

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



ITEM
19.1
(ID # 5863)

MEETING DATE:

Tuesday, December 5, 2017

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on the Villages of Lakeview Project including General Plan Amendment Nos. 720 and 721, Specific Plan No. 342, Change of Zone No. 7055, Development Agreement No. 73, Ordinance No. 664.60 and Environmental Impact Report No. 471 - Intent to Certify an Environmental Impact Report – Applicant: Nuevo Development Corp. – Representative: Albert A. Webb Associates – Fifth Supervisorial District – Hemet-San Jacinto Zoning District – Lakeview Zoning District – Lakeview/Nuevo Area Plan – Specific Plan No. 342, also known as The Villages of Lakeview, proposes a maximum of 11,350 residential dwelling units and up to 70.5 acres of commercial uses to be constructed within eight (8) Specific Plan Villages on a total of 2,883 acres. General Plan Amendment No. 720 includes a General Plan Technical Amendment, Entitlement/Policy Amendment, a Foundation Component Amendment – Extraordinary, and an Agriculture Foundation Component to modify the land use designations of the project area to match those proposed in the Specific Plan land use plan. General Plan Amendment No. 721 proposes modifications to the Circulation Element of the General Plan. The Change of Zone proposes to change the existing zoning on the site to Specific Plan and adopt a Specific Plan zoning ordinance to establish the permitted uses and development standards for the Specific Plan Planning Areas. The associated Development Agreement No. 73, and associated Ordinance No. 664.60, proposes an agreement between the County of Riverside and the developer of the Specific Plan for development of the Villages of Lakeview. The Development Agreement has a term of 30 years and will grant the developer vesting rights to develop the project in accordance with the terms of the agreement. EIR No. 471 studies the impacts of the project. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **DENY SPECIFIC PLAN NO. 342** as proposed by the applicant, based on the findings incorporated in the attached staff report; and,
2. **TENTATIVELY CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 471**, based on the findings and conclusions incorporated in the EIR, and subject to resolution adoption by the Riverside County Board of Supervisors; and,
3. **TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 720**, consistent with Alternative 7, amending the General Plan Land Use designation for the subject property as reflected in the Specific Plan Land Use Plan, and amending Figure 3 of the Lakeview Nuevo

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Area Plan and other related tables and figures, based upon the findings and conclusions incorporated in the staff report, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

4. **TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 721**, consistent with Alternative 7, amending the General Plan Circulation Element Figures 7 and 8 and other related tables and figures as shown on Exhibits B.2.6B and B.8.18B of the Specific Plan, based upon the findings and conclusions incorporated in the staff report, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,
5. **TENTATIVELY APPROVE ALTERNATIVE 7 AS SPECIFIC PLAN NO. 342**, subject to the attached conditions of approval and based on the findings and conclusions incorporated in the staff report; and, pending adoption of the Specific Plan Resolution by the Board of Supervisors; and,
6. **TENTATIVELY APPROVE CHANGE OF ZONE NO. 7055**, based on the findings and conclusions incorporated in the staff report, pending final adoption of the Zoning Ordinance by the Board of Supervisors; and,
7. **TENTATIVELY APPROVE DEVELOPMENT AGREEMENT NO. 73**, based on the findings and conclusions incorporated in the staff report, pending final adoption of the Development Agreement Ordinance by the Board of Supervisors; and
8. **INTRODUCE, WAIVE FURTHER READING OF, and ADOPT** on successive weeks **ORDINANCE NO. 664.60**, an Ordinance of the County of Riverside Approving Development Agreement No. 73, based upon the findings and conclusions incorporated in the staff report.

ACTION: Policy



Charissa Leach, Assistant TLMA Director

11/22/2017

MINUTES OF THE BOARD OF SUPERVISORS

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment No	
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Continuance from November 14th

On November 14th, the Board of Supervisors closed the public hearing and continued the item to December 5th. At the November 14th hearing, responses to comments and three memorandums related to updated mitigation measures and conditions, public comments, and a fiscal impact analysis were provided to the Clerk of the Board and available to the public but were inadvertently not distributed to the Board of Supervisors during that hearing. In order to ensure the Board of Supervisors receives all pertinent information for review, the project’s public hearing was re-noticed for December 5th. Additionally, the documents described above are attached and are available for review on the Planning Department’s website. Staff has also updated the report package to include the updated mitigation measures and conditions of approval that were discussed at the November 14th hearing and were provided in the memorandum. Staff has also updated the report package to include the updated mitigation measures and conditions of approval that were discussed at the November 14th hearing and were provided in the memorandum.

Environmental Analysis

The Villages of Lakeview project was originally approved and the Final EIR certified on March 23, 2010, by the Board of Supervisors. The approval and EIR were subsequently challenged in a case called Friends of the Northern San Jacinto Valley v. County of Riverside (RIC10007572). On May 16, 2012, the Court issued a decision upholding the EIR on many grounds, but finding six areas in which the EIR was deficient. As part of the Court’s order, the County was required to set aside the project approvals including certification of the EIR, and remedy the parts of the EIR that were held deficient. Nothing in the order required a “new” EIR.

