



# RIVERSIDE COUNTY PLANNING DEPARTMENT

**AGENDA  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 22, 2021  
RIVERSIDE COUNTY PLANNING COMMISSION  
COUNTY ADMINISTRATIVE CENTER  
1st Floor Board Chambers  
4080 LEMON STREET, RIVERSIDE, CALIFORNIA 92501**

<b>1<sup>st</sup> District</b>	<b>2<sup>nd</sup> District</b>	<b>3<sup>rd</sup> District</b>	<b>4<sup>th</sup> District</b>	<b>5<sup>th</sup> District</b>
Carl Bruce Shaffer Chairman	David Leonard Vice-Chairman	Gary Thornhill	Bill Sanchez	Eric Kroencke

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Pursuant to Government Code Section 54953(b) and Executive Order N-25-20, this meeting will be conducted by teleconference and at the place of hearing, as listed above. Public access to the meeting location will be limited to comply with the Executive Order. Public Comments will be accepted remotely via teleconference.

Any person wishing to speak must complete a "Speaker Identification Form" at least 24 hours in advance. To submit your request to speak remotely please visit: [planning.rctlma.org/Speak](http://planning.rctlma.org/Speak) and complete the electronic form. You will receive an email confirming your request that will provide further instructions. Additional information is available on the Planning Department website.

Any person wishing to make a presentation that includes printed material, video or another form of electronic media must provide the material to the Project Planner at least 48 hours prior to the meeting.

In compliance with the Americans with Disabilities Act, if you require reasonable accommodations please contact Elizabeth Sarabia, TLMA Commission Secretary, at (951) 955-7436 or email at [esarabia@rivco.org](mailto:esarabia@rivco.org). Requests should be made at least 72 hours prior to the scheduled meeting.

**9:00 AM**

**CALL TO ORDER:**

**SALUTE TO THE FLAG**

- 1 CONSENT CALENDAR 9:00 A.M. OR AS SOON AS POSSIBLE THEREAFTER PRESENTATION AVAILABLE UPON COMMISSIONER'S REQUEST)**
- 2 GENERAL PLAN AMENDMENT INITIATION PROCEEDINGS: 9:00 A.M. OR AS SOON AS POSSIBLE THEREAFTER (PRESENTATION AVAILABLE UPON COMMISSIONER'S REQUEST)**
- 3 PUBLIC HEARING - CONTINUED ITEMS: 9:00 A.M. OR AS SOON AS POSSIBLE THEREAFTER.**

3.1 17229 CONDITIONAL USE PERMIT NO. 200032 and DEVELOPMENT AGREEMENT NO. 2000015 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061(b)(3) (Common Sense Exemption) – CEQ200070 – Applicant: Higher Point Cannabis – Second Supervisorial District – West Corona Zoning Area – Temescal Canyon Area Plan: Community Development: Commercial Retail (CD-CR) (0.20 – 0.35 FAR) – Location: Northerly of Frontage Road, southerly of W. 6th Street, and westerly of Paseo Grande – 0.28 Acres – Zoning: General Commercial (C-1/C-P) – REQUEST: Conditional Use Permit No. 200032 proposes to use an existing 1,748 sq. ft. building as a cannabis retail storefront location and will include tenant improvements to the existing building and site. Development Agreement No. 2000015 would impose a lifespan on the proposed cannabis project and provide community benefit to the West Corona area. APN's: 102-250-057 and 102-250-059. Continued from August 18, 2021.

#### **4 PUBLIC HEARING - NEW ITEMS: 9:00 A.M. OR AS SOON AS POSSIBLE THEREAFTER**

4.1 17201 CONDITIONAL USE PERMIT NO. 190021 – Intent to Adopt a Mitigated Negative Declaration – CEQ190095 – Determination of Public Convenience and Necessity. Applicant: ADMG, Inc. c/o Ash Etemadian – Engineer/Representative: Adkan Engineers c/o Mitch Adkison – First Supervisorial District – Woodcrest Zoning District – Lake Mathews/Woodcrest Area Plan: Community Development: Commercial Retail (CD-CR) – Location: Northerly of Van Buren Boulevard, southerly of Iris Avenue, easterly of Chicago Avenue, and westerly of Little Court – 2.84 Acres – Zoning: Scenic Highway Commercial (C-P-S) – REQUEST: Conditional Use Permit No. 190021 is a proposal for the development of a gas station on 1.5-acres of a 2.8-acre lot, with the residual 1.3 acres to remain vacant. The scope of the proposal includes a canopied fuel pumping station with 16 fueling positions for vehicles, a 3,800 sq. ft. convenience store, and a 1,692 sq. ft. detached drive-thru carwash. The convenience store would include the sale of beer and wine for off-site consumption. To provide sufficient on-site parking for customers and employees, the project site has provided 29 parking spaces including: two (2) ADA and two (2) electrical vehicle parking spaces, and nine (9) parking spaces with vacuum stations, in front of the drive-thru carwash. Landscaping will be included throughout the site, as well as a retention basin. APN 266-020-001.

4.2 17231 CONDITIONAL USE PERMIT NO. 190014 and NOISE ORDINANCE EXCEPTION NO. 2100002 – Intent to Adopt a Mitigated Negative Declaration – CEQ190083 – Owner: Isaac Sloan – Applicant: Aaron Cooke – First Supervisorial District – Mead Valley Area Plan – Rural Mountainous (RM) and Rural Residential (RR) General Plan Designations – Good Hope Zoning Area – Zoning: Rural Residential (R-R) – Location: Northerly of Ethinac Road, westerly of Highway 74, and southerly of Olive Avenue – 90.56 Acres – REQUEST: This Conditional Use Permit is to permit a Recreational Motocross park consisting of up to five (5) motocross tracks, a retail parts store, a snack bar, garage, an events hall, two (2) pro race shops, a viewing deck, administration building, motorcycle storage, associated parking, ticket booth, bioretention basin, bike wash, five (5) associated parking areas, an R.V. parking area for overnight dry-camping use, bathrooms, and shower area. The motocross project will host local racing events. The project will be built in three (3) phases based on available funds. The existing residence will remain onsite and used as a caretaker unit. The noise ordinance exception proposes to grant an exception to Ordinance No. 847 Section 4. The overall daytime operational noise level is below the daytime noise limit of 65 dBA Leq that is set by the General Plan Noise Element. APN's: 345-020-011 and 345-020-016.

