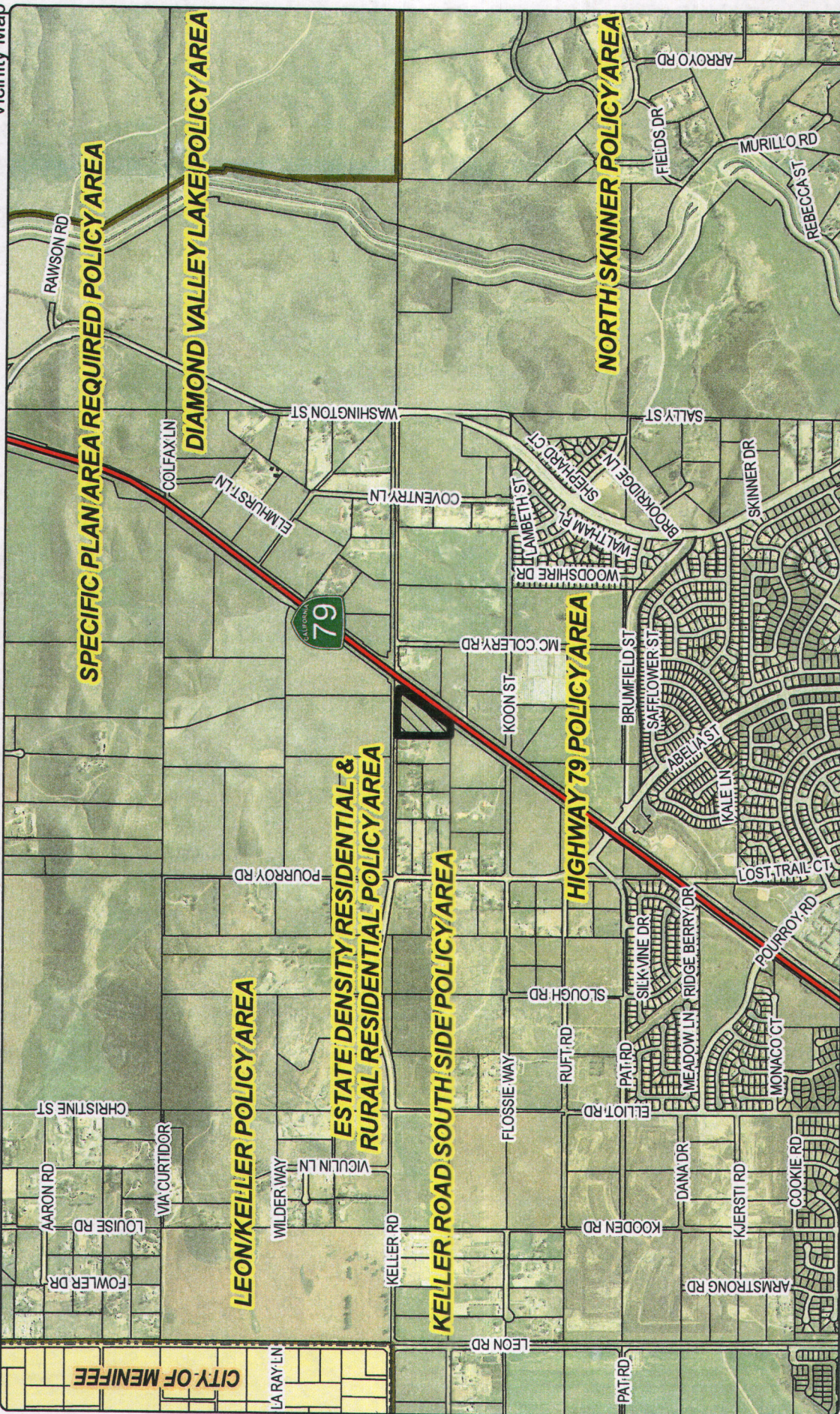


**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
**CZ07818 GPA00903**  
**VICINITY/POLICY AREAS**

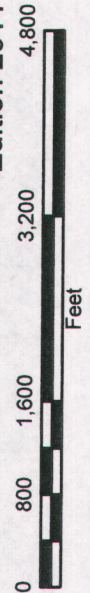
Supervisor Stone  
 District 3

Date Drawn: 03/19/2014  
 Vicinity Map



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

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



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

RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07818 GPA00903

LAND USE

Supervisor Stone  
District 3

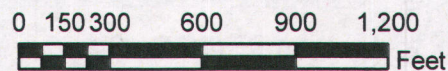
Date Drawn: 03/19/2014

Exhibit 1



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

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



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RIVERSIDE COUNTY PLANNING DEPARTMENT

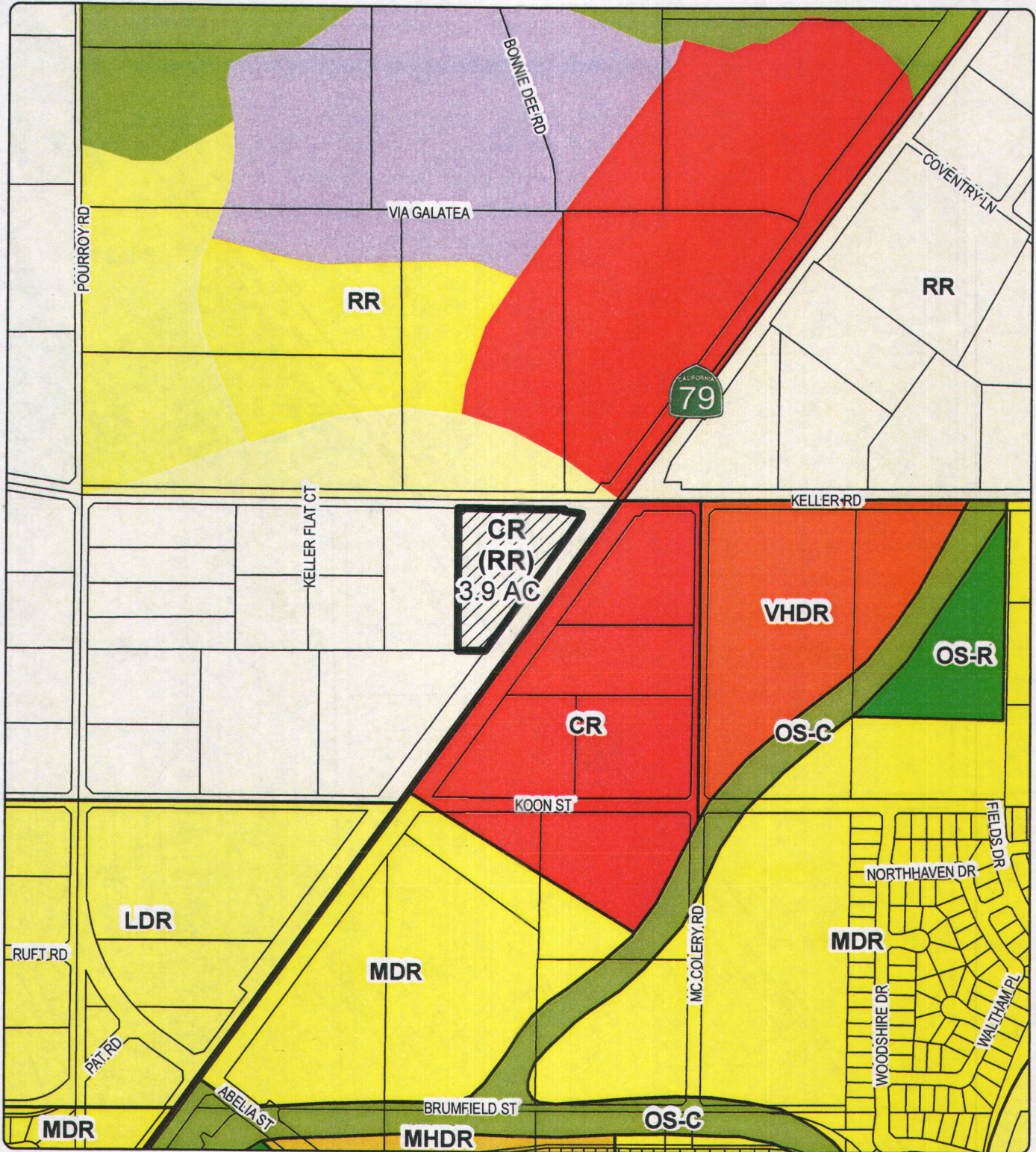
CZ07818 GPA00903

PROPOSED GENERAL PLAN

Date Drawn: 03/19/2014

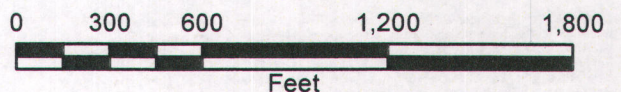
Exhibit 6

Supervisor Stone  
District: 3



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

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

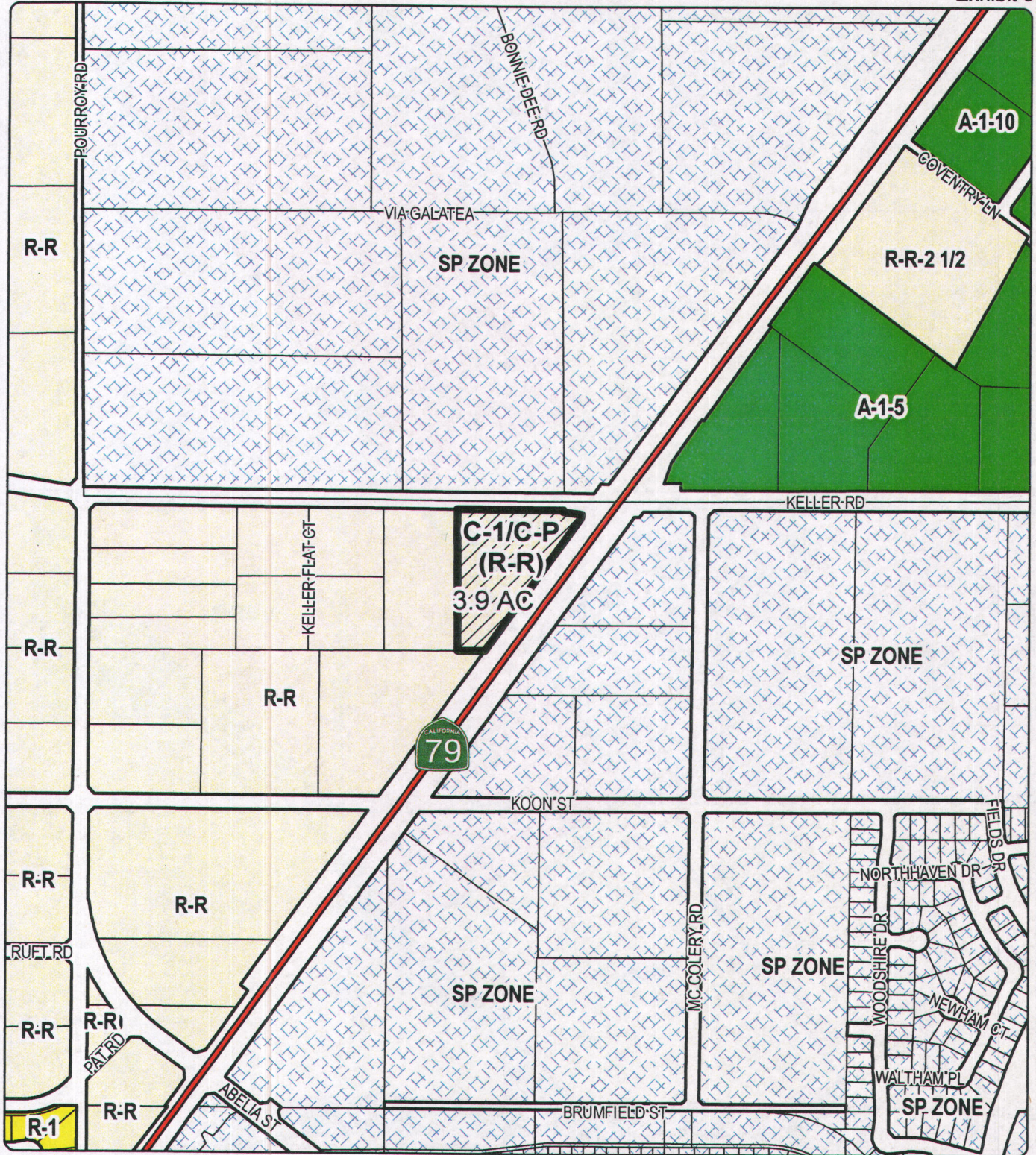


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please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

