities necessary to meet projected site needs are unknown, since the applicant does not intend to develop the site. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Subsequent approvals would be necessary to approve development and allow for the identification of specific utility and infrastructure needs at that time. The County does utilize a variety of standard conditions/measures for all projects of this nature that reduce or eliminate potentially adverse environmental impacts, such as requiring on-site retention/detention basin(s) to reduce off-site stormwater runoff to historic rates and requiring the installation of street lighting and the establishment of lighting districts to pay for their on-going illumination. Once a development proposal or land use application to subsequently subdivide, grade,

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

49. Energy Conservation

a) Would the project conflict with any adopted energy conservation plans?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source:

Findings of Fact:

a) The County has no specific energy conservation plans that would conflict with the project.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

MANDATORY FINDINGS OF SIGNIFICANCE

50. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Staff review, Project Application Materials

Findings of Fact: The project has been evaluated for biological and cultural resources through the completion of specific studies. Based upon these evaluations, implementation of the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

51. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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effects of a project are considerable when viewed in connection with the effects of past projects, other current projects and probable future projects)?

Source: Staff review, Project Application Materials

Findings of Fact: The proposed project has been evaluated for potential impacts on a variety of issues, as noted in the previous sections of this document. Based upon this evaluation and associated findings, the project does not have impacts which are individually limited, but cumulatively considerable. The proposal will increase the density of the area, which could potentially impact CEQA study areas cumulatively. Since only a change in land use has been requested, rather than an actual development project, the specific level of changes is not known. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

52. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Staff review, project application

Findings of Fact: The proposed project has been evaluated for its potential effect and/or compliance with a variety of factors or policies, as outlined within this evaluation. Based upon this evaluation and the use of standard conditions/measures or specific mitigation measures to lessen the potential environmental impact, the proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D).

Location Where Earlier Analyses, if used, are available for review:

Location: County of Riverside Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92505

VII. AUTHORITIES CITED

Authorities cited: Public Resources Code Sections 21083 and 21083.05; References: California Government Code Section 65088.4; Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095 and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002)
102 Cal.App.4th 656.

Revised: 2/11/2015 2:57 PM
Revised EA41706 for GPA903.docx

March 26, 2014

Theodore and Panagiota Karnezis
c/o Theodore Karnezis
6 Gladstone Lane
Laguna Niguel, CA 92677

SUBJECT: PROPOSED CHANGE OF ZONE AND GENERAL PLAN AMENDMENT

Dear Mr. Karnezis:

I am sending you this letter at the request of the Riverside County Planning Department. The property owner at the southwest corner of Winchester Road and Keller Road has filed an application with the Riverside County Planning Department to change the existing zoning of the property from R-R (Rural-Residential) to C-1/C-P (General Commercial) and the existing General Plan Land Use designation from the Rural Residential to Commercial Retail. The property is approximately 4.6 acres in size.

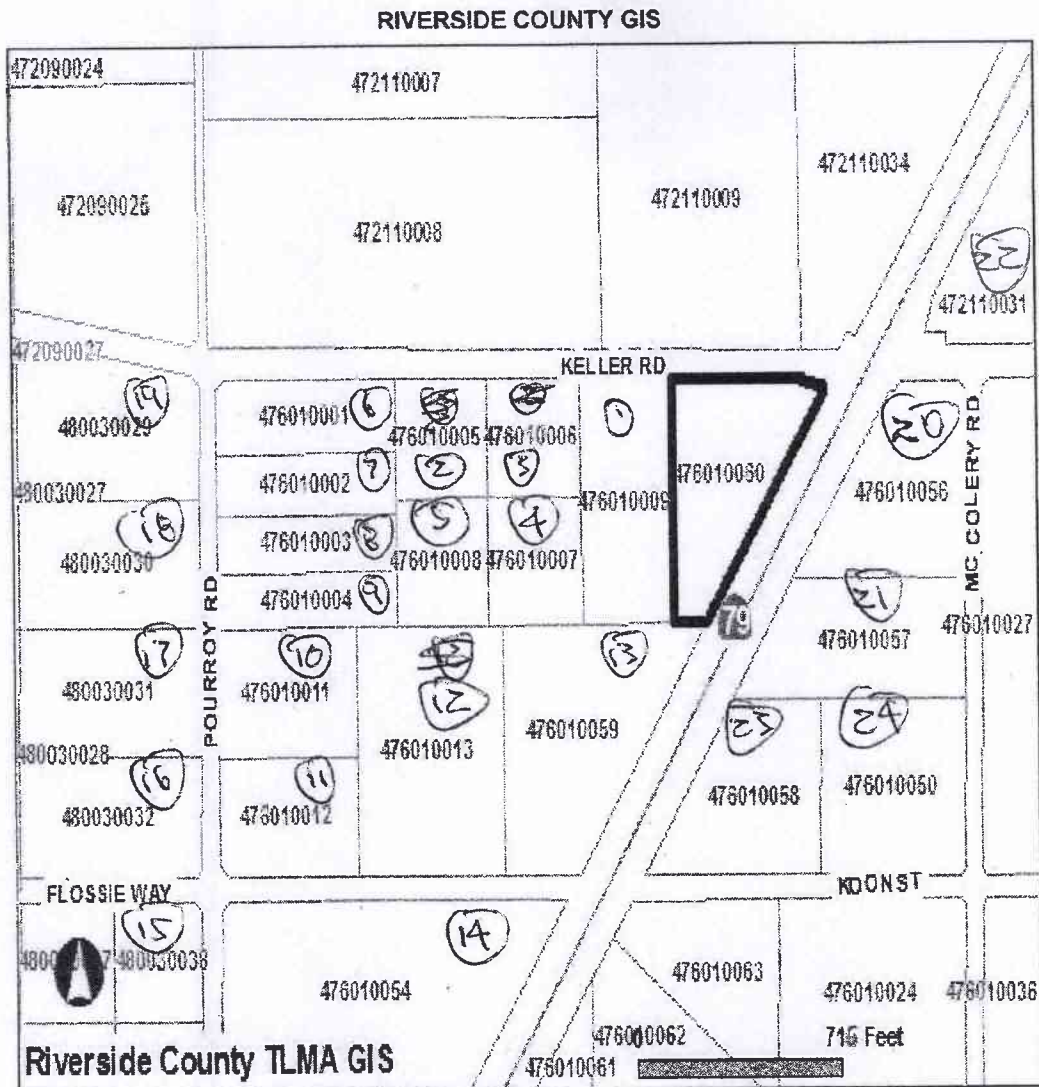
The property owner is not a developer. No development is proposed at this location nor does the property owner propose any. The County Planning Department has required a conceptual site plan be prepared demonstrating the property could be developed. To meet this requirement, three (3) different site plans have been submitted to the Planning Department utilizing parking based upon potential retail and office uses.

County Planning Staff informed the applicant the Planning Commission has typically requested the applicant contact surrounding owners. Therefore, you are being sent this letter. This letter is not in place of any correspondence the County may send you about upcoming public hearings. It does provide you with the opportunity to be aware of this proposal and obtain additional information about the request, if you so desire.

I am processing the application on behalf of the property owner. If you have any questions you may contact me or Matt Straite, Riverside County Planner, if you wish to confirm any information. When contacting Matt reference General Plan Amendment 903. His phone number and e-mail is (951) 955-8631 and mstraite@rclma.org.

Sincerely,

Jim Morrissey, AICP
President; PZL, Inc.



Selected parcel(s):
476-010-060

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Wed Nov 13 09:06:42 PST 2013

Version 131001

Property Owners Near Subject Property
Information Obtained From Hemet Assessor's Office

1. Stephen and Jana Rush
32265 Keller Road
Winchester, CA 92596
2. Dana James
38033 Augusta Drive
Murrieta, CA 92563
3. Richard and Carol Green
32187 Keller Road
Winchester, CA 92596
4. Mary Warren
34118 Keller Road
Winchester, CA 92596
5. Michael, Kirk, and Sharon Gurling
36781 Pebley Court
Winchester Road, CA 92596
6. Ryan and Kelly Egan
32025 Keller Road
Winchester, CA 92596
7. Jamie and Amy McKaig
34044 Pourroy Road
Winchester, CA 92596
8. Heriberto and Ofelia Acosta
34120 Pourroy Road
Winchester, CA 92596
9. Same as 8
10. Dewey and Sherrie Martineau
34250 Pourroy Road
Winchester, CA 92596