- 4.3 17055 PLOT PLAN NO. 180032 (PPT180032) - Consider Addendum to Environmental Impact Report No. 466– Applicant: Majestic Realty – Representative: T&B Planning – First Supervisorial District – North Perris Zoning Area – Mead Valley Area Plan: Community Development: Light Industrial – Location: West of Harvill Avenue, south of Old Oleander Avenue, east of Decker Road, and north of Markham Street – 19.41 Gross Acres – Zoning: Industrial Park (I-P) and Manufacturing–Service Commercial (M-SC) – REQUEST: The Plot Plan is a proposal for the construction and operation of a 347,672 square foot warehouse/distribution/manufacturing development on 19.41-acres (gross), identified as Building 19. The building consists of 27,814 square feet of office area with the remaining 319,858 square feet as warehouse. – APN: 314-051-015. Project Planner: Russell Brady at (951) 955-3025 or email at RBrady@rivco.org
- 4.4 17132 CONDITIONAL USE PERMIT NO. 200045 and DEVELOPMENT AGREEMENT NO. 2000023 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301(l)(3) (Existing Facilities) and Section 15061(b)(3) (Common Sense Exemption) - Applicant: Brook Duquesnel – Engineer/Representative: Sam Pakbaz– Second Supervisorial District – Temescal Canyon Area Plan: Light Industrial (LI) – Location: 13445 Estelle Street, Corona, CA. – 1.73 Gross Acres – Zoning: Manufacturing- Service Commercial (M-SC) REQUEST: To authorize commercial cannabis activity within a 36,450 square foot industrial building to include Cannabis Cultivation, a Cannabis Retailer and Cannabis Distribution Facilities with parking, landscaping and other improvements, and to demolish interior mezzanine area and an outdoor enclosure. - APNs: 115-300-028, - 029
- 4.5 17197 APPEAL of the PLANNING DIRECTOR’S DECISION TO APPROVE PLOT PLAN NO. 190024 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) – Applicant: Gumaro J. Vasquez – Engineer/Representative: Adkan Engineers – First Supervisorial District – Lake Mathews/Woodcrest Area Plan – Woodcrest Zoning District – Rural Community: Very Low Density Residential (RC-VLDR) – Location: Northerly of Valle Vista Way, westerly of Kellen Court, southerly of Hermosa Drive and easterly of Cayuse Court – 1.29 Net Acres – Zoning: Light Agriculture – 1 Acre Minimum (A-1-1) – REQUEST: Plot Plan No. 190024 is a proposal to convert an existing 3,050 sq. ft. two-story detached garage into a Class II Dog Kennel for up to 25 dogs in total, on 1.29 acres. Outside the detached kennel building the Class II Dog Kennel site includes a dog exercise and play area which is enclosed by an existing 6-foot-high vinyl fence. Food and water troughs provided inside the detached kennel building. The remainder of the project site contains a residential dwelling for the kennel owner and a 6-foot-high fenced in area for the residential pool. The project site perimeter is enclosed by either a 6-foot-high chain-link fence or vinyl fence. The proposed Class II kennel will not be open to the public. Customers purchase dogs online and delivery of the dogs are managed offsite. APN: 245-100-048

**5 WORKSHOPS:**

**NONE**

**6 RIVERSIDE COUNTY ADVISORY REDISTRICTING COMMISSION**

- 6.1 17271 EXECUTIVE OFFICE TECHNICAL COMMITTEE: Riverside County 2021 Redistricting Update. All Districts [\$0]

**7 ORAL COMMUNICATIONS ON ANY MATTER NOT ON THE AGENDA**

**8 PLANNING DIRECTOR’S REPORT**

**9 PLANNING COMMISSIONER’S COMMENTS**



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**Agenda Item No.**

(ID # 17229)  
**MEETING DATE:**  
**Wednesday, September 22, 2021**

**SUBJECT:** CONDITIONAL USE PERMIT NO. 200032 and DEVELOPMENT AGREEMENT NO. 2000015 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061(b)(3) (Common Sense Exemption) – CEQ200070 – Applicant: Higher Point Cannabis – Second Supervisorial District – West Corona Zoning Area – Temescal Canyon Area Plan: Community Development: Commercial Retail (CD-CR) (0.20 – 0.35 FAR) – Location: Northerly of Frontage Road, southerly of W. 6th Street, and westerly of Paseo Grande – 0.28 Acres – Zoning: General Commercial (C-1/C-P) – REQUEST: Conditional Use Permit No. 200032 proposes to use an existing 1,748 sq. ft. building as a cannabis retail storefront location and will include tenant improvements to the existing building and site. Development Agreement No. 2000015 would impose a lifespan on the proposed cannabis project and provide community benefit to the West Corona area. APN’s: 102-250-057 and 102-250-059. Continued from August 18, 2021.

**PROPOSED PROJECT**

Case Number(s):	CUP200032 & DA2000015
Environmental Type:	Exemption
Area Plan No.	Temescal Canyon
Zoning Area/District:	West Corona Area
Supervisorial District:	Second District
Project Planner:	Gabriel Villalobos
Project APN(s):	102-250-057 & 102-250-059
Continued From:	8/18/2021



John Hildebrand, Planning Director 9/16/2021

**PROJECT DESCRIPTION AND LOCATION**

Conditional Use Permit No. 200032 (CUP200032) proposes to use an existing 1,748 square foot building as a storefront cannabis retailer with office space for the cannabis business and will include tenant improvements to the existing building and site. In addition, the cannabis retailer shall also offer mobile deliveries during normal business hours.

Development Agreement No. 2000015 (DA2000015) will impose a lifespan of 10 years on the proposed cannabis project, will grant the applicant vesting rights to develop the Project in accordance with the terms of CUP200032 and DA2000015, and provides community benefits to the West Corona Area.

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The project is located north of Frontage Rd, south of W 6th St, and west of Paseo Grande.

The above is hereinafter referred to as the “Project” or “project”.

<b>PROJECT RECOMMENDATION</b>
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**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION:**

**CONTINUE** the proposed project to **October 6, 2021** to provide additional time to finalize revised project exhibits.

<b>PROJECT DATA</b>
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**Land Use and Zoning:**

Existing General Plan Foundation Component:	Community Development (CD)
Existing General Plan Land Use Designation:	Commercial Retail (CR)
Surrounding General Plan Land Uses	
North:	City of Corona
East:	City of Corona
South:	Commercial Retail (CR), Medium Density Residential (MDR)
West:	City of Corona
Existing Zoning Classification:	General Commercial (C-1/C-P)
Surrounding Zoning Classifications	
North:	City of Corona
East:	City of Corona
South:	General Commercial (C-1/C-P), One-Family Dwellings (R-1)
West:	City of Corona
Existing Use:	Commercial
Surrounding Uses	

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	North:	Commercial
	South:	Vacant, Residential
	East:	Commercial
	West:	Vacant

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	0.28 acres	N/A
Existing Building Area (SQFT):	1,748 sq. ft.	N/A
Building Height (FT):	18 ft.	50 ft. max. height

**Parking:**

<i>Type of Use</i>	<i>Building Area (in SF)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Cannabis Retailer	1,748	1 space/200 sq. ft. of gross floor area	9	13
<b>TOTAL:</b>	<b>1,748</b>		<b>9</b>	<b>13</b>

**Located Within:**

City's Sphere of Influence:	Yes – City of Corona
Community Service Area (“CSA”):	Yes – 21 – Coronita
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes – Low
Subsidence Area:	Yes – Susceptible
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	No
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat (“SKR”) Fee Area:	No
Airport Influence Area (“AIA”):	No

**PROJECT BACKGROUND AND ANALYSIS**

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**Background:**

*Project Details*

The proposal is for the use of an existing 1,748-square-foot building for a Commercial Cannabis Retail Storefront in the West Corona area of Riverside County. The existing building will be remodeled and shall include both interior and exterior tenant improvements to the building, in addition to, the updating of signage on the exterior of the building and parking lot with updated landscaping a new fencing around the property.

