

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



**FROM:** TLMA- Planning Department

**SUBMITTAL DATE:**  
July 20, 2015

**SUBJECT: SUBJECT: GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818-** Intent to Adopt a Negative Declaration - Applicant: Milan Chakrabarty - Third Supervisorial District -Location: Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. -  
**REQUEST:** 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).

Departmental Concurrence

*Steve Weiss*

Steve Weiss, AICP  
Planning Director

(Continued on next page)

*Juan C. Perez*

Juan C. Perez  
TLMA Director

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

**SOURCE OF FUNDS:**

**Budget Adjustment:**

**For Fiscal Year:**

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

*Steven C. Horn*  
Steven C. Horn

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is tentatively approved as recommended, and staff is directed to prepare the necessary documents for final action.

Ayes: Jeffries, Tavaglione, Washington and Benoit  
Nays: None  
Absent: Ashley  
Date: October 20, 2015  
xc: Planning(2), Applicant, Co.Co.

Kecia Harper-Ihem  
Clerk of the Board

By: *Kecia Harper-Ihem*

Deputy

Positions Added

Change Order

A-30

4/5 Vote

Prev. Agn. Ref.:

District: 3

Agenda Number:

**16-1**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818**

**DATE:** July 20, 2015

**PAGE:** Page 2 of 3

**RECOMMENDED MOTION: That the Board of Supervisors:**

**ADOPT 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,

**TENTATIVELY APPROVE 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,

**TENTATIVELY APPROVE 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.

**BACKGROUND:**

**Summary**

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.

The project was before the Planning 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. 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 Board of Supervisors for a formal recommendation.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818**

**DATE:** July 20, 2015

**PAGE:** Page 3 of 3

**Impact on Citizens and Businesses**

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

**SUPPLEMENTAL:**

**Additional Fiscal Information**

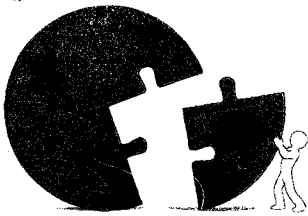
N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS (if needed, in this order):**

- A. PLANNING STAFF RESPONSE TO RAY JOHNSON LETTER DATED JULY 14, 2015**
- B. PLANNING COMMISSION MEMO FOR RAY JOHNSON LETTER DATED JULY 14, 2015**
- C. PLANNING COMMISSION MINUTES**
- D. PLANNING COMMISSION STAFF REPORTS**



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

## Memorandum to the Board of Supervisors

To: Board of Supervisors

Date: October 20, 2015

From: Matt Straite

**RE: Additional letter submitted for Agenda Item 16-1 General Plan Amendment No 903 and Change of Zone No. 7818**

An additional letter was submitted the night before the hearing from Mr. Ray Johnson of Johnson and Sedlack, dated October 19, 2015. The letter is attached.

Also attached is a memo to the file explaining in detail that all issues and concerns expressed in all four of the Ray Johnson letters have been addressed fully in the Staff Reports and environmental documents for the project.

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

Johnson & Sedlack

ATTORNEYS AT LAW

Raymond W. Johnson, Esq. AICP  
Carl T. Sedlack, Esq. Retired  
Abigail A. Smith, Esq.  
Kimberly Foy, Esq.  
Kendall Holbrook, Esq.

26785 Camino Seco, Temecula, CA 92590

E-mail: Ray@SoCalCEQA.com

Abby@SoCalCEQA.com  
Kim@SoCalCEQA.com  
Kendall@SoCalCEQA.com  
Telephone: (951) 506-9925  
Facsimile: (951) 506-9725

October 19, 2015

Riverside County Board of Supervisors  
Attn: Kecia Harper-Ihem, Clerk of the Board  
4080 Lemon Street 12th Floor  
Riverside, CA 92501  
Email: cob@rcbos.org

**VIA US MAIL AND EMAIL**

**RE: General Plan Amendment No. 903, Change of Zone No. 7818, EA No. 41706, Agenda Item 16-1**

Dear Riverside County Board of Supervisors:

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 there is a fair argument based on substantial evidence in the record that the Project may result in significant environmental effects and there are potentially significant environmental effects not evaluated in the Environmental Assessment, as 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.

Environmental Assessment No. 41706 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 Project has potentially significant impacts to/from aesthetics, air quality, greenhouse gases, hazards and hazardous materials, 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 Environmental Assessment for the Project claims that subsequent environmental review is *required* for subsequent development applications for permitted and conditionally permitted commercial uses. (EA No. 41706, p. 1.) Riverside County Zoning Code section 9.1 permits 96 different commercial uses so long as an approved plot plan exists. (See Ordinance No. 348.4802 Article IX, section 9.1 attached and incorporated herein by reference.) Environmental review is not necessarily required for the approval of a plot plan as one classification of plot plans are those "not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the Planning Department for review and comment." (See Ordinance No. 348.4802 Article XVIII, section 18.30.A.1 attached and incorporated herein by reference.) Thus, the claim a subsequent environmental document would be prepared for any commercial development application filed for the Project site is misleading.

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, especially where environmental review may never occur at a later stage.

#### *POTENTIAL SIGNIFICANT IMPACTS*

The adoption of a Negative Declaration for the Project is improper here where there is a fair argument of significant environmental impacts based on substantial evidence in the record. 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, hazards and hazardous materials, land use/planning, noise, 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 Environmental Assessment mistakenly found no impacts may occur. The adoption of feasible mitigation measures is essential to any approval of this Project.

### **Aesthetics**

The Project site is currently vacant farmland and is bordered by rural residential properties to the south and west. Specific Plan 380 is north of the Project site, and the Planning Area that borders the Project is designated very low density residential.

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. There are no setback requirements for buildings that do not exceed 35 feet in height in the C-1/C-P Zones. (Ordinance No. 348.4802 Article IX, section 9.4.B attached and incorporated herein by reference.) This would allow commercial buildings to nearly abut residential properties, and in fact, the first mock site plan designed for the Project site shows Building A only 10 feet from the property line next to a planning area designated very low density residential and Building C only 5 feet from the property line adjacent to a rural residential zoned property. The lack of setbacks permitted by the Project would create significant impacts to aesthetics for the surrounding residential community and the residences that may be developed north of the Project site.

While the Project site slopes from west to east toward Highway 79, there is no evidence that impacts would be less than significant from damaging the visual character of the area and surroundings. The Project would allow the construction of a commercial project in a rural residential area in front of local hills. The Project's increase building height and change in land use is similar to commercial land uses contained in the approved Specific Plan 380 to the north, however, the commercial planning areas approved in Specific Plan 380 are separated from the Project by a very low density residential Planning Area. (Exhibit 2-1 Specific Plan 380 Land Use Plan, attached and incorporated herein by reference.) Moreover, the construction of a building up to 50 feet in height and other buildings or structures up to 75 feet in height would obstruct public views from Highway 79 of the hillside to the west of the Project site. The likelihood of significant aesthetic impacts to scenic resources and the visual character of the area is high.

There is substantial evidence that the Project may have a significant effect on aesthetics from the intensification of use permitted by the Project. Secondary/indirect aesthetics impacts from obstructing views open to the public and/or substantially degrading the existing visual character of the site should be considered significant.

### **Air Quality**

The Environmental Assessment claims the Project's secondary effects of construction and operational emissions would not violate daily air quality thresholds based on CalEEMod air quality modeling using the 62,168 square foot conceptual site plan that was prepared to



determine whether the Project site could accommodate commercial uses. (EA No. 41706, p. 9.) The Environmental Assessment does not include the results of such modeling, and claims that the construction and operational emissions did not exceed SCAQMD daily thresholds are unsupported by evidence. Such reference to air quality modeling results should be included as an attachment or otherwise made available to allow informed public comment and decisionmaking. (CEQA Guidelines § 15063(d)(3).) The Revised Environmental Assessment states that Earlier Analyses are available for review at the County of Riverside Planning Department. (EA No. 41706, p. 35.) “Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, and effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D).” (*Id.*) An earlier analysis is not a study prepared for the current Environmental Assessment and it is not clear from the Revised Environmental Assessment that the air quality modeling results are available for public review at the County of Riverside Planning Department.

Additionally, the EA should analyze impacts from a conservative, worst-case scenario for development of the Project site to estimate project operational, localized and health effect impacts since actual development is unknown. The Project site could accommodate a single story building up to 157,000 square feet and well over 200,000 square feet in a multiple story building.

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. Estimated trip generation rates for commercial retail and standard offices demonstrates that potential developments on the Project site could result in roughly 3,084 average daily vehicle trips. (*See* Transportation/Traffic discussion below.) 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>> incorporated herein by reference.) 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 Environmental Assessment 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 GPA No. 903 and Change of Zone No. 7818 with these projects must be evaluated in the Environmental Assessment.

The analysis of air quality impacts is improperly deferred with no assurance that further environmental review will occur. (EA No. 41706, p. 9 (“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.” [emphasis added].) The CalEEMod program should be rerun using a conservative, worst-case scenario to determine whether secondary impacts of the Project could have a significant effect on air quality. There is substantial evidence that the increase in development for the Project site, which would result in

greater average daily vehicle trips, may have a significant impact to air quality that must be further analyzed and mitigated, if necessary, in an EIR.

### **Biological Resources**

EA No. 41706 defers analysis of biological impacts where ground studies are deferred until a future stage to determine whether the Project is consistent with the Multi Species Habitat Conservation Plan. This deferred review is especially improper where it is uncertain that further environmental review would in fact occur. (See EA No. 41706, p. 10.)

### **Greenhouse Gas Emissions**

Greenhouse gas (GHG) 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](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf)> incorporated herein by reference.) The Environmental Assessment relies on the preliminary air quality analysis, which was not made available for public review and the actual results of which are unknown, to conclude that the Project would not have a significant impact to GHG emissions. As discussed above, this analysis should utilize a conservative, worst-case scenario and the results should be available to the public and decisionmakers.

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. There is no evidence that the Project would not result in secondary significant impacts to GHG emissions, and the intensification of development on the Project site would likely result in significant impacts to/from GHG emissions. Therefore, an EIR must be prepared to analyze such effects.

### **Hazards and Hazardous Materials**

The Project's intensification of use may overburden evacuation route streets due to the substantial increase in traffic from commercial development of the Project site. The Project's secondary effects would be to route substantially more traffic through Old Keller Road, which is used to access rural residences and abuts an established residential community. Old Keller Road is a cul-de-sac road that has been planned as future access to the Property as part of Specific Plan 380. Specific Plan 380 designated the Planning Area north of Older Keller Road as very low density residential, thus access to the Project site would be from Keller Road through Street B or Street C onto Old Keller Road. All traffic to/from the Project site would be routed along residential lots. (Exhibit 2-1 Specific Plan 380 Land Use Plan.) Additionally, while the circulation system designed as part of Specific Plan 380 was designed to accommodate future development demand, there is no evidence that the road can accommodate an additional 3,084 average daily vehicle trips from the Project.

Instead of analyzing such impacts, EA No. 41706 defers analysis and provides that mitigation measures could be improperly added by the Transportation Department outside of the CEQA

process. If mitigation measures are proposed to reduce environmental effects, the Project should be revised to incorporate such mitigation "before the proposed negative declaration is released for public review. . . ." (CEQA Guidelines § 15070(b)(1).) To allow the adoption of necessary mitigation after the final adoption of the negative declaration is contrary to law. (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 306-307.)

The Environmental Assessment should consider the impacts of potentially 3,084 average daily vehicle trips on evacuation routes and to access for emergency vehicles and adopt any mitigation prior to Project approval.

### **Land Use/Planning**

The Environmental Assessment does not adequately analyze land use impacts. There is no discussion of the fact that the Project will allow a commercial island with no access except through very low density residential and rural residential areas. The Environmental Assessment 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 would be through Old Keller Road, so the Project would route commercial traffic through an established rural residential community that exists west of the Project site as well as a recently approved very low density residential Planning Area.

Further, the Project is inconsistent with the policies of the General Plan. For example, General Plan Policy LU 6.4 states, "Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic." (Emphasis added.) The Project conflicts with Policy LU 6.4 in that it would not retain and enhance the integrity of the existing residential areas surrounding the Project site, because the Project would result in the encroachment of a commercial land use that would result in impacts from noise and traffic. The Project would create a commercial island that conflicts with Policy LU 7.3 that states, "Promote the development of focused employment centers rather than inefficient strip commercial development." The Project site is bordered by residential land uses to the north, west, and southwest, and while, across Highway 79 the property is designated commercial retail, the Project site is immediately bordered by residential land use designations. As a further example, the Project conflicts with Policy LU 13.1, "Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public," in that the Project is on a hillside and the intensification of use would obstruct the visual features of the foothills from Highway 79. Policy LU 23.6 [r]equire[s] that commercial projects abutting residential properties protect the residential use from the impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards." There is no evidence that the Project would protect the residential properties to west of the Project site from such impacts, and the Project thus conflicts with this policy.

The Land Use/Planning section fails to discuss the Highway 79 Policy Area. Policy SWAP 9.1 states in part, "The County shall require that all new development projects demonstrate adequate transportation infrastructure capacity to accommodate the added traffic growth." Policy SWAP 9.2 of the Highway 79 Policy Area states in part, "Establish a program in the Highway 79 Policy

Area to ensure that overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards.” There is no evaluation of the increased traffic that would result from the Project’s intensification of use or evidence of adequate transportation infrastructure capacity to accommodate the potential increased daily vehicle trips generated by the Project. The County must consider whether the Project is consistent with this General Plan policy.