11. Aesperita Flenoid
34220 Pourroy Road
Winchester, CA 92596
12. William Liesman
34155 Winchester Road
Winchester, CA 92596
13. Same as 12
14. Pinnacle Winchester
c/o Barr Lall
8369 Vickers Street, No. 101
San Diego, CA 92111
15. Evelyn L. Gracia Trust
c/o Susan Rode Clifton
7556 Sullivan Place
Buena Park, CA 90621
16. Robert Scott and Mary Beth Carlson
34205 Pourroy Road
Winchester, CA 92596
17. John Gealta
34185 Pourroy Road
Winchester, CA 92596
18. Krista Hundley
42389 Winchester Road, No. B
Temecula, CA 92590
19. Lincoln and Sheryl Eramo
34125 Pourroy Road
Winchester, CA 92596
20. Evanthia, Diamanto and Linda Rigas
c/o Vasilios Rigas
30 Point Loma Drive
Corona Del Mar, CA 92625
21. Vasilios and Evanthia Rigas
Dialinpet Rigas Partnership
30 Point Loma Drive
Corona Del Mar, CA 92625

22. Theodore and Panagiota Karnezis
c/o Theodore Karnezis
6 Gladstone Lane
Laguna Niguel, CA 92677

23. Same as 21

24. Same as 21



Original July 16th Staff Report

Agenda Item No.: **3.1**
Area Plan: Southwest
Zoning District: Rancho California Area
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: July 16, 2014

GENERAL PLAN AMENDMENT NO. 903
CHANGE OF ZONE NO. 7818
EA No. 41706
Applicant: Milan Chakrabarty
Engineer/Representative: Jim Morrissey

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 903 proposes to amend the General Plan Foundation Component of the 3.5 acre site subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).

Change of Zone No. 7818 proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

The project is located in the Southwest Area Plan, more specifically it is northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.

BACKGROUND:

The proposed General Plan Amendment was before the Planning Commission on October 28, 2009 and before the Board of Supervisors on December 1, 2009 as part of the General Plan Initiation process (GPIP). The project was initiated by the Board. Staff recommended initiation.

The project is requesting a Foundation Level change. The application for the change was submitted during the permitted window in 2008 and is therefore consistent with the 'Certainty System' as outlined in the General Plan. The subject site is located in the "French Valley" community within the Southwest Area Plan. The site is also located within the City of Murrieta's Sphere of Influence and also falls within the General Plan's Highway 79 Policy Area. The site abuts Winchester Road which has been defined under the General Plan's Circulation Element as an expressway with a right-of-way that ranges between 184' and 220'. Many of the lots found to the south, east and southeast of the subject site, that abut Winchester Road as well are currently within the Community Development Foundation Component. This proposal would continue the existing Community Development land use pattern along Winchester Road and would be consistent with the "Land Use Concept" for the "Southwest" area plan which focuses urban development near the incorporated cities of Murrieta and Temecula and also in French Valley.

POTENTIAL ISSUES OF CONCERN:

SB-18 Tribal Consultation

The Pechanga Tribe, through State required SB-18 consultation, has requested that any implementing project within the project area contact the Pechanga Tribe while processing any required entitlements. They additionally request to participate in all future CEQA analysis.

Appropriate for Commercial Activity

Because the site had such access challenges and based on the unique shape and configuration of the site (the site is a triangle) staff had concerns about the ability of the site to support an implementing

GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818

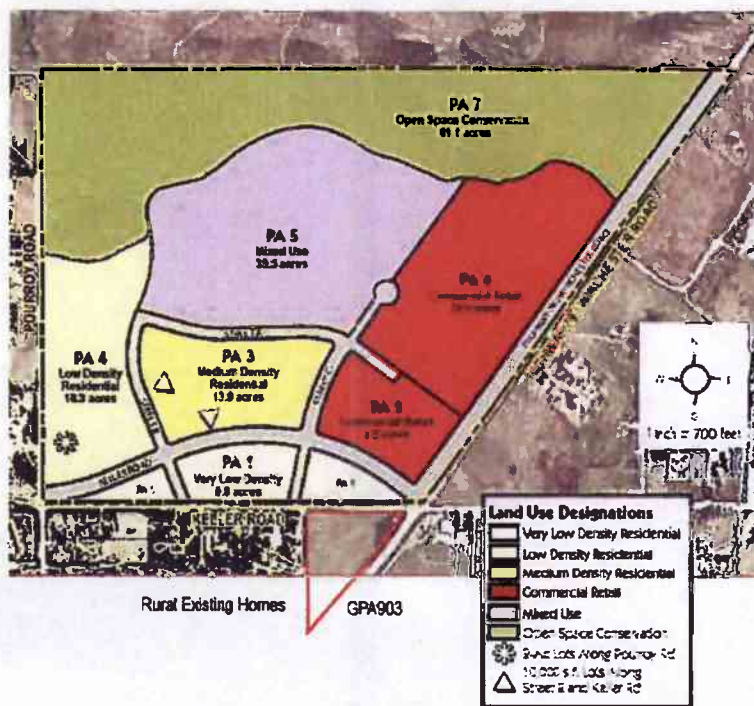
Planning Commission Staff Report: July 16, 2014

Page 2 of 7

commercial project. Staff requested that the applicant submit a project with the General Plan Amendment and Zone Change; however the applicant did not desire to plan the site at this time. In order to fully understand the capacity of the site to support a commercial venture, Staff worked with the applicant to create a number of mock commercial projects on the site in order to ascertain the ability of the site to physically accommodate parking requirements, access, fire circulation and other requirements. These mock projects were circulated to all departments during the LDC review of the General Plan Amendment and Change of Zone (see attached). The project will not be required to adhere to any of the mock designs submitted, they were only meant to illustrate the ability of the site to accommodate the propose use. Using these designs as a guide, all departments indicated support of the proposed change in Land Use.

Highway 79 Policy Area

The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is changing away from residential to Commercial Retail, thus the policy does not apply.



The Keller Crossing Specific Plan

SP380, now approved, lies north of the site. The Specific Plan contains 37.8 acres of Commercial retail along Winchester and 39.5 acres of mixed use inside the project. The Mixed use is intended to be either single family housing or a congregate care facility, not retail. Further, the project realigns Keller Road to meet Winchester Road at a 90 degree angle (it currently meets at a 45 degree angle). However, the Specific Plan accommodated access to the project site for GPA903. The access would require vehicles to pass in front of existing single family residences in a Rural General Plan land Use designation. There is only one point of access to the project site. Approval of the project would increase the traffic on the access road (now called Old Keller Road) past the existing Rural Residential property. This was studied in the CEQA document at a qualitative level as the CEQA

is done on a programmatic basis. Actual traffic volume would depend on the implementing project, any project specific CEQA analysis at this stage would be speculative. The property boarding the access to GPA903, within the Specific Plan is also rural; however, these properties areas are already intended to act as basins, not single family dwelling locations.

MSHCP Consistency

This project is located within Multi Species Habitat Conservation Plan Criteria Area Cell No. 5275. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.

Available Commercial Property

The site neighbors Rural Residential designations to the west of the site. A Commercial Retail designation exists just east of the subject site across Winchester Road in the Winchester 1800 Specific Plan (SP286). The majority of the commercial lots directly across Winchester Rd are vacant with the exception of a lot that sits at the corner of Winchester and Keller Road. A commercial center is also being proposed under Plot Plan No. 24054 (PP24054), to the south of the site at the southwest corner of Koon Street and Winchester Road (APN: 476-010-015). PP24054 is currently at the Board stage but has been waiting for a number of years based on funding. General Plan Amendment No. 1050 and Change of Zone No. 7709 are being processed concurrently with PP24054 and were both approved by the Planning Commission on September 30, 2009. A market study was not required, despite the ample amount of commercial property along Highway 79 because the project site is small, and is not considered a large change to the area.

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 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. 930 falls into the Foundation Component- Regular category, because the request to change foundations was made during the permitted 5 year (now 7 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 a 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 involve a change would 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 original 2003 General Plan identified the subject property and other lands to the north and west as Rural Residential. Land immediately to the east, on the easterly side of Winchester Road was designated Commercial Retail. In addition, land adjoining the Commercial area to the east was designated Very High Density Residential (14-20 du/ac), with additional Medium Density Residential (2-5 du/ac) surrounding both land use designations.

Since adoption of the original General Plan a number of significant land use changes have occurred. Land north of the subject property, as part of Specific Plan 380, has added 38 acres of commercial retail, 23.8 acres of commercial office, 42.4 acres of mixed use, and 15.6 acres of low density residential development. SP 380 has also changed the alignment of Keller Road and established a roadway section with four (4) travel lanes within a 100-foot right of way.

Prior to the adoption of SP 380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of Specific Plan 380, substantial urban development is now provided for on the west side of Winchester Road/Highway 79, immediately adjacent to and north of the subject property. In addition, SP 380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan. Lastly, the subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula.

The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.

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

The new condition in the area has been outlined above. The approval of Specific Plan No. 380 has changed the land use patterns of the area. Additionally, Highway 79 has recently been widened which will result in increased traffic volume through the area. The rural residential density along the Highway no longer represents the highest and best use of the property based on the changes outlined above.