The renovations proposed as part of the conditional use permit include tenant improvements such as new partitions and electrical work to the interior of the existing building to establish the lobby, retail area, office and storage space for the proposed Cannabis Retailer. The exterior renovations will include demolishing the storage on the western side of the existing building and remodeling the façade with a new stucco finish, trim, signage for the business, new tempered-glass windows/entrance, and new metal awnings over the entrance and exit. In addition, the parking lot will be redeveloped with thirteen (13) new parking spaces, new landscaping, a new trash enclosure, lighting, and new combination wrought iron and block wall fencing with pilasters.

The proposed Cannabis Retail Store would operate between the hours of 6 AM to 10 PM, 7 days a week, in compliance with the County of Riverside Ordinance No. 348 Section 19.505.K. The cannabis retail storefront would have approximately five (5) employees on site per shift, in addition to security personnel stationed on site 24/7 and management personnel. The proposed project shall include deliveries and shall operate between the normal hours of operation between 7 AM and 9 PM.

The parking requirement for the Cannabis Retail Storefront is 1 space per 200 square feet of gross floor area, the listed size of the retail portion of the building is 1,748 square feet which would equal a total of 9 parking spaces required for the proposed Cannabis Retailer. Overall, there are a total of thirteen (13) parking spaces that are proposed for the cannabis business and one (1) space designated for persons with disabilities, meeting the standards set forth in Section 18.12.C of Ordinance No. 348.

*General Plan Consistency*

The project site has a General Plan Foundation Component of Community Development (CD) and a Land Use Designation of Commercial Retail (CR). The Community Development General Plan Foundation Component depicts areas where urban and suburban development is

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appropriate. It is the intent of this Foundation Component to provide a breadth of land uses that foster variety and choice, accommodate a range of lifestyles, living and working conditions, and accommodate diverse community settings. The goal is to accommodate a balance of jobs, housing, and services within communities to help achieve other aspects of the RCIP Vision, such as mobility, open space, and air quality goals.

The Commercial Retail (CR) land use designation provides for the emphasis on general uses such as grocery stores, drug stores, and other retail outlets. The project is consistent with the Community Development General Plan Foundation Component and Commercial Retail Land Use Designation as it would provide retail, community services and job opportunities within the surrounding community.

Zoning Consistency

The project site is zoned for General Commercial (C-1/C-P). Pursuant to Ordinance No. 348, Article XIXh, Section 19.518, Cannabis Retailers are allowed in the C-1/C-P zone with an approved conditional use permit. The applicant has submitted this CUP application to ensure compliance with all applicable development standards and regulations. As further described in the findings section, the project meets all the applicable development standards for the C-1/C-P zone and those set forth in Section 19.519 of Ordinance No. 348, including design, height, setbacks, and parking requirements.

Continued Item

On August 18, 2021, the proposed project was heard by the Planning Commission. During the deliberation, several concerns were discussed regarding the proposal including traffic impacts, overall location, and parking. After the public comments, the commissioners motioned to continue the item to the date certain of September 22, 2021. The commissioners voted 4-0 (Commissioner Shaffer absent) in favor of continuing the hearing item. 2<sup>nd</sup> District commissioner David Leonard requested that the applicant hold a meeting off calendar with the supervisor's office to discuss updates to the project to be made prior to the next hearing date, that meeting was held on August 24, 2021.

The applications for Development Agreement No. 2000015 and Conditional Use Permit No. 200032 were submitted to the County of Riverside on September 10, 2020.

**ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS**

This project is exempt from the California Environmental Quality Act (CEQA) review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities), Class I. Class 1 consists of the



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operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include the interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The proposal for CUP200032 includes the renovation of an existing 1,748 square foot building previously used as a beauty salon to be used as a Cannabis retail storefront. Renovations proposed include interior partitions as well as facade improvements to the exterior of the building. In addition, this exemption also allows for the demolition and removal of small structures including “a store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.” The proposed project also includes the demolition and removal of a storage area attached to the western portion of the existing building. Under this categorical exemption, the described demolition would be exempted as the project is located within an urbanized area and the primary existing commercial structure would remain intact.

This proposed project is also exempt from California Environmental Quality Act (CEQA) review pursuant to State CEQA Guidelines Section 15061 (b)(3) (Common Sense Exemption), which provides the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed Project will continue to utilize the site as a commercial land use and will not result in any additional impacts related to traffic, air quality, or public safety, beyond what already occurs at the existing commercial retail establishment. As the land is already developed, there are no potential impacts related to aesthetics, biological and cultural resources, hydrology, or other similar potential impacts as no grading activities are proposed and façade and other tenant improvements are included to renovate and improve the site. Lastly, as the State has created various rules and regulations as they relate to cannabis waste, particularly for cannabis cultivators, there are no impacts related to cannabis as a hazardous waste as it relates to the commercial selling of cannabis (the State actually treats cannabis as an organic waste, versus a hazardous waste). Therefore, the project meets the requirements for CEQA exemption per Section 15061(b)(3) as there is no potential that the Project as proposed would have a significant physical impact on the environment.

None of the exceptions pursuant to State CEQA Guidelines Section 15300.2 apply. The Project would not have a significant effect on the environment due to unusual circumstances; would not result in a cumulative impact; would not impact any historic resources; and is not located on a hazardous site or location. The proposed cannabis related use does not present any unusual circumstances since it would present similar environmental impacts compared to any other retail use that would be permitted to occupy the project site. Since all impacts of the proposed use

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would be similar to other uses that would occupy the space, all potential cumulative impacts of this use were also previously addressed in the prior approvals. No historic resources are known to exist on the site that could be impacted since the site is recently developed. The site is not known to be located on a hazardous site based on available data. Additionally, since the State has created various rules and regulations as they relate to cannabis waste, particularly for cannabis cultivators, there are no impacts related to cannabis as a hazardous waste as it relates to the commercial selling of cannabis (the State actually treats cannabis as an organic waste, versus a hazardous waste). The proposed location of the cannabis business is not within an environmentally sensitive area and the use would be permitted as it meets all general plan, zoning, and distance requirements as established through the Cannabis ordinance for Riverside County. Lastly, the project shall also have no impact on scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway as it is not located near a scenic highway. Accordingly, there are no exceptions to the above categorical exemptions that would prevent them from applying.

