

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



504B

FROM: TLMA - Transportation Department

SUBMITTAL DATE:
May 7, 2013

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

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

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

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

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

Initials:
JCP: rf

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED to adopt an order to initiate the proceedings for the above referenced general plan amendment.

Ayes: Tavaglione, Benoit and Ashley
Nays: Jeffries
Absent: Stone
Date: May 14, 2013
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

2013 MAY 14 PM 1:08
COUNTY OF RIVERSIDE
SUPERVISORIAL DISTRICT COMMUNITY

Prev. Agn. Ref.

District: All

Agenda Number:

15-1

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

Departmental Concurrence

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

The Honorable Board of Supervisors

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

Page 2 of 2

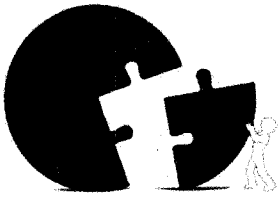
object of the EIR is to fully analyze and disclose the potential impacts and benefits of a proposal, so that the decision makers can weigh each case on its merit and make an informed decision. The Board considers the proposal in the context of the numerous policies included in the General Plan and then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

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

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

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

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



RIVERSIDE COUNTY PLANNING COMMISSION

RIVERSIDE COUNTY
PLANNING DEPARTMENT

9:00 A.M.

JANUARY 16, 2013

**PLANNING
COMMISSIONERS
2013**

1st District
Charissa Leach

2nd District
Edward Sloman

3rd District
John Petty
Chairman

4th District
Bill Sanchez
Vice Chairman

5th District
Jan Zuppardo

Planning Director
Carolyn
Syms Luna

Legal Counsel
Michelle Clack
Deputy County
Counsel

Phone
951 955-3200

Fax
951 955-1811

AGENDA

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

CALL TO ORDER - ROLL CALL
SALUTE TO THE FLAG

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

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

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

1.0 CONSENT CALENDAR

1.1 NONE

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

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

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

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

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

General Plan Policy C 2.1:

"Maintain the following Countywide target LOS:

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

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

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

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

The proposed amendment is a Countywide amendment. (Legislative)

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

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

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

4.0 WORKSHOP

5.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

6.0 DIRECTOR'S REPORT

7.0 COMMISSIONER'S COMMENTS

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

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

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

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

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The proposed amendment is a Countywide amendment.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

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

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance. This particular GPA application is a General Plan Entitlement/Policy Amendment GPA, under Section 2.4.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

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

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

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

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

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

Consideration Analysis:

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

A. The proposed change does not conflict with:

- (1) The Riverside County Vision.

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

- (2) Any General Plan Principle.

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

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

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

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

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

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

The appropriate additional finding for the proposed amendment is:

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

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

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

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and requests that the Planning Commission provide comments to the Board of Supervisors regarding General Plan Amendment No. 1119. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is a Countywide policy amendment to Policy C 2.1 of the Circulation Element of the General Plan.

FK:rf
Y:\ktsang\GPA960_EIR_PDFs\GPIP (GPA1119)\GPIP Staff Report GPA01119.docx
Date Prepared: 12/11/12
Date Revised: 1/7/13



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

I. AGENDA ITEM 2.2

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

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The proposed amendment is a Countywide amendment. (Legislative)

II. MEETING SUMMARY:

The following staff presented the subject proposal:

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

The following spoke in favor of the project:

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

The following spoke in opposition of the project:

- Michael Fitts

III. CONTROVERSIAL ISSUES:

No

IV. PLANNING COMMISSION ACTION:

COMMISSIONER COMMENTS:

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

No other Commissioners made comments on the proposed amendment.

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

Barton, Karen

From: Dan Silver <dsilverla@me.com>
Sent: Saturday, May 11, 2013 1:23 PM
To: Benoit, John; Jeffries, Kevin; Ashley, Marion; Tavaglione, John; Stone, Jeff; COB
Cc: Johnson, George; Perez, Juan; Fairhurst, Richard; Syms Luna, Carolyn; Clack, Shellie; Barnes, Olivia; Kuenzi, Darcy; Field, John; Magee, Robert; Gialdini, Michael
Subject: Item 15-1 (Hearing Date May 14, 2013): General Plan Amendment 1119
Attachments: EHL-GPA1119-5.14.13.pdf

May 11, 2013

Dear Chairman Benoit and Members of the Board of Supervisors:

The Endangered Habitats League appreciates the opportunity to provide written testimony regarding the initiation of GPA 1119, which we oppose.