SUMMARY OF FINDINGS:

- | | |
|--|---|
| 1. Proposed General Plan Land Use (Ex. #6): | Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). |
| 2. Surrounding General Plan Land Use (Ex. #5): | Within Specific Plan No. 380 to the north the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP 380, Rural Residential (R-R) to the south, and west and within Specific Plan No. 286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286. |
| 3. Existing Zoning (Ex. #2): | Rural Residential (R-R) |
| 4. Surrounding Zoning (Ex. #2): | Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west. |

- | | |
|-----------------------------------|--|
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Vacant and single family dwellings to the north, south, east and west. |
| 7. Project Data: | Total Acreage: 3.5 acres |
| 8. Environmental Concerns: | See attached environmental assessment |

RECOMMENDATION:

APPROVAL of the **PLANNING COMMISSION RESOLUTION NO. 2014-04** recommending adoption of General Plan Amendment No. 925 to the Riverside County Board of Supervisors;

PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS:

ADOPTION of a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41706**, 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,

APPROVAL of **GENERAL PLAN AMENDMENT NO. 903**, amending the Land Use Designation for the subject property from Rural- Rural Residential (RUR:RR) to Community Development-Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

APPROVAL of **CHANGE OF ZONE NO. 7818**, amending the zoning classification for the subject property from Rural Residential (RR) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption 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 project site is designated Rural: Rural Residential (RUR:RR) (5 acre minimum lot size) on the Southwest Area Plan, the proposed designation is Community Development: Commercial Retail (CD:CR).
2. The application was submitted during the permitted time period to request foundation changes in 2008.
3. The proposed commercial use is permitted in the Commercial Retail (CR) designation.
4. The adoption of SP380, the Keller Crossing Specific Plan, north of the subject property, has added 38 acres of commercial retail, 23.8 acres of commercial office, 42.4 acres of mixed use, and 15.6 acres of low density residential development.

GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 16, 2014

Page 6 of 7

5. Based on the adoption of SP 380, the alignment of Keller Road has changed. The Road is now established with a roadway section with four (4) travel lanes within a 100-foot right of way.
6. Prior to the adoption of SP 380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of Specific Plan 380, substantial urban development is now provided for on the west side of Winchester Road/Highway 79, immediately adjacent to and north of the subject property.
7. SP 380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan.
8. The subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula that has recently been widened to accommodate an increase in traffic.
9. The project site is surrounded by properties which are designated, within Specific Plan No. 380 to the north the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP 380, Rural Residential (R-R) to the south, and west and within Specific Plan No. 286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286.
10. The zoning for the subject site is Rural Residential (R-R).
11. The project site is surrounded by properties which are zoned Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west.
12. This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.
13. This project is within the City Sphere of Influence of the City of Murrieta.
14. Environmental Assessment No. 41706 identified that there were no potential impacts.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Retail (CD:CR) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the proposed zoning classification of General Commercial (C-1/C-P) according to Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.

GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 16, 2014

Page 7 of 7

3. The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.
4. The proposed project is consistent with the provisions of the Administration Element of the 2003 General Plan.
5. The proposed project is consistent with the provisions of Ordinance No. 348 Section 2.1 and 2.5 relating to Foundation Component Amendments- Regular.
6. The proposed project is consistent with the vision of the General Plan for the area and the proposed change would not create an internal inconsistency among the elements of the General Plan.
7. The surrounding changes in Land Use and circulation that have occurred after the 2003 General Plan was adopted and with the changes in land uses near the site justify the proposed amendment.
8. The SB-18 Tribal Consultation request for consultation was completed.
9. The public's health, safety, and general welfare are protected through project design.
10. The proposed project is compatible with the present and future logical development of the area.
11. The proposed project will not have a significant effect on the environment.
12. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

INFORMATIONAL ITEMS:

1. This project was filed with the Planning Department on January 15, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$3435.67.
3. The project site is currently designated as Assessor's Parcel Number: 476-010-010.

RESOLUTION
RECOMMENDING ADOPTION OF
GENERAL PLAN AMENDMENT NO. 2015-005

WHEREAS, pursuant to the provisions of Government Code Section(s) 65350/65450 et. seq., public hearings were held before the Riverside County Planning Commission in Riverside, California on July 16, 2014, to consider the above-referenced matter; and,

WHEREAS, all the provisions of the California Environmental Quality Act (CEQA) and Riverside County CEQA implementing procedures have been met and the environmental document prepared or relied on is sufficiently detailed so that all the potentially significant effects of the project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above-referenced Act and Procedures; and,

WHEREAS, the matter was discussed fully with testimony and documentation presented by the public and affected government agencies; now, therefore,

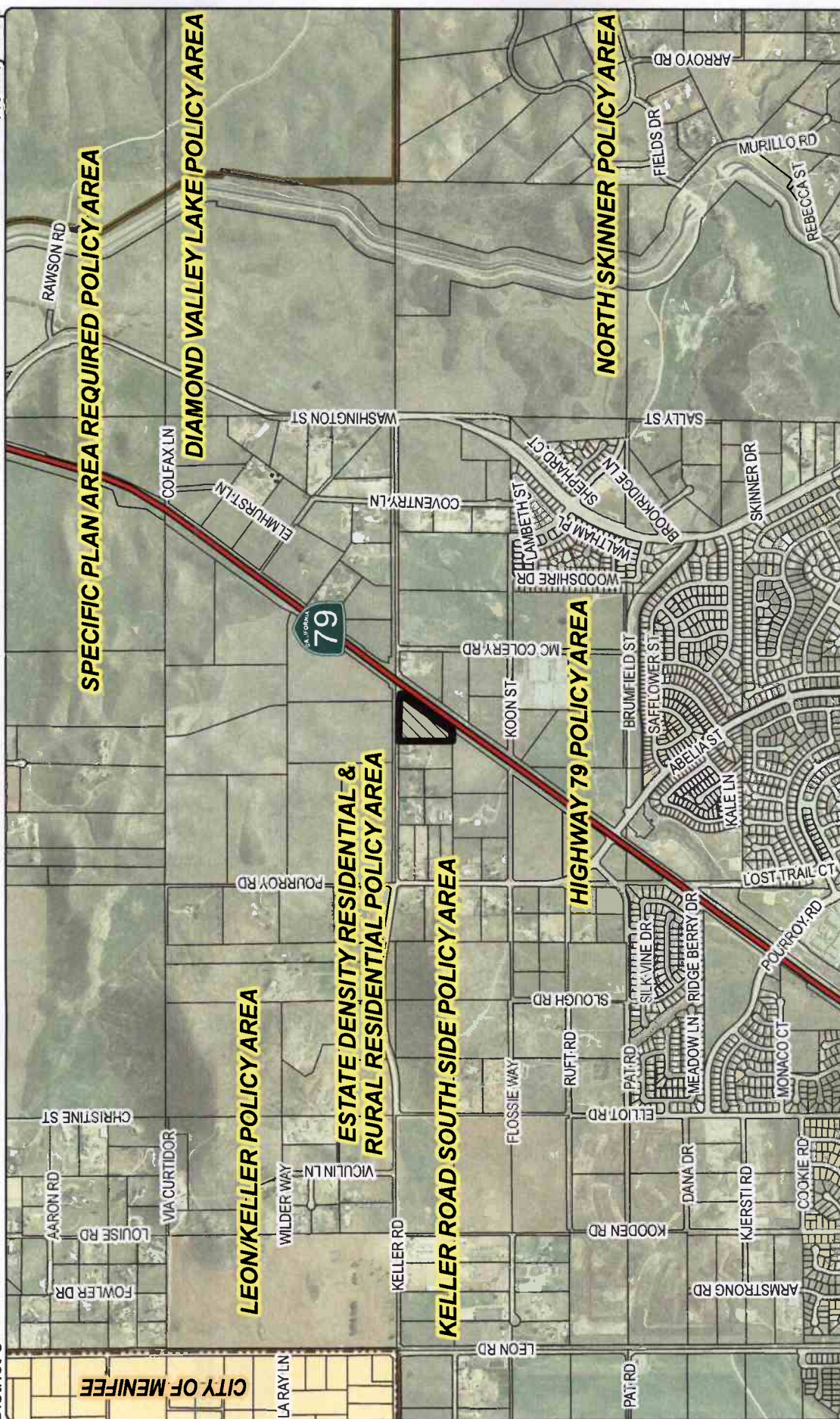
BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Planning Commission of the County of Riverside, in regular session assembled on April 15, 2015, that it has reviewed and considered the environmental document prepared or relied on and recommends the following based on the staff report and the findings and conclusions stated therein:

ADOPTION of the Mitigated Negative Declaration environmental document, Environmental Assessment No. 41706; and