The Environmental Assessment claims that in light of the approval of Specific Plan 380 to the north and the fact that the lot was substandard in size, the Project site is no longer suitable for residential development. However, as discussed above, the Planning Area in Specific Plan 380 that borders the Project site to the north is designated very low density residential. Thus, the Project site would be better suited to remain residential and fit with the residential nature of adjacent properties west of Highway 79. Moreover, General Plan policy LU 1.9 states, “The zoning of properties consistent with this General Plan need not strictly conform to the level of development intensity or residential density specified on General Plan or Area Plan land use maps. In the event that an existing property is smaller in area than would be required by the General Plan, zoning that recognizes the existing lot size may be applied.” It is not a forgone conclusion that the Project site is no longer suitable for residential development.

There are potentially significant impacts to land use and planning that must be analyzed in an EIR and cannot be deferred until later environmental review, which may not even occur.

### Noise

The Environmental Assessment 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. 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](http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm)>. incorporated herein by reference.) Based on a conservative, worst-case scenario, there could be 3,084 average daily vehicle trips to/from the Project site. There is no discussion of the long-term noise impacts from the increased vehicle traffic when changing from a Rural Residential zone to a General Commercial zone. This is especially important where access to the Project site is through an existing rural residential community and an area designated as very low density residential.

Moreover, noise impacts from construction is potentially significant even with compliance with the time and day restrictions in Ordinance 847. Limiting construction to the hours of 6:00am – 6:00pm June through September and 7:00am – 6:00pm October through May does not reduce the potentially significant noise impacts created during the hours of construction.

The Environmental Assessment does not consider these potentially significant noise impacts from siting a commercial zone adjacent to residential communities and other sensitive receptors. There is substantial evidence that the intensification of use under the Project may result in significant impacts to/from noise, which must be analyzed in an EIR.

### **Transportation/Traffic**

The Environmental Assessment lacks any analysis of environmental impacts to/from traffic. Changing the general plan foundation component and land use designation, as well as the zoning on the Project site to allow commercial development, will result in substantially more automobile trips than a rural residence.

The estimated average daily vehicle trip generation rate for Land Use 814 ("Specialty Retail Center") is 40.58/1000 sq. ft. gross leasable area. (See Institute of Transportation Engineers, *Trip Generation* (7<sup>th</sup> ed. 2003), Vol. 3 pp. 1337-1346.) Specialty retail centers are described as small strip shopping centers with a variety of retail stores. (*Id.* at 1337.) The Project site could accommodate up to 76,000 square feet of single story retail space. Applying ITE's specialty retail center trip generation rate to a 76,000 square foot retail building, development of such a project would result in 3,084 average daily vehicle trips.

The estimated average daily vehicle trip generation rate for Land Use 750 ("Office Park") is 8.5/1000 sq. ft gross floor area. (*Id.* at 1248-1269.) The office park category is more general than the general office building category and should be used when a breakdown of uses is not known. (*Id.* at 1149.) Office parks are generally suburban subdivisions that contain general office buildings, banks, restaurants, and service stations. (*Id.* at 1248.) The Project site could accommodate a single story building up to 157,000 square feet. This size building for an office park would result in 1,334 average daily vehicle trips.

The general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site. The ultimate Project impacts from the increased intensity of use, potentially 1,334 to 3,084 average daily vehicle trips based on the maximum development of the Project site, are not considered in the Environmental Assessment. Moreover, there is no discussion of or the assurance that the overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards as required by the Highway 79 Policy Area. (Riverside County General Plan SWAP 9.2.) Here again, EA No. 41706 improperly defers environmental review. Even if "a subsequent review and EA shall be prepared assessing potential impacts", such analysis must occur at the earliest possible planning stages. (EA No. 41706, p. 30; see *Bozung v. Local Agency Formation Comm'n of Ventura County* (1975) 13 Cal. 3d 263, 282.)

The Project will not maintain the rural nature of the area, and will in fact divert potentially 3,084 average daily vehicle trips through a residential area.

This intensification of use and the ultimate Project impacts to traffic must be considered. There are clearly secondary/indirect impacts to/from traffic, and these potentially significant impacts must be evaluated in an EIR prior to Project approval.

### **Mandatory Findings of Significance**

The Environmental Assessment refers to specific studies to support the claim that the Project will not substantially degrade the quality of the environment. (EA No. 41706, p. 34.) However, it seems that these studies have not been made available to the public or decisionmakers and that there is no evidence that the Project would not substantially degrade the quality of the environment.

### **Cumulative Impacts**

The Environmental Assessment 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. EA No. 41706 improperly defers analysis until a future time at which point it may not be required. The County must analyze cumulative impacts to/from air quality, greenhouse gases, land use, noise, and traffic, among other effects, prior to 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 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. Moreover, Specific Plan 380 included the approval of very low density residential land use designation directly to the north of the Project site. Therefore, Specific Plan 380 further justifies *denying* the Project in order to keep urban development to the north of the very low density residential planning area in Specific Plan 380 and east of Highway 79. For these reasons there is not substantial evidence that new conditions justify modifying the General Plan.

### 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.

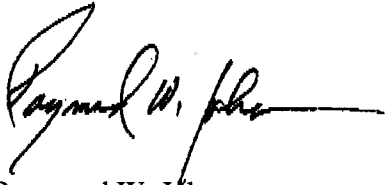
This Project would result in the intensification of building density and traffic at the Project site, and the change in land use would cause potentially significant environmental effects. There is substantial evidence that the Project would result in potentially significant indirect impacts to/from aesthetics, air quality, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, 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.)

October 19, 2015  
Page 12

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.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", with a long horizontal flourish extending to the right.

Raymond W. Johnson  
JOHNSON & SEDLACK



# **Attachment 1**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article IX, section 9.1.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

The following regulations shall apply in all C-1 Zones and C-P Zones:

**SECTION 9.1. USES PERMITTED.**

- A. The following uses are permitted, only in enclosed buildings with not more than 200 square feet of outside storage or display of materials appurtenant to such use, provided a plot plan shall have been approved pursuant to provisions of Section 18.30. of this ordinance:
1. Ambulance services.
  2. Antique shops.
  3. Appliance stores, household.
  4. Art supply shops and studios.
  5. Auction houses.
  6. Auditoriums and conference rooms.
  7. Automobile repair garages, not including body and fender shops or spray painting.
  8. Automobile parts and supply stores.
  9. Bakery goods distributors.
  10. Bakery shops, including baking only when incidental to retail sales on the premises.
  11. Banks and financial institutions.
  12. Barber and beauty shops.
  13. Bars and cocktail lounges.
  14. Billiard and pool halls.
  15. Blueprint and duplicating services.
  16. Book stores and binders.
  17. Bowling alleys.
  18. Catering services.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

19. Cleaning and dyeing shops.
20. Clothing stores.
21. Confectionery or candy stores.
22. Costume design studios.
23. Dance halls.
24. Delicatessens.
25. Department stores.
26. Drug stores.
27. Dry goods stores.
28. Employment agencies
29. Escort bureaus.
30. Feed and grain sales.
31. Florists shops.
32. Food markets and frozen food lockers.
33. Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption.
34. Gift shops.
35. Hotels, resort hotels and motels.
36. Household goods sales, including but not limited to, new and used appliances, furniture, carpets, draperies, lamps, radios, and television sets, including repair thereof.
37. Hobby shops.
38. Ice cream shops.
39. Ice sales, not including ice plants.
40. Interior decorating shops.
41. Jewelry stores, including incidental repairs.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

42. Labor temples.
43. Laboratories, film, dental, medical, research or testing.
44. Laundries and laundromats.
45. Leather goods stores.
46. (Deleted)
47. Locksmith shops.
48. Mail order businesses.
49. Manufacturer's agent.
50. Market, food, wholesale or jobber.
51. Massage parlors, Turkish baths, health centers and similar personal service establishments.
52. Meat markets, not including slaughtering.
53. Mimeographing and addressograph services.
54. Mortuaries.
55. Music stores.
56. News stores.
57. Notions or novelty stores.
58. Offices, including business, law, medical, dental, chiropractic, architectural, engineering, community planning, real estate.
59. One on-site operator's residence, which may be located in a commercial building.
60. Paint and wallpaper stores, not including paint contractors.
61. Pawn shops.
62. Pet shops and pet supply shops.
63. Photography shops and studios and photo engraving.
64. Plumbing shops, not including plumbing contractors.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

65. Poultry markets, not including slaughtering or live sales
66. Printers or publishers.
67. Produce markets.
68. Radio and television broadcasting studios.
69. Recording studios.
70. Refreshment stands.
71. Restaurants and other eating establishments.
72. Schools, business and professional, including art, barber, beauty, dance, drama, music and swimming.
73. Shoe stores and repair shops.
74. Shoeshine stands.
75. Signs, on-site advertising.
76. Sporting goods stores.
77. Stained glass assembly.
78. Stationer stores.
79. Stations, bus, railroad and taxi.
80. Taxidermist.
81. Tailor shops.
82. Telephone exchanges.
83. Theaters, not including drive-ins.
84. Tire sales and service, not including recapping.
85. Tobacco shops.
86. Tourist information centers.
87. Toy shops.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

88. Travel agencies.
89. Typewriter sales and rental, including incidental repairs.
90. Watch repair shops.
91. Wholesale businesses with samples on the premises but not including storage.
92. Car washes.
93. Fortune telling, spiritualism, or similar activity.
94. Recycling collection facilities.
95. Convenience stores, not including the sale of motor vehicle fuel.
96. Day care centers.
97. Deleted.

Amended Effective:

09-10-99 (Ord. 348.3883) repealed

10-21-99 (Ord. 348.3888)

B. The following uses are permitted, together with outside storage and display of materials appurtenant to such use, provided a plot plan has been approved pursuant to the provisions of Section 18.30 of this ordinance:

1. Repealed.

Amended Effective:

09-29-00 (Ord. 348.3955)

2. Bicycle sales and rentals.
3. Boat and other marine sales.
4. Ceramic sales and manufacturing for on-site sales, provided the total volume of kiln space does not exceed 16 cubic feet.
5. Electrical substations.
6. Equipment rental services, including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding ten cubic feet in capacity and other similar equipment.
7. Fishing and casting pools.
8. Golf cart sales and service.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

9. Hardware stores, including not more than 1,000 square feet of outside storage lumber.
10. Liquid petroleum service stations, not including the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed 10,000 gallons.
11. Mobilehomes, provided they are kept mobile and licensed pursuant to State law, used for:
  - a. Sales offices on mobilehome sales lots.
  - b. Construction offices and caretaker's quarters on construction sites for the duration of a valid building permit, provided they are inconspicuously located.
  - c. Caretakers or watchmen and their families, provided no rent is paid, where a permitted and existing commercial use is established. Not more than one mobilehome shall be allowed for a parcel of land or a shopping center complex.
12. Mobilehome sales and storage, trailer sales and rental house trailers.
13. Nurseries and garden supply stores.
14. Parking lots and parking structures.
15. Sports and recreational facilities, not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, sports arenas, skating rinks, stadiums, and commercial swimming pools.
16. Churches, temples, and other places of religious worship.

Amended Effective:  
10-21-99 (Ord. 348.3888)

17. (Deleted)
  18. Trailer and boat storage.
  19. Trucks and trailers; the rental of trucks not over 19,500 pounds gross vehicle weight, with body not to exceed 22 feet in length from the back of the cab to the end of body; and the rental of trailers not exceeding six feet in width or 22 feet in length.
  20. Truck sales and service.
- C. (Deleted)
- D. The following uses are permitted provided a conditional use permit has been granted pursuant to the provisions of Section 18.28 of this ordinance:

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

1. Sale, rental, repair, or demonstration of motorcycles, scooters, and motorbikes.
2. Drive-in theaters.
3. Heliports.
4. Tire recapping.
5. Animal hospitals.
6. Body and fender shops and spray painting.
7. Swap meets.
8. All uses permitted in Subsection A. of this section that have more than 200 square feet of outside storage or display of materials.
9. Mini-warehouse structures.
10. Lumber yards, including only incidental mill work.
11. Building materials sales yards.
12. Underground bulk fuel storage.
13. Congregate care residential facilities.
14. Convenience stores, including the sale of motor vehicle fuel.
15. Gasoline service stations with the concurrent sale of beer and wine for off-premises consumption.
16. Liquid petroleum service stations with the concurrent sale of beer and wine for off-premises consumption, provided the total capacity of all tanks shall not exceed 10,000 gallons.
17. Liquor stores pursuant to the provisions of Section 18.48. (Alcoholic Beverage Sales) of this ordinance.
18. Automobile Sales and rental agencies.
19. Solar power plans on a lot 10 acres or larger.
20. Parolee-Probationer Home developed in accordance with the standards set for in Section 18.52. of this ordinance.