**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
**CZ07818 GPA00903**  
**PROPOSED ZONING**

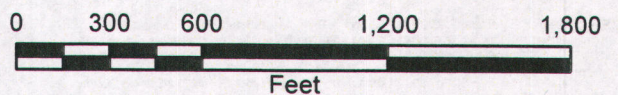
Supervisor Stone  
 District 3

Date Drawn: 03/19/2014  
 Exhibit 3

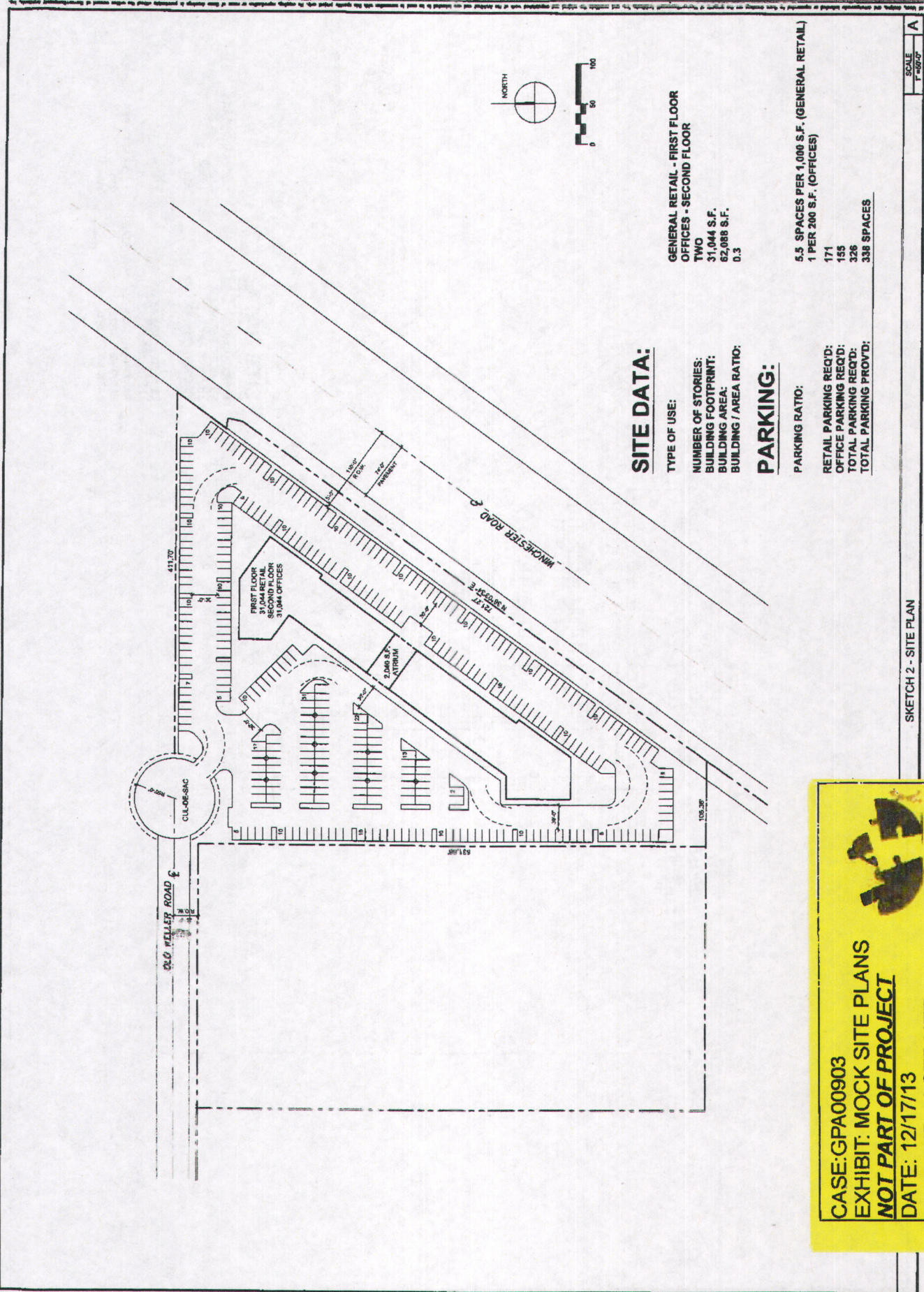


Zoning Area: Rancho California  
 Township/Range: T6SR2W  
 Section: 28

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



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



**SITE DATA:**

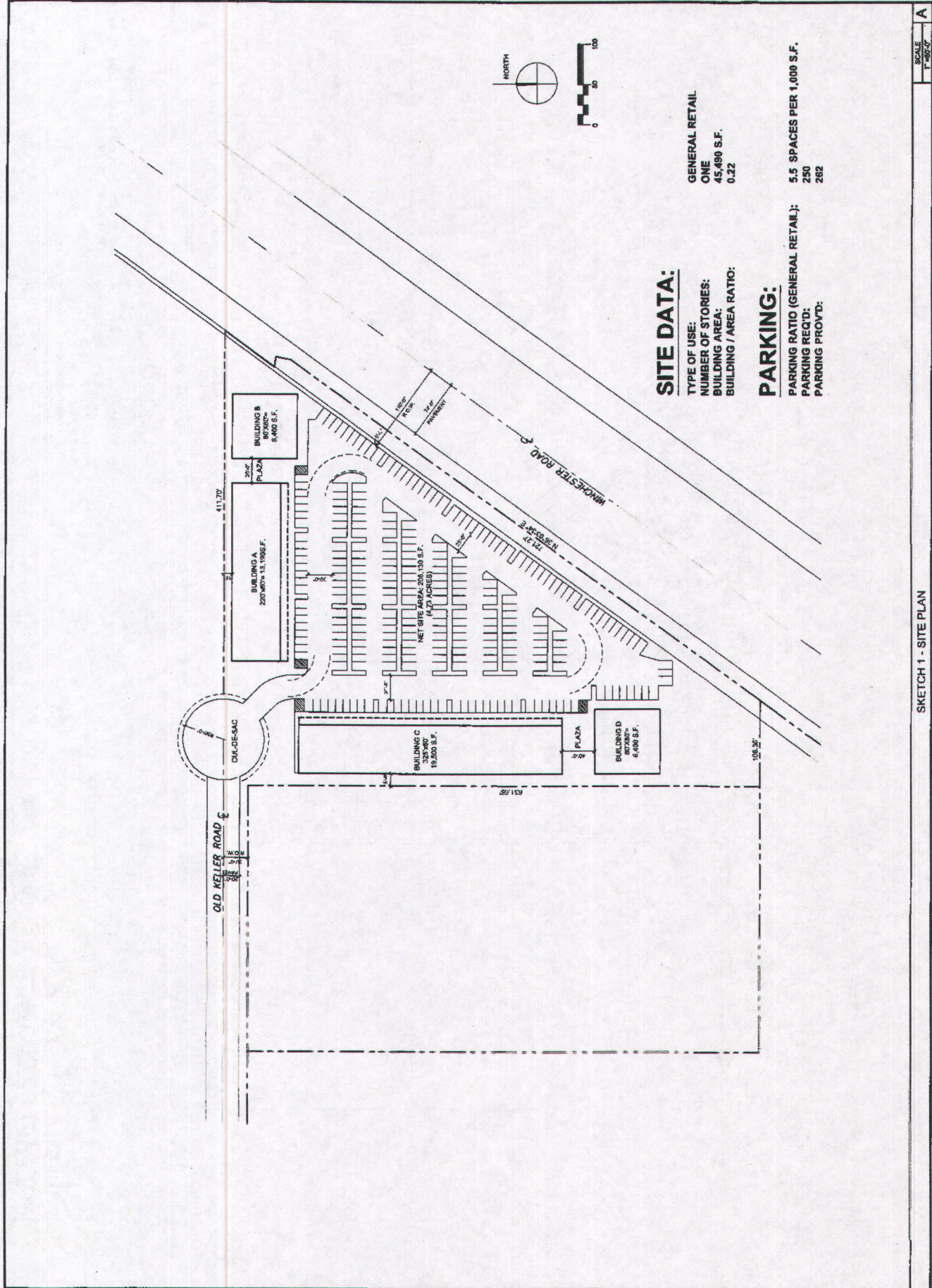
**TYPE OF USE:**  
 GENERAL RETAIL - FIRST FLOOR  
 OFFICES - SECOND FLOOR  
**NUMBER OF STORIES:**  
 TWO  
**BUILDING FOOTPRINT:**  
 31,044 S.F.  
**BUILDING AREA:**  
 62,088 S.F.  
**BUILDING / AREA RATIO:**  
 0.5

**PARKING:**

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

CASE: GPA00903  
 EXHIBIT: MOCK SITE PLANS  
**NOT PART OF PROJECT**  
 DATE: 12/17/13  
 PLANNER: M. STRAITE

SKETCH 2 - SITE PLAN



**SITE DATA:**

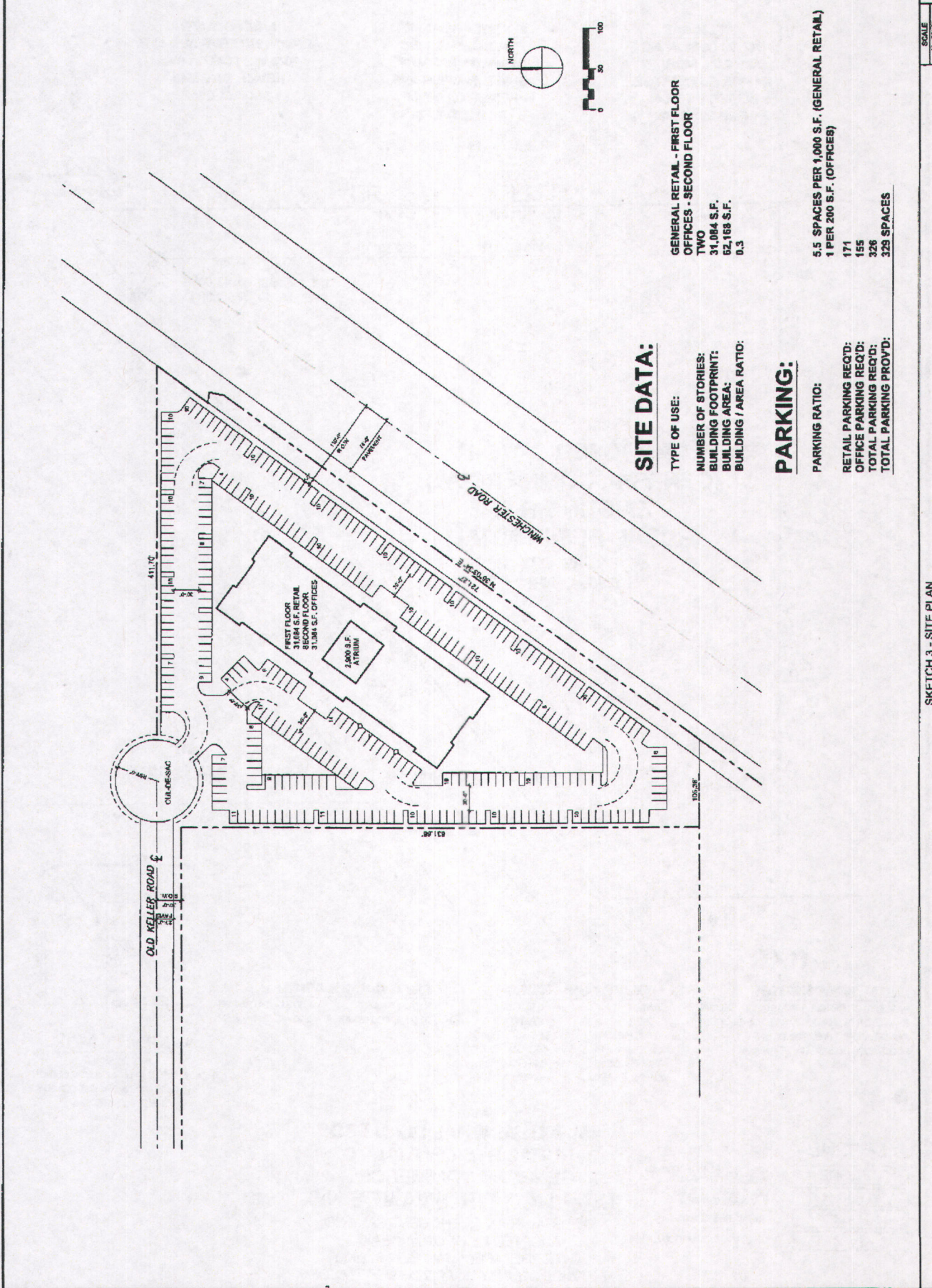
TYPE OF USE: GENERAL RETAIL  
 NUMBER OF STORIES: ONE  
 BUILDING AREA: 45,490 S.F.  
 BUILDING / AREA RATIO: 0.22