ADOPTION of General Plan Amendment No. 930

CZ07818 GPA00903
VICINITY/POLICY AREAS

Date Drawn: 03/19/2014
Vicinity Map



Zoning Area: Rancho California
Township/Range: T6SR2W

Section: 28

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) 865-8277 (Eastern County) or website at <http://www.lflm.com/ca/index.asp>

Assessors Bk. Pg. 476-010
Thomas Bros. Pg. 899 E3
Edition 2011



RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07818 GPA00903

Supervisor Stone
District 3

LAND USE

Date Drawn: 03/19/2014

Exhibit 1



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 27



Assessors Bk. Pg. 943-14
Thomas Bros. Pg. 959 G1
Edition 2009



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

RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07818 GPA00903

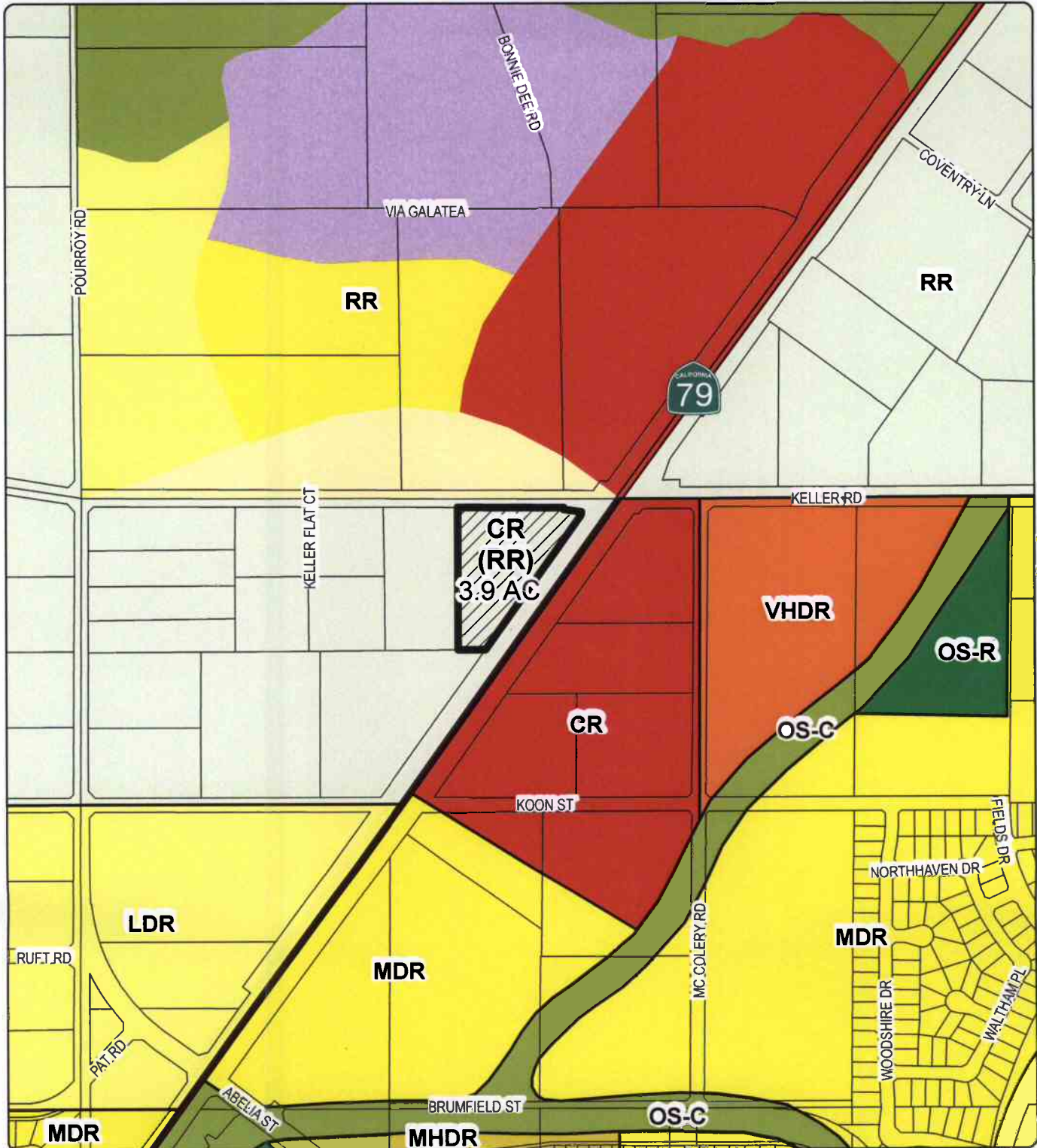
PROPOSED GENERAL PLAN

Supervisor Stone

District: 3

Date Drawn: 03/19/2014

Exhibit 6



Zoning Area: Rancho California

Township/Range: T6SR2W

Section: 28

Assessors Bk. Pg. 476-010

Thomas Bros. Pg. 899 E3

Edition 2011



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) 863-8277 (Eastern County) or website at <http://www.tima.co.riverside.ca.us/index.html>

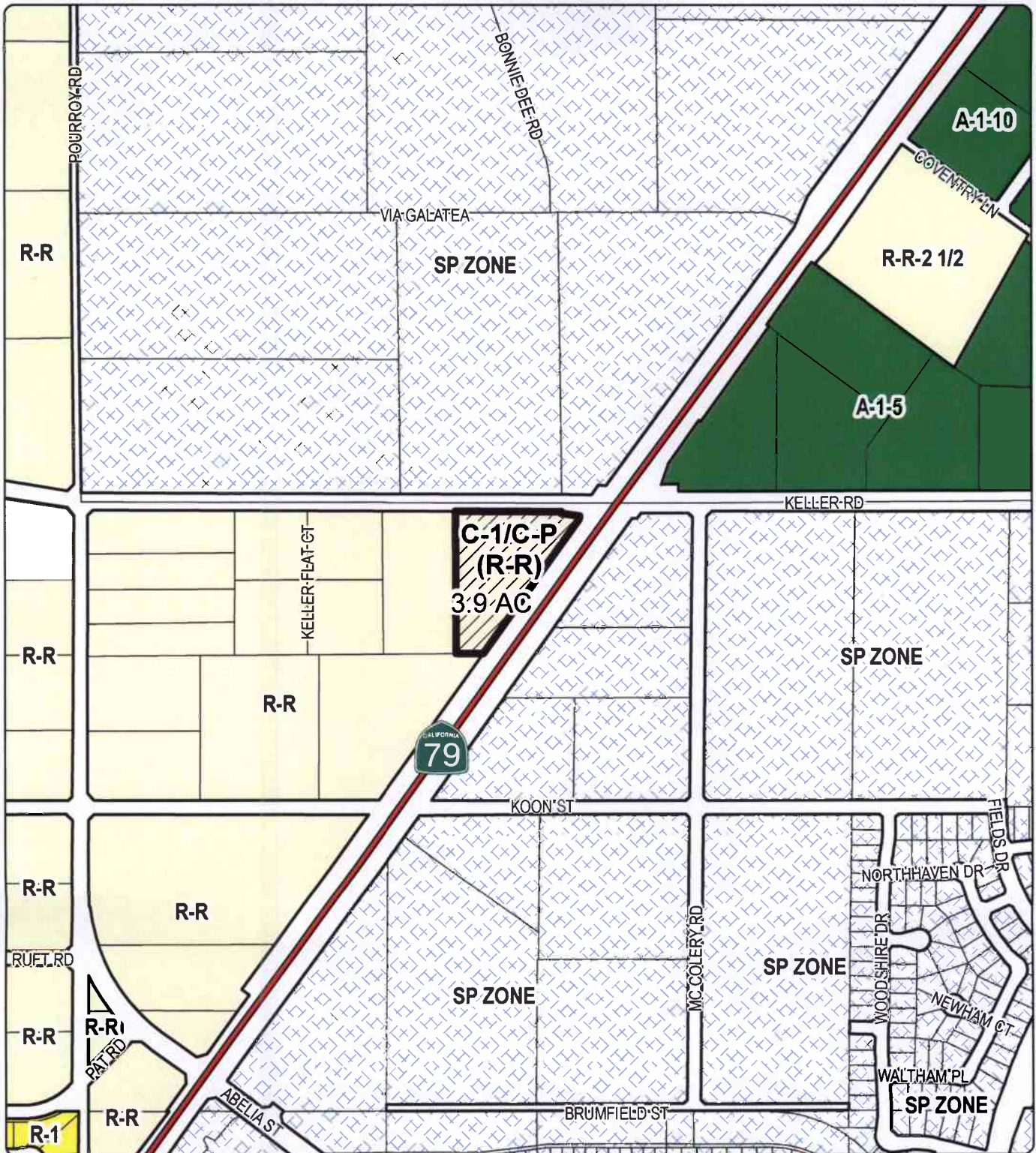
RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07818 GPA00903