Amended Effective:



**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

09-29-00 (Ord. 348.3955)

Ord. 348.4705 Item 16.2 of 11/08/11 (Effective Date:  
12/08/11)

Ord. 348.4744 Item 16.2 of 16.1 of 06/19/12 (Effective Date:  
07/19/12)

E. The uses listed in Subsections A., B., and D. do not include sex-oriented businesses.

Amended Effective:

03-01-94 (Ord. 348.3584)

06-27-97 (Ord. 348.3793)

F. **Accessory Uses.** An accessory use to a permitted use is allowed provided the accessory use is incidental to, and does not alter the character of, the principal permitted use, including, but not limited to:

1. Limited manufacturing, fabricating, processing, packaging, treating and incidental storage related thereto, provided any such activity shall be in the same line of merchandise or service as the trade or service business conducted on the premises and provided any such activity does not exceed any of the following restrictions:
  - a. The maximum gross floor area of the building permitted to be devoted to such accessory use shall be 25 percent.
  - b. The maximum total horsepower of all electric motors used in connection with such accessory use shall be five horsepower.
  - c. The accessory use shall be so conducted that noise, vibration, dust, odor, and all other objectionable factors shall be reduced to the extent that there will be no annoyance to persons outside the premises. Such accessory use shall be located not nearer than 50 feet to any residential zone.
  - d. Accessory uses shall be conducted wholly within a completely enclosed building.
  - e. Any use that is not specifically listed in Subsections A., B., and D. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated Subsections. Such a use is subject to the permit process which governs the category in which it falls.

Amended Effective:

07-16-85 (Ord. 348.2496)

08-29-85 (Ord. 348.2510)

12-26-85 (Ord. 348.2535)

06-30-88 (Ord. 348.2856)

05-04-89 (Ord. 348.3023)

08-10-89 (Ord. 348.3047)

11-05-89 (Ord. 348.3078)

11-13-90 (Ord. 348.3217)

03-10-94 (Ord. 348.3584)

06-27-97 (Ord. 348.3793)

10-21-99 (Ord. 348.3888)

09-10-99 (Ord. 348.3883)

**SECTION 9.2. PLANNED COMMERCIAL DEVELOPMENTS.**

## **Attachment 2**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article XVIII, section 18.30.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE XVIII      GENERAL PROVISIONS**

---

**SECTION 18.30. PLOT PLANS.**

The following procedures shall apply to all applications for approval of a plot plan that is required by any section of this ordinance:

- A. CLASSIFICATION OF PLOT PLANS. Plot plans are classified as follows:
1. Plot plans that are not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the Planning Department for review and comment.
  2. Plot plans that are not subject to the California Environmental Quality Act and are transmitted to one or more governmental agencies other than the Planning Department.
  3. Plot plans that are subject to the California Environmental Quality Act.
  4. Plot plans for outdoor advertising displays that require field checking by the Land Use Division of the Department of Building and Safety.
- B. APPLICATIONS.
1. An application for a plot plan shall be made to the Planning Director on the forms provided by the Planning Department and shall be accompanied by an initial payment of the deposit based fees set forth in Ordinance No. 671.
  2. Environmental Clearance. No application that requires compliance with the Riverside County Rules Implementing the California Environmental Quality Act shall be considered at a public hearing until all procedures required by the rules to hear a matter are completed.
- C. REQUIREMENTS FOR APPROVAL.

No plot plan shall be approved unless it complies with the following standards:

1. The proposed use must conform to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.
2. The overall development of the land shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.

## **Attachment 3**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article IX, section 9.4.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

Planned commercial developments are permitted provided a land division is approved pursuant to the provision of Ordinance No. 460.

**SECTION 9.3. (Deleted)**

**SECTION 9.4. DEVELOPMENT STANDARDS.**

The following standards of development are required in the C-1 and C-P Zones:

- A. There is no minimum lot area requirement, unless specifically required by zone classification for a particular area.
- B. There are no yard requirements for buildings which do not exceed 35 feet in height except as required for specific plans. Any portion of a building which exceeds 35 feet in height shall be set back from the front, rear and side lot lines not less than two feet for each foot by which the height exceeds 35 feet. The front setback shall be measured from the existing street line unless a specific plan has been adopted in which case it will be measured from the specific plan street line. The rear setback shall be measured from the existing rear lot line or from any recorded alley or easement; if the rear line adjoins a street, the rear setback requirement shall be the same as required for a front setback. Each side setback shall be measured from the side lot line, or from an existing adjacent street line unless a specific plan has been adopted, in which case it will be measured from the specific plan street line.
- C. No building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34. of this ordinance. In no event, however, shall a building or structure exceed seventy-five (75') feet in height, unless a variance is approved pursuant to Section 18.27. of this ordinance.

Amended Effective:  
05-24-01 (Ord. 348.3990)

- D. Automobile storage space shall be provided as required by Section 18.12. of this ordinance.
- E. All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of 1,320 feet.

Amended Effective:  
01-15-64 (Ord. 348.251)  
11-10-65 (Ord. 348.401)  
01-19-66 (Ord. 348.422)  
05-04-72 (Ord. 348.1023)  
09-14-72 (Ord. 348.1070)  
10-19-72 (Ord. 348.1091)  
09-13-73 (Ord. 348.1201)  
07-25-74 (Ord. 348.1349)  
10-02-75 (Ord. 348.1470)  
11-13-75 (Ord. 348.1476)

12-10-75 (Ord. 348.1481)  
04-21-77 (Ord. 348.1564)  
06-29-78 (Ord. 348.1647)  
08-29-78 (Ord. 348.1664)  
04-12-79 (Ord. 348.1688)  
10-23-80 (Ord. 348.1879)  
03-05-81 (Ord. 348.1926)  
08-07-86 (Ord. 348.2591)  
06-30-88 (Ord. 348.2856)  
05-04-89 (Ord. 348.3023)

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

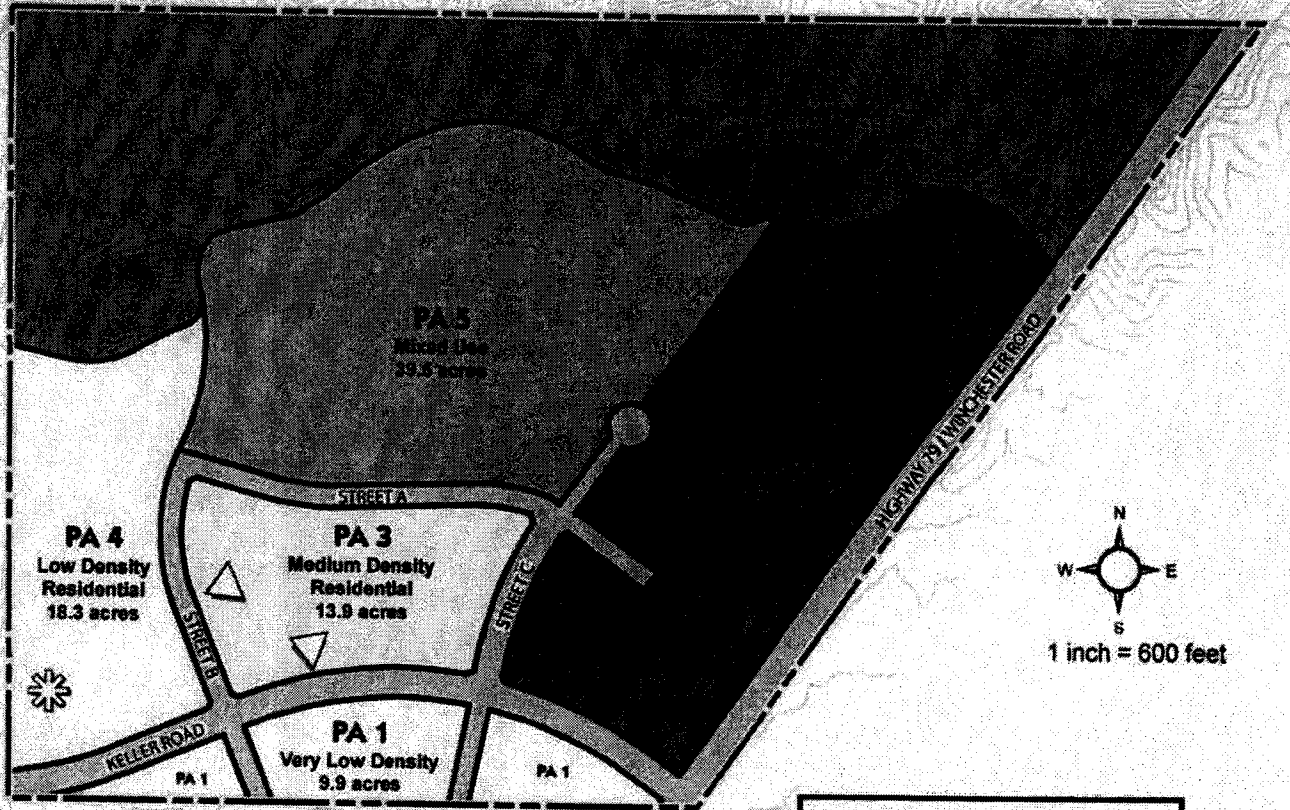
---

08-10-89 (Ord. 348.3047)  
10-05-89 (Ord. 348.3053)  
03-01-94 (Ord. 348.3584)

06-27-97 (Ord. 348.3793)  
09-10-99 (Ord. 348.3883)

## **Attachment 4**

Specific Plan 380 Land Use Plan.



Land Use Designations	
	Very Low Density Residential
	Low Density Residential
	Medium Density Residential
	Commercial Retail
	Mixed Use
	Open Space Conservation
	2-Ac Lots Along Pourroy Rd
	10,000 s.f. Lots Along Street B and Keller Rd

Exhibit 2-1: Specific Plan Land Use Plan



**RAYMOND W. JOHNSON, Esq., AICP LEED GA**  
**26785 Camino Seco**  
**Temecula, CA 92590**  
**(951) 506-9925**  
**(951) 506-9725 Fax**  
**(951) 775-1912 Cellular**

**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

**Johnson & Sedlack, Attorneys at Law**

26785 Camino Seco  
Temecula, CA 92590  
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

**Planning-Environmental Solutions**

26785 Camino Seco  
Temecula, CA 92590  
(909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

**San Bernardino County Planning Department**

Environmental Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

**San Bernardino County Planning Department**

General Plan Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

**San Bernardino County Planning Department**

North Desert Regional Planning Team

15505 Civic

Victorville, CA

(619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

**Broadmoor Associates/Johnson Consulting**

229 NW Blue Parkway

Lee's Summit, MO 64063

(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

**Shepherd Realty Co.**

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

**Contemporary Concepts Inc.**

Lee's Summit, MO

Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

**Environmental Design Association**

Lee's Summit, Mo.

Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

**City of Lee's Summit, MO**

220 SW Main  
Lee's Summit, MO 64063  
Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

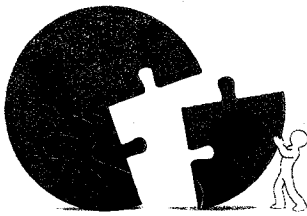
**Howard Needles Tammen & Bergendoff**

9200 Ward Parkway  
Kansas City, MO 64114  
(816) 333-4800  
Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP  
Planning Director*

## Memorandum to the file

To: File

Date: October 20, 2015

From: Matt Straite

**RE: Additional letter submitted for Agenda Item 16-1 General Plan Amendment No 903 and Change of Zone No. 7818**

An additional letter was submitted the night before the October 20, 2015 Board hearing from Mr. Ray Johnson of Johnson and Sedlack, dated October 19, 2015. The letter is attached.

Mr. Johnson has submitted three previous letters<sup>1</sup> on the project during the Planning Commission hearings. The first was a letter dated July 15, 2014. This was submitted the night before the first Planning Commission hearing held July 16, 2014. The letter contained hundreds of pages of technical studies. The Environmental Analysis (EA) was revised to address the concerns expressed in this letter and recirculated for public review between January 23, 2015 and February 12, 2015. All comments expressed in the July 15th Johnson letter were fully addressed in the revised EA.

In response to the re-circulation, Mr. Johnson submitted a second letter dated February 13, 2015. A memo was submitted to the Planning Commission responding to Mr. Johnson's second letter, which was very similar to the first letter, citing similar concerns that were fully addressed in the recirculated EA. Mr. Johnson also submitted a letter, dated July 14, 2015 prior to the second Planning Commission hearing held on July 15, 2015.

The project was then scheduled for a Board of Supervisors hearing on October 20, 2015. Letter number four dated October 19, 2015, again, submitted the night before the hearing, is restructured but argues the same points as all previous letters with some small exceptions. The staff reports, original EA and recirculated EA fully addressed all issues outlined in all his letters.

The October 19<sup>th</sup> letter included some new comments. These are addressed below.

- Mr. Johnson contends that the technical studies were not provided with the Environmental Assessment; however, as the EA explained, as is the case with all EA's in the County, the technical studies are available for review at the County building.
- Mr. Johnson contends that the CalEEMod model run that was used should have been a worst case scenario instead of the 'typical' project model run that was used in the analysis. Given the size of the site, and other design constraints like right of way dedication required for Highway 79,

<sup>1</sup> Not including one simply requesting to be notified of hearings.

the 'typical' structure/project size that was used to run the model was basically the same as using a worst case scenario. A larger structure/project on the site would not be possible. The zoning and constraints create a maximum building envelope. The applicant drafted three mock projects for the site, one of which was specifically intended to show the largest structure/project possible on the site. That model was used to run the analysis.