**FINDINGS AND CONCLUSIONS**

**In order for the County to approve the proposed project, the following findings are required to be made:**

**Land Use Findings:**

1. The project site has a General Plan Foundation Component of Community Development and Land Use Designation of Commercial Retail (CD: CR). The proposed project is consistent with the land use designation as the project addresses General Plan policy LU 29.1 which states “accommodate the development of commercial uses in areas appropriately designated by the General Plan and area plan land use maps” as the use is in an appropriately designated area that is consistent with the surrounding land uses. The location for the proposed project provides both the appropriate land use designation and zoning and is surrounded by commercial land uses to the north, east and west and is separated by a street from the residences to the south. In addition, the project also meets policy LU 29.6, which states “require that commercial projects abutting residential properties protect the residential use from the impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards.” The project has performed the necessary steps to protect the adjacent residential properties including implementing an air filtration system to mitigate any possible nuisance odors from being detected offsite, shielding/directing any lighting fixtures from spilling light onto adjacent properties, and providing 24/7 security personnel to deter possible criminal activity and loitering.

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The project is also consistent with the Temescal Canyon Area Plan as the project addresses the area plan policy TCAP 9.1 which states, “require development within the Second Supervisorial District to adhere to standards detailed in the Design and Landscape Guidelines for Development in the Second Supervisorial District”. This policy is met as the policy incorporates elements of the second district design guidelines including the proposed fencing for the perimeter of the parcel which includes a combination wrought iron and block wall fence with pilasters to provide a more decorative element to the development.

The Commercial Retail land use designation provides for the emphasis on general uses such as grocery stores, drug stores, and other retail outlets. The proposed project is consistent with this land use designation because the project will provide local and regional retail services. Additionally, the Community Development General Plan Foundation Component depicts areas where urban and suburban development is appropriate. It is the intent of this Foundation Component to provide a breadth of land uses that foster variety and choice, accommodate a range of lifestyles, living and working conditions, and accommodate diverse community settings. The goal is to accommodate a balance of jobs, housing, and services within communities to help achieve other aspects of the RCIP Vision, such as mobility, open space, and air quality goals.

The project is consistent with the Community Development General Plan Foundation Component and Commercial Retail Land Use Designation as the project would provide community services and job opportunities within the surrounding community, fulfilling the goals of the Vision Statement of the General Plan, particularly by helping expand emerging markets and associated employment, which includes the cannabis industry. This economic diversity also helps the County reach its stated economic development principles as discussed in the General Plan, by furthering local job opportunities; providing a unique mix of uses and a continued and expanded market for retail products; and stimulating growth of small businesses

2. The project site has a Zoning Classification of General Commercial (C-1/C-P), which is consistent with the Riverside County General Plan, including the applicable Foundation Component and Land Use Designation identified above because the C-1/C-P Zone conditionally allows specified retail uses which implements the CD: CR General Plan Land Use Designation that encourages local and regional retail and services.
3. The proposed use, a cannabis retail storefront with deliveries, is allowed within the C-1/C-P zone per Section 19.518.A.2 of Ordinance No. 348 with an approved conditional use permit. Pursuant to various sections of Ordinance No. 348, as described in greater detail below in this staff report, the proposed project meets all of the conditional use permit findings, the development standards of the C-1/C-P Zoning Classification, permit requirements for all

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commercial cannabis activities, cannabis retailer minimum standards, and cannabis distribution facilities standards.

4. The uses surrounding the project site include a variety of commercial uses including a shopping center to the east that contains some food establishments and a hardware store, a gas station to the north, a vacant parcel to the west, along with some single-family residences to the south. The parcels surrounding the project site to the north, east and west are within the City of Corona's boundaries and the parcel to the south is zoned One-Family Dwellings (R-1). In addition, the cannabis retailer complies with the setback standard of the zone in which it is located, also taking into consideration the residentially zoned parcel to the south, which is located approximately 140 feet away exceeding the 40-foot setback requirement. As a result, the project use is compatible with the surrounding uses as it meets the minimum development standards as defined through Ordinance No. 348 as the existing building is setback more than 40 feet from the residentially zoned parcel.

**Conditional Use Permit Findings:**

The following findings shall be made prior to making a recommendation to grant a Conditional Use Permit pursuant to the provisions of Riverside County Ordinance No. 348 (Land Use):

1. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. The proposed commercial cannabis activity will be located in an existing commercial structure. The proposed use is a retail storefront for a commercial cannabis activity. The use is a commercial use that may be established in the General Plan Foundation Component of Community Development and Commercial Retail (CR) land use designation (CD: CR). The project is conditioned to meet applicable State law and ordinances of Riverside County. The project is required to comply with all State cannabis licensing requirements and shall apply for the appropriate cannabis license within six (6) months of the Conditional Use Permit Approval. Failure to do so will terminate conditional use permit approval.
2. The proposed use will not be detrimental to the health, safety, or general welfare of the community as the project has been reviewed by County departments specifically for these concerns and has received departmental approvals, while having been designed and conditioned to protect the health, safety, and general welfare of the community. Based on the findings included in this staff report and with compliance with the conditions set forth in the advisory notification document and conditions of approval, the proposed project will not be detrimental to the health, safety or general welfare of the community and is subject to those conditions necessary to protect the health, safety, and general welfare of the community.

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3. The proposed project conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding property, as the project site is located on a parcel that supports the proposed development while being consistent with both the General Plan and zoning ordinance. The project site is located on a parcel that is surrounded to the north, east and west by commercial uses and land that is designated for commercial use within the City of Corona. In addition, the land to the south is designated as One-Family Dwellings (R-1) but has been fenced and screened off to prevent any exposure to the proposed use as the fronts of those residences face south away from the proposed use in addition to located approximately 140 feet away from the nearest residentially zoned property line, exceeding the setback requirement. The proposed use, a cannabis retail storefront, would provide community benefits and retail services for the surrounding community. Therefore, the proposed project conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.
  
4. The plan for the proposed use 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. The proposed project has been reviewed and conditioned to improve the driveway at the public right-of-way per county standards. The Transportation department did not request any dedication or improvements related to sidewalks for the proposed project and conditioned the project to ensure proper channelization shall be constructed at the driveway to restrict left in and left out vehicular movement at the only ingress/egress for the subject parcel. In addition, the parcel was previously developed and as such there are no topographical or drainage conditions to be addressed on the parcel that would require the construction of new facilities.
  
5. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel. Under the current CUP application, this requirement does not apply as there are no additional structures being proposed, as such no condition is required.

**Permit Requirements for All Commercial Cannabis Activities:**

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1. Section 19.505 of Ordinance No. 348 sets forth requirements that all Commercial Cannabis Activities, including commercial cannabis retailers, must comply with, including, among others, submitting an appropriate application, obtaining and maintaining a state license, being sited and operated in such a way that controls odors, being limited in hours of operation, and implementing sufficient security measures. All these requirements have either already been met or are required in the attached project's Conditions of Approval or Advisory Notification Document which are incorporated herein by this reference. Specifically, Planning. 6, Planning. 9, Planning. 14 and Planning. 15 of the Advisory Notification Document address odors, hours of operation and security, and other requirements of Section 19.505.
  