PROPOSED ZONING

Supervisor Stone
District 3

Date Drawn: 03/19/2014
Exhibit 3

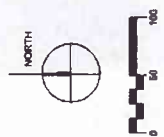


Zoning Area: Rancho California
Township/Range: T6SR2W
Section: 28

Assessors Bk. Pg. 476-010
Thomas Bros. Pg. 899 E3
Edition 2011

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0 300 600 1,200 1,800
Feet



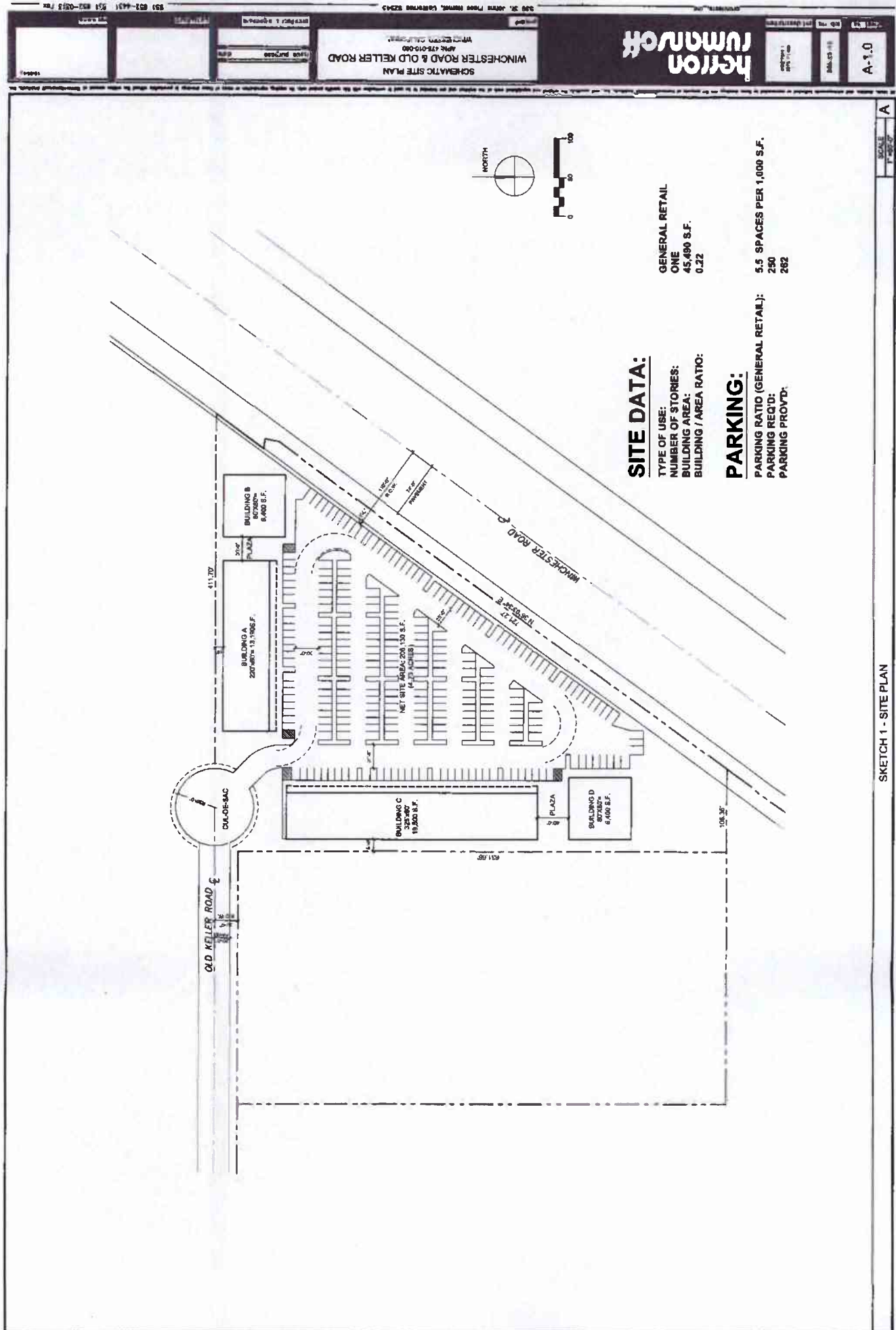
RETAIL PARKING REQ'D:	
OFFICE PARKING REQ'D:	
TOTAL PARKING REQ'D:	
TOTAL PARKING PROVID:	

171
155
326
338 SF

PLANNER: M. STRAITE



SKETCH 2 - SITE PLAN

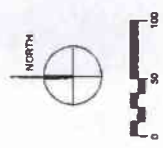


SITE DATA:

TYPE OF USE: GENERAL RETAIL
 NUMBER OF STORIES: ONE
 BUILDING AREA: 45,490 S.F.
 BUILDING / AREA RATIO: 0.22

PARKING:

PARKING RATIO (GENERAL RETAIL): 5.5 SPACES PER 1,000 S.F.
 PARKING REQ'D: 250
 PARKING PROVIDED: 252



GENERAL RETAIL - FIRST FLOOR
OFFICES - SECOND FLOOR
TWO
31,084 S.F.
52,168 S.F.
0.3

NUMBER OF STORIES:
BUILDING FOOTPRINT:
BUILDING AREA:
BUILDING / AREA RATIO:

PARKING RATIO:	5.5 SPACES PER 1,000 S.F. (GENERAL RETAIL) 1 PER 200 S.F. (OFFICES)
RETAIL PARKING REQ'D:	171
OFFICE PARKING REQ'D:	155
TOTAL PARKING REQ'D:	326
TOTAL PARKING PROVID'D:	325 SPACES

RETAIL PARKING REQ'D:
OFFICE PARKING REQ'D:
TOTAL PARKING REQ'D:
TOTAL PARKING PROV'D:

RANCHO CALIFORNIA AREA

SEC. 28 , T. 6S , R. 2W , S. B. M.

APPLICANT
BEACH DESIGN INC
DONALD L. RICHART
45138 E. FLORIDA AVE.
HEMET, CA 92544
(951) 927-8083

EXHIBIT PREPARER
BEACH DESIGN INC
DONALD L. RICHART
45138 E. FLORIDA AVE.
HEMET, CA 92544
(951) 927-8083

LAND OWNER
ARNEDA ENTERPRISES, LTD.
1003 W. FLORIDA AVE.
HEMET, CA 92544
(951) 652-2252



R - R

KELLER RD.

N89° 31' 23" E 828.51'

N89° 31' 23" E 552.57'

N27° 26' 52" W 41.00'
(N27° 26' 59" W 41.00')

R - R

**PROPOSED C-1/C-P
(GENERAL COMMERCIAL)**
**EXISTING R-R
(RURAL-RESIDENTIAL)**

5.94 AC. GR.
5.30 AC. NET

681.77'

N0° 06' 29" W

N80° 32' 28" E 152.10'

R - R

N85° 34' 53" E 719.02'
WINCHESTER RD.

519.85'

8'

(ST. HWY. 79)

SP
(SP # 238)

LEGAL DESCRIPTION

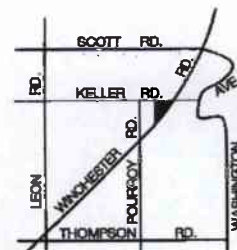
PARCEL 4 OF PARCEL MAP 13130 AS SHOWN
BY MAP ON FILE IN BOOK 70, PAGE 53 OF
PARCEL MAPS, RIVERSIDE COUNTY
RECORDS, STATE OF CALIFORNIA

UTILITY PURVEYORS

WATER	- E.M.W.D.
SEWER	- E.M.W.D.
ELECTRICAL	- SO. CAL. EDISON
GAS	- SO. CAL. GAS CO.
TELEPHONE	- VERIZON
CABLE TELEVISION	- TIME WARNER

AREA CALCULATION

TOTAL LOT AREA = 5.30 AC. (241,468 SF)
TOTAL EFFECTED AREA = 5.30 AC. (241,468 SF)



VICINITY MAP

NOT TO SCALE
THOMAS BROTHERS MAPS 2007 EDITION OF
THE RIVERSIDE & ORANGE COUNTY
PAGE 898, GRID E-3

LEGEND

SP ZONE
A-1-5
R-R
C-1/C-P

SPECIFIC PLAN (SP #238)
WINCHESTER 1800
LIGHT AGRICULTURE 1 TO
5 ACRES LOT AREA
RURAL RESIDENTIAL
GENERAL COMMERCIAL

MAP NO.
**AMEND GENERAL PLAN FROM
RURAL RESIDENTIAL TO
GENERAL COMMERCIAL
MAP NO., ORDINANCE NO.**

GENERAL PLAN AMENDMENT CASE NO.
ADOPTED BY ORDINANCE NO.
DATE PREPARED: JANUARY 8, 2008
RIVERSIDE COUNTY BOARD OF SUPERVISORS



Memo Distributed to the Planning Commission July 16, 2014



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

Memorandum

To: Planning Commission

From: Matt Straite

RE: Additional Information for Agenda Item No. 3.1- GPA903

Additional Information

Three additional letters were submitted after the staff report was printed.