- Mr. Johnson in this last letter has dropped some of the specific CEQA topic he expressed issues with in the previous letters, specifically geology and hydrology. However, this most recent letter added a CEQA topic that was not added in previous letters- biology. As explained in the EA, the project is not proposing any ground disturbance at this time, and a full CEQA review will be required at the time a project is actually proposed on the site. The site may sit vacant for some time before a ground disturbing project is submitted. The biological analysis should be done as close as possible to the actual ground disturbance, at a time when ground disturbance is actually proposed. This topic was adequately covered in the environmental analysis.
- The new letter adds more detail to previous concerns expressed in the previous letters. The new letter explains that access to the site is rural and inappropriate for retail traffic. The four acre site will take access off a collector, as modified in the approved Specific Plan to the north. As explained fully in the EA, the size of the street is appropriate for the amount of traffic that will be generated by any future project. Streets are not designated with rural or urban designations, so the street is appropriate for any future project on the site. The letter explains that the street would route traffic through a residential area. As explained in the EA, the Specific Plan to the north does feature Low Density designations contiguous to the project site; however, that area is intended to be used as a basin, not for an actual residential use. There is still low density property to the south of Old Keller Road; however that was fully analyzed in the EA.
- The letter argues that the project is inconsistent with many General Plan Policies. An analysis of the projects consistency with the General Plan and its policies was included in the staff report. Citing LU 6.4 the letter attempts to argue that the County shall "retain and enhance the integrity of existing" designations. However, the General Plan also explains that changes to the plan are permitted if supported. LU 6.4 is not intended to restrict all General Plan Amendments, it is intended to maintain the character of an area when appropriate. A Low Density character on this site is no longer appropriate. The existing residential use of the site was compromised when the Highway along the frontage was expanded and the Specific Plan to the north was approved. The letter cites three additional General Plan policies that the author feels are inconsistent. All of the arguments in the letter ignore the expanded Highway and approval of the Specific Plan to the north. With these facts, the proposed project, GPA903, is consistent with the General Plan as explained fully in the Staff Report.

In conclusion, staff feels that the project was fully and appropriately analyzed, all facts and details required are provided in the project documents, and the new letter by Mr. Johnson does not raise any issues that were not fully addressed in project documents.

**Haro, Passion**

---

**From:** Laurel McKee <laurel@socalceqa.com>  
**Sent:** Monday, October 19, 2015 3:53 PM  
**To:** COB  
**Cc:** Raymond W. Johnson Esq. AICP LEED GA; Kendall Holbrook -AD  
**Subject:** Comment Letter re GPA 903 - attached  
**Attachments:** 2015.10.19 BOS Comment Letter re GPA 903.pdf

Ms. Harper-Ihem:

Attached is a comment letter regarding Agenda Item 16-1 for tomorrow's Board of Supervisors' meeting. We would appreciate your assistance in distributing this to the Supervisors and appropriate staff prior to the meeting.

A hard copy will follow in the US Mail.

Thank you for your assistance,

Laurel McKee

The above email is for intended recipient only and is confidential and protected by attorney/client privilege. If you are not the intended recipient, please advise the sender immediately. Unauthorized use or distribution is prohibited and may be unlawful.

Laurel L. McKee  
Administrative Assistant to Raymond W. Johnson, Esq., AICP, LEED GA  
Abigail A. Smith, Esq., Kimberly Foy, Esq., and Kendall Holbrook, Esq.  
JOHNSON & SEDLACK  
26785 Camino Seco  
Temecula, CA 92590  
Telephone: (951) 506-9925  
Facsimile: (951) 506-9725  
E-Mail: Laurel@SoCalCEQA.com

5012 001 13 BY P: PP  
RECEIVED  
OCT 20 2015

10/20/15  
16-1  
2015-10-129296



Johnson & Sedlack

ATTORNEYS AT LAW

Raymond W. Johnson, Esq. AICP  
Carl T. Sedlack, Esq. Retired  
Abigail A. Smith, Esq.  
Kimberly Foy, Esq.  
Kendall Holbrook, Esq.

26785 Camino Seco, Temecula, CA 92590

E-mail Ray@SoCalCEQA.com

Abby@SoCalCEQA.com  
Kim@SoCalCEQA.com  
Kendall@SoCalCEQA.com  
Telephone: (951) 506-9925  
Facsimile: (951) 506-9725

October 19, 2015

Riverside County Board of Supervisors  
Attn: Kecia Harper-Ihem, Clerk of the Board  
4080 Lemon Street 12th Floor  
Riverside, CA 92501  
Email: cob@rcbos.org

**VIA US MAIL AND EMAIL**

**RE: General Plan Amendment No. 903, Change of Zone No. 7818, EA No. 41706, Agenda Item 16-1**

Dear Riverside County Board of Supervisors:

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 there is a fair argument based n substantial evidence in the record that the Project may result in significant environmental effects and there are potentially significant environmental effects not evaluated in the Environmental Assessment, as 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.

Environmental Assessment No. 41706 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 Project has potentially significant impacts to/from aesthetics, air quality, greenhouse gases, hazards and hazardous materials, 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 Environmental Assessment for the Project claims that subsequent environmental review is **required** for subsequent development applications for permitted and conditionally permitted commercial uses. (EA No. 41706, p. 1.) Riverside County Zoning Code section 9.1 permits 96 different commercial uses so long as an approved plot plan exists. (See Ordinance No. 348.4802 Article IX, section 9.1 attached and incorporated herein by reference.) Environmental review is not necessarily required for the approval of a plot plan as one classification of plot plans are those "not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the Planning Department for review and comment." (See Ordinance No. 348.4802 Article XVIII, section 18.30.A.1 attached and incorporated herein by reference.) Thus, the claim a subsequent environmental document would be prepared for any commercial development application filed for the Project site is misleading.

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, especially where environmental review may never occur at a later stage.

#### **POTENTIAL SIGNIFICANT IMPACTS**

The adoption of a Negative Declaration for the Project is improper here where there is a fair argument of significant environmental impacts based on substantial evidence in the record. 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, hazards and hazardous materials, land use/planning, noise, 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 Environmental Assessment mistakenly found no impacts may occur. The adoption of feasible mitigation measures is essential to any approval of this Project.

### **Aesthetics**

The Project site is currently vacant farmland and is bordered by rural residential properties to the south and west. Specific Plan 380 is north of the Project site, and the Planning Area that borders the Project is designated very low density residential.

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. There are no setback requirements for buildings that do not exceed 35 feet in height in the C-1/C-P Zones. (Ordinance No. 348.4802 Article IX, section 9.4.B attached and incorporated herein by reference.) This would allow commercial buildings to nearly abut residential properties, and in fact, the first mock site plan designed for the Project site shows Building A only 10 feet from the property line next to a planning area designated very low density residential and Building C only 5 feet from the property line adjacent to a rural residential zoned property. The lack of setbacks permitted by the Project would create significant impacts to aesthetics for the surrounding residential community and the residences that may be developed north of the Project site.

While the Project site slopes from west to east toward Highway 79, there is no evidence that impacts would be less than significant from damaging the visual character of the area and surroundings. The Project would allow the construction of a commercial project in a rural residential area in front of local hills. The Project's increase building height and change in land use is similar to commercial land uses contained in the approved Specific Plan 380 to the north, however, the commercial planning areas approved in Specific Plan 380 are separated from the Project by a very low density residential Planning Area. (Exhibit 2-1 Specific Plan 380 Land Use Plan, attached and incorporated herein by reference.) Moreover, the construction of a building up to 50 feet in height and other buildings or structures up to 75 feet in height would obstruct public views from Highway 79 of the hillside to the west of the Project site. The likelihood of significant aesthetic impacts to scenic resources and the visual character of the area is high.

There is substantial evidence that the Project may have a significant effect on aesthetics from the intensification of use permitted by the Project. Secondary/indirect aesthetics impacts from obstructing views open to the public and/or substantially degrading the existing visual character of the site should be considered significant.

### **Air Quality**

The Environmental Assessment claims the Project's secondary effects of construction and operational emissions would not violate daily air quality thresholds based on CalEEMod air quality modeling using the 62,168 square foot conceptual site plan that was prepared to

determine whether the Project site could accommodate commercial uses. (EA No. 41706, p. 9.) The Environmental Assessment does not include the results of such modeling, and claims that the construction and operational emissions did not exceed SCAQMD daily thresholds are unsupported by evidence. Such reference to air quality modeling results should be included as an attachment or otherwise made available to allow informed public comment and decisionmaking. (CEQA Guidelines § 15063(d)(3).) The Revised Environmental Assessment states that Earlier Analyses are available for review at the County of Riverside Planning Department. (EA No. 41706, p. 35.) “Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, and effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D).” (*Id.*) An earlier analysis is not a study prepared for the current Environmental Assessment and it is not clear from the Revised Environmental Assessment that the air quality modeling results are available for public review at the County of Riverside Planning Department.

Additionally, the EA should analyze impacts from a conservative, worst-case scenario for development of the Project site to estimate project operational, localized and health effect impacts since actual development is unknown. The Project site could accommodate a single story building up to 157,000 square feet and well over 200,000 square feet in a multiple story building.

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. Estimated trip generation rates for commercial retail and standard offices demonstrates that potential developments on the Project site could result in roughly 3,084 average daily vehicle trips. (*See* Transportation/Traffic discussion below.) 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>> incorporated herein by reference.) 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 Environmental Assessment 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 GPA No. 903 and Change of Zone No. 7818 with these projects must be evaluated in the Environmental Assessment.

The analysis of air quality impacts is improperly deferred with no assurance that further environmental review will occur. (EA No. 41706, p. 9 (“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.” [emphasis added].)) The CalEEMod program should be rerun using a conservative, worst-case scenario to determine whether secondary impacts of the Project could have a significant effect on air quality. There is substantial evidence that the increase in development for the Project site, which would result in

greater average daily vehicle trips, may have a significant impact to air quality that must be further analyzed and mitigated, if necessary, in an EIR.

### **Biological Resources**

EA No. 41706 defers analysis of biological impacts where ground studies are deferred until a future stage to determine whether the Project is consistent with the Multi Species Habitat Conservation Plan. This deferred review is especially improper where it is uncertain that further environmental review would in fact occur. (See EA No. 41706, p. 10.)

### **Greenhouse Gas Emissions**

Greenhouse gas (GHG) 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](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf)> incorporated herein by reference.) The Environmental Assessment relies on the preliminary air quality analysis, which was not made available for public review and the actual results of which are unknown, to conclude that the Project would not have a significant impact to GHG emissions. As discussed above, this analysis should utilize a conservative, worst-case scenario and the results should be available to the public and decisionmakers.

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. There is no evidence that the Project would not result in secondary significant impacts to GHG emissions, and the intensification of development on the Project site would likely result in significant impacts to/from GHG emissions. Therefore, an EIR must be prepared to analyze such effects.

### **Hazards and Hazardous Materials**

The Project's intensification of use may overburden evacuation route streets due to the substantial increase in traffic from commercial development of the Project site. The Project's secondary effects would be to route substantially more traffic through Old Keller Road, which is used to access rural residences and abuts an established residential community. Old Keller Road is a cul-de-sac road that has been planned as future access to the Property as part of Specific Plan 380. Specific Plan 380 designated the Planning Area north of Older Keller Road as very low density residential, thus access to the Project site would be from Keller Road through Street B or Street C onto Old Keller Road. All traffic to/from the Project site would be routed along residential lots. (Exhibit 2-1 Specific Plan 380 Land Use Plan.) Additionally, while the circulation system designed as part of Specific Plan 380 was designed to accommodate future development demand, there is no evidence that the road can accommodate an additional 3,084 average daily vehicle trips from the Project.

Instead of analyzing such impacts, EA No. 41706 defers analysis and provides that mitigation measures could be improperly added by the Transportation Department outside of the CEQA

process. If mitigation measures are proposed to reduce environmental effects, the Project should be revised to incorporate such mitigation “before the proposed negative declaration is released for public review. . . .” (CEQA Guidelines § 15070(b)(1).) To allow the adoption of necessary mitigation after the final adoption of the negative declaration is contrary to law. (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 306-307.)

The Environmental Assessment should consider the impacts of potentially 3,084 average daily vehicle trips on evacuation routes and to access for emergency vehicles and adopt any mitigation prior to Project approval.

### **Land Use/Planning**

The Environmental Assessment does not adequately analyze land use impacts. There is no discussion of the fact that the Project will allow a commercial island with no access except through very low density residential and rural residential areas. The Environmental Assessment 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 would be through Old Keller Road, so the Project would route commercial traffic through an established rural residential community that exists west of the Project site as well as a recently approved very low density residential Planning Area.

Further, the Project is inconsistent with the policies of the General Plan. For example, General Plan Policy LU 6.4 states, “Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic.” (Emphasis added.) The Project conflicts with Policy LU 6.4 in that it would not retain and enhance the integrity of the existing residential areas surrounding the Project site, because the Project would result in the encroachment of a commercial land use that would result in impacts from noise and traffic. The Project would create a commercial island that conflicts with Policy LU 7.3 that states, “Promote the development of focused employment centers rather than inefficient strip commercial development.” The Project site is bordered by residential land uses to the north, west, and southwest, and while, across Highway 79 the property is designated commercial retail, the Project site is immediately bordered by residential land use designations. As a further example, the Project conflicts with Policy LU 13.1, “Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public,” in that the Project is on a hillside and the intensification of use would obstruct the visual features of the foothills from Highway 79. Policy LU 23.6 [r]equire[s] that commercial projects abutting residential properties protect the residential use from the impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards.” There is no evidence that the Project would protect the residential properties to west of the Project site from such impacts, and the Project thus conflicts with this policy.