2. While security has been raised as a concern relating to cannabis-related activities, a standard condition of approval or requirement of the Advisory Notification Document (Planning. 14 and 15) requires sufficient security measures to deter and prevent the unauthorized entrance into areas containing Cannabis or Cannabis Products, to deter and prevent theft of Cannabis or Cannabis Produces, and to ensure emergency access in accordance with applicable Fire Code standards. These requirements include the following:
  - a) A plan to prevent individuals from loitering on the lot if they are not engaging in activity expressly related to the Commercial Cannabis Activity.
  
  - b) 24-hour emergency contact information for the owner or an on-site employee which shall be provided to the County.
  
  - c) A professionally installed, maintained, and monitored alarm system.
  
  - d) Except for Live Cannabis Plants being cultivated at a cultivation facility and limited amounts of Cannabis for display purposes, all Cannabis and Cannabis Products shall be stored in a secured and locked structure and in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.
  
  - e) 24-hour security surveillance cameras to monitor all entrances and exits to a Commercial Cannabis Activity, all interior spaces within the Commercial Cannabis Activity that are open and accessible to the public, and all interior spaces where Cannabis, cash or currency is being stored for any period of time on a regular basis. The permittee for a Commercial Cannabis Activity shall be responsible for ensuring that the security surveillance camera's footage is accessible. Video recordings shall be maintained for a minimum of 90 days and shall be made available to the County upon request.

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- f) Sensors shall be installed to detect entry and exit from all secure areas.
- g) Panic buttons shall be installed in all Commercial Cannabis Activities.
- h) Any bars installed on the windows or the doors of a Commercial Cannabis Activity shall be installed only on the interior of the building.
- i) Security personnel must be licensed by the State of California Bureau of Security and Investigative Services.
- j) A Commercial Cannabis Activity shall have the capability to remain secure during a power outage and all access doors shall not be solely controlled by an electronic access panel to ensure locks are not released during a power outage.
- k) A Commercial Cannabis Activity shall cooperate with the County and, upon reasonable notice to the Commercial Cannabis Activity, allow the County to inspect or audit the effectiveness of the security plan for the Commercial Cannabis Activity.
- l) The permittee for a Commercial Cannabis Activity shall notify the Riverside County Sheriff's Department immediately after discovering any of the following:
  - a. Significant discrepancies identified during inventory.
  - b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Activity or any agent or employee of the Commercial Cannabis Activity.
  - c. The loss or unauthorized alteration of records related to Cannabis, registering qualifying patients, primary caregivers, or employees or agents of the Commercial Cannabis Activity.
  - d. Any other breach of security.
- m) Firearms shall not be permitted at a Commercial Cannabis Activity by an owner, manager, employee, volunteer or vendor other than those individuals authorized as a State Licensed Security personnel.
- n) Cannabis or Cannabis Products shall not be stored outside at any time.

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With implementation of these required measures, security concerns relating to the Commercial Cannabis Activity have been fully addressed.

**Cannabis Retailer Minimum Standards:**

*General Location*

1. *Cannabis Retailers shall not be located within 1,000 feet from any Child Day Care Center, K-12 school, public park, or Youth Center. Distance shall be measured from the nearest point of the respective lot lines using a direct straight-line measurement. A new adjacent use will not affect the continuation of an existing legal use that has been established under this Article and continuously operating in compliance with the conditional use permit, and local and State laws and regulations. This location requirement may be modified with the approval of a variance pursuant to Section 18.27 of Ordinance No. 348. In no case shall the distance be less than allowed by State law. The project is not located within 1,000 feet from any Child Day Care Center, K-12 school, public park, or Youth Center. No variance has been approved allowing a shorter distance but not less than allowed by State law. This standard is met because a radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and has not identified any Child Day Care Center, K-12 school, public park, or Youth Centers within 1,000 feet of the site.*
2. *Cannabis Retailers shall not be located within 1,000 feet of any other Cannabis Retailer. Per Section 19.519.A.2 of Ordinance No. 348, Cannabis Retailers shall not be located within 1,000 feet of any other Cannabis Retailer. As of the writing of this staff report, no other approved or active conditional use permits have been identified within the 1,000-foot buffer area of the project site based off of radius map prepared by Riverside County Geographic Information Systems.*
3. *Cannabis Retailers shall not be located within 500 feet of a smoke shop or similar facility. The project is not located within 500 feet of a smoke shop or similar facility because a radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and has not identified any smoke shop or similar facility within 500 feet of the site.*
4. *Cannabis Retailers shall not be located on a lot containing a residential dwelling unit. The project is not located on a lot containing a residential dwelling unit as the current existing building onsite was redeveloped from a residential dwelling to a commercial building through Plot Plan No. 03013 (PP03013) which established the building as a commercial property and was approved on July 19, 1977.*

*Setbacks*



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5. *All Cannabis Retailers shall comply with the setback standards for the zone classification they are located in, except when adjacent to a residential zone where the minimum setback from the residentially zoned lot lines shall be 40 feet.* The project is located within the General Commercial (C-1/C-P) zone which states there are no yard requirements for buildings which do not exceed 35 feet in height. The existing building shall have a maximum height of 18 feet which does not exceed the 35-foot limit. The project site is located near a residentially zoned parcel to the south, which is zoned One-Family Dwellings (R-1). The existing building exceeds the minimum the 40-foot setback from the nearest residentially zoned parcel as it is located approximately 140 feet from the nearest residentially zoned lot line. Thus, this setback requirement has been met.
  
6. *Setbacks may be modified with an approved setback adjustment in accordance with Section 18.33 of this ordinance. In no case, shall a setback be less than setbacks required by the State of California Bureau of Cannabis Control, California Building Code or Ordinance No. 457.* No modifications are required for this project, as such, this requirement is not applicable.

*Mobile Deliveries*

7. *Cannabis Retailers with an approved conditional use permit may provide deliveries of Cannabis Products consistent with State law.* The proposed project shall include deliveries to customers and shall operate between the normal hours of operation between 7 AM and 9 PM.