Thank you very much

Yours truly,
Dan

Dan Silver
Executive Director
Endangered Habitats League
8424-A Santa Monica Blvd., #592
Los Angeles, CA 90069-4267

Tel 213-804-2750
Fax 323-654-1931
dsilverla@me.com
www.ehleague.org

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



May 11, 2013

VIA ELECTRONIC MAIL ONLY

The Hon John Benoit, Chair
Board of Supervisors
Riverside County
4080 Lemon St., 5th Floor
Riverside, CA 92501

**RE: Item 15-1 (May 14, 2013): General Plan Amendment 1119 –
*OPPOSITION TO INITIATION***

Dear Chairman Benoit and Board Members:

The Endangered Habitats League (EHL) opposes the initiation of GPA 1119. This amendment would change the Riverside County General Plan Circulation Element Policy C 2.1 to include language negating the current “Level of Service C” standard for County roads by making it entirely optional. Specifically, the amended Plan would state that “[o]ther levels of service may be allowed by the Board of Supervisors for a plan, program or project for which an Environmental Impact Report, or equivalent, has been completed, based on the Board’s policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects.” The staff report does not state how the County will adhere to the California Environmental Quality Act with respect to this major change. Moreover, not only is departure from an objective performance standard ill-advised planning because it will result in massive congestion, but the requisite General Plan findings supporting this change cannot be made.

As an initial matter, EHL does not believe that the proposed amendment is merely a “clarification.” As it exists now, Policy C 2.1 requires that “LOS ‘C’ along *all* County maintained roads and conventional state highways shall be “maintain[ed].” This unambiguous language is followed by specifically drawn exceptions for community development areas and designated community centers. State law requires consistent adherence to unambiguous and mandatory language contained in the policies of a General Plan. (See *Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777* “[General Plan] consistency requires more than incantation, and a county cannot articulate a policy in its general plan and then approve a conflicting project”.) Indeed, the Court of Appeal in *Endangered Habitats League* found that a policy requiring adherence to traffic level of service standards calculated by a defined methodology to be binding on the County in considering all development projects. The nearly identical Riverside County policy proposed to be amended here is similarly binding.

The proposed change would make this mandatory policy merely optional. This change is a critically important one and potentially far-reaching in its impacts. The County would now be free effectively to disregard the resulting added congestion on county roads in considering major traffic generating projects. The cumulative impacts on traffic, air quality and GHG emissions resulting from this loosening of LOS standards would be significant not only in the CEQA sense, but also for the quality of life for every current and future County resident. Before the County adopts such a far-reaching change in its land use approval policies, it must prepare an Environmental Impact Report (EIR) analyzing its impacts. (See No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68 [if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR].)

Because this change is potentially so far reaching, the findings required to amend the Plan at this juncture cannot be supported. For example, the Vision comprising the core of the County General Plan recognizes that “[t]he land use/transportation connection is a key part of the development process.” The proposed amendment, by contrast, would sever this connection. Similarly, the Principles recognize that the “[p]rovision of mobility to an expanding population requires the integration of land use and transportation.” The proposed amendment does the exact opposite: Its effect is *not* to require the integration of land use and transportation.

Nor can it be said with a straight face that the proposed amendment “will not be detrimental to the achievement of the purposes of the General Plan.” In so concluding, the Staff Report asserts, in essence, will not result in any changes to the County’s approval process. But if that were true, why make the change at all? On its face, the amendment operates to free the County from a self-imposed development constraint intended to maintain adequate mobility for residents and businesses. To the extent adequate mobility is a General Plan purpose, the amendment *a fortiori* is detrimental to it.

Finally, the County is required to find that “[s]pecial circumstances or conditions have emerged that were unanticipated in preparing the General Plan.” The Staff Report mentions no such circumstances, instead stating cryptically that “[u]nanticipated circumstances have arisen that could prevent the County’s interpretive practice with respect to this policy.” What “unanticipated circumstances?” The Report does not say. This is not the substantial evidence needed to support a required finding.