The Land Use/Planning section fails to discuss the Highway 79 Policy Area. Policy SWAP 9.1 states in part, “The County shall require that all new development projects demonstrate adequate transportation infrastructure capacity to accommodate the added traffic growth.” Policy SWAP 9.2 of the Highway 79 Policy Area states in part, “Establish a program in the Highway 79 Policy

Area to ensure that overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards.” There is no evaluation of the increased traffic that would result from the Project’s intensification of use or evidence of adequate transportation infrastructure capacity to accommodate the potential increased daily vehicle trips generated by the Project. The County must consider whether the Project is consistent with this General Plan policy.

The Environmental Assessment claims that in light of the approval of Specific Plan 380 to the north and the fact that the lot was substandard in size, the Project site is no longer suitable for residential development. However, as discussed above, the Planning Area in Specific Plan 380 that borders the Project site to the north is designated very low density residential. Thus, the Project site would be better suited to remain residential and fit with the residential nature of adjacent properties west of Highway 79. Moreover, General Plan policy LU 1.9 states, “The zoning of properties consistent with this General Plan need not strictly conform to the level of development intensity or residential density specified on General Plan or Area Plan land use maps. In the event that an existing property is smaller in area than would be required by the General Plan, zoning that recognizes the existing lot size may be applied.” It is not a forgone conclusion that the Project site is no longer suitable for residential development.

There are potentially significant impacts to land use and planning that must be analyzed in an EIR and cannot be deferred until later environmental review, which may not even occur.

### Noise

The Environmental Assessment 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. 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](http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm)>. incorporated herein by reference.) Based on a conservative, worst-case scenario, there could be 3,084 average daily vehicle trips to/from the Project site. There is no discussion of the long-term noise impacts from the increased vehicle traffic when changing from a Rural Residential zone to a General Commercial zone. This is especially important where access to the Project site is through an existing rural residential community and an area designated as very low density residential.

Moreover, noise impacts from construction is potentially significant even with compliance with the time and day restrictions in Ordinance 847. Limiting construction to the hours of 6:00am – 6:00pm June through September and 7:00am – 6:00pm October through May does not reduce the potentially significant noise impacts created during the hours of construction.



The Environmental Assessment does not consider these potentially significant noise impacts from sitting a commercial zone adjacent to residential communities and other sensitive receptors. There is substantial evidence that the intensification of use under the Project may result in significant impacts to/from noise, which must be analyzed in an EIR.

### **Transportation/Traffic**

The Environmental Assessment lacks any analysis of environmental impacts to/from traffic. Changing the general plan foundation component and land use designation, as well as the zoning on the Project site to allow commercial development, will result in substantially more automobile trips than a rural residence.

The estimated average daily vehicle trip generation rate for Land Use 814 ("Specialty Retail Center") is 40.58/1000 sq. ft. gross leasable area. (*See* Institute of Transportation Engineers, *Trip Generation* (7<sup>th</sup> ed. 2003), Vol. 3 pp. 1337-1346.) Specialty retail centers are described as small strip shopping centers with a variety of retail stores. (*Id.* at 1337.) The Project site could accommodate up to 76,000 square feet of single story retail space. Applying ITE's specialty retail center trip generation rate to a 76,000 square foot retail building, development of such a project would result in 3,084 average daily vehicle trips.

The estimated average daily vehicle trip generation rate for Land Use 750 ("Office Park") is 8.5/1000 sq. ft. gross floor area. (*Id.* at 1248-1269.) The office park category is more general than the general office building category and should be used when a breakdown of uses is not known. (*Id.* at 1149.) Office parks are generally suburban subdivisions that contain general office buildings, banks, restaurants, and service stations. (*Id.* at 1248.) The Project site could accommodate a single story building up to 157,000 square feet. This size building for an office park would result in 1,334 average daily vehicle trips.

The general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site. The ultimate Project impacts from the increased intensity of use, potentially 1,334 to 3,084 average daily vehicle trips based on the maximum development of the Project site, are not considered in the Environmental Assessment. Moreover, there is no discussion of or the assurance that the overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards as required by the Highway 79 Policy Area. (Riverside County General Plan SWAP 9.2.) Here again, EA No. 41706 improperly defers environmental review. Even if "a subsequent review and EA shall be prepared assessing potential impacts", such analysis must occur at the earliest possible planning stages. (EA No. 41706, p. 30; *see Bozung v. Local Agency Formation Comm'n of Ventura County* (1975) 13 Cal. 3d 263, 282.)

The Project will not maintain the rural nature of the area, and will in fact divert potentially 3,084 average daily vehicle trips through a residential area.

This intensification of use and the ultimate Project impacts to traffic must be considered. There are clearly secondary/indirect impacts to/from traffic, and these potentially significant impacts must be evaluated in an EIR prior to Project approval.

### **Mandatory Findings of Significance**

The Environmental Assessment refers to specific studies to support the claim that the Project will not substantially degrade the quality of the environment. (EA No. 41706, p. 34.) However, it seems that these studies have not been made available to the public or decisionmakers and that there is no evidence that the Project would not substantially degrade the quality of the environment.

### **Cumulative Impacts**

The Environmental Assessment 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. EA No. 41706 improperly defers analysis until a future time at which point it may not be required. The County must analyze cumulative impacts to/from air quality, greenhouse gases, land use, noise, and traffic, among other effects, prior to 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 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. Moreover, Specific Plan 380 included the approval of very low density residential land use designation directly to the north of the Project site. Therefore, Specific Plan 380 further justifies *denying* the Project in order to keep urban development to the north of the very low density residential planning area in Specific Plan 380 and east of Highway 79. For these reasons there is not substantial evidence that new conditions justify modifying the General Plan.

#### *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.

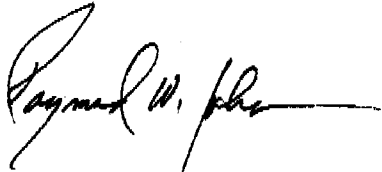
This Project would result in the intensification of building density and traffic at the Project site, and the change in land use would cause potentially significant environmental effects. There is substantial evidence that the Project would result in potentially significant indirect impacts to/from aesthetics, air quality, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, 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.)

October 19, 2015  
Page 12

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.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", with a horizontal line extending to the right.

Raymond W. Johnson  
JOHNSON & SEDLACK

# **Attachment 1**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article IX, section 9.1.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

The following regulations shall apply in all C-1 Zones and C-P Zones:

**SECTION 9.1. USES PERMITTED.**

- A. The following uses are permitted, only in enclosed buildings with not more than 200 square feet of outside storage or display of materials appurtenant to such use, provided a plot plan shall have been approved pursuant to provisions of Section 18.30. of this ordinance:
1. Ambulance services.
  2. Antique shops.
  3. Appliance stores, household.
  4. Art supply shops and studios.
  5. Auction houses.
  6. Auditoriums and conference rooms.
  7. Automobile repair garages, not including body and fender shops or spray painting.
  8. Automobile parts and supply stores.
  9. Bakery goods distributors.
  10. Bakery shops, including baking only when incidental to retail sales on the premises.
  11. Banks and financial institutions.
  12. Barber and beauty shops.
  13. Bars and cocktail lounges.
  14. Billiard and pool halls.
  15. Blueprint and duplicating services.
  16. Book stores and binders.
  17. Bowling alleys.
  18. Catering services.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

19. Cleaning and dyeing shops.
20. Clothing stores.
21. Confectionery or candy stores.
22. Costume design studios.
23. Dance halls.
24. Delicatessens.
25. Department stores.
26. Drug stores.
27. Dry goods stores.
28. Employment agencies
29. Escort bureaus.
30. Feed and grain sales.
31. Florists shops.
32. Food markets and frozen food lockers.
33. Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption.
34. Gift shops.
35. Hotels, resort hotels and motels.
36. Household goods sales, including but not limited to, new and used appliances, furniture, carpets, draperies, lamps, radios, and television sets, including repair thereof.
37. Hobby shops.
38. Ice cream shops.
39. Ice sales, not including ice plants.
40. Interior decorating shops.
41. Jewelry stores, including incidental repairs.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

42. Labor temples.
43. Laboratories, film, dental, medical, research or testing.
44. Laundries and laundromats.
45. Leather goods stores.
46. (Deleted)
47. Locksmith shops.
48. Mail order businesses.
49. Manufacturer's agent.
50. Market, food, wholesale or jobber.
51. Massage parlors, Turkish baths, health centers and similar personal service establishments.
52. Meat markets, not including slaughtering.
53. Mimeographing and addressograph services.
54. Mortuaries.
55. Music stores.
56. News stores.
57. Notions or novelty stores.
58. Offices, including business, law, medical, dental, chiropractic, architectural, engineering, community planning, real estate.
59. One on-site operator's residence, which may be located in a commercial building.
60. Paint and wallpaper stores, not including paint contractors.
61. Pawn shops.
62. Pet shops and pet supply shops.
63. Photography shops and studios and photo engraving.
64. Plumbing shops, not including plumbing contractors.



**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

65. Poultry markets, not including slaughtering or live sales
66. Printers or publishers.
67. Produce markets.
68. Radio and television broadcasting studios.
69. Recording studios.
70. Refreshment stands.
71. Restaurants and other eating establishments.
72. Schools, business and professional, including art, barber, beauty, dance, drama, music and swimming.
73. Shoe stores and repair shops.
74. Shoeshine stands.
75. Signs, on-site advertising.
76. Sporting goods stores.
77. Stained glass assembly.
78. Stationer stores.
79. Stations, bus, railroad and taxi.
80. Taxidermist.
81. Tailor shops.
82. Telephone exchanges.
83. Theaters, not including drive-ins.
84. Tire sales and service, not including recapping.
85. Tobacco shops.
86. Tourist information centers.
87. Toy shops.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

88. Travel agencies.
89. Typewriter sales and rental, including incidental repairs.
90. Watch repair shops.
91. Wholesale businesses with samples on the premises but not including storage.
92. Car washes.
93. Fortune telling, spiritualism, or similar activity.
94. Recycling collection facilities.
95. Convenience stores, not including the sale of motor vehicle fuel.
96. Day care centers.
97. Deleted.

Amended Effective:  
09-10-99 (Ord. 348.3883) repealed

10-21-99 (Ord. 348.3888)

B. The following uses are permitted, together with outside storage and display of materials appurtenant to such use, provided a plot plan has been approved pursuant to the provisions of Section 18.30 of this ordinance:

1. Repealed.

Amended Effective:  
09-29-00 (Ord. 348.3955)

2. Bicycle sales and rentals.
3. Boat and other marine sales.
4. Ceramic sales and manufacturing for on-site sales, provided the total volume of kiln space does not exceed 16 cubic feet.
5. Electrical substations.
6. Equipment rental services, including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding ten cubic feet in capacity and other similar equipment.
7. Fishing and casting pools.
8. Golf cart sales and service.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

9. Hardware stores, including not more than 1,000 square feet of outside storage lumber.
10. Liquid petroleum service stations, not including the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed 10,000 gallons.
11. Mobilehomes, provided they are kept mobile and licensed pursuant to State law, used for:
  - a. Sales offices on mobilehome sales lots.
  - b. Construction offices and caretaker's quarters on construction sites for the duration of a valid building permit, provided they are inconspicuously located.
  - c. Caretakers or watchmen and their families, provided no rent is paid, where a permitted and existing commercial use is established. Not more than one mobilehome shall be allowed for a parcel of land or a shopping center complex.
12. Mobilehome sales and storage, trailer sales and rental house trailers.
13. Nurseries and garden supply stores.
14. Parking lots and parking structures.
15. Sports and recreational facilities, not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, sports arenas, skating rinks, stadiums, and commercial swimming pools.
16. Churches, temples, and other places of religious worship.

Amended Effective:  
10-21-99 (Ord. 348.3888)

17. (Deleted)
  18. Trailer and boat storage.
  19. Trucks and trailers; the rental of trucks not over 19,500 pounds gross vehicle weight, with body not to exceed 22 feet in length from the back of the cab to the end of body; and the rental of trailers not exceeding six feet in width or 22 feet in length.
  20. Truck sales and service.
- C. (Deleted)
- D. The following uses are permitted provided a conditional use permit has been granted pursuant to the provisions of Section 18.28 of this ordinance:

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

1. Sale, rental, repair, or demonstration of motorcycles, scooters, and motorbikes.
2. Drive-in theaters.
3. Heliports.
4. Tire recapping.
5. Animal hospitals.
6. Body and fender shops and spray painting.
7. Swap meets.
8. All uses permitted in Subsection A. of this section that have more than 200 square feet of outside storage or display of materials.
9. Mini-warehouse structures.
10. Lumber yards, including only incidental mill work.
11. Building materials sales yards.
12. Underground bulk fuel storage.
13. Congregate care residential facilities.
14. Convenience stores, including the sale of motor vehicle fuel.
15. Gasoline service stations with the concurrent sale of beer and wine for off-premises consumption.
16. Liquid petroleum service stations with the concurrent sale of beer and wine for off-premises consumption, provided the total capacity of all tanks shall not exceed 10,000 gallons.
17. Liquor stores pursuant to the provisions of Section 18.48. (Alcoholic Beverage Sales) of this ordinance.
18. Automobile Sales and rental agencies.
19. Solar power plans on a lot 10 acres or larger.
20. Parolee-Probationer Home developed in accordance with the standards set for in Section 18.52. of this ordinance.