In accordance with the Court’s decision and order, an updated Specific Plan No. 342 and a revised Draft EIR (EIR No. 417) that addresses the six deficiencies identified in the decision, along with other updates to the EIR, were prepared and circulated for public review on September 30, 2016. The revised Draft EIR was sent to the State Clearinghouse on September 30, 2016. The 45-day public review period for the revised Draft EIR was open until November 14, 2016, in accordance with the California Environmental Quality Act (CEQA).

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Draft EIR No. 471 determined that Specific Plan No. 342, and its associated components, with mitigation would result in significant and unavoidable impacts to Aesthetics, Agricultural and Forestry Resources, Air Quality, Cultural Resources, Noise, Population/Housing, Transportation/Traffic, Utilities, and Greenhouse Gas Emissions.

Twenty (20) comments were received during the 45-day public review period and eight (8) comments were received following the close of the public review period. These comments were reviewed and detailed responses to each comment were prepared and included in the Final EIR which was posted on August 7, 2017, and with mailed notices to commenters sent on August 7, 2017.

Specific Plan Alternative 7

Within EIR No 471, Alternative 7 is included as an alternate land use plan that would reduce impacts primarily to traffic with less units and therefore less anticipated trips, as well as associated reductions in impacts to air quality, noise, and greenhouse gas emissions. In consideration of the analysis in the Draft EIR No. 471 that fully addresses Alternative 7 and the comments received on the Draft EIR No. 471, and in consultation with the applicant, County staff is recommending the approval of Alternative 7 in place of the applicant proposed Specific Plan No. 342. Based on EIR No. 471, Alternative 7 is environmentally superior to the project proposed by the applicant. A full version of the Alternative 7 Specific Plan and conditions of approval are included in the staff report for consideration by the Board of Supervisors.

The greatest difference between the applicant proposed Specific Plan No. 342 and Alternative 7 is Alternative 7 reduces the maximum total number of dwelling units from 11,350 to 8,725 for a total reduction of 2,625 dwelling units. This reduction in dwelling units also reduces the overall intensity and impacts of Specific Plan No. 342. Additionally, under Alternative 7, development on the north side of Ramona Expressway shifts from primarily residential with some park and open space to commercial with agriculture and open space areas. This shift in land use incorporates more non-residential uses and will generally reduce the intensity of development within this northern area. This provides for an enhanced transition from Ramona Expressway to the wildlife area as it transitions from areas within the Specific Plan designated as Commercial Office first, then Agriculture, and then areas outside of the Specific Plan designated as Open Space: Conservation Habitat (OS:CH) by the General Plan.

Alternative 7 would also generally result in reduced intensity and reduced impacts since it would decrease the amount of residential trips generated and would increase the potential for residents to be served by services closer which would reduce the amount of vehicle miles traveled. Alternative 7 also adds approximately 146 acres to the western side of Specific Plan No. 342 and removes approximately 49 acres along the eastern side of Specific Plan No. 342 for an overall increase in 97 acres. The areas added consist generally of Planning Areas 1, 2, and 3 (High Density Residential); 16 (Mixed Use); and 29 and 30 (Open Space Recreation) all on the western portion of the Specific Plan; and a portion of Planning Area 50E (Open Space Conservation Habitat) on the south side of the Specific Plan. The area removed consisted of

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the previously proposed Planning Area 77 which included High Density Residential. The applicant's proposed project would increase the length of the undercrossing that is part of the Riverside County Transportation Commission's Mid-County Parkway (MCP) project, in order to accommodate JJ Street and to facilitate wildlife movement along PCL-20. In contrast, Alternative 7 does not include JJ Street; therefore, eliminates the need to extend the MCP undercrossing. As such, Alternative 7 reduces impacts to wildlife movement at the undercrossing compared to the proposed project, by limiting the distance for wildlife to cross under the roadway.

Development Agreement No. 73

The Development Agreement has a term of 30 years. Within that time period the agreed upon provisions would apply to development of the Villages of Lakeview. Provisions include vesting rights to develop the Specific Plan in accordance with the terms of the agreement. In exchange, the County would receive certain public benefits, which go beyond the basic requirements of the County or mitigation measures as included within the Environmental Impact Report. These public benefits include the following:

- meeting a 5 acres of parkland per 1,000 residents for the project;
- funding expansion of library facilities;
- providing community room space for access by the County;
- implementing a Smart Shuttle program to connect to the Metrolink Perris Valley Line;
- equipping existing fire station and setting aside land and equipping a new fire station;
- providing right-of-way for the Mid-County Parkway;
- payment of fees to go toward transportation facilities within the County of Riverside and other cities;
- provision of infrastructure for broadband capability;
- preservation of agricultural space;
- provision of affordable housing; and
- contribution of additional funding to be utilized by the County.