*Aside from these legal inadequacies, the proposed change makes no substantive sense. Riverside County already has among the nation’s worst jobs/housing imbalance, the worst congestion, and the longest commutes in the entire nation. The Lincoln Land Institute estimated U.S. GHG emissions from the transportation sector (Brown et al. 2008) and ranked the Riverside-San Bernardino-Ontario metropolitan area near the bottom—number 92 out of the 100 U.S. metro areas in terms of the highest GHG emissions per capita from transportation (1.89 metric tons per person in the Inland Empire versus 1.30 for the 100-metro average). These high GHG emissions from light duty autos are reflective of a transportation infrastructure system that is *already**

overburdened, and likely to be literally overwhelmed by development capacity *already* built into the County's and adjacent cities' general plans.

The existing level of service standard is not optimal. It tends to measure mere car "throughput" rather than multi-modal access or transportation efficiency. But it is an objectively derived standard, and for that reason provides at the very least an early warning that added development may reduce the quality of life for residents. And because it is an objective standard, it helps promote fairness and objectivity in determining which projects move forward. Without it, decision-makers will be more likely to approve "just this one project," kicking the can down the road on the need to address critical transportation infrastructure shortfalls until it is too late.

That is bad news for the people and businesses of Riverside County. The County *already* has the 7th worst commute in the nation for areas under 3 million people. Residents *already* waste 33 million gallons of gas and 39 million hours stuck in traffic annually.¹ In this context, unhinging land development approvals from objectively derived measures of the transportation system's ability to accommodate this growth, as this amendment would do, is the very height of irresponsibility.

Instead of wholesale abandonment of Level of Service meaningful standards, EHL suggests that the County engage in a comprehensive, long-term planning process aimed at identifying potential infrastructure bottlenecks and tailoring its growth policies accordingly. Where exceptions are merited based on sound planning principles, such as encouraging, denser, more multi-modal communities, exceptions can be made *as part of this comprehensive planning process*. In this way, substantial growth can be accommodated without throwing the quality of life of County residents under the bus.

Thank you for considering EHL's views.

Yours truly,



Dan Silver, MD
Executive Director

¹ See Riverside County Transportation Commission Transportation and Logistics Summit presentation dated April 15, 2011
(<http://tlsummit.org/Projects%20in%20the%20Pipeline%20Workshop.pdf>)

5/9/2013

Letter in Opposition to GPA 1119

Honorable Supervisors:

As Vice President of Rural Residents and Friends, I would like to express our great concern regarding GPA 1119. While we appreciate the efforts of the County in helping streamline the development process, we do not understand "lowering the bar" for traffic impacts in future development.

The General Plan and Vision statements of Riverside County envision a "higher bar" in building a place where people and businesses want to move, not the reverse.

As concerned citizens, the "Los Angelization" of our beautiful and unique County seems to be the direction here, and we ask that our leaders and elected officials listen to and respect the General Plan and all of it's virtues.

We respectfully ask that this letter be included in the public record.

Thank you,

Rick Croy

Rural Residents and Friends

"People for Balanced Growth"

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



May 11, 2013

VIA ELECTRONIC MAIL ONLY

The Hon John Benoit, Chair
Board of Supervisors
Riverside County
4080 Lemon St., 5th Floor
Riverside, CA 92501

**RE: Item 15-1 (May 14, 2013): General Plan Amendment 1119 –
*OPPOSITION TO INITIATION***

Dear Chairman Benoit and Board Members:

The Endangered Habitats League (EHL) opposes the initiation of GPA 1119. This amendment would change the Riverside County General Plan Circulation Element Policy C 2.1 to include language negating the current “Level of Service C” standard for County roads by making it entirely optional. Specifically, the amended Plan would state that “[o]ther levels of service may be allowed by the Board of Supervisors for a plan, program or project for which an Environmental Impact Report, or equivalent, has been completed, based on the Board’s policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects.” The staff report does not state how the County will adhere to the California Environmental Quality Act with respect to this major change. Moreover, not only is departure from an objective performance standard ill-advised planning because it will result in massive congestion, but the requisite General Plan findings supporting this change cannot be made.

As an initial matter, EHL does not believe that the proposed amendment is merely a “clarification.” As it exists now, Policy C 2.1 requires that “LOS ‘C’ along *all* County maintained roads and conventional state highways shall be “maintain[ed].” This unambiguous language is followed by specifically drawn exceptions for community development areas and designated community centers. State law requires consistent adherence to unambiguous and mandatory language contained in the policies of a General Plan. (See *Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777* [“[General Plan] consistency requires more than incantation, and a county cannot articulate a policy in its general plan and then approve a conflicting project”].) Indeed, the Court of Appeal in *Endangered Habitats League* found that a policy requiring adherence to traffic level of service standards calculated by a defined methodology to be binding on the County in considering all development projects. The nearly identical Riverside County policy proposed to be amended here is similarly binding.