Amended Effective:

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

09-29-00 (Ord. 348.3955)

Ord. 348.4705 Item 16.2 of 11/08/11 (Effective Date:  
12/08/11)

Ord. 348.4744 Item 16.2 of 16.1 of 06/19/12 (Effective Date:  
07/19/12)

E. The uses listed in Subsections A., B., and D. do not include sex-oriented businesses.

Amended Effective:

03-01-94 (Ord. 348.3584)

06-27-97 (Ord. 348.3793)

F. **Accessory Uses.** An accessory use to a permitted use is allowed provided the accessory use is incidental to, and does not alter the character of, the principal permitted use, including, but not limited to:

1. Limited manufacturing, fabricating, processing, packaging, treating and incidental storage related thereto, provided any such activity shall be in the same line of merchandise or service as the trade or service business conducted on the premises and provided any such activity does not exceed any of the following restrictions:
  - a. The maximum gross floor area of the building permitted to be devoted to such accessory use shall be 25 percent.
  - b. The maximum total horsepower of all electric motors used in connection with such accessory use shall be five horsepower.
  - c. The accessory use shall be so conducted that noise, vibration, dust, odor, and all other objectionable factors shall be reduced to the extent that there will be no annoyance to persons outside the premises. Such accessory use shall be located not nearer than 50 feet to any residential zone.
  - d. Accessory uses shall be conducted wholly within a completely enclosed building.
  - e. Any use that is not specifically listed in Subsections A., B., and D. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated Subsections. Such a use is subject to the permit process which governs the category in which it falls.

Amended Effective:

07-16-85 (Ord. 348.2496)

08-29-85 (Ord. 348.2510)

12-26-85 (Ord. 348.2535)

06-30-88 (Ord. 348.2856)

05-04-89 (Ord. 348.3023)

08-10-89 (Ord. 348.3047)

11-05-89 (Ord. 348.3078)

11-13-90 (Ord. 348.3217)

03-10-94 (Ord. 348.3584)

06-27-97 (Ord. 348.3793)

10-21-99 (Ord. 348.3888)

09-10-99 (Ord. 348.3883)

**SECTION 9.2. PLANNED COMMERCIAL DEVELOPMENTS.**

## **Attachment 2**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article XVIII, section 18.30.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE XVIII            GENERAL PROVISIONS**

---

**SECTION 18.30. PLOT PLANS.**

The following procedures shall apply to all applications for approval of a plot plan that is required by any section of this ordinance:

- A.    **CLASSIFICATION OF PLOT PLANS.** Plot plans are classified as follows:
1.    Plot plans that are not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the Planning Department for review and comment.
  2.    Plot plans that are not subject to the California Environmental Quality Act and are transmitted to one or more governmental agencies other than the Planning Department.
  3.    Plot plans that are subject to the California Environmental Quality Act.
  4.    Plot plans for outdoor advertising displays that require field checking by the Land Use Division of the Department of Building and Safety.
- B.    **APPLICATIONS.**
1.    An application for a plot plan shall be made to the Planning Director on the forms provided by the Planning Department and shall be accompanied by an initial payment of the deposit based fees set forth in Ordinance No. 671.
  2.    Environmental Clearance. No application that requires compliance with the Riverside County Rules Implementing the California Environmental Quality Act shall be considered at a public hearing until all procedures required by the rules to hear a matter are completed.
- C.    **REQUIREMENTS FOR APPROVAL.**

No plot plan shall be approved unless it complies with the following standards:

1.    The proposed use must conform to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.
2.    The overall development of the land shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.

## **Attachment 3**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article IX, section 9.4.



**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

Planned commercial developments are permitted provided a land division is approved pursuant to the provision of Ordinance No. 460.

**SECTION 9.3. (Deleted)**

**SECTION 9.4. DEVELOPMENT STANDARDS.**

The following standards of development are required in the C-1 and C-P Zones:

- A. There is no minimum lot area requirement, unless specifically required by zone classification for a particular area.
- B. There are no yard requirements for buildings which do not exceed 35 feet in height except as required for specific plans. Any portion of a building which exceeds 35 feet in height shall be set back from the front, rear and side lot lines not less than two feet for each foot by which the height exceeds 35 feet. The front setback shall be measured from the existing street line unless a specific plan has been adopted in which case it will be measured from the specific plan street line. The rear setback shall be measured from the existing rear lot line or from any recorded alley or easement; if the rear line adjoins a street, the rear setback requirement shall be the same as required for a front setback. Each side setback shall be measured from the side lot line, or from an existing adjacent street line unless a specific plan has been adopted, in which case it will be measured from the specific plan street line.
- C. No building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34. of this ordinance. In no event, however, shall a building or structure exceed seventy-five (75') feet in height, unless a variance is approved pursuant to Section 18.27. of this ordinance.

Amended Effective:  
05-24-01 (Ord. 348.3990)

- D. Automobile storage space shall be provided as required by Section 18.12. of this ordinance.
- E. All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of 1,320 feet.

Amended Effective:  
01-15-64 (Ord. 348.251)  
11-10-65 (Ord. 348.401)  
01-19-66 (Ord. 348.422)  
05-04-72 (Ord. 348.1023)  
09-14-72 (Ord. 348.1070)  
10-19-72 (Ord. 348.1091)  
09-13-73 (Ord. 348.1201)  
07-25-74 (Ord. 348.1349)  
10-02-75 (Ord. 348.1470)  
11-13-75 (Ord. 348.1476)

12-10-75 (Ord. 348.1481)  
04-21-77 (Ord. 348.1564)  
06-29-78 (Ord. 348.1647)  
08-29-78 (Ord. 348.1664)  
04-12-79 (Ord. 348.1688)  
10-23-80 (Ord. 348.1879)  
03-05-81 (Ord. 348.1926)  
08-07-86 (Ord. 348.2591)  
06-30-88 (Ord. 348.2856)  
05-04-89 (Ord. 348.3023)

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

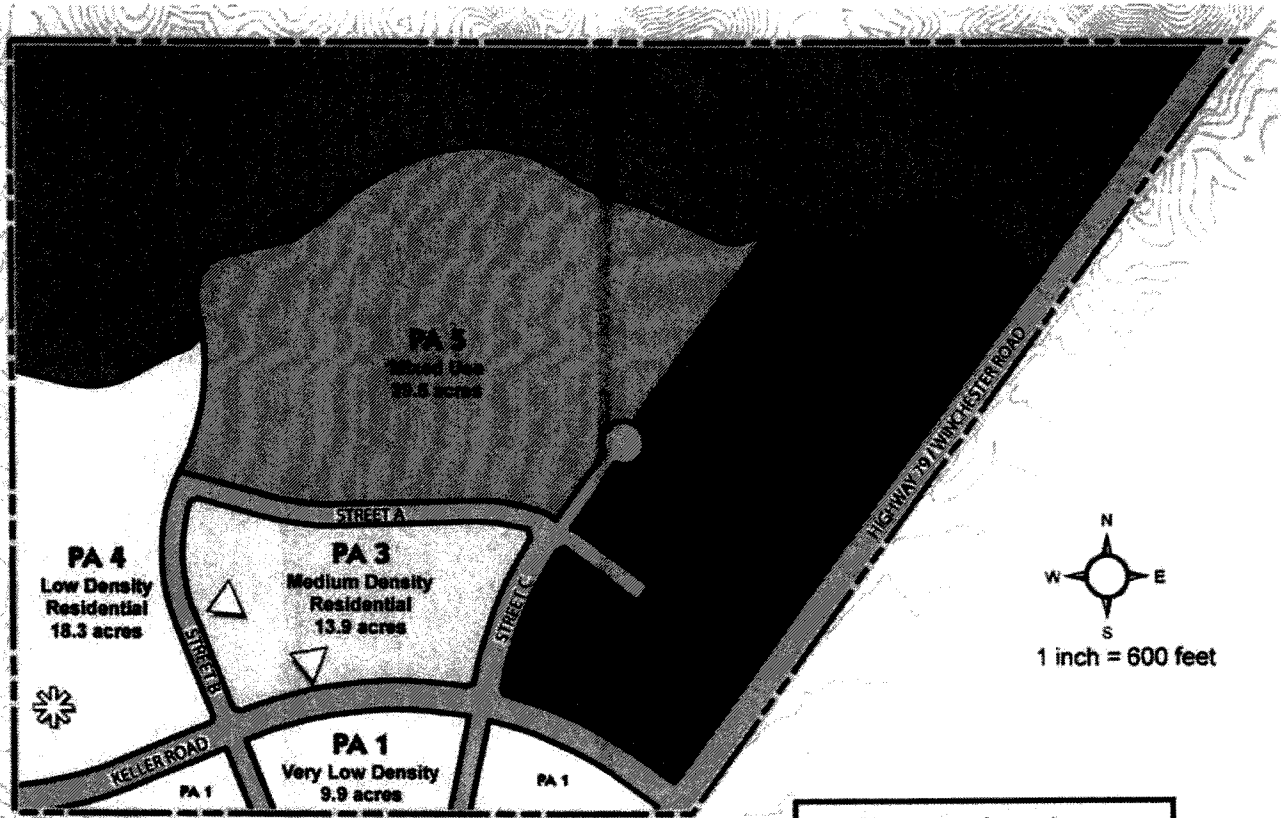
---

08-10-89 (Ord. 348.3047)  
10-05-89 (Ord. 348.3053)  
03-01-94 (Ord. 348.3584)

06-27-97 (Ord. 348.3793)  
09-10-99 (Ord. 348.3883)

## **Attachment 4**

Specific Plan 380 Land Use Plan.



Land Use Designations	
	Very Low Density Residential
	Low Density Residential
	Medium Density Residential
	Commercial Retail
	Mixed Use
	Open Space Conservation
	2-Ac Lots Along Pourroy Rd
	10,000 s.f. Lots Along Street B and Keller Rd

Exhibit 2-1: Specific Plan Land Use Plan

**RAYMOND W. JOHNSON, Esq., AICP LEED GA**  
**26785 Camino Seco**  
**Temecula, CA 92590**  
**(951) 506-9925**  
**(951) 506-9725 Fax**  
**(951) 775-1912 Cellular**

**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

**Johnson & Sedlack, Attorneys at Law**

26785 Camino Seco  
Temecula, CA 92590  
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

**Planning-Environmental Solutions**

26785 Camino Seco  
Temecula, CA 92590  
(909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

**San Bernardino County Planning Department**

Environmental Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

**San Bernardino County Planning Department**

General Plan Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

**San Bernardino County Planning Department**

North Desert Regional Planning Team  
15505 Civic  
Victorville, CA  
(619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

**Broadmoor Associates/Johnson Consulting**

229 NW Blue Parkway  
Lee's Summit, MO 64063  
(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

**Shepherd Realty Co.**

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

**Contemporary Concepts Inc.**

Lee's Summit, MO  
Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

**Environmental Design Association**

Lee's Summit, Mo.  
Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

**City of Lee's Summit, MO**



220 SW Main  
Lee's Summit, MO 64063  
Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

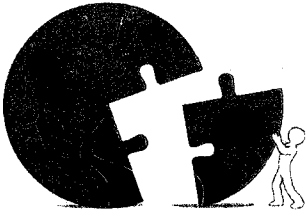
**Howard Needles Tammen & Bergendoff**

9200 Ward Parkway  
Kansas City, MO 64114  
(816) 333-4800  
Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Steve Weiss, AICP  
Planning Director

102 B

DATE: 07/20/15

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: General Plan Amendment No. 903, Change of Zone No. 7818  
(Charge your time to these case numbers)

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

- Place on Administrative Action
- Receive & File
- EOT
- Labels provided If Set For Hearing
  - 10 Day
  - 20 Day
  - 30 day
- Place on Consent Calendar
- Place on Policy Calendar (Resolutions; Ordinances; PNC)
- Place on Section Initiation Proceeding (GPIP)
- Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
- Publish in Newspaper: (3rd Dist) Press Enterprise
- Negative Declaration
  - 10 Day
  - 20 Day
  - 30 day
- Notify Property Owners (app/agencies/property owner labels provided)

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

*please schedule for 10/20*

**3 Extra sets were taken to:  
Clerk of the Board**

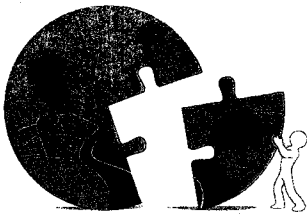
Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

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

"Planning Our Future... Preserving Our Past"

# Attachment A

Planning Staff Response to Ray Johnson Letter dated July 14, 2015



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss*  
*Planning Director*

## Memorandum

To: Planning Commission

Date: July 29, 2015

From: Matt Straite

**RE: CEQA Responses to Comments for a Letter submitted regarding GPA903 provided to the Planning Commission on July 15, 2015**

A letter from Ray Johnson of Johnson and Sedlack, dated July 14, 2015, was submitted the night before the hearing. Staff included a response to the Planning Commission July 15. The following is a more detailed response:

Responses to Ray Johnson's letter of July 15, 2014 are primarily encompassed within the recommendations incorporated into the proposed Initial Study. As such, references to those recommendations are noted where appropriate. Where those recommendations do not cover the comments provided by Mr. Johnson additional information is provided below.