**PARKING:**

PARKING RATIO (GENERAL RETAIL): 5.5 SPACES PER 1,000 S.F.  
 PARKING REQ'D: 250  
 PARKING PROVIDED: 262

SKETCH 1 - SITE PLAN

This drawing and accompanying schedule or schedule of work shall be read in connection with the general notes and specifications on file at the office of the architect. The architect and applicant warrant of the accuracy and completeness of the information provided. The architect and applicant warrant of the accuracy and completeness of the information provided.



**SITE DATA:**

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

GENERAL RETAIL - FIRST FLOOR  
 OFFICES - SECOND FLOOR  
 TWO  
 31,084 S.F.  
 62,168 S.F.  
 0.3

**PARKING:**

PARKING RATIO:  
 RETAIL PARKING REQ'D:  
 OFFICE PARKING REQ'D:  
 TOTAL PARKING REQ'D:  
 TOTAL PARKING PROVIDED:

5.5 SPACES PER 1,000 S.F. (GENERAL RETAIL)  
 1 PER 200 S.F. (OFFICES)  
 171  
 155  
 326  
 328 SPACES

SKETCH 3 - SITE PLAN

SCALE 1"=30'-0"

A

# RANCHO CALIFORNIA AREA

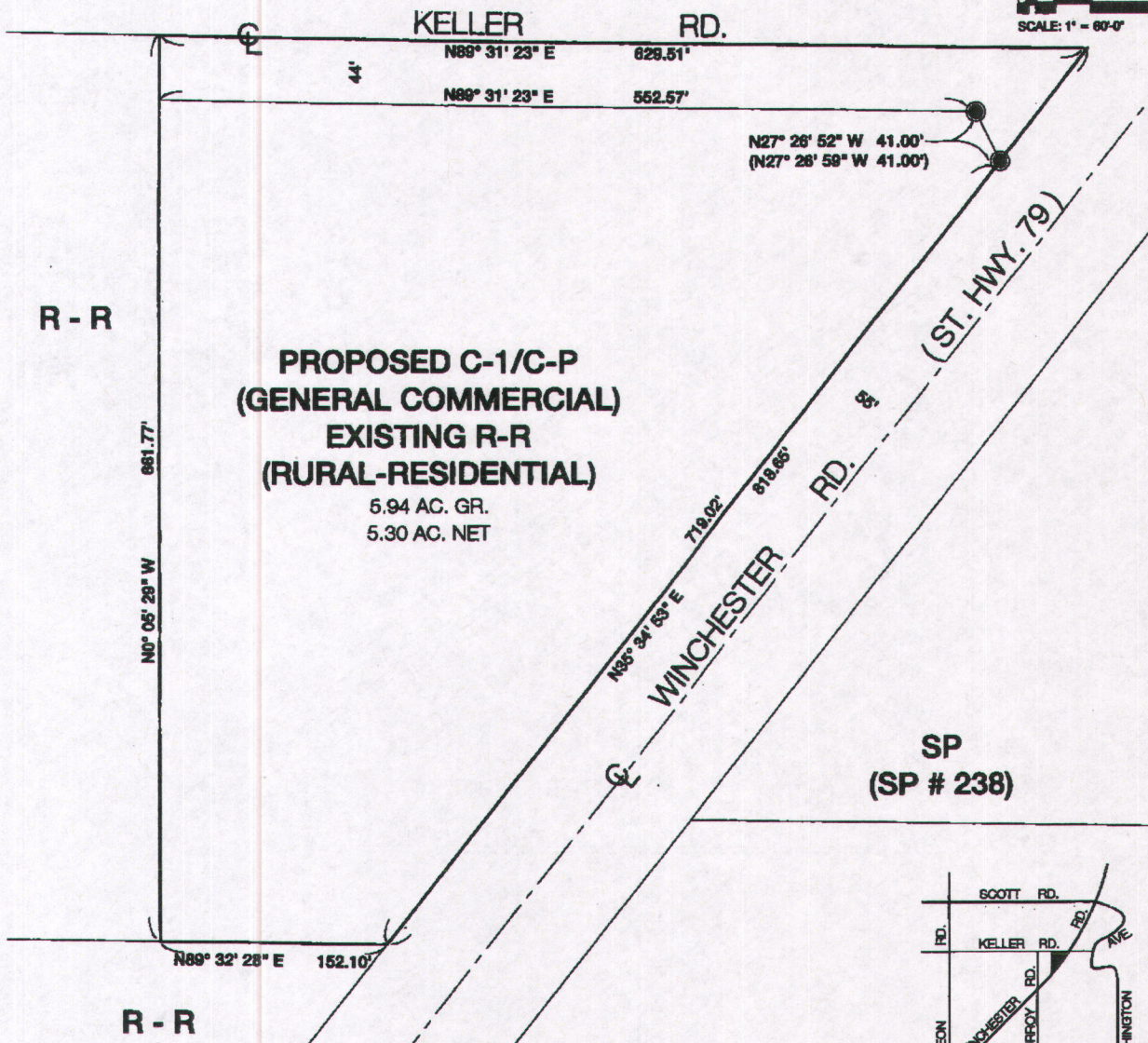
SEC. 28 , T. 6S , R. 2W , S. B. M.

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

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

**LAND OWNER**  
 ARNEDA ENTERPRISES, LTD.  
 1003 W. FLORIDA AVE.  
 HEMET, CA 92544  
 (951) 852-2252

R - R



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

5.94 AC. GR.  
 5.30 AC. NET

SP  
 (SP # 238)

**LEGAL DESCRIPTION**

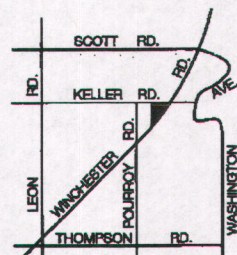
PARCEL 4 OF PARCEL MAP 13130 AS SHOWN BY MAP ON FILE IN BOOK 70, PAGE 63 OF PARCEL MAPS, RIVERSIDE COUNTY RECORDS, STATE OF CALIFORNIA

**UTILITY PURVEYORS**

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

**AREA CALCULATION**

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



**VICINITY MAP**

NOT TO SCALE  
 THOMAS BROTHERS MAPS 2007 EDITION OF THE RIVERSIDE & ORANGE COUNTY PAGE 890, GRID E-3

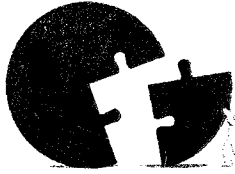
**LEGEND**

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

SPECIFIC PLAN (SP #288)  
 WINCHESTER 1800  
 LIGHT AGRICULTURE 1 TO 5 ACRES LOT AREA  
 RURAL RESIDENTIAL  
 GENERAL COMMERCIAL

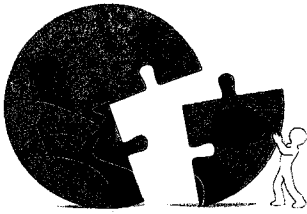
MAP NO.  
**AMEND GENERAL PLAN FROM  
 RURAL RESIDENTIAL TO  
 GENERAL COMMERCIAL**  
**MAP NO., ORDINANCE NO.**  
 GENERAL PLAN AMENDMENT CASE NO.  
 ADOPTED BY ORDINANCE NO.  
 DATE PREPARED: JANUARY 8, 2008  
 RIVERSIDE COUNTY BOARD OF SUPERVISORS





RIVERSIDE COUNTY  
PLANNING DEPARTMENT

**Memo Distributed to the Planning Commission July  
16, 2014**



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

*Juan C. Perez*  
*Interim Planning Director*

## Memorandum

To: Planning Commission

From: Matt Straite

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

### *Additional Information*

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

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

### *Staff Report Edits*

The following are edits or clarifications to the staff report.

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

### *Additional Findings*

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

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

- a. The proposed change does not involve a change in or conflict with:
  - (1) The Riverside County Vision.
  - (2) Any General Plan Principal.

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

Desert Office · 77-588 El Duna Court, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

- b. The proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan.
- c. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum would not be detrimental to them.
- d. The change would not create an internal inconsistency among the elements of the General Plan.
- e. That there are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan.

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

- f. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum would not be detrimental to them.

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

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

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

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



July 10, 2014

*VIA ELECTRONIC MAIL*

Riverside County Planning Commission  
County of Riverside  
4080 Lemon St., 9<sup>th</sup> Floor  
Riverside, CA 92501

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

Dear Chair and Commission Members:

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

**Item 3.1, GPA 903**

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

**Item 3.4, GPA 945D**

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

**Item 3.5 GPA 925 - *OPPOSITION***

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

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

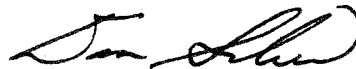
from the Rural Foundation to the Community Foundation is inconsistent with the rural vision. One half-acre lots constitute *suburban* development.

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

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

Thank you for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "Dan Silver". The signature is fluid and cursive, with a large initial "D" and "S".

Dan Silver, MD  
Executive Director



June 4, 2014

**Board of Directors**

**President**  
Philip E. Paule

**Vice President**  
Randy A. Record

Joseph J. Kuebler, CPA  
David J. Slawson  
Ronald W. Sullivan

**General Manager**  
Paul D. Jones II, P.E.

**Treasurer**  
Joseph J. Kuebler, CPA

**Director of The  
Metropolitan Water  
District of So. Calif.**  
Randy A. Record

**Board Secretary and  
Assistant to the  
General Manager**  
Rosemarie V. Howard

**Legal Counsel**  
Lemieux & O'Neill

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

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

Dear Mr. Matt Straite

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

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

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

This meeting will offer you the following benefits:

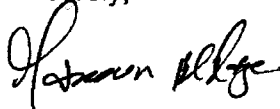
1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

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

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

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

Sincerely,



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

Johnson & Sedlack

ATTORNEYS at LAW

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

26785 Camino Seco, Temecula, CA 92590

E-mail: EsqAICP@gmail.com

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

July 15, 2014

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

**VIA US MAIL AND EMAIL**

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

Dear Riverside County Planning Commissioners:

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

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

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

**GENERAL COMMENTS**

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



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

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

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

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

#### *FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS*

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

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

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

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

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

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

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

#### *POTENTIAL SIGNIFICANT IMPACTS*

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

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

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

### **Aesthetics**

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

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

### **Air Quality**

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

The types of use permitted in General Commercial (C-1/C-P) zones include automobile repair garages, blueprint and duplicating services, cleaning and dyeing shops, gasoline service stations, and furniture repair. These uses are associated with air pollutants of concern including metals, solvents, perchloroethylene, benzene, and methylene chloride. *See* South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 2-10, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Other key air pollutants associated with commercial land uses are volatile organic compounds (VOCs) and toxic air contaminants (TACs), including diesel particulate matter (PM), nitrous oxide (NO<sub>x</sub>), carbon monoxide (CO), and sulfur oxide (SO<sub>x</sub>). *See* Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, Appendix A, <<http://www.arb.ca.gov/ch/handbook.pdf>>.