- The Endangered Habitats League has submitted a letter dated July 10, 2014 for all general Plan Amendments on the Agenda. The letter is attached. They stated that they have no opinion on this general Plan Amendment.
- An attached letter from EMWD, dated June 4, 2014 was submitted. This is a standard letter we typically receive for project, requesting that the applicant consult with the District at this time.
- A letter from Ray Johnson of Johnson and Sedlack, dated July 15, 2014, was submitted along with hundreds of pages of technical studies. Staff is requesting a continuance to draft a reply to the letter.

Staff Report Edits

The following are edits or clarifications to the staff report.

- Page 2 references Keller's Crossing and the CEQA document for that Specific Plan (SP380). To clarify, the Specific Plan is approved and not part of this project.
- Page three references a neighboring GPA and incorrectly indicates that the Planning Commission approved them previously. The Planning Commission only recommended adoption of the GPA to the Board. The Board subsequently approved and adopted the neighboring GPA.
- Page three indicates that the General Plan is to be updated every 7 years. In actuality, the General Plan is now updated every 8 years.
- For the motion regarding the PC Resolution No. 2014-04 – Resolutions are adopted, not approved. This hereby modifies that motion.

Additional Findings

The following additional findings are to be included in the findings contained in the staff report:

As that the proposed project is changing from one foundation to another, and from one designation to another both sets of findings must be made. The five required findings are:

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

- (1) The Riverside County Vision.
- (2) Any General Plan Principal.

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 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

- 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.

Two of these (1a and 1b, and H) were addressed in the staff report, the three required for the designation change are analyzed here:

- f. 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.

The proposal to convert from Rural residential to Commercial would contribute to the achievement of the General Plan because the parcel in question is better suited to a commercial use than a rural residential use. The General Plan encourages a mix of uses. The Rural Residential designation on a property this size located on a major Cal Trans Highway would likely not result in the development of that property as home. Therefore the parcel is no longer suitable as a Rural Residential property, and far better suited as a commercial use, thus helping to achieve the goal outlined in the General Plan of creating a mix of uses in the most appropriate locations.

- g. The change would not create an internal inconsistency among the elements of the General Plan.

Based on Staff's review of the proposed change, the change would not create an inconsistencies among the elements of the General Plan.

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



July 10, 2014

VIA ELECTRONIC MAIL

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

RE: Item 3.1, GPA 903; Item 3.4, GPA 945D; Item 3.5, GPA 925 (July 16, 2014)

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to submit written testimony.

Item 3.1, GPA 903

With the furnishing of information on MSHCP consistency, EHL now has no position on this proposal for commercial development but notes that development within municipal spheres of influence should generally be deferred to an orderly annexation process.

Item 3.4, GPA 945D

With the modification of this proposal and the apparent addressing of staff's initial concerns, EHL now has no position.

Item 3.5 GPA 925 - *OPPOSITION*

This 203-acre proposal is part of a complex of parcels that now form a Rural Separator. Urban conversion is being recommended despite the absence of an absorption study showing that any additional urban land is actually needed. At its heart, this proposal is piecemeal parcel-by-parcel sprawl, without even the veneer of a community-focused specific plan. It is wholly automobile dependent and bereft of merit from a "smart growth" perspective. Because the property is within the sphere of influence of the City of Murrieta, any urbanization should occur via orderly annexation.

The proposed General Plan findings for the project are either bogus or simply disheartening. Regarding consistency with the Riverside County Vision, the staff report states, "The General Plan envisioned the area as rural." By definition then, conversion

from the Rural Foundation to the Community Foundation is inconsistent with the rural vision. One half-acre lots constitute *suburban* development.

The second finding regards new circumstances. How the preservation of nearby open space justifies the creation of development is unclear. And the approval of another piecemeal development project nearby (SP 380) might just as well justify the creation of a strong boundary for the remaining rural separator via denial this request. If the justification for new development is simply "sprawl begets sprawl" then Riverside County has not improved its planning at all over the past decades.

EHL appreciates the inclusion in the hearing packet of the MSHCP HANS documentation as well as the setting aside of land during project design for Criteria Cell compliance. We understand that site-specific surveys will be undertaken at later stages of project review, as allowed by County Resolution 2013-111. The applicant and any future owners or developers should understand that changes in project design may be necessary upon completion of these various surveys in order to comply with the MSHCP.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", is positioned above the printed name.

Dan Silver, MD
Executive Director



June 4, 2014

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Matt Straite
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

SUBJECT: Notice of Public Hearing; Intent to Adopt a Negative Declaration, Plan Amendment No. 903 and Change of Zone No. 7818. APN No. 476-010-060

Dear Mr. Matt Straite

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the Notice of Public Hearing for the above referenced Intent to Adopt a Negative Declaration. The General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR:RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P). EMWD offers the following comments.

EMWD would like to point out that completed Water, Wastewater and Recycled Water Master Plans have identified backbone facilities based on current land use. As Development within this proposed Specific Plan occurs over time, the proponents of implementing development projects shall consult EMWD's New Business Development Department to compare water demands and sewer flows from the proposed land use with the existing demands/flows, and, if necessary, to serve such implementing development projects, prepare a Plan of Service (POS) to detail all pertinent water, sewer, and recycled water facilities, resulting in an approved POS, prior to final design of such facilities.

To that end, EMWD requires beginning dialogue with the project proponent at an early stage in site design and development, via a one-hour complimentary Due Diligence meeting. To set up this meeting, the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our "New Development Process" web page, under the "Businesses" tab, at www.emwd.org.

This meeting will offer you the following benefits:

1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

Following the Due Diligence meeting, to proceed with this project, a POS will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The POS process will provide the following:

1. Technical evaluation of the project's preliminary design
2. Defined facility requirements, i.e. approved POS
3. Exception: for feasibility evaluation of a purchase acquisition, only a conceptual facilities assessment may be developed.

Again, EMWD appreciates the opportunity to comment on this project. If you have questions concerning these comments, please feel free to contact me at (951) 928-3777, Ext.4468.

Sincerely,



Maroun El-Hage, M.S., P.E.
Senior Civil Engineer
New Business Development
(951) 928-3777 x4468
El-hagem@emwd.org

Johnson & Sedlack

ATTORNEYS at LAW

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July 15, 2014

Riverside County Planning
Attn: Matt Straite
4080 Lemon Street 12th Floor
Riverside, CA 92501
Email: mstraite@rctlma.org

VIA US MAIL AND EMAIL

RE: General Plan Amendment No. 903, Change of Zone No. 7818, EA No. 41706

Dear Riverside County Planning Commissioners:

On behalf of local concerned citizens, I hereby submit these comments in opposition to the adoption of a Negative Declaration for, and approval of, General Plan Amendment No. 903 and Change of Zone No. 7818 (the "Project").

The Project site consists of 3.5-acres located northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. in the Southwest Area Plan. General Plan Amendment No. 903 proposes to change the General Plan Foundation Component on the Project site from Rural (RUR) to Community Development (CD); and to amend the site's General Plan Land Use designation from Rural Residential (RUR: RR) (5 Minimum Lot Size) to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). Change of Zone No. 7818 will change the zoning on the Project site from Rural Residential (RR) to General Commercial (C-1/C-P).

Adoption of a Negative Declaration for the Project is improper where the Project may result in significant environmental effects not evaluated in the Initial Study, discussed below. Further, GPA No. 903 should be denied as findings for a general plan amendment cannot be made where the amendment conflicts with the Riverside County Vision and elements of the General Plan.

GENERAL COMMENTS

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The purpose of CEQA is to provide a document that adequately describes the environmental consequences of a project to decision makers and the public. Pub. Res. Code § 210611; Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15151. The disclosure of a

project's likely effects on the environment ensures CEQA's dual goals of environmental protection and informed self-government. *See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 392. The core of this statutory structure is the sufficiency of the informational document.

The Initial Study/Negative Declaration for the Project fails as an informational document. CEQA requires that a lead agency consider not only the changes in language from a general plan amendment, but also "the ultimate consequences of such changes to the physical environment." *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409. Environmental review should focus on the project's *secondary effects* as well as its immediate, primary impacts. *City of Carmel-By-The-Sea v. Board of Supervisors of Monterey County* (1986) 183 Cal. App. 3d 229, 250, *City of Redlands*, 96 Cal. App. 4th at 412; CEQA Guidelines, § 15146(b). Indirect or secondary effects include those "which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable"; "growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate"; "and related effects on air and water and other natural systems, including ecosystems." CEQA Guidelines, § 15358(a)(2).