- Comments

"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. Environmental review should focus on the project's **secondary effects** as well as its immediate **primary impacts**.'" [emphasis added] (pg. 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." (pg. 2)

- Response: According to CEQA guidelines:

"Effects" and "impacts" as used in these Guidelines are synonymous.

(a) Effects include:

- (1) Direct or primary effects which are caused by the project and occur at the same time and place. Association of Environmental Professionals 2014 CEQA Guidelines 252
- (2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary

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

effects may include 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.

- (b) **Effects analyzed under CEQA must be related to a physical change.** [emphasis added] CEQA Guidelines, § 15358(b).

Therefore, staff analyzed this project at a pragmatic level.

- Comment:

The Staff Report states Environmental Assessment ("EA") No. 41706 was revised in response to public comments and recirculated between January 23 and February 12, 2015. (Planning Commission Staff Report Agenda Item 3.1 page 1.) However, the revised EA No. 41706 is dated February 11, 2015. EA No. 41706, p.36 (February 11, 2015.) It appears that the County substantially revised EA No. 41706 *during* the public comment period for the revised EA and that EA No. 41706 as revised on February 11, 2015 was not circulated for public review. (pg. 3)

- Response: There is no date on the EA. The standard County form does not contain a date. Additionally, the EA was available for public review during the specified time, and it was completed prior to the review.

- Comment

"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." (pg. 3)

- Response: The applicant prepared a number of special studies to address site specific issues, including a Phase I Archaeological Assessment, Biological study as part of a Habitat Acquisition and Negotiation Strategy (HANS) application, and Geotechnical Evaluation. In addition, a preliminary air quality analysis has been prepared utilizing the CalEEMod air quality program from the South Coast Air Quality Management District to understand potential air quality impacts utilizing the most intensive concept plan prepared for the project site.

- Comment

"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 of mixed use retail office buildings. The intensification of use permitted by the Project would have aesthetic impacts.” (pg. 4)

- Response: One (1) one-story General Retail design and two (2) two-story designs with Retail on the ground floor and Office Uses on the second floor were prepared at the County's request to determine whether or not the site was viable for future development. No three-story designs were submitted. The modified evaluation in the Aesthetics section of the Initial Study referenced potential building height based upon existing County standards, surrounding land use, and topography. Potential light and glare were discussed, along with references to current County requirements to shield lighting from adjoining properties and utilize appropriate lighting due to restrictions established to protect Mt. Palomar.

- Comments:

“The analysis of air quality impacts is improperly deferred with no assurance that further environmental review will occur...The Cal EEMod program should be rerun using a conservative, worst-case scenario to determine whether secondary impacts of the Project could have a significant effect on air quality.” (pg. 4&5)

- Response: A preliminary air quality analysis was conducted to understand potential project impacts from commercial development, utilizing the conceptual plan that was deemed the most intensive land use and generate the most vehicle trips. The analysis did not find adopted air quality threshold levels would be exceeded.

At this time it would be speculative to assume the mix of the potential future users of the site. The three (3) conceptual plans prepared for the site provide retail and office space and are viable designs that meet County development requirements for land coverage, landscaping, and parking, based upon the amount of building area. Utilizing these plans would negate the potential for automobile repair and service stations. The CalEEMod land use selected and utilized as the evaluation model was “Strip Mall” in an effort to maximize the number of vehicle trips. This provides for a mix of office and retail uses. Other types of potential categories did not seem applicable based upon the conceptual plans prepared.

Based on the need for circulation, parking and water quality, it is unlikely that a 4.5 acre commercial site could generate 1.8 million vehicle trips per day referenced in the Ray Johnson letter. The CalEEMod program incorporates various uses and trip information from the Institute of Traffic Engineers (ITE). Approximately 2,800 vehicle trips per weekday were estimated for this type of land use based upon the program's default value.

Greenhouse gas emissions were also calculated as part of the air quality analysis. The current draft threshold level for commercial uses is 3,000 metric tons per day. The proposed project would generate substantially less than this factor.

- Comment:

"The Environmental Assessment relies on the preliminary air quality analysis, which was not made available for public review and the actual results of which are unknown..." (pg. 6)

- Response: On page 35 of the revised/recirculated EA it clearly indicates that all project materials are available for review at the County Planning office.

- Comments:

"...the Project would route commercial traffic through an established rural residential community..." (pg. 7)

- Response:

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. Due to this new design traffic will run mainly through the recently approved Specific Plan to the North and will only run adjacent to a portion of the Rural Residential lot immediately to the west of the project site.

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 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. The project site would be accessed by Old Keller Road.

- Comments:

"...the project is inconsistent with the land use designations and policies of the General Plan." (pg. 7)

- Response:

Mr. Johnson's letter does not specify which designations and policies the project is inconsistent with; therefore staff cannot directly respond to this comment. However, 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.

- Comments:

“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.” (pg. 7)

“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.” (pg. 7)

- Responses: The language in the Initial Study has been modified to note the location of Highway 79 adjacent to the project site. The Initial Study also notes the County requirements for interior noise levels and the requirements under the Building Code to be met for future development and construction related noise requirements. Mitigation could be required as part of a subsequent development proposal, but is not at this time.

- Comment:

“The general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site. The ultimate Project impacts from the increased intensity of use, potentially 1,334 to 3,084 average daily vehicle trips based on the maximum development of the Project site, are not considered in the Environmental Assessment.” (pg. 8)

- Response: At this time, it is speculative to review the specific potential impacts as the size of the proposed development (implementing project) is not specifically known.

- Comment:

“... there is no discussion of or the assurance that the overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards as required by the Highway 79 Policy Area.” (pg.8)

- Response: The County General Plan Circulation Elements notes that Collector streets, which are slightly wider than the planned access roadway (66’ vs. 60’), provide for a Level of Service C with 10,400 vehicle trips per day. While this is greater than currently exists, since the property is vacant, it is reasonable to determine that the design capacity of new roadway planned to this property is adequate to meet identified needs. The County also has flexibility to ensure adequate off-site improvements are constructed to provide access to the site for patrons and emergency vehicles.



- Comments

“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.” (pg. 7)

“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 elsewhere in the RCIP.” (pg. 7)

“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.” (pg. 8)

- Response: The project site is approximately 0.5 miles north of existing urban development that extends virtually uninterrupted to the south along Highway 79 and near I-15 Freeway almost to the County line. Rural areas near the subject property are maintained to the east of Highway 79 due to existing topographic constraints between Diamond Valley Lake and Skinner Lake, similar to areas east of Freeway 215 and west of Highway 79. These rural areas are considerably different than the proposed 4.5 acre parcel site that is adjacent to Highway 79, which is a master planned six (6) lane roadway that has recently been widened and traffic signals installed adjacent to the property.

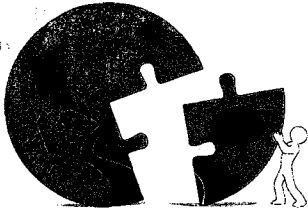
In addition, some of the areas near the subject property, although visually rural in nature, are actually designated for urban development on the General Plan. For example, since 2003 the Southwest Area Plan has designated land on the easterly side of Highway 79 across from the project site as Retail Commercial, Very High Density and Medium Density Residential extending easterly to the MWD Canal. In addition, land near Scott Road to the north provides for urban development on the westerly side of Highway 79. Recently approved Specific Plan 380, which is between the Scott Road urbanizing designations and the subject property, also contain commercially designated land uses and creates a new condition that did not previously exist in the 2003 General Plan. Even further north of Scott Road the 2003 Harvest Valley/Winchester Area Plan identifies urban development extending several miles west of Highway 79 over what is now a rural landscape. An exhibit contained

in the Keller Crossing Specific Plan displays Specific Plans which litter the area within a three (3) mile radius of the project area. This planned intensification of land use around and along Highway 79, while not always visually evident, did not change the General Plan philosophy, but reflects the land use pattern of urbanization along Highway 79 that was established in the 2003 General Plan.

The belief that the subject GPA would represent yet another change to the General Plan is incorrect. All previous changes to the General Plan are now incorporated into and considered part of the current General Plan. While these actions represent changes they have continued to maintain the document's original intent. The General Plan is not a static document and circumstances and procedures exist in both State law and the General Plan Administrative Element to amend the General Plan to reflect changing conditions. It is possible to change the land use pattern while maintaining its existing philosophy.

## Attachment B

Planning Commission Memo for Ray Johnson Letter dated July 14, 2015



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Juan C. Perez*  
*Interim Planning Director*

## Memorandum

To: Planning Commission

Date: July 15, 2015

From: Matt Straite

**RE: CEQA Responses to Comments for Letters submitted and provided to the Planning Commission on July 14, 2015**

A letter from Ray Johnson of Johnson and Sedlack, dated July 14, 2015, was submitted the night before the hearing. Staff has the following responses:

- The letter contends the same concerns expressed in the first two letter Ray Johnson submitted on the project, both of which were fully addressed in the recirculated Environmental Assessment.
- The letter contends that the revised EA is dated February 11, 2015 while the public review period was between January 23 and February 12. First, there is no date on the EA. The standard County form does not contain a date. Second, the EA was available for public review during the specified time, and it was completed prior to the review.
- The letter contends that the technical studies were not made available to the public for review; however on page 35 of the revised/recirculated EA it clearly indicates that all project materials are available for review at the County Planning office.

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

Johnson & Sedlack

ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP  
Carl T. Sedlack, Esq. Retired  
Abigail A. Smith, Esq.  
Kimberly Foy, Esq.  
Kendall Holbrook, Esq.

26785 Camino Seco, Temecula, CA 92590

E-mail: Ray@SoCalCEQA.com

Abby@SoCalCEQA.com  
Kim@SoCalCEQA.com  
Kendall@SoCalCEQA.com  
Telephone: 951-506-9925  
Facsimile: 951-506-9725

July 14, 2015

Riverside County Planning Commission  
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, Agenda Item 3.1**

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 Environmental Assessment, as 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.

Environmental Assessment No. 41706 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 Project has potentially significant impacts to/from aesthetics, air quality, greenhouse gases, hazards and hazardous materials, land use/planning, noise, 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 Environmental Assessment for the Project claims that subsequent environmental review is *required* for subsequent development applications for permitted and conditionally permitted commercial uses. (EA No. 41706, p. 1 (February 11, 2015).) Riverside County Zoning Code section 9.1 permits 96 different commercial uses so long as an approved plot plan exists. (*See* Ordinance No. 348.4802 Article IX, section 9.1 attached and incorporated herein by reference.) Environmental review is not necessarily required for the approval of a plot plan as one classification of plot plans are those "not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the Planning Department for review and comment." (*See* Ordinance No. 348.4802 Article XVIII, section 18.30.A.1 attached and incorporated herein by reference.) Thus, the claim a subsequent environmental document would be prepared for any commercial development application filed for the Project site is misleading.

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, especially where environmental review may never occur at a later stage.

#### *PROCEDURAL ERRORS IN RECIRCULATING ENVIRONMENTAL ASSESSMENT NO. 41706*

Recirculation of a negative declaration is required where the document has been substantially revised after notice of its availability has been given. (CEQA Guidelines § 15073.5(a).) The Staff Report states Environmental Assessment ("EA") No. 41706 was revised in response to public comments and recirculated between January 23 and February 12, 2015. (Planning Commission Staff Report Agenda Item 3.1 page 1.) However, the revised EA No. 41706 is dated February 11, 2015. (EA No. 41706, p. 36 (February 11, 2015).) It appears that the County substantially revised EA No. 41706 *during* the public comment period for the revised EA and that EA No. 41706 as revised on February 11, 2015 was not circulated for public review. Notice of the revised EA No. 41706 should be provided pursuant to CEQA Guidelines 15072 to provide adequate opportunity to for public comment.

### *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, hazards and hazardous materials, land use/planning, noise, 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 Environmental Assessment mistakenly found no impacts may occur. The adoption of feasible mitigation measures is essential to any approval of this Project.

#### **Aesthetics**

The Project site is currently vacant farmland and is bordered by rural residential properties to the south and west and a low density residential zone to the north. 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. There are no setback requirements for buildings that do not exceed 35 feet in height in the C-1/C-P Zones. (Ordinance No. 348.4802 Article IX, section 9.4.B attached and incorporated herein by reference.) This would allow commercial buildings to nearly abut residential properties, and in fact, the first mock site plane designed for the Project site shows Building A only 10 feet from the property line next to a low density residential community zone and Building C only 5 feet from the property line adjacent to a rural residential zoned property. The lack of setbacks permitted by the Project would create significant impacts to aesthetics for the surrounding residential community

While the Project site slopes from west to east toward Highway 79, there is no evidence that this slope would reduce impacts from development to the neighboring residential property. Moreover, the construction of a building up to 50 feet in height and other buildings or structures up to 75 feet in height would obstruct public views from Highway 79 of the hillside to the west of the Project site.