*The proposed change would make this mandatory policy merely optional. This change is a critically important one and potentially far-reaching in its impacts. The County would now be free effectively to disregard the resulting added congestion on county roads in considering major traffic generating projects. The cumulative impacts on traffic, air quality and GHG emissions resulting from this loosening of LOS standards would be significant not only in the CEQA sense, but also for the quality of life for every current and future County resident. Before the County adopts such a far-reaching change in its land use approval policies, it must prepare an Environmental Impact Report (EIR) analyzing its impacts. (See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68 [if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR].)*

Because this change is potentially so far reaching, the findings required to amend the Plan at this juncture cannot be supported. For example, the Vision comprising the core of the County General Plan recognizes that “[t]he land use/transportation connection is a key part of the development process.” The proposed amendment, by contrast, would sever this connection. Similarly, the Principles recognize that the “[p]rovision of mobility to an expanding population requires the integration of land use and transportation.” The proposed amendment does the exact opposite: Its effect is *not* to require the integration of land use and transportation.

Nor can it be said with a straight face that the proposed amendment “will not be detrimental to the achievement of the purposes of the General Plan.” In so concluding, the Staff Report asserts, in essence, will not result in any changes to the County’s approval process. But if that were true, why make the change at all? On its face, the amendment operates to free the County from a self-imposed development constraint intended to maintain adequate mobility for residents and businesses. To the extent adequate mobility is a General Plan purpose, the amendment *a fortiori* is detrimental to it.

Finally, the County is required to find that “[s]pecial circumstances or conditions have emerged that were unanticipated in preparing the General Plan.” The Staff Report mentions no such circumstances, instead stating cryptically that “[u]nanticipated circumstances have arisen that could prevent the County’s interpretive practice with respect to this policy.” What “unanticipated circumstances?” The Report does not say. This is not the substantial evidence needed to support a required finding.

*Aside from these legal inadequacies, the proposed change makes no substantive sense. Riverside County already has among the nation’s worst jobs/housing imbalance, the worst congestion, and the longest commutes in the entire nation. The Lincoln Land Institute estimated U.S. GHG emissions from the transportation sector (Brown et al. 2008) and ranked the Riverside-San Bernardino-Ontario metropolitan area near the bottom—number 92 out of the 100 U.S. metro areas in terms of the highest GHG emissions per capita from transportation (1.89 metric tons per person in the Inland Empire versus 1.30 for the 100-metro average). These high GHG emissions from light duty autos are reflective of a transportation infrastructure system that is *already**

overburdened, and likely to be literally overwhelmed by development capacity *already* built into the County's and adjacent cities' general plans.

The existing level of service standard is not optimal. It tends to measure mere car "throughput" rather than multi-modal access or transportation efficiency. But it is an objectively derived standard, and for that reason provides at the very least an early warning that added development may reduce the quality of life for residents. And because it is an objective standard, it helps promote fairness and objectivity in determining which projects move forward. Without it, decision-makers will be more likely to approve "just this one project," kicking the can down the road on the need to address critical transportation infrastructure shortfalls until it is too late.

That is bad news for the people and businesses of Riverside County. The County *already* has the 7th worst commute in the nation for areas under 3 million people. Residents *already* waste 33 million gallons of gas and 39 million hours stuck in traffic annually.¹ In this context, unhinging land development approvals from objectively derived measures of the transportation system's ability to accommodate this growth, as this amendment would do, is the very height of irresponsibility.

Instead of wholesale abandonment of Level of Service meaningful standards, EHL suggests that the County engage in a comprehensive, long-term planning process aimed at identifying potential infrastructure bottlenecks and tailoring its growth policies accordingly. Where exceptions are merited based on sound planning principles, such as encouraging, denser, more multi-modal communities, exceptions can be made *as part of this comprehensive planning process*. In this way, substantial growth can be accommodated without throwing the quality of life of County residents under the bus.

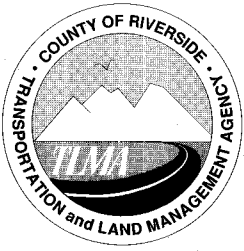
Thank you for considering EHL's views.

