

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

4



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 18, 2013

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

RECOMMENDED MOTION:

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

Departmental Concurrence

Carolyn Synms Luna

Carolyn Synms Luna
Planning Director

Initials CSL:jo

(Continued on next page)

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

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: May 7, 2013
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*

Deputy

Prev. Agn. Ref. | **District:** 4th/4th | **Agenda Number:**

3-14

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

BACKGROUND:

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

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

FINDINGS:

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

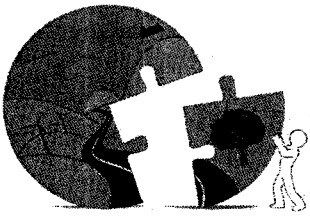
11. The Sky Valley Homeowners Association also opposed the proposed project and provided the following testimony at the public hearing: the proposed facility is not consistent with the rural residential neighborhood; the facility will be a considerable distance from law enforcement agencies, hospitals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

CONCLUSIONS:

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

INFORMATIONAL ITEMS:

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



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

401B

DATE: April 18, 2013

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: PUBLIC USE PERMIT NO. 915 (Denial Findings)

(Charge your time to these case numbers)

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

- | | |
|--|--|
| <input type="checkbox"/> Place on Administrative Action <small>(Receive & File; EOT)</small> | <input type="checkbox"/> Set for Hearing <small>(Legislative Action Required; CZ, GPA, SP, SPA)</small> |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | <small>(4th Dist) Desert Sun and Press Enterprise</small> |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> Mitigated Negative Declaration |
| <input checked="" type="checkbox"/> Place on Policy Calendar <small>(Resolutions; Ordinances; PNC)</small> | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding <small>(GPIP)</small> | <input type="checkbox"/> Notify Property Owners <small>(app/agencies/property owner labels provided)</small> |
| | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |

Need Director's signature ASAP
Please schedule on the April or May BOS Agenda

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

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

"Planning Our Future... Preserving Our Past"

16-1 TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on PUBLIC USE PERMIT NO. 915 – Anka Behavioral Health, Inc. /Phillip Fomotor, P.E. – Western Coachella Area Plan – 4th District, 5 Gross Acres, R-1-1 ¼ Zoning. This Public Use Permit proposes to a 10-bedroom facility to be licensed by the California Department of Social Services and certified by the California Department of Health Care Services, with an existing 4,750 square foot residence to be operated in partnership with the Riverside County Department of Mental Health. The facility will serve as many as 15 adults' ages 18-59 that are experiencing mental illness. The program will offer temporary residential placement for up to 18 months and include support services to the residents such as medication services, therapeutic services, and case management services. The facility will be staffed 24-hours a day, 365 days a year. The facility will not offer any detoxification treatment and will not have any parolees or probationers, approved by the Planning Commission.

a. TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING:
(TENT. DENIAL AND PLANNING TO COME BACK W/FINDINGS)

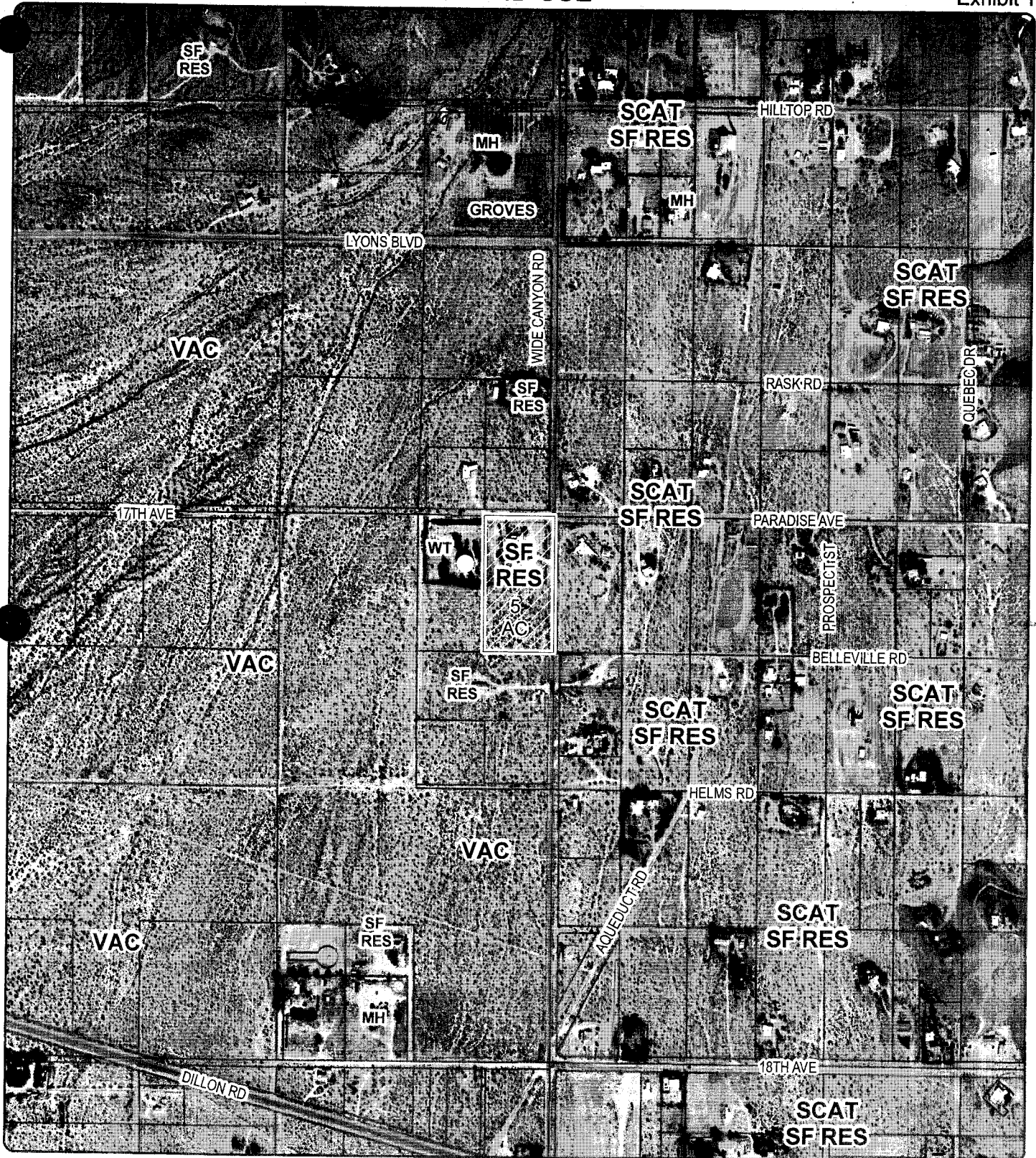
RIVERSIDE COUNTY PLANNING DEPARTMENT

PUP00915

LAND USE

Supervisor Benoit
District 4

Date Drawn: 9/10/12
Exhibit 1

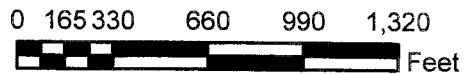


Zoning District: Sky Valley
Township/Range: T3SR6E
Section: 7



Assessors Bk. Pg. 645-12
Thomas Bros. Pg. 728 D1
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) 963-8277 (Eastern County) or website at <http://www.irma.co.riverside.ca.us/index.html>



**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: B. Holmstrom

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 3-14

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.