The intensification of use permitted by the Project may have significant aesthetic impacts. EA No. 41706 defers environmental analysis with no certainty that further review will occur. (See EA No. 41706, p. 6 (February 11, 2015).) Secondary/indirect aesthetics impacts from obstructing views open to the public and/or substantially degrading the existing visual character of the site should be considered significant.



### Air Quality

The Environmental Assessment claims the Project's secondary effects of construction and operational emissions would not violate daily air quality thresholds based on CalEEMod air quality modeling using the 62,168 square foot conceptual site plan that was prepared to determine whether the Project site could accommodate commercial uses. (EA No. 41706 p. 9.) The Environmental Assessment does not include the results of such modeling, and claims that the construction and operational emissions did not exceed SCAQMD daily thresholds are unsupported by evidence. Such reference to air quality modeling results should be included as an attachment or otherwise made available to allow informed public comment and decisionmaking. (CEQA Guidelines § 15063(d)(3).)

Additionally, the EA should analyze impacts from a conservative, worst-case scenario for development of the Project site to estimate project operational, localized and health effect impacts since actual development is unknown. The Project site could accommodate a single story building up to 157,000 square feet and well over 200,000 square feet in a multiple story building.

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. Estimated trip generation rates for commercial retail and standard offices demonstrates that potential developments on the Project site could result in roughly 3,084 average daily vehicle trips. (See Transportation/Traffic discussion below.) 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>> incorporated herein by reference.) 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 Environmental Assessment 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 Environmental Assessment.

The analysis of air quality impacts is improperly deferred with no assurance that further environmental review will occur. (EA No. 41706, p. 9 (February 11, 2015) ("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." [emphasis added].) The CalEEMod program should be rerun using a conservative, worst-case scenario to determine whether secondary impacts of the Project could have a significant effect on air quality. The increase in development for the Project site, which would result in greater average daily vehicle trips, could have a significant impact to air quality that must be further analyzed and mitigated, if necessary, in an EIR.

### **Biological Resources**

EA No. 41706 defers analysis of biological impacts where ground studies are deferred until a future stage to determine whether the Project is consistent with the Multi Species Habitat Conservation Plan. This deferred review is especially improper where it is uncertain that further environmental review would in fact occur. (See EA No. 41706, p. 10 (February 11, 2015).)

### **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](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf)> incorporated herein by reference.) The Environmental Assessment relies on the preliminary air quality analysis, which was not made available for public review and the actual results of which are unknown, to conclude that the Project would not have a significant impact to GHG emissions. As discussed above, this analysis should utilize a conservative, worst-case scenario and the results should be available to the public and decisionmakers.

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. There is no evidence that the Project would not result in secondary significant impacts to GHG emissions, and the intensification of development on the Project site would likely result in significant impacts to/from GHG emissions. Therefore, an EIR must be prepared to analyze such effects.

### **Hazards and Hazardous Materials**

The Project's intensification of use may overburden evacuation route streets due to the substantial increase in traffic from commercial development of the Project site. The Project's secondary effects would be to route substantially more traffic through Old Keller Road, which is used to access rural residences and runs through a residential community. Old Keller Road is a cul-de-sac road that has been planned as future access to the Property as part of Specific Plan 380. While this road was designed to accommodate future development demand, there is no evidence that the road can accommodate an additional 3,084 average daily vehicle trips from the Project.

Instead of analyzing such impacts, EA No. 41706 defers analysis and provides that mitigation measures could be improperly added by the Transportation Department outside of the CEQA process. If mitigation measures are proposed to reduce environmental effects, the Project should be revised to incorporate such mitigation "before the proposed negative declaration is released for public review. . . ." (CEQA Guidelines § 15070(b)(1).) To allow the adoption of necessary mitigation after the final adoption of the negative declaration is contrary to law. (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 306-307.)

The Environmental Assessment should consider the impacts of potentially 3,084 average daily vehicle trips on evacuation routes and to access for emergency vehicles and adopt any mitigation prior to Project approval.

### **Land Use/Planning**

The Environmental Assessment does not adequately analyze land use impacts. There is no discussion of the fact that the Project will allow a commercial island with no access except through low-density residential areas. The Environmental Assessment 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 that exists West of the Project site as well as a recently approved Low Density Residential zone.

Further, the Project is inconsistent with the land use designations and policies of the General Plan. The Land Use/Planning section fails to discuss the Highway 79 Policy Area. Policy SWAP 9.1 states in part, "The County shall require that all new development projects demonstrate adequate transportation infrastructure capacity to accommodate the added traffic growth." Policy SWAP 9.2 of the Highway 79 Policy Area states in part, "Establish a program in the Highway 79 Policy Area to ensure that overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards." There is no evaluation of the increased traffic that would result from the Project's intensification of use or evidence of adequate transportation infrastructure capacity to accommodate the potential increased daily vehicle trips generated by the Project. The County must consider whether the project is consistent with this General Plan policy.

Thus, there are potentially significant impacts to land use and planning that must be analyzed in an EIR and cannot be deferred until later environmental review, which may not even occur.

### **Noise**

The Environmental Assessment 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. 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](http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm)>. incorporated herein by reference.) Based on a conservative, worst-case scenario, there could be 3,084 average daily vehicle trips to/from the Project site. There is no discussion of the long-term noise impacts from the increased vehicle traffic when changing from a Rural Residential zone to a General Commercial zone. This is especially important where access to the Project site is through an existing Rural-Residential community and an area zoned for Low Density Residential Development.

Moreover, noise impacts from construction is potentially significant even with compliance with the time and day restrictions in Ordinance 847. Limiting construction to the hours of 6:00am – 6:00pm June through September and 7:00am – 6:00pm October through May does not reduce the potentially significant noise impacts created during the hours of construction.

The Environmental Assessment does not consider these potentially significant noise impacts from sitting a commercial zone adjacent to residential communities and other sensitive receptors. It is apparent that the Project will have impacts to/from noise, which must be analyzed in an EIR.

### Transportation/Traffic

The Environmental Assessment 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.

The estimated average daily vehicle trip generation rate for Land Use 814 (“Specialty Retail Center”) is 40.58/1000 sq. ft. gross leasable area. (See Institute of Transportation Engineers, *Trip Generation* (7<sup>th</sup> ed. 2003), Vol. 3 pp. 1337-1346.) Specialty retail centers are described as small strip shopping centers with a variety of retail stores. *Id.* at 1337. The Project site could accommodate up to 76,000 square feet of single story retail space. Applying ITE’s specialty retail center trip generation rate to a 76,000 square foot retail building, development of such a project would result in 3,084 average daily vehicle trips.

The estimated average daily vehicle trip generation rate for Land Use 750 (“Office Park”) is 8.5/1000 sq. ft. gross floor area. *Id.* at 1248-1269. The office park category is more general than the general office building category and should be used when a breakdown of uses is not known. *Id.* at 1149. Office parks are generally suburban subdivisions that contain general office buildings, banks, restaurants, and service stations. *Id.* at 1248. The Project site could accommodate a single story building up to 157,000 square feet. This size building for an office park would result in 1,334 average daily vehicle trips.

The general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site. The ultimate Project impacts from the increased intensity of use, potentially 1,334 to 3,084 average daily vehicle trips based on the maximum development of the Project site, are not considered in the Environmental Assessment. Moreover, there is no discussion of or the assurance that the overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards as required by the Highway 99 Policy Area. (Riverside County General Plan SWAP 9.2.) Here again, EA No. 41706 improperly defers environmental review. Even if “a subsequent review and EA shall be prepared assessing potential impacts”, such analysis must occur at the earliest possible planning stages. (EA No. 41706, p. 30 (February 11, 2015); see *Bozung v. Local Agency Formation Comm’n of Ventura County* (1975) 13 Cal. 3d 263, 282.)

The Project will not maintain the rural nature of the area, and will in fact divert potentially 3,084 average daily vehicle trips through a residential area.

This intensification of use and the ultimate Project impacts to traffic must be considered. There are clearly secondary/indirect impacts to/from traffic, and these potentially significant impacts must be evaluated in an EIR prior to Project approval.

### **Mandatory Findings of Significance**

The Environmental Assessment refers to specific studies to support the claim that the Project will not substantially degrade the quality of the environment. (EA No. 41706, p. 34 (February 11, 2015).) However, it seems that these studies have not been made available to the public or decisionmakers and that there is no evidence that the Project would not substantially degrade the quality of the environment.

### **Cumulative Impacts**

The Environmental Assessment 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. EA No. 41706 improperly defers analysis until a future time at which point it may not be required. The County must analyze cumulative impacts to/from air quality, greenhouse gases, land use, noise, and traffic, among other effects, prior to 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. Moreover, Specific Plan 380 included the approval of low density residential development directly to the north of the Project site and the neighboring rural residential zone. Therefore, Specific Plan 380 further justifies *denying* the Project in order to keep urban development to the north of the low density residential area in Specific Plan 380 and east of Highway 79. For these reasons there is not substantial evidence that new conditions justify modifying the General Plan.

### *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, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, land use/planning, noise, and transportation/traffic, among others. For each of these reasons, the

July 14, 2015

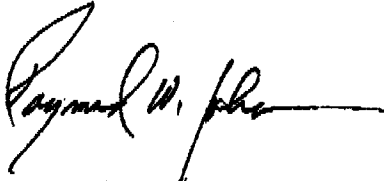
Page 11

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.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", with a long horizontal flourish extending to the right.

Raymond W. Johnson  
JOHNSON & SEDLACK

# **Attachment 1**

Ordinance No. 348.4802, An Ordinance of the County of Riverside Providing for Land Use Planning and Zoning Regulations and Related Functions, Article IX, section 9.1.



**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

The following regulations shall apply in all C-1 Zones and C-P Zones:

**SECTION 9.1. USES PERMITTED.**

- A. The following uses are permitted, only in enclosed buildings with not more than 200 square feet of outside storage or display of materials appurtenant to such use, provided a plot plan shall have been approved pursuant to provisions of Section 18.30. of this ordinance:
1. Ambulance services.
  2. Antique shops.
  3. Appliance stores, household.
  4. Art supply shops and studios.
  5. Auction houses.
  6. Auditoriums and conference rooms.
  7. Automobile repair garages, not including body and fender shops or spray painting.
  8. Automobile parts and supply stores.
  9. Bakery goods distributors.
  10. Bakery shops, including baking only when incidental to retail sales on the premises.
  11. Banks and financial institutions.
  12. Barber and beauty shops.
  13. Bars and cocktail lounges.
  14. Billiard and pool halls.
  15. Blueprint and duplicating services.
  16. Book stores and binders.
  17. Bowling alleys.
  18. Catering services.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

19. Cleaning and dyeing shops.
20. Clothing stores.
21. Confectionery or candy stores.
22. Costume design studios.
23. Dance halls.
24. Delicatessens.
25. Department stores.
26. Drug stores.
27. Dry goods stores.
28. Employment agencies
29. Escort bureaus.
30. Feed and grain sales.
31. Florists shops.
32. Food markets and frozen food lockers.
33. Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption.
34. Gift shops.
35. Hotels, resort hotels and motels.
36. Household goods sales, including but not limited to, new and used appliances, furniture, carpets, draperies, lamps, radios, and television sets, including repair thereof.
37. Hobby shops.
38. Ice cream shops.
39. Ice sales, not including ice plants.
40. Interior decorating shops.
41. Jewelry stores, including incidental repairs.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

42. Labor temples.
43. Laboratories, film, dental, medical, research or testing.
44. Laundries and laundromats.
45. Leather goods stores.
46. (Deleted)
47. Locksmith shops.
48. Mail order businesses.
49. Manufacturer's agent.
50. Market, food, wholesale or jobber.
51. Massage parlors, Turkish baths, health centers and similar personal service establishments.
52. Meat markets, not including slaughtering.
53. Mimeographing and addressograph services.
54. Mortuaries.
55. Music stores.
56. News stores.
57. Notions or novelty stores.
58. Offices, including business, law, medical, dental, chiropractic, architectural, engineering, community planning, real estate.
59. One on-site operator's residence, which may be located in a commercial building.
60. Paint and wallpaper stores, not including paint contractors.
61. Pawn shops.
62. Pet shops and pet supply shops.
63. Photography shops and studios and photo engraving.
64. Plumbing shops, not including plumbing contractors.

**ORDINANCE NO. 348.4802**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IX C-1 ZONE / C-P ZONE (GENERAL COMMERCIAL)**

---

65. Poultry markets, not including slaughtering or live sales
66. Printers or publishers.
67. Produce markets.
68. Radio and television broadcasting studios.
69. Recording studios.
70. Refreshment stands.
71. Restaurants and other eating establishments.
72. Schools, business and professional, including art, barber, beauty, dance, drama, music and swimming.
73. Shoe stores and repair shops.
74. Shoeshine stands.
75. Signs, on-site advertising.
76. Sporting goods stores.
77. Stained glass assembly.
78. Stationer stores.
79. Stations, bus, railroad and taxi.
80. Taxidermist.
81. Tailor shops.
82. Telephone exchanges.
83. Theaters, not including drive-ins.
84. Tire sales and service, not including recapping.
85. Tobacco shops.
86. Tourist information centers.
87. Toy shops.