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

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

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

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

### **Greenhouse Gas Emissions**

Greenhouse gas (GHS) emissions arise from construction activities, area sources, and mobile sources, with mobile sources being the primary contributor to direct GHG emissions. Air Resources Board Greenhouse Gas Inventory 2000-2011, <[http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_00-11\\_2013-08-01.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-11_2013-08-01.pdf)>. The Project would result in an intensification of use, specifically building density and traffic trips. As a result, the Project would cause increased GHG emissions from at least mobile sources, i.e. cars and trucks driving to/from the commercial center. Therefore, the proposed Project could result in significant impacts to/from GHG emissions and an EIR must be prepared to analyze such effects.

### **Land Use/Planning**

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

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

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

### Noise

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

The Initial Study also fails to analyze noise impacts from the Project's increased intensity of use. The reasonably foreseeable development of a commercial center on the Project site would result in both short-term and long-term noise impacts. Short-term impacts would result from any required grading and the construction of office, commercial, or retail buildings. Construction activities associated with future development may result in noise levels that range from 74 to 101 dBA at 50 feet. *See* Federal Highway Administration, *Construction Noise Handbook*, Table 9.9 FTA Construction Equipment Noise Emissions Levels,

[http://www.fhwa.dot.gov/environment/noise/construction\\_noise/handbook/handbook09.cfm](http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm).

The significance threshold for noise impacts in Rural Residential zones is 45 DB Lmax. *See* Riverside County Ordinance No. 847 Regulating Noise. Thus, construction alone would exceed noise thresholds and result in significant noise impacts. Long-term noise impacts from commercial centers include noise from increased vehicle travel to/from the facility, as well as deliveries and operations that could result in increased noise levels. *See* attachments and Federal Highway Administration, Traffic Noise Model (FHWA TNM®), Version 1.0 - Technical Manual, Appendix A Vehicle Noise Emissions,

[http://www.fhwa.dot.gov/environment/noise/traffic\\_noise\\_model/old\\_versions/tnm\\_version\\_10/tech\\_manual/tnm03.cfm](http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm). Based on the mock projects there could be approximately 1,800,000 weekday vehicle trips generated by the intensification of use. The Initial Study does not consider these potentially significant noise impacts from siting a commercial zone adjacent to residential communities and other sensitive receptors.

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

### Transportation/Traffic

The Initial Study lacks any analysis of environmental impacts to/from traffic. Changing the general plan foundation component and land use designation, as well as zoning on the Project site to allow commercial development, will result in substantially more automobile trips than a rural residence. Estimated weekday vehicle trip generation for rural residential zones is 12 trips/dwelling unit. SANDAG, *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (April 2002), [http://sandiegohealth.org/sandag/sandag\\_pubs\\_2009-7-25/publicationid\\_1140\\_5044.pdf](http://sandiegohealth.org/sandag/sandag_pubs_2009-7-25/publicationid_1140_5044.pdf). Estimated weekday vehicle trip generation for specialty retail/strip commercial shops is 40/1000 sq. ft. or 400/acre. *Id.* Estimated weekday vehicle trip generation for a standard commercial office, which is less than 100,000 sq. ft., is 20/1000 sq. ft., 300/acre. *Id.* The mock commercial projects for this property range from 45,450 sq. ft. to 62,168

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

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

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

### **Cumulative Impacts**

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

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

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

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

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

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

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

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

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

### *CONCLUSION*

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

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

July 15, 2014

Page 9

Thank you for your consideration of these comments.

Sincerely,

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

Raymond W. Johnson  
JOHNSON & SEDLACK



### Additional Attachments and Electronic Citations

- (1) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, <[http://aqmd.gov/forstudents/health\\_effects\\_on\\_children.html#WhyChildren](http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren)>
- (2) *Diesel and Health in America: the Lingering Threat*, Clean Air Task Force (February 2005), <[http://www.catf.us/resource/publications/files/Diesel\\_Health\\_in\\_America.pdf](http://www.catf.us/resource/publications/files/Diesel_Health_in_America.pdf)>
- (3) South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General plans and Local Planning*, (May 6, 2005).
- (4) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for earlier life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. <[http://www.oehha.ca.gov/air/hot\\_shots/pdf/TSDCPFApril\\_09.pdf](http://www.oehha.ca.gov/air/hot_shots/pdf/TSDCPFApril_09.pdf)>
- (5) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapters 3, 4, and 9* <[http://www.fhwa.dot.gov/environment/noise/constructoni\\_noise/handbook/index.cfm](http://www.fhwa.dot.gov/environment/noise/constructoni_noise/handbook/index.cfm)>
- (6) Electronic Library of Construction Occupational Safety and Health (November/December 2002) *Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis*.
- (7) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook*.
- (8) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects*.
- (9) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*.

**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.



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PLANNING DEPARTMENT

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Randy A. Record

**Board Secretary and  
Assistant to the  
General Manager**  
Rosemarie V. Howard

**Legal Counsel**  
Lemieux & O'Neill

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

**Re: General Plan Amendment No. 903 and change of zone No. 7818 – EA41706  
Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.**

**Attn: Matt Straite**

In order to receive water, sewer, or recycled water service(s) from Eastern Municipal Water District (EMWD), the following information will be helpful to the project proponent:

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

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

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

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

If you have questions or concerns, please do not hesitate to contact me.

Sincerely,

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



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Environmental Assessment revised and recirculated  
between January 23 and February 12, 2015.



# COUNTY OF RIVERSIDE

## ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

**Environmental Assessment (E.A.) Number:** 41706

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

**Lead Agency Name:** County of Riverside Planning Department

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

**Contact Person:** Matt Straite

**Telephone Number:** 951-955-8631

**Applicant's/ Eng Name:** Milan Chakrabarty

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

### I. PROJECT INFORMATION

**A. Project Description:** The General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

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

**C. Total Project Area:** 3.5

<b>Residential Acres:</b> n/a	<b>Lots:</b> n/a	<b>Units:</b> n/a	<b>Projected No. of Residents:</b> n/a
<b>Commercial Acres:</b> 3.5	<b>Lots:</b> 1	<b>Sq. Ft. of Bldg. Area:</b> n/a	<b>Est. No. of Employees:</b> n/a
<b>Industrial Acres:</b> n/a	<b>Lots:</b> n/a	<b>Sq. Ft. of Bldg. Area:</b> n/a	<b>Est. No. of Employees:</b> n/a

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

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

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

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

### II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

#### A. General Plan Elements/Policies:

- 1. Land Use:** Once the project is approved, the project is consistent with the provisions of the Land Use Element.
- 2. Circulation:** The project is consistent with the Highway 79 policy area provisions, and all other policies of the Circulation Element.

3. **Multipurpose Open Space:** The project is consistent with the policies of the Open Space Element.
4. **Safety:** The project is consistent with the policies of the Safety Element.
5. **Noise:** The project is consistent with the policies of the Noise.
6. **Housing:** The project is consistent with the policies of the Housing.
7. **Air Quality:** The project is consistent with the policies of the Air Quality.

**B. General Plan Area Plan(s):** Southwest

**C. Foundation Component(s):** Rural

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

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

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

**G. Adjacent and Surrounding:**

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

**H. Adopted Specific Plan Information**

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

**I. Existing Zoning:** Rural Residential (RR)

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

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

### **III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

**IV. DETERMINATION**

On the basis of this initial evaluation:

<b>A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED</b>
<input checked="" type="checkbox"/> I find that the proposed project <b>COULD NOT</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/> I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. <b>A MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/> I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.

<b>A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED</b>
<input type="checkbox"/> I find that although the proposed project could have a significant effect on the environment, <b>NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED</b> because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible.
<input type="checkbox"/> I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An <b>ADDENDUM</b> to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.
<input type="checkbox"/> I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a <b>SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT</b> is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.
<input type="checkbox"/> I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a <b>SUBSEQUENT ENVIRONMENTAL IMPACT REPORT</b> is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have

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

\_\_\_\_\_  
Signature

5/15/14

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matt Striate, project planner

Printed Name

\_\_\_\_\_  
For Juan C Perez, Interim Planning Director

**V. ENVIRONMENTAL ISSUES ASSESSMENT**

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

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

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

Findings of Fact:

a-b) The proposed project is not located along any scenic highway corridors in the Southwest Area plan. The closest Scenic Highway Corridor is the 215. This project will not impact any scenic highway corridors.

The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts to scenic resources. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

<b>2. Mt. Palomar Observatory</b>				
a) Interfere with the nighttime use of the Mt. Palomar Observatory, as protected through Riverside County Ordinance No. 655?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: GIS database, Ord. No. 655 (Regulating Light Pollution), Southwest Area Plan Figure 6

Findings of Fact:

a) The proposed project is located within Zone b of the Palomar Nighttime Lighting Policy Area according to figure 6 in the Southwest Area Plan section of the General Plan. However, the project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**3. Other Lighting Issues**

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

b) Expose residential property to unacceptable light levels?

Source: On-site Inspection, Project Application Description

Findings of Fact:

a-b) The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts. The proposed project will change the General Plan designation and zoning for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**AGRICULTURE & FOREST RESOURCES** Would the project

**4. Agriculture**

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

b) Conflict with existing agricultural zoning, agricultural

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
use or with land subject to a Williamson Act contract or land within a Riverside County Agricultural Preserve?				
c) Cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625 "Right-to-Farm")?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Findings of Fact:

a) The proposed project is located within an area of designated "local importance" in the General Plan. Farmland of Local Importance is either currently producing, or has the capability of production, but does not meet the criteria of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The California State Department of Conservation makes these designations based on soil types and land use designations. However, the current Land Use designations for the property do not permit commercial agricultural use. Therefore, there is no impact.

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

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

<b>5. Forest</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Govt. Code section 51104(g))?				
b) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a-c) The County has no forest land zoning, nor is the property forested. There will be no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**AIR QUALITY** Would the project

**6. Air Quality Impacts**

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

Source: SCAQMD CEQA Air Quality Handbook

Findings of Fact:

a-f) The proposed land use change would result in an intensification of the use on the site, in terms of building and traffic trips. However, the amount of the increase is too speculative to provide a detailed analysis at this stage. This is a programmatic level CEQA analysis. The General Plan includes assumptions that could be used to estimate floor to area ratio, but the new water quality requirements for the State's mandated Low Impact Development (LID) standards will result in a lower density yield on development of all designations. The proposed change will eliminate residential and create retail, thus decreasing the population for the area, thus not impacting the local Air Quality Management Plans. There are no point source emitters within 1 mile of the proposed site. The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts to air quality. At this stage, the impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required



	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**BIOLOGICAL RESOURCES** Would the project

**7. Wildlife & Vegetation**

a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-g) This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The proposed project has been submitted to the Environmental Programs Department to process a Habitat Acquisitions and Negotiations Strategy (HANS No. 2015) application. The process has been completed and Conservation requirements are not been required. The project is therefore consistent with the requirements of the MSHCP at this stage. Additional ground studies will be required at a future stage to further determine consistency with the MSHCP at the construction stage. Further, this project does not provide the opportunity for physical disturbance of the property, therefore, there is no potential for take of sensitive species or conflict with adopted conservation plans, including but not limited to the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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MSHCP. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts to Biological Resources as well as any further potential conflicts with adopted conversation plans, including but not limited to the MSHCP.

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**CULTURAL RESOURCES** Would the project

**8. Historic Resources**

a) Alter or destroy an historic site?

b) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5?

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

**Findings of Fact:**

a-b) Based on a site visit of the subject property, there are no historic sites on the property. Additionally, the cultural report did not identify any structures. The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential ground disturbing cultural impacts.