Yours truly,

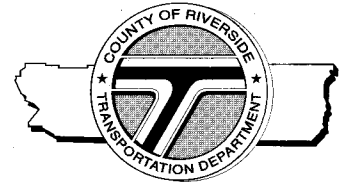


Dan Silver, MD
Executive Director

¹ See Riverside County Transportation Commission Transportation and Logistics Summit presentation dated April 15, 2011
(<http://tlsummit.org/Projects%20in%20the%20Pipeline%20Workshop.pdf>.)



COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY



Juan C. Perez, P.E., T.E.
Director of Transportation

Transportation Department

MEMORANDUM

DATE: May 14, 2013
TO: The Board of Supervisors
FROM: Richard Fairhurst, Senior Transportation Planner
RE: Additional Information for Agenda Item 15-1

The attached email is being submitted for your consideration.

15-1

Fairhurst, Richard

From: Rick Croy [rcroy@firstlegalsupport.com]
Sent: Thursday, May 09, 2013 11:29 AM
To: Fairhurst, Richard
Subject: FW: Letter Regarding Agenda item 15.1 GPA 1119/ MAY 14TH
Attachments: Letter in Opposition to GPA 1119.pdf

Dear Mr. Fairhurst:

Per Mary Stark, can you distribute our letter to the Board and all interested parties?

Thank you in advance

Rick Croy

Vice President

Rural Residents and Friends

"People for Balanced Growth"

rcroy@firstlegalsupport.com

951-779-1110, ext. 1451 (o)

951-779-0100 (f)

213-494-3969 (c)

www.FirstLegalNetwork.com

First Legal Investigations Licenses CA PI: 24171 AZ PI: 1551710 NV PI-PS: 1452

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From: Stark, Mary [<mailto:MCSTARK@rctlma.org>]
Sent: Thursday, May 09, 2013 11:02 AM
To: Rick Croy
Subject: RE: Letter Regarding Agenda item 15.1 GPA 1119/ MAY 14TH

Mr. Croy,

Upon further investigation, I found that this item is being submitted by the Transportation Department. The gentlemen handling this case is Richard Fairhurst. Please contact Mr. Fairhurst at rfairhur@rctlma.org.

Mary C. Stark

TLMA Commission Secretary
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501
(951) 955-7436
mcstark@rctlma.org

From: Rick Croy [<mailto:rcroy@firstlegalsupport.com>]
Sent: Thursday, May 09, 2013 10:36 AM

To: Stark, Mary

Subject: Letter Regarding Agenda item 15.1 GPA 1119/ MAY 14TH

Good morning Ms. Stark.

Can you please distribute to all Supervisors and interested parties for next Tuesday's meeting?

Also please include in the public record.

Thank you in advance and have a great weekend!

Rick Croy

Vice President

Rural Residents and Friends

"People for Balanced Growth"

rcroy@firstlegalsupport.com

951-779-1110, ext. 1451 (o)

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5/9/2013

Letter in Opposition to GPA 1119

Honorable Supervisors:

As Vice President of Rural Residents and Friends, I would like to express our great concern regarding GPA 1119. While we appreciate the efforts of the County in helping streamline the development process, we do not understand "lowering the bar" for traffic impacts in future development.

The General Plan and Vision statements of Riverside County envision a "higher bar" in building a place where people and businesses want to move, not the reverse.

As concerned citizens, the "Los Angelization" of our beautiful and unique County seems to be the direction here, and we ask that our leaders and elected officials listen to and respect the General Plan and all of its virtues.

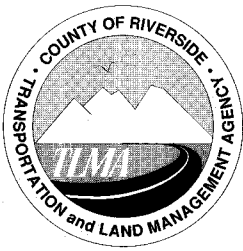
We respectfully ask that this letter be included in the public record.

Thank you,

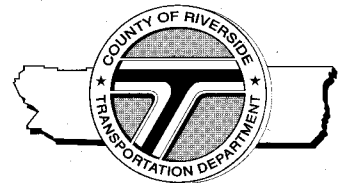
Rick Croy

Rural Residents and Friends

"People for Balanced Growth"



COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY



Transportation Department

Juan C. Perez, P.E., T.E.
Director of Transportation

MEMORANDUM

DATE: May 14, 2013
TO: The Board of Supervisors
FROM: Richard Fairhurst, Senior Transportation Planner
RE: Additional Information for Agenda Item 15-1

The attached email is being submitted for your consideration.