**Retail Operational Requirements**

1. The project complies with the operational requirements set forth in Ordinance No. 348 Section 19.519.C. because of the following:
  - A. *Entrances into the retail location of the Cannabis Retailer shall be separate from the reception area and locked at all times with entry strictly controlled. An electronic or mechanical entry system shall be utilized to limit access and entry to the retail location.* As provided by the floor plan, Exhibit C, all retail, reception, employee offices, and inventory areas shall have electronic or mechanical secured access. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 1 – Cannabis Retail Operations – 1)
  
  - B. *Cannabis Retailers may include the sale of Medical Cannabis, requiring an M-License from the State. Cannabis Retailers selling only Medical Cannabis shall verify consumers who enter the Premises are at least 18 years of age and that they hold a valid Physician's Recommendation.* The project owner and management shall provide adequate training and education at the location as to these matters and require all

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customers to provide proper Identification to verify consumers are of appropriate age and hold a valid Physician's Recommendation. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 7 – Cannabis Retail Operations – 2)

- C. *Cannabis Retailers may include the sale of Adult Use Cannabis, requiring an A-license from the State. Cannabis Retailers selling only Adult Use Cannabis shall verify that consumers who enter the Premises are at least 21 years of age.* The project owner and management shall provide adequate training and education at the location as to these matters and require all customers to provide proper Identification to verify consumers are at least 21 years of age. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 8 – Cannabis Retail Operations – 3)
- D. *Cannabis Retailers may include the sale of both Medical and Adult use Cannabis requiring both an A-License and an M-License from the State. All Cannabis Retailers selling both Medical and Adult Use Cannabis shall verify that consumers who enter the premises are at least 18 years of age and that they hold a valid Physician's Recommendation or are at least 21 years of age.* The project owner and management shall provide adequate training and education at the location as to these matters and require all customers to provide proper Identification to verify consumers are of appropriate age and that they hold a valid Physician's Recommendation or are at least 21 years of age. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 9 – Cannabis Retail Operations – 4)
- E. *Display areas shall include the smallest amount of Cannabis and Cannabis Products reasonably anticipated to meet sales during operating hours.* The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 10 – Cannabis Retail Operations – 5)
- F. *Cannabis and Cannabis Products not in the display area shall be maintained in a locked secure area.* As provided by the project floor plan, Exhibit C, all retail, reception, employee offices, and inventory areas shall have electronic or mechanical secured access to ensure the cannabis and cannabis products are maintained in a locked area. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 11 – Cannabis Retail Operations – 6)
- G. *Not more than 10% of the Cannabis Retailer floor area, up to a maximum of 50 square feet, shall be used for the sale of incidental goods such as, but not limited to, clothing, posters, or non-cannabis goods.* The project meets this standard because the provided floor plan, Exhibit C, shows the sales area to only contain cannabis products (Flower Display). In addition, this project has been conditioned that not more than 10% of the Cannabis Retailer floor area, up to a maximum of 50 square feet, shall be used for the sale of incidental goods such as, but not limited to, clothing, posters, or non-cannabis goods. (Advisory Notification Document Planning-All. 12 – Cannabis Retail Operations – 7)

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- H. *Restroom facilities shall be locked and under the control of the Cannabis Retailer. As provided by the floor plan of the project, Exhibit C, the restroom facilities have a locking door to the designated room. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 13 – Cannabis Retail Operations – 8)*
- I. *Cannabis Retailers shall ensure that all Cannabis and Cannabis Products held for sale by the Cannabis Retailer are cultivated, manufactured, transported, distributed, and tested by California licensed and permitted facilities that are in full conformance with State and local laws and regulations. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 14 – Cannabis Retail Operations – 9)*
- J. *Cannabis Retailers shall not distribute any Cannabis or Cannabis Product unless such products are labeled and in a tamper-evident package in compliance with the California Business and Professions Code and any additional rules promulgated by a licensing authority. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 2 – Cannabis Retail Operations – 10)*
- K. *Cannabis Retailers shall not provide free samples of any type, including Cannabis Products, to any person and shall not allow any person to provide free samples on the Cannabis Retailer’s lot. It has been conditioned that the Cannabis Retailer shall not provide free samples of any type, including Cannabis Products, to any person and shall not allow any person to provide free samples on the Cannabis Retailer’s lot. (Advisory Notification Document Planning-All. 3 – Cannabis Retail Operations – 11)*
- L. *Deliveries shall be conducted in accordance with California Business and Professions Code Section 26090 or as may be amended and all state regulations pertaining to delivery of Cannabis Products. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 4 – Cannabis Retail Operations – 12)*
- M. *Cannabis or Cannabis Products shall not be sold or delivered by any means or method to any person within a motor vehicle. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 5 – Cannabis Retail Operations – 13)*
- N. *Cannabis Retailers shall not include a drive-in, drive-through or walk up window where retail sales of Cannabis or Cannabis Products are sold to persons or persons within or about a motor vehicle. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 6 – Cannabis Retail Operations – 14)*

**Cannabis Retail Findings:**

- 1. The project complies with all the requirements of the State and County for the selling of Cannabis. This finding is met because the project has been conditioned to meet these requirements. (Advisory Notification Document Planning. 2 - General - B. State License Required)

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2. The project is not located within 1,000 feet from any Child Day Care Center, K-12 school, public park, or Youth Center or a variance has been approved allowing a shorter distance but not less than allowed by State law. This finding is met because a radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and has not identified any Child Day Care Center, K-12 school, public park, or Youth Centers within 1,000 feet of the site. Therefore, the project meets this finding.
3. The Cannabis Retailer includes adequate measures that address enforcement priorities for Commercial Cannabis Activities including restricting access to minors and ensuring that Cannabis and Cannabis Products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State. This finding is met because the project has been conditioned to meet this requirement. (Advisory Notification Document Planning. 16 - General - O. Permit and License Posting, and Planning.11 – General – K Monitoring Program)
4. For Cannabis Retailer lots with verified cannabis-related violations within the last 12 months prior to the adoption date of Ordinance No. 348.4898, the use will not contribute to repeat violation on the lot and all applicable fees have been paid. This finding is met because there is no record of any cannabis-related violations within the last 12 months at the project site.

**General Commercial (C-1/C-P) Zone Development Standards Findings:**

1. The development standards of the C-1/C-P Zoning Classification are as follows:
  - a. *There is no minimum lot area requirement, unless specifically required by zone classification for a particular area.* The proposed project meets this criteria as there is no minimum lot area required for this zone.
  - b. *There are no yard requirements for buildings which do not exceed 35 feet in height except as required for specific plans. Any portion of a building which exceeds 35 feet in height shall be set back from the front, rear and side lot lines not less than two feet for each foot by which the height exceeds 35 feet.* The proposed project meets this development standard as the highest portion of the proposed building is 18 feet high, as such, there are no yard requirements for this project.
  - c. *No building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34. of Ordinance No. 348. In no event, however, shall a building or structure exceed seventy-five (75') feet in height, unless a variance is approved pursuant to Section 18.27 of Ordinance No. 348.* This project

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meets this development standard as the existing building is no more than 18 feet high and there are no proposed additions that would increase the height of the structure.

- d. *Automobile storage space shall be provided as required by Section 18.12. of this ordinance.* The proposed project is considered a Cannabis retailer which a parking ratio of 1 space per 200 square feet of gross floor area which would result in a parking requirement of 9 parking spaces. The project meets this development standard as the proposed project provides thirteen (13) parking spaces total, including one (1) ADA-accessible space, which exceeds the parking requirement for the proposed use.
  
- e. *All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of 1,320 feet.* The project meets this development standard as there is no mechanical equipment to be located on the roof of the proposed new building.