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**9. Archaeological Resources**

a) Alter or destroy an archaeological site.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5?

c) Disturb any human remains, including those interred outside of formal cemeteries?

d) Restrict existing religious or sacred uses within the potential impact area?

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

**Findings of Fact:**

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a-d) A cultural report for the project site was submitted that analyzed the project site for cultural significance. The study determined that there were no recorded archeological sites on the property and the site was determined to be less than significant due to the lack of cultural deposits. The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**10. Paleontological Resources**

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

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

Findings of Fact:

a) According to the General Plan the project is in an area of low and undetermined paleontological sensitivity to the north east and for the remainder of the site (about 80% of the site) respectively. The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts at this stage. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**GEOLOGY AND SOILS** Would the project

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

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

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County General Plan Figure S-2 "Earthquake Fault Study Zones," GIS database, Geologist Comments

Findings of Fact:

a-b) According to the General Plan, there are no map fault zones within or near the project site. There are no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**12. Liquefaction Potential Zone**

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

Source: Riverside County General Plan Figure S-3 "Generalized Liquefaction"

Findings of Fact:

a) According to the General Plan, there are portions to the south of the project site that are mapped as areas of low liquefaction potential. The rest of the site shows no mapped liquefaction zones. The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts at this stage. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**13. Ground-shaking Zone**

a) Be subject to strong seismic ground shaking?

Source: Riverside County General Plan Figure S-4 "Earthquake-Induced Slope Instability Map," and Figures S-13 through S-21 (showing General Ground Shaking Risk)

Findings of Fact:

a) Every project in California has some degree of potential exposure to significant ground shaking. The proposed project does not provide the opportunity for physical disturbance of the property; therefore, there is no potential for any impacts. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts. This will include adherence to the California Building code, Title 24, which will mitigate to some degree, the potential for ground shaking impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**14. Landslide Risk**

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

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**15. Ground Subsidence**

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

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

Findings of Fact:

a) According to the General Plan, Figure S-7, the lower half of the site is in an area potentially susceptible to subsidence. For the purposes of a stand-alone General Plan Amendment, the indicated level of subsidence does not preclude the potential development of the property at any level. Therefore, there are no impacts based on the proposed project.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**16. Other Geologic Hazards**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?

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

Findings of Fact:

a) Based on the review of the proposed project by the County Geologist, the project does not present any other geological hazards or risks. Lake Skinner is located about 13,000 feet (2.5 miles) to the east of the project site. The project site is not located within a Dam Inundation zone for Lake Skinner. This indicates a low likeliness for seiche resulting from strong seismic activity near the Lake Skinner Dam, which would impact the property.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**17. Slopes**

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

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

Findings of Fact:

a-c) The project proposes no grading or construction of any kind, therefore there are no potential impacts to or from slopes. As was previously explained, the site is general flat. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**18. Soils**

a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have soils incapable of adequately supporting use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Source: Project Application Materials, On-site Inspection

Findings of Fact:

a-c) The project proposes no grading or construction of any kind, therefore there are no potential impacts to soils or septic tanks. There are several single family structures near the site, all of which are on septic currently. The project proposes to increase the intensity of the property. Specific Plan No. 380 will eventually bring sewer to the site; however, the timing is unknown. Should an implementing project on the subject site build prior to the development of the SP to the north, the site may require septic. It is too speculative to study the specifics at this stage of development. All septic systems require separate permitting from the County Environmental Health Department, with full percolation testing. Such testing, should it be needed, will be performed at the implementation stage. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**19. Erosion**

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

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

Source: Project Application Materials, On-site Inspection

Findings of Fact:

a-b) The project proposes no grading or construction of any kind; therefore there are no potential impacts to or from erosion. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**20. Wind Erosion and Blowsand from project either on or off site.**

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

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

Findings of Fact:

a) According to General Plan figure S-8 the project is not located in an area of high wind erosion. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**GREENHOUSE GAS EMISSIONS** Would the project

**21. Greenhouse Gas Emissions**

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

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

Source: Application Materials

Findings of Fact:

a.-b.) The proposed project is a General Plan Amendment only, there is no ground disturbance proposed. The proposed amendment will increase the potential intensity of the site, which would have an increase in potential impacts because there could be more traffic trips in the area (traffic trips are the largest generator of greenhouse gasses in this area). However, this CEQA analysis is intended to be a programmatic CEQA level review. Any future implementing project on this site will be required to comply with California's AB-32 greenhouse gas reduction requirement. At this stage, it is too speculative to review the specific potential impacts as the size of the proposed development (implementing project) is not known. Additionally, many of the identified potential mitigation for GHG impacts are implemented at the construction level of development. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**HAZARDS AND HAZARDOUS MATERIALS** Would the project

**22. Hazards and Hazardous Materials**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Project Application Materials

Findings of Fact:

a-b, d-e) The project proposes no grading or construction of any kind; therefore there are no potential impacts that could result from the transportation of hazardous materials; nor will the proposed change in land use density result in an increased potential for generating anything hazardous. The site is not listed as a hazardous materials site. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

c) The project will result in higher development intensity of the site than was proposed in the General Plan in 2003. The increase in intensity may result in an overburden of streets previously identified as evacuation routes for other projects. However, the Transportation Department will require any future development proposals on the site to add mitigation to those projects to assure the streets will accommodate adequate emergency provisions.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**23. Airports**

a) Result in an inconsistency with an Airport Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require review by the Airport Land Use Commission?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-19 "Airport Locations," GIS database

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**24. Hazardous Fire Area**

a) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Riverside County General Plan Figure S-11 "Wildfire Susceptibility," GIS database

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**HYDROLOGY AND WATER QUALITY** Would the project

**25. Water Quality Impacts**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County Flood Control District Review.

Findings of Fact:

a-h) The project is not located within a flood zone. The project proposes no grading or construction of any kind; therefore there are no potential impacts to or from flood hazards with the exception of dam inundation (see topic in geology regarding seiche). There is no land alteration proposed at this time that would alter any flows, violate any standards, impact ground water resources, create any runoff, or require any BMP's. No additional study of the current conditions was performed at this time because the proposed General Plan Amendment is not proposing any ground alteration at this time. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts which will include a hydrology analysis.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**26. Floodplains**

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

NA - Not Applicable

U - Generally Unsuitable

R - Restricted

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Changes in absorption rates or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Dam Inundation Area)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-d) The project is not located within a flood zone. The project proposes no grading or construction of any kind; therefore there are no potential impacts to or from flood hazards with the exception of dam inundation (see topic in geology regarding seiche). There is no land alteration proposed at this time that would alter any flows, violate any standards, impact ground water resources, create any runoff, or require any BMP's. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**LAND USE/PLANNING** Would the project

<b>27. Land Use</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Result in a substantial alteration of the present or planned land use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect land use within a city sphere of influence and/or within adjacent city or county boundaries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-b) The project will result in changes to the Land Use patterns in the area. The area is currently designated for residential uses with a 5 acre minimum lot size. The parcel is currently substandard for the minimum lot size. However, property near the site, specifically to the north has experienced some

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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increases in density over what was adopted with the 2003 General Plan. Based on the widening on Highway 79, which fronts the property, and the approval of the Specific Plan to the north, compounded with the fact that the lot was substandard in the first place, the subject site is no longer suitable for residential development. As previously stated, the potential impacts in this EA are being evaluated for the Land Use change only. For these reasons, the Land Use and zoning impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

28. Planning	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Be consistent with the site's existing or proposed zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be compatible with existing surrounding zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be compatible with existing and planned surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be consistent with the land use designations and policies of the General Plan (including those of any applicable Specific Plan)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**MINERAL RESOURCES** Would the project

29. Mineral Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be an incompatible land use located adjacent to a State classified or designated area or existing surface mine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or property to hazards from proposed, existing or abandoned quarries or mines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-d) According to the General Plan figure OS-5 the project is not located in an area known to have mineral resources that would preclude the development of the ultimate density requested in the project. Further, the project proposes no grading or construction of any kind; therefore there are no potential impacts to or from mineral resources. There are no known mines on or near the site. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**NOISE** Would the project result in

**Definitions for Noise Acceptability Ratings**

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

NA - Not Applicable

A - Generally Acceptable

B - Conditionally Acceptable

C - Generally Unacceptable

D - Land Use Discouraged

**30. Airport Noise**

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

NA  A  B  C  D

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

NA  A  B  C  D

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County General Plan Figure S-19 "Airport Locations," County of Riverside Airport Facilities Map

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**31. Railroad Noise**

NA  A  B  C  D

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**32. Highway Noise**

NA  A  B  C  D

Source: On-site Inspection, Project Application Materials

Findings of Fact:

The project is not located near any highways. The closest Highway is Highway 79 about one half mile to the east of the northern portion of the project area. Noise from this distance will be negligible. Therefore, there will be no significant impacts from highway noise.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**33. Other Noise**

NA  A  B  C  D

Source: Project Application Materials, GIS database

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

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

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**34. Noise Effects on or by the Project**

a) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

d) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

**Source:** Riverside County General Plan, Table N-1 ("Land Use Compatibility for Community Noise Exposure"); Project Application Materials

**Findings of Fact:**

a-d) The project proposes no grading or construction of any kind. With no structures proposed on the site, and no expressed use permitted, no additional noise analysis is required at this time. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**POPULATION AND HOUSING** Would the project

**35. Housing**

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

b) Create a demand for additional housing, particularly



	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
housing affordable to households earning 80% or less of the County's median income?				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Affect a County Redevelopment Project Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

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

<b>36. Fire Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan Safety Element

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**37. Sheriff Services**

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**38. Schools**

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

Findings of Fact:

The project would not result in an increased need for schools. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**39. Libraries**

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

Findings of Fact:

The project would not result in an increased need for books and materials for libraries. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**40. Health Services**

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

Findings of Fact:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would result in an increased need for all public services, including the Health services. However, health care is generally driven by market forces and any increase in population is generally addressed through market demand forces. As such, the impacts would be less than significant.

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**RECREATION**

**41. Parks and Recreation**

a) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

b) Would the project include the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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

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

**Findings of Fact:**

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

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**42. Recreational Trails**

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

**Findings of Fact:**

See 41.

**Mitigation:** No mitigation is required

**Monitoring:** No monitoring is required

**TRANSPORTATION/TRAFFIC** Would the project

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>43. Circulation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Alter waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Conflict with adopted policies, plans or programs regarding public transit, bikeways or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County General Plan, Highway 79 Policy

Findings of Fact:

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

b) With the required mitigation outlined above, the proposed project will be able to address any congestion management program through the standard fees and mitigation required at the time development is proposed. As previously explained, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

c-d) No air traffic or water traffic will be altered due to the proposed project. There will be no impact.

e-i) The project is not proposing any development at the time, therefore there are no design changes to the streets or roads that may increase hazard due to road design. The increase in density will create a need to evaluate the impacts to the existing street design; however, the potential impacts would be too speculative at this stage, because the actual level of impact from the implementing development is not known at this time. 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. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**44. Bike Trails**

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

Findings of Fact:

See 41.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**UTILITY AND SERVICE SYSTEMS** Would the project

**45. Water**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Source: Department of Environmental Health Review

Findings of Fact:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a-b) The project is not proposing any construction at this time. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. An assessment of the availability of water to service the area will be required prior to the approval of an implementing project. This will include a commitment from the water purveyor in that area to provide water to the site (beyond that which already exists). Many of the homes in the area currently use well water. The increase in density will likely require connection to a public water system, the construction of which will have potential impacts. However, at this stage, the specific size and need of water infrastructure to the area would be too speculative to analyze. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**46. Sewer**

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

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

Source: Department of Environmental Health Review

Findings of Fact:

a-b) The project is not proposing any construction at this time. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The homes near project site are currently using septic systems, although the Specific Plan recently approved to the north of the subject site will be required to bring sewer to the area. Depending on the trimming of the implementing project, it could use either sewer or septic. Specific permitting is required prior to the use of any septic system. The proposed project might be required to connect to and construct a sewer system which could result in potential impacts. At this stage, the specific size and need of sewer infrastructure to the area would be too speculative to analyze. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**47. Solid Waste**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Does the project comply with federal, state, and local statutes and regulations related to solid wastes including the CIWMP (County Integrated Waste Management Plan)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

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

Findings of Fact:

a-b) The project is not proposing any construction at this time. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**48. Utilities**

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

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

Source: Application Materials

Findings of Fact:

a-g) The project is not proposing any construction at this time. At this stage, the specific size and need of sewer infrastructure to the area would be too speculative to analyze. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

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

Monitoring: No monitoring is required

**49. Energy Conservation**

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

Source:

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

**MANDATORY FINDINGS OF SIGNIFICANCE**

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

Source: Staff review, Project Application Materials

Findings of Fact: Implementation of the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

51. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, other current projects and probable future projects)?