The Initial Study erroneously states that the Project will not allow physical disturbance of the Project site so the Project causes no potential significant impacts. However, the Initial Study/Negative Declaration prepared for this Project ignores and overlooks all potential secondary and ultimate effects from the general plan amendment and change of zone. The Project has potentially significant impacts to/from aesthetics, air quality, greenhouse gases, land use/planning, noise, and transportation/traffic, among others.

An EIR is required to evaluate, disclose, and mitigate for these significant impacts. An EIR is required for any proposed project that may have a significant effect on the environment. Pub. Res. Code, § 21100(a). The EIR requirement is the "heart of CEQA." CEQA Guidelines, § 15003(a). A lead agency may prepare a negative declaration for a proposed project only when there is not a fair argument based on substantial evidence in light of the whole record that the project *may* have a significant effect on the environment. Pub. Res. Code, §§ 21064, 21100(a). As the Project may result in significant indirect, secondary, and ultimate environmental impacts, reliance on a negative declaration is inappropriate. An EIR must be prepared.

FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS

CEQA requires that a lead agency conduct environmental review "'at the earliest possible stage,' even though additional EIRs might be required for later phases of the project." *City of Carmel-By-The-Sea*, 183 Cal. App. 3d at 242 (quoting *Bozung v. Local Agency Formation Comm'n of Ventura County* (1975) 13 Cal. 3d 263, 282). Such review is mandated where impacts are *reasonably foreseeable*, even if some forecasting or speculation is required. CEQA Guidelines, § 15358(a)(2).

"The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR...(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a

local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.” [emphasis added]

Here, while the degree of specificity may be less, the County must nevertheless evaluate the secondary and ultimate effects of the proposed amendments *now*, not only with a later project level proposal.

In *Christward Ministry v. Superior Court* (1986) 184 Cal. App. 3d 180, 190-92, the court ordered that an EIR be prepared for a general plan amendment which would merely allow a new land use, finding that potentially significant effects would result from changed land use. Likewise, in *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409-410, the court of appeal held that the County wrongly failed to consider the environmental impacts of possible future development and growth from general plan amendments. The Court stated, “CEQA reaches beyond the mere changes in the language of an agency’s policy to the ultimate consequences of such changes to the physical environment.” *Id.* at 409. In relying on later environmental review for specific future development, the county had improperly deferred full environmental assessment of the general plan amendments. *Id.* at 410.

The County is here deferring analysis of the effects of the proposed Project in violation of CEQA. The Initial Study states that as a programmatic level CEQA review, impacts to air quality and greenhouse gases are too speculative to provide a detailed analysis. Yet, the Initial Study admits that the Project would result in an intensification of the Project’s site land use, a potentially significant effect. Deferring analysis of impacts to air quality and greenhouse gases until a later stage of environmental review is a violation of CEQA’s requirements that an agency prepare environmental review at the earliest possible stage and engage in some degree of speculation. *See Stanislaus*, 48 Cal. App. 4th at 197. The Initial Study’s reliance on future environmental review cannot be used to defer an evaluation of the secondary impacts, including from increased development, on the Project site.

Secondary and ultimate impacts of and from greater development at the Project site must be considered by the County prior to considering approval of this Project; not delayed until subsequent review of a specific development project.

POTENTIAL SIGNIFICANT IMPACTS

The adoption of a Negative Declaration for the Project is improper here where there is substantial evidence in the record of a fair argument of significant environmental impacts. The Project may have significant environmental effects from changing the site from rural residential to commercial retail development, including, but not limited to, aesthetics, air quality, greenhouse gases, noise, land use/planning, transportation/traffic, and other effects. An Environmental Impact Report must be prepared for the Project to adequately evaluate the Project’s potentially significant effects.

Additionally, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. No mitigation has been adopted for this Project as the Initial Study/Negative Declaration mistakenly found no impacts may occur. The adoption of feasible mitigation measures is essential to any approval of this Project.

Aesthetics

The Initial Study concludes that the Project would have no impacts to scenic resources, including views open to the public, because the Project does not provide the opportunity for physical disturbance of the property. However this analysis is misleading and does not analyze the Project's secondary aesthetic impacts.

The Project site is currently vacant farmland and is bordered by rural residential properties. Even though the Project does not propose any development at this time, the County must analyze the likely effects from the general plan amendment and zone change. The Project would allow commercial development on the property in the future, a use that currently does not exist. The mock commercial projects prepared to ascertain the feasibility of the Project site for commercial development show future development on the property could include two- or three-story office or mixed use retail office buildings. The intensification of use permitted by the Project would have aesthetic impacts. Secondary/indirect aesthetics impacts from obstructing views and/or substantially degrading the existing visual character of the site should be considered significant.

Air Quality

The Initial Study identifies that the Project will intensify use on the Project site with regards to building density and traffic trips. Yet, the Initial Study fails to evaluate any secondary/indirect impacts from new facilities allowed under the Project.

The types of use permitted in General Commercial (C-1/C-P) zones include automobile repair garages, blueprint and duplicating services, cleaning and dyeing shops, gasoline service stations, and furniture repair. These uses are associated with air pollutants of concern including metals, solvents, perchloroethylene, benzene, and methylene chloride. *See* South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 2-10, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Other key air pollutants associated with commercial land uses are volatile organic compounds (VOCs) and toxic air contaminants (TACs), including diesel particulate matter (PM), nitrous oxide (NO_x), carbon monoxide (CO), and sulfur oxide (SO_x). *See* Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, Appendix A, <<http://www.arb.ca.gov/ch/handbook.pdf>>.

The Project site is located adjacent to residential properties, which are sensitive receptors. Specific Plan 380, which is located north of the Project site, permits the development of more sensitive receptors, including residential uses and possibly a retirement home. While transportation related emissions can be reduced by siting commercial zones nearby residential uses, this can result in increased health risks if commercial facilities that emit toxic chemicals are over-concentrated. *See* South Coast Air Quality Management District, Guidance Document for

Addressing Air Quality Issues in General Plans and Local Planning, Chapter 2, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Urban development is already permitted east and north of the Project site. Overconcentration of commercial facilities by adding yet another commercial property here could have significant impacts to air quality and health risks.

Moreover, estimated trip generation rates for commercial retail and standard offices demonstrates that potential developments on the Project site could result in roughly 1,800,000 weekday vehicle trips. Secondary/indirect effects from increased vehicle and truck travel to and from the Project site due to the land use change could also contribute to local air quality impacts. Indirect sources of emissions from cars and trucks include office complexes and commercial centers. See South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 3-1, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Emissions from mobile sources, including cars and trucks, account for roughly 90 percent of the cancer risk in the South Coast basin. *Id.* at 2-3. These potential secondary/indirect impacts should be evaluated in an EIR.

The Initial Study also lacks any analysis of cumulative impacts to air quality. The Project fails to take account of the recently approved Specific Plan 380, directly north of the Project, or GPA No. 925, west of the Project site. The cumulative effect of the general plan amendment and change of zone with these projects must be evaluated in the Initial Study and an EIR prepared for the Project.

Greenhouse Gas Emissions

Greenhouse gas (GHS) emissions arise from construction activities, area sources, and mobile sources, with mobile sources being the primary contributor to direct GHG emissions. Air Resources Board Greenhouse Gas Inventory 2000-2011, <http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf>. The Project would result in an intensification of use, specifically building density and traffic trips. As a result, the Project would cause increased GHG emissions from at least mobile sources, i.e. cars and trucks driving to/from the commercial center. Therefore, the proposed Project could result in significant impacts to/from GHG emissions and an EIR must be prepared to analyze such effects.

Land Use/Planning

The Initial Study does not adequately analyze land use impacts. The Initial Study concludes that the Project would not affect land use within a city sphere of influence. However, the Project site is located within the City of Murrieta's Sphere of Influence; thus, the finding that the Project would have no impact to land use within a city sphere of influence is wrong. Further, as discussed below, the Project is inconsistent with the land use designations and policies of the General Plan.

The Initial Study also incorrectly states that the Project would not disrupt or divide the physical arrangement of an established community. However, the only access to the Project site is old Keller Road, so the Project would route commercial traffic through an established rural

residential community. Thus, there are potentially significant impacts to land use and planning that must be analyzed in an EIR.

Noise

The Initial Study incorrectly concludes there would be no significant impacts from highway noise because the Project is not located near any highways and Highway 79 is one half mile east of the Project site. Yet, the staff report accurately states that the Project site is *adjacent* to Highway 79. The Initial Study must evaluate noise impacts from the Project's location adjacent to Highway 79, a six (6) lane State Highway.