**Other Findings:**

- 1. The project site is not located within a Criteria Cell of the Western Riverside County Multiple Species Habitat Conservation Plan.
  
- 2. The project site is located within the City of Corona's Sphere of Influence. As such, it is required to conform to the County's Memorandum of Understanding ("MOU") with that city. This project conforms to the MOU. This project was provided to the City of Corona for review and comment. Planning staff received comments from the City neither indicating support of the project subject to the following conditions:
  - a. *To minimize conflict, the City requests that the County consider a condition of approval to prohibit left turns out of the project site; and consider restrictions that limit driveway access to right-in and right-out.* This condition has been applied by the Transportation Department and the driveway shall be redeveloped to support the commercial use while also allowing right turn only in and out from the site. (090 – Transportation. 3 – IMPROVEMENTS)
  
  - b. *City staff would encourage the County to thoroughly review the project for, at minimum, compliance with landscaping standards, parking lot setbacks at the property line, vehicle turn-around templates, service trucks access to/from the trash enclosure, etc.* The project has been reviewed to meet the above-mentioned standards, a conceptual landscaping plan shall be submitted and reviewed for

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compliance with county standards, all parking spaces shall be setback 3 feet from the property line, the interior driveways meet the commercial standard of 24 feet for pulling in and out of parking spaces for circulation, and the Waste Resources Department has conditioned the project to provide details for trash collection. (080 – Waste Resources. 1 – Recyclables Collection and Loading Area)

- c. *The City assumes that all utilities and public services will be provided by the County, and the City would not be asked to extend or otherwise provide utilities or public services, including but not limited to responses by the City's police and fire department.* The project has been approved by the Riverside County Environmental Health Department and a will serve letter was submitted by the applicants indicating the City of Corona deemed the project site eligible to be serviced for water and sewer connections. As the site is located in the unincorporated area of Riverside County, the site shall be serviced by Riverside County Fire and the Riverside County Sheriff's Department. This will serve letter was provided to the City of Corona's Planning Department.
  - d. *Please provide the City's Traffic Division with an estimate of the number of trips the proposed business is projected to generate, so the City can verify that there are no foreseeable impacts on City streets.* A Vehicle Miles Traveled (VMT) memo analysis was submitted to and approved by the Riverside County Transportation Department which indicated that the project can be screened from further VMT analysis based off of the screening requirements established in the County of Riverside's VMT Analysis Guidelines. Per the County Guidelines, the project is considered a small project as it is proposing less than 60,000 square feet of retail and is also considered a local-serving retail project. This memo was provided to the City of Corona's Planning Department.
3. The project site is not located within an Airport Influence Area (AIA) boundary and is therefore not subject to the Airport Land Use Commission (ALUC) review.
  4. The project is exempt from CEQA and therefore is not subject to AB 52 tribal consultation.
  5. The project site is not located within the Mount Palomar Observatory Lighting Zone boundary.
  6. The project site is not located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP).

**Fire Findings:**

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The project site is not located within a Cal Fire State Responsibility Area (SRA) or a Local Responsibility Area (LRA) and is also not located within a high or moderate hazard severity zone.

**Development Agreement:**

The applicant has proposed entering into the attached draft Development Agreement No. 2000015(DA) with the County for the Project. The DA is consistent with the General Plan and Board Policy B-9. Additionally, the advisory notification document, conditions of approval, and entitlement approvals are incorporated in the exhibits of the DA and will ensure that the project is developed in a way that would not conflict with the public's health, safety or general welfare. The DA has a term of 10 years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the DA. In exchange, the DA provides certain public benefits that go beyond the basic requirements of the County including annual public benefit payments, which will be used for additional public safety services, infrastructure improvements or community enhancement programs.

**Approval Requirements and Conclusion:**

Based on the findings provided in this staff report and conditions of approval, the project is consistent with the General Plan and any applicable specific plan, complies with the development standards of the C-1/C-P zoning classification, complies with the permit requirements for all Commercial Cannabis Activities, complies with the minimum standard requirements and will not be detrimental to the public health, safety or general welfare. Additionally, the project complies with all applicable requirements of State law and ordinances of Riverside County.

**PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH**

This project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 600 feet of the project site. As of the writing of this report, Planning Staff has not received any written communications or phone calls indicating support or opposition to the proposed project.



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**Agenda Item No.**

(ID # 17201)  
**MEETING DATE:**  
**Wednesday, September 22, 2021**

**SUBJECT:** CONDITIONAL USE PERMIT NO. 190021 – Intent to Adopt a Mitigated Negative Declaration – CEQ190095 – Determination of Public Convenience and Necessity. Applicant: ADMG, Inc. c/o Ash Etemadian – Engineer/Representative: Adkan Engineers c/o Mitch Adkison – First Supervisorial District – Woodcrest Zoning District – Lake Mathews/Woodcrest Area Plan: Community Development: Commercial Retail (CD-CR) – Location: Northerly of Van Buren Boulevard, southerly of Iris Avenue, easterly of Chicago Avenue, and westerly of Little Court – 2.84 Acres – Zoning: Scenic Highway Commercial (C-P-S) – REQUEST: Conditional Use Permit No. 190021 is a proposal for the development of a gas station on 1.5-acres of a 2.8-acre lot, with the residual 1.3 acres to remain vacant. The scope of the proposal includes a canopied fuel pumping station with 16 fueling positions for vehicles, a 3,800 sq. ft. convenience store, and a 1,692 sq. ft. detached drive-thru carwash. The convenience store would include the sale of beer and wine for off-site consumption. To provide sufficient on-site parking for customers and employees, the project site has provided 29 parking spaces including: two (2) ADA and two (2) electrical vehicle parking spaces, and nine (9) parking spaces with vacuum stations, in front of the drive-thru carwash. Landscaping will be included throughout the site, as well as a retention basin. APN 266-020-001.

**PROPOSED PROJECT**

Case Number(s):	Conditional Use Permit No. 190021
Environmental Type:	Mitigated Negative Declaration
Area Plan No.	Lake Mathews/Woodcrest
Zoning Area/District:	Woodcrest District
Supervisorial District:	First District
Project Planner:	Tim Wheeler
Project APN(s):	266-020-001
Continued From:	



John Hildebrand, Planning Director 9/16/2021

**PROJECT DESCRIPTION AND LOCATION**

**Conditional Use Permit No. 190021** is a proposal for the development of a gas station on 1.5-acres of a 2.8-acre lot, with the residual 1.3 acres to remain vacant. The scope of the proposal includes a canopied fuel pumping station with 16 fueling positions for vehicles with a 22k gallon underground fuel tank, a 3,800 square foot convenience store, and a 1,692 square foot detached drive-thru carwash. The convenience store would include the sale of beer and wine for



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off-site consumption. To provide sufficient on-site parking for customers and employees, the project site has provided 29 parking spaces including: two ADA and two electrical vehicle parking spaces, and nine parking spaces with vacuum stations, in front of the drive-thru carwash. The gas station operation would require 3-5 employees on shift at all times and at least one delivery daily. Hours of operation would be 24/7 for the gas pumps and convenience store, and 7:00 a.m. to 10:00 p.m. for the drive-thru carwash. Landscaping will be included throughout the site, as well as a retention basin.