Source: Staff review, Project Application Materials



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

**Findings of Fact:** The project does not have impacts which are individually limited, but cumulatively considerable. The proposal will increase the density of the area, which could potentially impact CEQA study areas cumulatively. At this stage, the specific level of changes is not known, as there is no construction proposed with this project. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

52. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

**Source:** Staff review, project application

**Findings of Fact:** The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

**VI. EARLIER ANALYSES**

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

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

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

**VII. AUTHORITIES CITED**

Authorities cited: Public Resources Code Sections 21083 and 21083.05; References: California Government Code Section 65088.4; Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095 and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised: 6/17/2014 2:52 PM  
Revised EA41706 for GPA903.docx

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**  
**Planning Department**  
*Ron Goldman - Planning Director*

**APPLICATION FOR AMENDMENT TO THE  
RIVERSIDE COUNTY GENERAL PLAN**

SECTIONS I, II, AND VI BELOW MUST BE COMPLETED FOR ANY AMENDMENT TO THE AREA PLAN MAPS OF THE GENERAL PLAN.

FOR OTHER TYPES OF AMENDMENTS, PLEASE CONSULT PLANNING DEPARTMENT STAFF FOR ASSISTANCE PRIOR TO COMPLETING THE APPLICATION.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: GD's 00903 DATE SUBMITTED: 1/15/08

**I. GENERAL INFORMATION**

**APPLICATION INFORMATION**

Applicant's Name: DONALD L. RICHART E-Mail: dlrichart@hotmail.com

Mailing Address: 1003 E. FLORIDA AVE.  
HEMET CA. 92544  
City State ZIP

Daytime Phone No: (951) 652-2252 Fax No: (951) 658-6476

Engineer/Representative's Name: DONALD L RICHART E-Mail: d@beachdesigninc.com

Mailing Address: 45138 E. FLORIDA AVE.  
HEMET CA. 92544  
City State ZIP

Daytime Phone No: (951) 927-8083 Fax No: (951) 927-7094

Property Owner's Name: ARNEYA ENTR. LMTD. E-Mail: \_\_\_\_\_

Mailing Address: 1003 E. FLORIDA AVE.  
HEMET CA. 92544  
City State ZIP

Daytime Phone No: (951) 652-2252 Fax No: (951) 658-6476

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

*4043*

**APPLICATION FOR CHANGE OF ZONE**

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

X DONALD L. RICHAET [Signature]  
PRINTED NAME OF APPLICANT SIGNATURE OF APPLICANT

**AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:**

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

X MILAN S CHAKRABARTY, M.D. [Signature]  
PRINTED NAME OF PROPERTY OWNER(S) SIGNATURE OF PROPERTY OWNER(S)

X Arun Chakrabarty [Signature]  
PRINTED NAME OF PROPERTY OWNER(S) SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 476-010-010

Section: 28 Township: 69 Range: 2W

Approximate Gross Acreage: 5.94

General location (nearby or cross streets): North of THOMPSON RD. South of SCOTT RD. East of POURROY RD. West of WINCHESTER RD.

Thomas Brothers map, edition year, page number, and coordinates: \_\_\_\_\_

**APPLICATION FOR CHANGE OF ZONE**

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

X DONALD L. RICHAET  
PRINTED NAME OF APPLICANT

[Signature]  
SIGNATURE OF APPLICANT

**AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:**

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

X MILAN S CHAKRABARTY, M.D.  
PRINTED NAME OF PROPERTY OWNER(S)

X [Signature]  
SIGNATURE OF PROPERTY OWNER(S)

X Indraneel Chakrabarty  
PRINTED NAME OF PROPERTY OWNER(S)

X [Signature]  
SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 476-010-010

Section: 23 Township: 63 Range: 2W

Approximate Gross Acreage: 1.94

General location (nearby or cross streets): North of THOMPSON RD. South of SCOTT RD. East of POURROY RD. West of WINGFIELD RD.

Thomas Brothers map, edition year, page number, and coordinates: \_\_\_\_\_

LAND DEVELOPMENT COMMITTEE/  
DEVELOPMENT REVIEW TEAM  
INITIAL CASE TRANSMITTAL  
RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE  
P.O. Box 1409  
Riverside, CA 92502-1409

DATE: January 9, 2014

TO:

Riv. Co. Transportation Dept.	P.D. Archaeology Section	Perris High School Dist.
Riv. Co. Environmental Health Dept.	3rd District Supervisor	Eastern Municipal Water Dist.
Riv. Co. Flood Control District	3rd District Planning Commissioner	CALTRANS Dist. # 8
Riv. Co. Fire Department	City of Temecula	Santa Ana RWQCB
Riv. Co. Environmental Programs Division	Hemet Unified School Dist.	Pechanga Band of Mission Indians
P.D. Geology Section	Menifee Union School Dist.	

**GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818 – EA41706 – Applicant: Milan Chakrabarty – Third/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). NOTE: No project is proposed at this time, only the GPA and CZ. To assure the site can function as the proposed use, the applicant has included three mock site plans showing potential access, parking, setbacks, etc. These are NOT part of the proposed project, they are for illustration only. These were provided at the request of Planning. Please do not add any conditions based on the mock site plans.**

Please review the attached map(s) and/or exhibit(s) for the above-described project. This case is scheduled for a LDC Comments Agenda on January 30, 2014. All LDC/DRT Members please have draft conditions in the Land Management System on or before the above date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the routing on or before the above date. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing.

All other transmitted entities, please have your comments, questions and recommendations to the Planning Department on or before the above date. Your comments/recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this project, please do not hesitate to contact **Matt Straite**, Project Planner, at (951) 955-8631 or email at [mstraite@rctima.org](mailto:mstraite@rctima.org) / MAILSTOP# 1070.

Public Hearing Path: DH:  PC:  BOS:

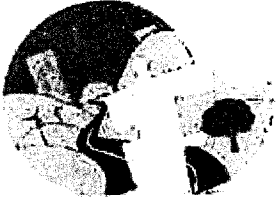
COMMENTS:

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE PRINT NAME AND TITLE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.



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

*Carolyn Syms Luna*  
Director

October 9, 2012

Mr. Donald L. Richart  
3059 Cambridge Avenue  
Hemet, CA 92545

Dear Mr. Richart:

**Re: JPR 10-07-26-01 Determination Letter – No Conservation**  
**HANS No. 2015**  
**Case No. PAR01274**  
**Assessor's Parcel Number(s): 476-010-010**

This letter is to inform you that the HANS determination for the subject property was forwarded to the Regional Conservation Authority (RCA) for Joint Project Review (JPR) pursuant to Section 6.6 2 of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). As stated on the attached "RCA JPR Review", the RCA has concurred with the County that no conservation is described for this property.

You may proceed with the planning process for this property. Please note, however, that this determination does not preclude compliance with any conditions incorporated into your final project approval.

If you have further questions concerning the attached comments, please contact the Environmental Programs Division of the Planning Department at (951) 955-6892.

Sincerely,

PLANNING DEPARTMENT

  
Michael Richard  
Ecological Resources Specialist

MR mb

xc: Karin Watts-Bazan, Deputy County Counsel  
Gail Barton, Principal Planner  
Brian Beck, RCA  
Stephanie Standerfer, Dudek  
Mr & Mrs. Chakrabarty, Property Owner's

Riverside Office • 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-6892 • Fax (951) 955-1811

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



**RCA Joint Project Review (JPR)**

JPR #: 10-07-26-01

Date: 8/09/10

**Project Information**

Permittee: Riverside County

Case Information: HANS 2015

Site Acreage: 5.3 acres

Portion of Site Proposed for MSHCP Conservation Area: 0 acres

**Criteria Consistency Review**

**Consistency Conclusion:** *The project is consistent with both the Criteria and other Plan requirements.*

**Data:**

Applicable Core/Linkage: Proposed Constrained Linkage 18

Area Plan: Southwest

APN	Sub-Unit	Cell Group	Cell
476-010-010	SU5 – French Valley/Lower Sedco Hills	Independent	5275

**Comments:**

- a. Proposed Constrained Linkage 18 consists of an unnamed drainage located in the south-central region of the Plan Area. This Constrained Linkage connects Proposed Core 2 (Antelope Valley) to the west with Proposed Extension of Existing Core 7 (Lake Skinner/Diamond Valley Lake Extension). Existing agricultural use constrains the Linkage, and planned land uses surrounding the Linkage are limited nearly entirely to community Development. The Linkage also has a relatively high proportion of land affected by edge (approximately 250 acres of the total 310 acres) and will also be subject to Edge Effects also due to the widening or extension of several facilities including Washington Street, Briggs Road, and SR-79. Despite these issues, the Linkage nonetheless provides Live-In and movement Habitat for species. This Linkage likely provides for movement of common mammals such as bobcat. An adequate wildlife underpass or overpass may need to be implemented to insure movement of species in this area and to reduce the chance of mortality from vehicle collision.
- b. The project site is primarily located in Cell 5275. Conservation within Cell 5275 will contribute to the assembly of Proposed Constrained Linkage 18. Conservation within Cell 5275 will focus on riparian scrub, woodland and forest habitat and adjacent agricultural land. Areas conserved within this Cell will be connected to riparian scrub, woodland and forest habitat and agricultural land proposed for conservation in Cell 5376 to the south and to agricultural land proposed for conservation in Cell 5279 to the east. Conservation within Cell 5275 will range from 10% to 20% of the Cell focusing in the southern portion of the Cell.



## RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

- c. The 5.3-acre parcel is a recently disked vacant lot. The project site is relatively flat with no trees or rock formations present, with elevations of 1416 to 1432 feet above mean sea level. An intermittent blue stream crosses the southern end of the parcel. Soils mapped in the site vicinity include Escondido fine sandy loam, Friant fine sandy loam, Garretson very fine sandy loam, Monserate sandy loam, and Vallecitos loam. Permeability for these five soils ranges from very slow to moderately rapid. Vegetation consists of a natural sage brush type. Adjacent land uses include rural residential development and horse property to the west, Keller Road to the north, Highway 79 to the east, and vacant land to the south. The owner proposes to build a public storage facility and medical office building that will occupy the entire site. Given that the project site is located in the northeast portion of Cell 5275, which is not the area contemplated for Conservation, the project would not conflict with Reserve Assembly.

### Other Plan Requirements

#### Data:

#### Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. There is a riverine area on the project site, but no reported riparian habitat. There are no vernal pools on the project site and soils are not suitable for fairy shrimp habitat.

#### Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

No. The project site is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA).

#### Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The project site is not located in a Criteria Area Special Survey Area (CASSA). The project site is located in an Additional Survey Area for Burrowing owl.

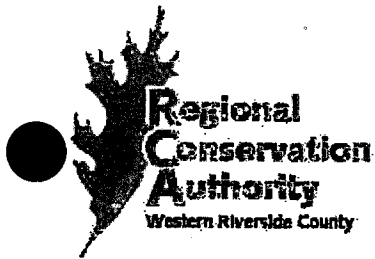
#### Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

No. The property is not located near future and existing Conservation Areas.