151

Fairhurst, Richard

From: Dan Silver [dsilverla@me.com]
Sent: Saturday, May 11, 2013 1:32 PM
To: Benoit, John; Jeffries, Kevin; Ashley, Marion; Tavaglione, John; Stone, Jeff; cob@rcbos.org
Cc: Johnson, George; Perez, Juan; Fairhurst, Richard; Syms Luna, Carolyn; Clack, Shellie; Barnes, Olivia; Kuenzi, Darcy; Field, John; Magee, Robert; Gialdini, Michael
Subject: Item 15-1 (Hearing Date May 14, 2013): General Plan Amendment 1119 - CORRECTED
Attachments: EHL-GPA1119-5.14.13corrected.pdf

May 11, 2013

Dear Chairman Benoit and Members of the Board of Supervisors:

The Endangered Habitats League appreciates the opportunity to provide written testimony regarding the initiation of GPA 1119, which we oppose.

Thank you very much

Yours truly,
Dan

Dan Silver
Executive Director
Endangered Habitats League
8424-A Santa Monica Blvd., #592
Los Angeles, CA 90069-4267

Tel 213-804-2750
Fax 323-654-1931
dsilverla@me.com
www.ehleague.org

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



May 11, 2013

VIA ELECTRONIC MAIL ONLY

The Hon John Benoit, Chair
Board of Supervisors
Riverside County
4080 Lemon St., 5th Floor
Riverside, CA 92501

**RE: Item 15-1 (May 14, 2013): General Plan Amendment 1119 –
*OPPOSITION TO INITIATION***

Dear Chairman Benoit and Board Members:

The Endangered Habitats League (EHL) opposes the initiation of GPA 1119. This amendment would change the Riverside County General Plan Circulation Element Policy C 2.1 to include language negating the current “Level of Service C” standard for County roads by making it entirely optional. Specifically, the amended Plan would state that “[o]ther levels of service may be allowed by the Board of Supervisors for a plan, program or project for which an Environmental Impact Report, or equivalent, has been completed, based on the Board's policy decision about the balancing of congestion management considerations in relation to the benefits, impacts and costs of future plans, programs and projects.” The staff report does not state how the County will adhere to the California Environmental Quality Act with respect to this major change. Moreover, not only is departure from an objective performance standard ill-advised planning because it will result in massive congestion, but the requisite General Plan findings supporting this change cannot be made.

As an initial matter, EHL does not believe that the proposed amendment is merely a “clarification.” As it exists now, Policy C 2.1 requires that “LOS ‘C’ along *all* County maintained roads and conventional state highways shall be “maintain[ed].” This unambiguous language is followed by specifically drawn exceptions for community development areas and designated community centers. State law requires consistent adherence to unambiguous and mandatory language contained in the policies of a General Plan. (See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777 [“[General Plan] consistency requires more than incantation, and a county cannot articulate a policy in its general plan and then approve a conflicting project”].) Indeed, the Court of Appeal in *Endangered Habitats League* found that a policy requiring adherence to traffic level of service standards calculated by a defined methodology to be binding on the County in considering all development projects. The nearly identical Riverside County policy proposed to be amended here is similarly binding.

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Because this change is potentially so far reaching, the findings required to amend the Plan at this juncture cannot be supported. For example, the Vision comprising the core of the County General Plan recognizes that “[t]he land use/transportation connection is a key part of the development process.” The proposed amendment, by contrast, would sever this connection. Similarly, the Principles recognize that the “[p]rovision of mobility to an expanding population requires the integration of land use and transportation.” The proposed amendment does the exact opposite: Its effect is *not* to require the integration of land use and transportation.

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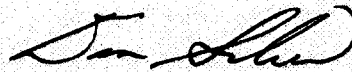
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Thank you for considering EHL's views.

Yours truly,



Dan Silver, MD
Executive Director

¹ See Riverside County Transportation Commission Transportation and Logistics Summit presentation dated April 15, 2011
(<http://tlsummit.org/Projects%20in%20the%20Pipeline%20Workshop.pdf>.)

**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
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT

Address: 27068 Janelis St
(only if follow-up mail response requested)

City: PERRIS **Zip:** 92570

Phone #: 951-657-4319

Date: MAY 16, 2018 **Agenda #** 15.1

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.

**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
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SPEAKER'S NAME: Paul Jacobs

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

City: Temecula **Zip:** _____

Phone #: _____

Date: 5/14/13 **Agenda #** 15.1

PLEASE STATE YOUR POSITION BELOW:

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

Support **Oppose** **Neutral**

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