The Initial Study also fails to analyze noise impacts from the Project's increased intensity of use. The reasonably foreseeable development of a commercial center on the Project site would result in both short-term and long-term noise impacts. Short-term impacts would result from any required grading and the construction of office, commercial, or retail buildings. Construction activities associated with future development may result in noise levels that range from 74 to 101 dBA at 50 feet. *See* Federal Highway Administration, *Construction Noise Handbook*, Table 9.9 FTA Construction Equipment Noise Emissions Levels, <http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm>. The significance threshold for noise impacts in Rural Residential zones is 45 DB Lmax. *See* Riverside County Ordinance No. 847 Regulating Noise. Thus, construction alone would exceed noise thresholds and result in significant noise impacts. Long-term noise impacts from commercial centers include noise from increased vehicle travel to/from the facility, as well as deliveries and operations that could result in increased noise levels. *See* attachments and Federal Highway Administration, Traffic Noise Model (FHWA TNM®), Version 1.0 - Technical Manual, Appendix A Vehicle Noise Emissions, <http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm>. Based on the mock projects there could be approximately 1,800,000 weekday vehicle trips generated by the intensification of use. The Initial Study does not consider these potentially significant noise impacts from siting a commercial zone adjacent to residential communities and other sensitive receptors.

It is apparent that the Project will have impacts to noise, which must be analyzed in an EIR.

Transportation/Traffic

The Initial Study lacks any analysis of environmental impacts to/from traffic. Changing the general plan foundation component and land use designation, as well as zoning on the Project site to allow commercial development, will result in substantially more automobile trips than a rural residence. Estimated weekday vehicle trip generation for rural residential zones is 12 trips/dwelling unit. SANDAG, *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (April 2002), <http://sandiegohealth.org/sandag/sandag_pubs_2009-7-25/publicationid_1140_5044.pdf>. Estimated weekday vehicle trip generation for specialty retail/strip commercial shops is 40/1000 sq. ft. or 400/acre. *Id.* Estimated weekday vehicle trip generation for a standard commercial office, which is less than 100,000 sq. ft., is 20/1000 sq. ft., 300/acre. *Id.* The mock commercial projects for this property range from 45,450 sq. ft. to 62,168

sq. ft. One mock plan proposes 45,490 sq. ft. of general retail, which would equate to roughly 1,800,000 weekday vehicle trips based on SANDAG's estimated 40 weekday vehicle trips per 1000 sq. ft. Alternatively, the mock site plan for combined general retail and offices proposes 31,044 sq. ft. for retail and 31,044 sq. ft. for offices. This equates to approximately 1,860,000 weekday vehicle trips based on SANDAG's estimated weekday vehicle trips for specialty retail and standard commercial office buildings. The general plan amendment and zone change would result in far greater traffic than currently occurs at the undeveloped Project site. The ultimate Project impacts from increased use well above the current vehicle trips for the vacant rural residential parcel must be considered.

In addition, the Initial Study states, "With the required mitigation outlined above, the proposed project will be able to address any congestion management program through the standard fees and mitigation required at the time development is proposed." However, there is no mitigation proposed or required anywhere in the Initial Study.

There are clearly secondary/indirect impacts to/from traffic, and these potentially significant impacts must be evaluated in an EIR prior to Project approval.

Cumulative Impacts

The Initial Study fails to analyze cumulative impacts from the Project in light of the recently approved Specific Plan 380, which neighbors the Project site to the north, or GPA No. 925, which is located about a mile east of the Project and will convert approximately 200 acres from Rural Residential to Low Density Residential. The County must analyze cumulative impacts to/from air quality, greenhouse gases, land use, noise, and traffic, among other effects, before Project approval.

THE FINDINGS NEEDED FOR A GENERAL PLAN AMENDMENT TO THE GENERAL PLAN FOUNDATION COMPONENT OF THE SUBJECT SITE CANNOT BE MADE

A resolution recommending approval of a regular Foundation Component Amendment must be supported by "findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Visions, and that they would not create an internal inconsistency among the elements of the General Plan." Riverside County Ordinance No. 348, art. II § 2.5(g) (emphasis added). The County cannot make the needed findings in support of GPA No. 903.

The County fails to provide substantial evidence that the Project "does not involve a change in or conflict with: (1) the Riverside County Vision; and (2) that the change would not create an internal inconsistency among the elements of the General Plan." (emphasis added).

GPA No. 903 conflicts with the Vision statement for the General Plan, Our Communities and Their Neighborhoods section number 9: The extensive heritage of rural living continues to be accommodated in areas committed to that lifestyle and its sustainability is reinforced by the strong open space and urban development commitments provided for elsewhere in the RCIP.

The Project site and properties to the north and west were designated Rural Residential in the 2003 General Plan, which states that Rural general plan land use designations reflect the existing and intended long term land use patterns for these areas and help maintain the historic identity and character of the Southwest planning area. Such designations also provide an edge to urban development and a separation between the adjoining area plans.

GPA No. 903 conflicts with the Riverside County Vision and elements of the General Plan by allowing commercial development in areas that the General Plan designated as Rural Residential. The change permitted by GPA No. 903 would conflict with the General Plan's commitment to maintaining the historic identity and character of the Southwest planning area. Moreover, eliminating the Rural general plan land use designation from yet another property in the Southwest Area Plan allows urban development to expand into areas designated for rural living. GPA No. 903 would not contribute to the General Plan purposes and would conflict with the Riverside County Vision and create an internal inconsistency among the elements of the General Plan.

The County also fails to provide substantial evidence that "new conditions or circumstances disclosed during the review process justify modifying the General Plan." (emphasis added).

The Planning Commission Staff Report states that the General Plan provided a separation of urban and rural land uses along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential, and Medium Density Residential to the east of Winchester Road/Highway 79, and Rural-Residential to the west. The County states that the approval of Specific Plan 380, which permits substantial urban development west of Winchester Road/Highway 79, is a new condition that justifies modifying the General Plan. However, as stated above, the Rural general plan land use designations provide an edge to urban development and evidence the County's long term land use pattern for the area. The expansion of urban development into areas designated by the General Plan as Rural land use does not justify further modifying the General Plan to eliminate rural communities.

CONCLUSION

There is no evidence or authority for a claim that there would be no environmental impacts as a result of the Project because the Project does not provide the opportunity for physical disturbance of the Property. CEQA *specifically intends that an agency evaluate planning level actions* if they have the potential for indirect, secondary, or ultimate environmental effects. This Project would result in the intensification of building density and traffic at the Project site, and the change in land use would cause potentially significant environmental effects. The Project would result in potentially significant indirect impacts to/from aesthetics, air quality, greenhouse gases, land use/planning, noise, and transportation/traffic, among others. For each of these reasons, the County must prepare an EIR to evaluate, disclose, and mitigate for the potential impacts of the proposed Project. Pub. Res. Code, § 21100(a), CEQA Guidelines, §§ 15061, 15378, 15357.

Regardless, GPA No. 903 should be denied as there is not substantial evidence to support the necessary findings to justify the Foundation Component Regular amendment.

July 15, 2014
Page 9

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", followed by a horizontal line.

Raymond W. Johnson
JOHNSON & SEDLACK

Additional Attachments and Electronic Citations

- (1) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, <http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren>
- (2) *Diesel and Health in America: the Lingering Threat*, Clean Air Task Force (February 2005),
<http://www.catf.us/resource/publications/files/Diesel_Health_in_America.pdf>
- (3) South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General plans and Local Planning*, (May 6, 2005).
- (4) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for earlier life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. <http://www.oehha.ca.gov/air/hot_shots/pdf/TSDCPFApril_09.pdf>
- (5) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapters 3, 4, and 9*
<http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/index.cfm>
- (6) Electronic Library of Construction Occupational Safety and Health (November/December 2002) *Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis*.
- (7) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook*.
- (8) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects*.
- (9) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*.

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Thirty years subdivision design: residential, commercial and industrial
- Thirty years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
 - Review and supervision of preparation of EIR's and joint EIR/EIS's
 - Preparation of Negative Declarations
 - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
 - Sierra Club
 - San Bernardino Valley Audubon Society
 - Sea & Sage Audubon Society
 - San Bernardino County Audubon Society
 - Center for Community Action and Environmental Justice
 - Endangered Habitats League
 - Rural Canyons Conservation Fund
 - California Native Plant Society
 - California Oak Foundation
 - Citizens for Responsible Growth in San Marcos
 - Union for a River Greenbelt Environment
 - Citizens to Enforce CEQA
 - Friends of Riverside's Hills
 - De Luz 2000
 - Save Walker Basin
 - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals
- Member, U.S. Green Building Council, LEED GA