#### Comments:

- a. Section 6.1.2: The Habitat Assessment Report prepared by Joan R. Callahan, PhD. dated June 23, 2010 and the Permittee both indicated a small ditch mapped as an intermittent blue line stream crossing the southern portion of the site and flowing offsite to the southeast via a culvert under Winchester Road (Highway 79). No riparian habitat was observed to be associated with this drainage, therefore, no focused surveys were warranted for riparian bird species. The Permittee will ensure that flows through this drainage are maintained during the entitlement process, so that water flowing from this site is not interrupted. Soils onsite are generally too well drained to promote fairy shrimp habitat. The report also determined that one of the soils mapped in the site vicinity, Monserate sandy loam, has very slow





## RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

permeability due to a hardpan layer at a depth of about 10 to 36 inches. Soil with this type of subsurface layer is one of the prerequisites for the formation of vernal pools. However, the report stated since repeated deep disking has disturbed the soil profile and no basin is apparent, it is unlikely that vernal pools have been present in recent years. Based on the lack of riparian resources on site, and given that the water flowing from the site in the drainage feature will be maintained after project development, the project demonstrates compliance with Section 6.1.2 of the MSHCP.

- b. Section 6.3.2: The project is located in an Additional Survey Area for Burrowing owl. There are records of burrowing owls in the Winchester area, but only where required habitat conditions are present. The project site has no cover objects or existing burrows, and it is surrounded by roads and developed areas. According to the Habitat Assessment Report dated June 23, 2010, "since the site is deeply disked or grubbed at least once or twice a year, any burrows would be destroyed in the process; therefore, the potential of the project site as a burrowing owl habitat is minimal". The Permittee indicates that the site does not support suitable habitat and therefore no focused surveys were conducted. Based on the information provided by Dr. Callahan, and the Permittee, the project demonstrates compliance with Section 6.3.2 of the MSHCP.

SNS/ST

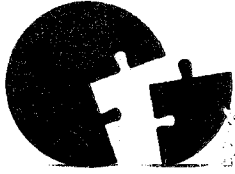


## RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

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RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Ray Johnson February 13, 2015 letter received  
during recirculation of the Environmental  
Assessment

Johnson & Sedlack

ATTORNEYS at LAW

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February 13, 2015

Riverside County Planning  
Attn: Matt Straite  
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**VIA US MAIL AND EMAIL**

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

Dear Riverside County Planning Commissioners:

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

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

Adoption of a Negative Declaration for the Project is improper where the Project may result in significant environmental effects not evaluated in the Initial Study, 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.

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

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

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

#### *FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS*

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

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR...(b) An EIR on a

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

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

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

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

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

#### *POTENTIAL SIGNIFICANT IMPACTS*

The adoption of a Negative Declaration for the Project is improper here where there is substantial evidence in the record of a fair argument of significant environmental impacts. The Project may have significant environmental effects from changing the site from rural residential to commercial retail development, including, but not limited to, aesthetics, air quality, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, 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 Initial Study/Negative Declaration mistakenly found no impacts may occur. The adoption of feasible mitigation measures is essential to any approval of this Project.

### **Aesthetics**

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

The Project site is currently vacant farmland and is bordered by rural residential properties 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. The Project would allow commercial development on the property in the future, a use that currently does not exist. The zoning code permits structures up to fifty 50' in height or seventy-five (75') feet in height if approved by the County. Riverside County Ordinance No. 348 § 9.4.C. This is an increase over the current forty (40') foot height limit for one family residences in the Rural Residential zone. Riverside County Ordinance No. 348 § 5.2.A.

Additionally, there are no setback requirements for buildings that do not exceed 35 feet in height in the C-1/C-P Zones. Riverside County Ordinance No. 348 § 9.4.B. 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.

The intensification of use permitted by the Project would have aesthetic impacts. Secondary/indirect aesthetics impacts from obstructing views and/or substantially degrading the existing visual character of the site should be considered significant.

### **Air Quality**

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

The types of use permitted in General Commercial (C-1/C-P) zones include automobile repair garages, blueprint and duplicating services, cleaning and dyeing shops, gasoline service stations, and furniture repair. These uses are associated with air pollutants of concern including metals, solvents, perchloroethylene, benzene, and methylene chloride. *See South Coast Air Quality*

Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 2-10, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Other key air pollutants associated with commercial land uses are volatile organic compounds (VOCs) and toxic air contaminants (TACs), including diesel particulate matter (PM), nitrous oxide (NO<sub>x</sub>), carbon monoxide (CO), and sulfur oxide (SO<sub>x</sub>). See Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, Appendix A, <<http://www.arb.ca.gov/ch/handbook.pdf>>.

The Project site is located adjacent to residential properties, which are sensitive receptors. Specific Plan 380, which is located north of the Project site, permits the development of more sensitive receptors, including low density residential uses and possibly a retirement home. While transportation related emissions can be reduced by siting commercial zones nearby residential uses, this can result in increased health risks if commercial facilities that emit toxic chemicals are over-concentrated. See South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, Chapter 2, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Urban development is already permitted east and north of the Project site. Overconcentration of commercial facilities by adding yet another commercial property here could have significant impacts to air quality and health risks.

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 1,845 average daily vehicle trips. Indirect sources of emissions from cars and trucks include office complexes and commercial centers. See South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 3-1, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Emissions from mobile sources, including cars and trucks, account for roughly 90 percent of the cancer risk in the South Coast basin. *Id.* at 2-3. These potential secondary/indirect impacts should be evaluated in an EIR.

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

### **Geology and Soils**

The Initial Study states half of the Project site is an area potentially susceptible to subsidence. The General Plan states, "As urban areas have expanded, so too have the impacts of subsidence on structures for human occupancy. Ground subsidence and associated fissuring in Riverside County have resulted from both falling and rising ground water tables." (Riverside County General Plan Ch.6 p. S-26.) There is no consideration of secondary effects from allowing intensification of use on the Project site that is potentially susceptible to subsidence.



### **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)>. The Project would result in an intensification of use, specifically building density and traffic trips. As a result, the Project would cause increased GHG emissions from at least mobile sources, i.e. cars and trucks driving to/from the commercial center. Therefore, the proposed Project could result in significant impacts to/from GHG emissions and an EIR must be prepared to analyze such effects.

### **Hazards and Hazardous Materials**

The Initial Study states the Project's intensification of use may overburden evacuation route streets. 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. The Initial Study should consider the impacts of potentially 1,845 average daily vehicle trips on evacuation routes and to access for emergency vehicles.

### **Hydrology and Water Quality**

The Initial Study contradicts itself where it states in the Hydrology and Water Quality section there are potential flood hazards impacts from dam inundation, but in the Geology and Soils section it states the Project site is not located within a Dam Inundation zone. This discrepancy must be resolved prior to approval of any environmental document.

The Project's intensification of use would permit increased development of the Project site, especially where there are no yard requirements for buildings that do not exceed 35 feet and a parking lot would be necessarily developed in conjunction with any general commercial development. *See* Riverside County Ordinance No. 348 § 9.4.B. The Project's intensification of use would result in increased impermeable surfaces on the Project site and substantially increase the amount of surface run-off that could create on- or off-site flooding.

These potentially significant water quality and flooding impacts should be analyzed in an EIR.

### **Land Use/Planning**

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

The Initial Study also incorrectly states that the Project would not disrupt or divide the physical arrangement of an established community. However, the only access to the Project site is Old Keller Road, so the Project would route commercial traffic through an established rural residential community and a recently approved Low Density Residential zone.

The Land Use/Planning section of the Initial Study 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.

### Noise

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

The Initial Study also fails to analyze noise impacts from the Project's increased intensity of use. The reasonably foreseeable development of a commercial center on the Project site would result in both short-term and long-term noise impacts. Short-term impacts would result from any required grading and the construction of office, commercial, or retail buildings. 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)>. Based on the mock projects there could be potentially, 527 to 1,845 average daily vehicle trips for the intensified use. 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.

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

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 mock commercial projects for this property include a 45,490 sq. ft. general retail building, a two-story building with 31,044 sq. ft. of general retail and 31,044 sq. ft. of offices, and a two-story building with 31,084 sq. ft. per floor of general retail on the first floor and offices on the second floor. Applying ITE's specialty retail center trip generation rate to the 45,490 sq. ft. general retail building, the first mock project would result in 1,845 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 second mock project proposing a 62,088 sq. ft. building would result in 527 average daily vehicle trips based on the office park trip generation rate. The third mock project proposing a 62,168 sq. ft. mixed retail and office building would result in 528 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 527 to 1,845 average daily vehicle trips based on the mock site plans for the Project, are not considered in the Initial Study. 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. One policy of the High 79 Policy Area is to reduce traffic generation below 9% the trips projected from the General Plan traffic model residential land use designations. *See* Riverside County General Plan SWAP 9.2. Not only would the Project fail to reduce trips by 9%, but the intensification of use would substantially increase traffic. This intensification of use and the ultimate Project impacts to traffic must be considered.

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

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

### Cumulative Impacts

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

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

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

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

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

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

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

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

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



Raymond W. Johnson  
JOHNSON & SEDLACK

### Additional Attachments and Electronic Citations

- (1) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, <[http://aqmd.gov/forstudents/health\\_effects\\_on\\_children.html#WhyChildren](http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren)>
- (2) *Diesel and Health in America: the Lingering Threat*, Clean Air Task Force (February 2005),  
<[http://www.catf.us/resource/publications/files/Diesel\\_Health\\_in\\_America.pdf](http://www.catf.us/resource/publications/files/Diesel_Health_in_America.pdf)>
- (3) South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General plans and Local Planning*, (May 6, 2005).
- (4) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for earlier life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. <[http://www.oehha.ca.gov/air/hot\\_shots/pdf/TSDCPFApril\\_09.pdf](http://www.oehha.ca.gov/air/hot_shots/pdf/TSDCPFApril_09.pdf)>
- (5) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapters 3, 4, and 9*  
<[http://www.fhwa.dot.gov/environment/noise/constructoni\\_noise/handbook/index.cfm](http://www.fhwa.dot.gov/environment/noise/constructoni_noise/handbook/index.cfm)>
- (6) Electronic Library of Construction Occupational Safety and Health (November/December 2002) *Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis*.
- (7) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook*.
- (8) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects*.
- (9) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*.

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

**City Planning:**

Current Planning

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

General Plan

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

Environmental Analysis

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

**Representation:**

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

**Education:**

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

**Professional Associations:**

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



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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.

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(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

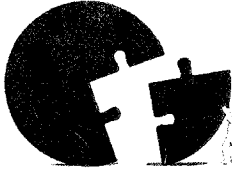
(816) 333-4800

Economist/Planner

5/73-4/75

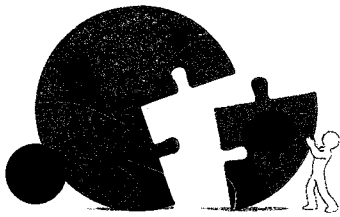
Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

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

## Responses to both circulations of the Environmental Assessment



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

*Juan C. Perez*  
*Interim Planning Director*

## Memorandum

To: File

From: Matt Straite

**RE: CEQA Responses to Comments for Letters submitted and provided to the Planning Commission on July 16, 2014**

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

- The Endangered Habitats League has submitted a letter dated July 10, 2014 for all general Plan Amendments on the Agenda. The letter is attached. They stated that they have no opinion on this General Plan Amendment.
- An attached letter from EMWD, dated June 4, 2014 was submitted. This is a standard letter we typically receive for project, requesting that the applicant consult with the District at this time.
- A letter from Ray Johnson of Johnson and Sedlack, dated July 15, 2014, was submitted along with hundreds of pages of technical studies. The Environmental Analysis (EA) was revised to address the concerns expressed in this letter and recirculated for public review. All comments expressed in this letter were fully addressed in the revised EA.