Village Refinement Plan

Currently, Specific Plan No. 342 establishes a general framework for the type and intensity of development and the general backbone circulation infrastructure in a given Village or Planning Area. To allow flexibility given the longer timeframe for development to accommodate for changes in market demands, Specific Plan No. 342 does not dictate specific design guidelines at a smaller level related to circulation, walls/fencing, entry monuments, building architecture, park design/features and other similar elements. Implementing projects within a Specific Plan Village will be required to submit a Village Refinement Plan which would provide more details on the appropriate design guidelines to apply to a particular Village designated within the Specific Plan. The Village Refinement Plan would be processed, at a minimum, through a Specific Plan Substantial Conformance Application, which would be considered concurrently with the

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implementing Development Application (i.e., Tentative Tract Map, Plot Plan, Conditional Use Permit, etc.).

Trail Description

As it relates to the description for General Plan Amendment No. 721, based on revisions to the trails plan for the Specific Plan pursuant to requests by the California Department of Fish & Wildlife, the description should be amended as shown below from the description included in the Planning Commission Staff Report with new text shown in underline and bold and deleted text shown in strikeout and bold.

GENERAL PLAN AMENDMENT NO. 721 as proposed by the applicant, proposes modifications to the Circulation Element of the General Plan. The project will include upgrading and downgrading numerous existing and proposed roadway classifications and trails shown on the current circulation element plan for the Lakeview/Nuevo Area Plan to match the circulation plan as proposed by the Specific Plan. In particular the changes are as listed below:

1. Elimination of 9th Street/Yucca Avenue as a through street from the project boundary easterly;
2. Rerouting 10th Street/Wolfskill Avenue as a Secondary roadway east of Hansen Avenue;
3. Elimination of Bridge Street, 3rd Street, 5th Street, and 6th Street within the Specific Plan boundaries, and will not have direct access to Ramona Expressway, as access to Ramona Expressway will be shifted to Town Center and Park Center Boulevards;
4. Additional detailed modifications to standard County roadway cross sections for roads within the Specific Plan;
5. Modify the current trail alignments within the Specific Plan area and propose a 10-12 foot Multi-Purpose Community Trail **(restricted use)** that would **border the northern boundary of the commercial office planning areas and form a loop allow for horses** along the north side of the project. **Potential future connections to County-proposed trails east and west of the project site may occur with additional consultation and agreement between the County and off-site property owners and connect to the Combination trail along the San Jacinto River and to Ramona Expressway**
6. Implement a portion of a Community Trail ~~**(restricted use)**~~ above the portion of the California Aqueduct that extends east to west through the Specific Plan area. The area for the trail above the aqueduct is owned and operated by the Metropolitan Water District and any use of the easement area above the aqueduct for trails would be subordinate to the MWD water conveyance use.
7. A policy amendment to General Plan Circulation Element Policy C 2.1 to expressly confirm the County's authority to accept Level of Service (LOS) D in certain Area Plans. In addition, the Board of Supervisors may, on occasion, approve a project that fails to meet the General Plan LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an

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Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. This is the same language that exists in the General Plan as currently adopted and amended as part of the County's 2015 General Plan. However, the County's approval of GPA No. 960 is currently being challenged. Since the outcome of the litigation related to GPA No. 960 is unknown, General Plan Amendment No. 721 restates this policy language so it will be part of the County's General Plan regardless of the litigation outcome. With the inclusion of Policy C 2.1, Specific Plan No. 342 is consistent with the General Plan's Circulation Element.

Mitigation Measure/Condition of Approval Refinement

Prior to the Planning Commission hearing on October 18, 2017, the California Department of Fish & Wildlife requested further modifications to certain Mitigation Measures and Conditions of Approval for the project related to certain provisions to minimize potential impacts to the San Jacinto Wildlife Area and other conserved areas. At this time, staff is continuing discussions with the California Department of Fish & Wildlife, including the wording of these Mitigation Measures and Conditions of Approval.

Impact on Residents and Businesses

All potential project impacts have been studied under CEQA and noticed to the public pursuant to the requirements of the County.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant; there is no General Fund obligation.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Planning Commission Minutes**
- B. Planning Commission Staff Report**
- C. Specific Plan No. 342 Applicant Proposed**
- D. Specific Plan No. 342 Alternative 7**
- E. Change of Zone No. 7055 Map and Specific Plan Zoning Ordinance**
- F. Draft Environmental Impact Report**
- G. Final Environmental Impact Report**
- H. Ordinance No. 664.60 and Development Agreement**
- I. Public Comments and Responses**
- J. Indemnification Agreement**
- K. Fiscal Impact Analysis**
- L. Memorandum to Board of Supervisors**

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Melissa Noone, Associate Management Analyst 11/27/2017