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

Responses to Letter from Ray Johnson, dated February 13, 2015

**General Project Comments Listed in Letter**

**Comment:** "The Initial Study erroneously states that the Project will not allow physical disturbance of the Project site so the Project causes no potential significant impacts. However, the Initial Study Study/Negative Declaration prepared for this Project ignores and overlooks all potential secondary and ultimate effects from the general plan amendment and change of zone." (p. 2)

**Response:** The Initial Study attempts to address potential impacts based upon the potential use of the project site. Due to the proposed land use and zoning, a conceptual retail/office site plan was prepared, reflecting the potential use of the land based upon the General Plan Amendment application. This concept, in conjunction with established land use regulations/parameters for building height, setbacks, and possible construction and operational related affects, such as vehicle trips and noise, were evaluated. It is not true that potential secondary and ultimate effects were not evaluated. For example, an air quality evaluation was conducted to determine potential air emissions from a retail/office use to determine potential impacts. The Initial Study also contains the references to the evaluation of potential land uses, some of which are listed below:

- "The project site generally slopes from west to the east towards Highway 79. No significant slopes exist on-site or near the project site. Although no specific development plans have been submitted that identify potential grading, it is unlikely slopes greater than those referenced would occur due to site conditions. Nor would future grading notably change topographic relief due to the small size of the site. *Due to the change from residential to commercial land use it is unlikely a future user would utilize a subsurface disposal system.*" (Emphasis Added, Section 17 Slopes)
- "The project site is not located within a designated drainage course or blueline stream as delineated on the applicable U.S.G.S. Map. However, a blueline stream is delineated to the west and south of the site. *Since the project site exceeds one (1) acre in size, compliance with applicable erosion control requirements, such as a Water Quality Management Plan (WQMP) and/or Storm Water Pollution Prevent Plan (SWPPP), would be required to address potential site erosion and off-site pollutant discharge. The specific details of these plans are*

*normally prepared at the time building plans and site improvements are known.” (Emphasis Added, Section 19 Erosion)*

- *“The proposed amendment would increase the potential intensity of the site, resulting in an increase in potential impacts because there could be a larger building footprint and more vehicle trips in the area (vehicle trips are the largest generator of greenhouse gasses in this area). Any future implementing project on this site will be required to comply with California’s AB-32 greenhouse gas reduction requirement. The South Coast Air Quality Management District is responsible for developing greenhouse gas emission thresholds. At this time the District has adopted an interim threshold level of 3,000 metric tons per year. Based upon the preliminary air quality analysis referenced earlier, construction and operational emissions are estimated to be less than threshold levels. At this time, it is somewhat speculative to review the specific potential impacts as the size of the proposed development (implementing project) is not specifically known. Additionally, many of the identified potential mitigation for GHG impacts are implemented at the construction level of development.” (Emphasis Added, Section 21 Greenhouse Gases)*
- *“The proposed change in land use from residential to commercial and associated project improvements during and after construction would have the potential to leak and/or discharge fuel and oil from construction equipment and maintenance equipment due to the size and intensity of future uses permitted. During project operation, materials such as fertilizers for landscaping and cleaning solvents for building maintenance will be used. In addition, pre-packaged hazardous materials may be transported to the site for sale, such as household cleaners, or stored for use within site buildings as part of building maintenance. However, the volume of the products transported to the site, used on-site or the amount of fluids leaked during construction would not be significant due to the size of the project site and the potential type of uses that could occur within the proposed zoning district. In addition, compliance with project Water Quality Management Plan (WQMP) and/or Storm Water Pollution Prevention Plan (SWPPP) would reduce the potential impact to less than significant.” (Emphasis added, Section 22 Hazards and Hazardous Materials)*
- *“The project is not located within a flood zone. As noted previously, no defined drainage course traverses the project site nor is the site within a Dam inundation area. Development of the property has the potential to increase stormwater runoff due to an increase in impervious surfaces, such as buildings and paved parking areas. However, as a*

standard condition/measure, a retention/detention basin(s) is required to maintain the historic rate of stormwater runoff from the property, thereby minimizing the potential effect upon drainage facilities.” (Emphasis Added, Section 26 Floodplains)

- “The project would not result in direct need for schools, since the proposed project involves a change to commercial uses from a residential use. The State of California, through legislation, has determined that they are responsible for the construction of schools and have established the specific methods to provide for such, including development impacts fees applied by the local the School Districts and local bond measures. As such, the impacts would be less than significant.” (Emphasis Added, Section 38 Schools)

**Letter 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. Yet, the Initial Study admits that the Project would result in an intensification of the Project’s site land use, a potentially significant effect. Deferring analysis of impacts to air quality and greenhouse gases until a later stage of environmental review is a violation of CEQA’s requirements that an agency prepare environmental review at the earliest possible stage and engage in some degree of speculation.” (p.3)

**Response:** The Initial Study evaluated the potential use of the land and applied general design parameters based upon the property size, location, current conditions, and existing development regulations. The mere fact that the land use would change from residential to commercial does not automatically result in a potentially significant impact. This is especially true when evaluations of potential uses have been conducted and/or mechanisms/processes exist that respond to potential impacts. For example:

- The potential level of air quality impact and greenhouse gas emissions were determined to be less than significant through the utilization of an air quality computer model that found potential emission levels did not exceed adopted significant threshold levels.
- Potential impacts to cultural resources were determined to be less than significant due to an on-site evaluation and records search conducted by qualified professionals.
- Potential geological and soil impacts were determined to be less than significant through field research and office evaluation by qualified professionals.



- Potential impacts to biological resources were determined to be less than significant due to an on-site evaluation and records search conducted by qualified professionals and County personnel.
- Potential impacts to water quality as part of any future development project are to be addressed through the standard County requirement to prepare and have approved a water quality management plan (WQMP), which is mandated by law for projects greater than one acre in size.
- Potential noise impacts were noted as they relate to existing County regulations that permit construction activities within ¼ mile of an existing residence, provided construction occurs within the required parameters of time and days of the week.
- Potential impacts to the public school system were noted due to the change in land use and the fact the State of California is responsible for addressing potential impacts to schools through impact fees and local bond measures.

At this time, no potentially significant impacts have been identified, based upon the existing project information available and the mechanisms and/or processes that already exist to address potential impacts. Once a specific development plan is prepared and submitted for review and approval, then a more detailed evaluation can be completed to determine if the findings of this environmental evaluation remain applicable or whether potentially significant impacts have been identified that were not previously known because additional design information has been made available.

### Comments on Specific Environmental Topics

#### **Aesthetics**

**Letter Comment:** "The Initial Study concludes that the Project would have no impacts to scenic resources, including views open to the public, because the Project does not provide the opportunity for physical disturbance of the property. However, this analysis is misleading and does not analyze the Project's secondary aesthetic impacts." (p. 4)

**Response:** It is incorrect to state the Initial Study does not discuss the opportunity for physical disturbance of the property. It is true a site plan has not been submitted for County approval and, thus, a specific design cannot be evaluated. However, the Initial Study does evaluate potential impacts based upon the location of the property, potential building heights, and existing site and area conditions. The Initial Study states: "*Although a formal site plan has not been prepared, the project site slopes downward toward Highway 79. When future development occurs, it is reasonable to assume the ultimate pad elevation of the site would be lower than the*

*adjoining house to the east, but probably higher than the existing State Highway. Topography in the area generally recedes in elevation from west to east. As such, visibility of the project site would be more prominent for properties to the east of Highway 79, than properties west of Highway 79. However, the increased building height and change in land use provided by this application would result in a land use similar to that planned for other commercial land uses, including that contained in the approved Specific Plan to the north, but would not affect scenic resources or vistas, since none are identified in the area."*

With regards to building setbacks, it is true that the C-1/C-P Zoning District does not require a setback from the adjoining residential property, except based upon building height. However, the County Zoning Ordinance review procedures require any development on the property to be processed utilizing either a Plot Plan or Conditional Use Permit. These procedures require an evaluation and establishment of development standards necessary to adequately protect surrounding properties. For example, Section 18.30 C 2, Requirements for Approval (Plot Plan) provides as follows:

*"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." (Emphasis added)*

No scenic resources have been identified in the General Plan for this particular area. As such, potential impacts upon scenic resources and aesthetics are less than significant.

### **Air Quality**

**Letter Comment:** "The Initial Study identifies that the Project will intensify use on the Project site with regards to building density and traffic trips. Yet, the Initial Study fails to evaluate any secondary/indirect impacts from new facilities allowed under the Project."  
(p. 4)

**Response:** The Initial Study does evaluate potential secondary and indirect impacts. The comment letter states secondary and indirect impacts are caused by trips to and from the Project site. These trips are included in the South Coast Air Quality Management District CalEEMod computer program

model that was used to understand and project potential air quality impacts caused by what is believed to be the most vehicle intensive use of the site in an effort to generate the greatest emission levels. The model identifies the specific number of vehicle and truck trips applied based upon the potential land use category selected.

The comment letter refers to the potential for such uses as a gasoline stations. The specific future use of the property is unknown and to evaluate a particular use such as this would be speculative. Regulations exist through the Air Quality Management District to reduce and mitigate potentially harmful emissions for the construction and operation of the various uses, such as a gasoline station. The adoption of mitigation measures through the preparation of an EIR in advance of actually identifying a potentially significant impact, since no gas station use is proposed upon which to evaluate, would be contrary to the purpose of mitigation measures. The comment letter also refers to a potential "Overconcentration of commercial facilities..." (p. 5) It is unclear as to the reason for this concern since typically, concentrating commercial facilities has the effect of consolidating vehicle trips and reducing trip lengths, thereby reducing air emissions.

### Geology and Soils

Letter Comment: "There is no consideration of secondary effects from allowing intensification of use on the Project site that is potentially susceptible to subsidence." (p. 5)

**Response:** The General Plan identifies the lower half of the area as susceptible to subsidence. However, a site specific *Geotechnical Evaluation* that is referenced in the Initial Study and which address liquefaction/seismic settlement stated "Seismic settlement is often caused when loose granular soil densifies during seismic shaking, potentially resulting in damage to overlying structures and improvements. *Based on the presence of shallow seated bedrock underlying the site, the risks associated with liquefaction or seismic settlements are considered 'negligible'.*" (Emphasis added)

With respect to the potential for subsidence, the same report referenced above stated the following: "The site situated within a 'susceptible' subsidence zone (RCLIS, 2013)...Locally, no fissures or other surficial evidence of subsidence were observed at or near the subject site. *Accordingly, risks associated with subsidence are considered 'low'.*" (Emphasis added) Since the potential effect for settlement or subsidence is negligible or low based upon a site specific evaluation, further consideration of potential secondary effects is unwarranted.

### Greenhouse Gas Emissions

**Letter Comment:** "Therefore, the proposed Project could result in significant impacts to/from GHG emissions and an EIR must be prepared to analyze such effects." (p. 6)

**Response:** As noted previously, an air quality evaluation was undertaken and significance levels for Greenhouse Gases were not exceeded. As such, potentially significant impacts would not result from the proposed project and no further evaluation is required.

### Hazards and Hazardous Materials

**Letter Comment:** "The Initial Study should consider the impacts of potentially 1,845 average daily vehicle trips on the evacuation routes and to access for emergency vehicles." (p. 6)

**Response:** The Initial Study does address the potential impacts caused due to the increase in vehicle trips. The planned roadway system is designed to meet the level of service needs of a commercial development located on this parcel size. With regards to evacuation routes, the Initial Study states the following: "The project will result in higher development intensity of the site than was proposed in the General Plan in 2003. A cul-de-sac road has been planned as future access to the property as part of the adoption of Specific Plan 380 to the north. Keller Road would be realigned and diverted away from the property necessitating an alternative roadway alignment for access. This access arrangement is similar to that provided for the commercial areas planned within Specific Plan 380, since direct vehicle access from properties adjoining Highway 79 is no longer permitted. *The planned circulation system for the area is designed to accommodate future development demand. Should a concern arise due development plans submitted for the property the Transportation Department has the ability to require necessary mitigation to assure the streets will accommodate emergency services and access.*" (Section 22 Hazards and Hazardous Materials)

### Hydrology and Water Quality

**Letter Comment:** "The Initial Study contradicts itself where it states in the Hydrology and Water Quality section there are potential flood hazards impacts from dam inundation, but in the Geology and Soils section it states the Project site is not located within a Dam Inundation zone. This discrepancy must be resolve prior to approval of any environmental document." (p. 6)

**Response:** This is not a true statement. Section 16 Other Geologic Hazards states: "Based on the review of the proposed project by the County Geologist, the