The above is hereinafter referred to in this staff report as the “project” or “Project.”

The Project site is located north of Van Buren Boulevard, south of Iris Avenue, east of Chicago Avenue, and west of Little Court within the Lake Mathews/Woodcrest Area Plan.

<b>PROJECT RECOMMENDATION</b>
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**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION:**

**CONTINUE the proposed project to **October 6, 2021.****

<b>PROJECT DATA</b>
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**Land Use and Zoning:**

	Specific Plan:	N/A
	Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:		Community Development (CD)
Proposed General Plan Foundation Component:		N/A
Existing General Plan Land Use Designation:		Community Development: Commercial Retail (CD: CR)
Proposed General Plan Land Use Designation:		N/A
	Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses		
	North:	Rural Community – Very Low Density Residential (RC: VLDR)
	East:	Community Development: Commercial Retail (CD: CR) and Rural Community – Very Low Density

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	Residential (RC: VLDR)
South:	City of Riverside
West:	Community Development: Commercial Retail (CD: CR) and Community Development: Light Industrial (CD: LI)
Existing Zoning Classification:	Scenic Highway Commercial (C-P-S)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Light Agriculture - 1 Acre Minimum (A-1-1) and Residential-Agricultural (R-A),
East:	Scenic Highway Commercial (C-P-S) and Light Agriculture - 1 Acre Minimum (A-1-1)
South:	City of Riverside
West:	Scenic Highway Commercial (C-P-S) and Manufacturing – Service Commercial (M-SC)
Existing Use:	Vacant Land
Surrounding Uses	
North:	Residential Dwelling(s)
South:	City of Riverside (proposed shopping center)
East:	Vacant Land, Day Care Center, and Residential Dwelling(s)
West:	Existing Shopping Center and Residential Dwelling(s)

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	2.84 Gross Acres 2.08 Net Acres	N/A
Existing Building Area (SQFT):	N/A	N/A
Proposed Building Area (SQFT):	3,800 sqft convenience store 1,692 sqft carwash 4,627 sqft canopy 1,944 sqft vacuum canopy	None
Floor Area Ratio:	0.10 FAR	0.20 – 0.35 FAR
Building Height (FT):	Max height: 27'-6"	35 feet

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<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
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**Parking:**

<i>Type of Use</i>	<i>Building Area (in SF)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Convenience Store	3,800 sqft	1 space/ 200 sqft gross floor area	19	29
<b>TOTAL:</b>	<b>3,800 sqft</b>	<b>*including 2 ADA and 2 EV spaces</b>	<b>19</b>	<b>29</b>

**Located Within:**

City's Sphere of Influence:	Yes – Riverside
Community Service Area ("CSA"):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	No
Subsidence Area:	No
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	No
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	Yes – In or partially within
Airport Influence Area ("AIA"):	Yes – March Air Reserve Base, Zone D

**PROJECT BACKGROUND AND ANALYSIS**

**Background**

The project applicant submitted a request for a Pre-Application Review (PAR190010) on March 11, 2019. The review was of a gas station with a canopy for 10 pump stations, a 3,800 square foot convenience store, an attached drive-thru carwash, an attached 1,200 square foot retail tenant suite: including 29 parking spaces. Comments from the Development Advisory Committee (DAC) for this project were provided to the applicant on April 11, 2019.

On August 27, 2019 the applicant made a formal project submittal, Conditional Use Permit No. 190021 (CUP190021), to the County of Riverside for consideration. CUP190021 is a proposal for the development of a gas station with fueling canopy containing 16 pump positions, a convenience store with the sale of beer and wine for off-site consumption, and detached drive-thru carwash on 1.5 acres of a 2.04 net acre lot. The convenience store will operate 24 hours

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per day, 7 days a week; and the carwash will be available daily from 7 a.m. to 10 p.m. The project site is accessible by driveways off westbound Van Buren Boulevard and Chicago Avenue.

The project site improvements will include, but not limited to, roadway improvements to Chicago Avenue (44 foot full width with curb, gutter, and project side sidewalk) and Van Buren Boulevard (55 to 67 foot half width with curb, gutter, and project side sidewalk). Additionally, the project will include a landscaped retention basin and project site area perimeter landscaping with meandering sidewalk. The existing billboard on-site will be removed.

The Project is located within the Lake Mathews/Woodcrest Area Plan boundary and is immediately northwest, across Van Buren Boulevard, of the City of Riverside. More specifically, the site is located on the north-east corner of the Van Buren Boulevard and Chicago Avenue intersection. The site is largely surrounded by residential uses, with Commercial Retail and Light Industrial Uses abutting the parcel to the east and west along Van Buren Boulevard. The Project site has an existing billboard that will be removed as part of the project; the remainder of the Project site is currently vacant.

The project site's existing General Plan Foundation Component and Land Use Designation is Community Development- Commercial Retail (CD:CR). The project site's zoning classification is Scenic Highway Commercial (C-P-S). Additional information regarding the project's consistency with the General Plan and Zoning Classification is provided below.

**ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS**

An Initial Study (IS) and a Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The Initial Study identified potentially significant impacts in regard to the issue areas of Biological Resources, Cultural Resources, Paleontological Resources, Tribal Cultural Resources, and Mandatory Findings of Significance; however, with the incorporation of mitigation measures the impacts were reduced to less than significant. Based on the Initial Study's conclusions, the County of Riverside determined that an MND is appropriate for the proposed Project pursuant to the State CEQA Guidelines. The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review per the California Environmental Quality Act Statute and Guidelines Section 15105.

As of the writing of this staff report, no comment letters in response to the revised IS and MND have been received, and no additional revisions to the project have been made. As demonstrated in the IS and MND, the proposed project will not result in any significant impacts to the environment, with mitigation incorporated.

**FINDINGS AND CONCLUSIONS**

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**In order for the County to approve the proposed project, the following findings are required to be made:**

**Land Use Findings**

1. The project site has a General Plan Land Use Designation of Community Development: Commercial Retail (CD: CR). Land uses intended within this designation are that for neighborhood, community, and regional level commercial retail and service uses. The Project proposes to develop a site that host a variety of commercial retail and service uses; including a gas station, convenience store, and drive-thru carwash. These uses fall within the purview of a Commercial Retail designation. Additionally, the project would add sidewalks or pedestrian pathways along the street perimeter of the site, i.e., Van Buren Boulevard, Chicago Avenue, and Iris Avenue, which will allow pedestrian activity and link to existing sidewalks or pathways. Furthermore, the project is situated on site to shield and/or protect residential properties from on-site activities or operational hazards. Lighting on site is shielded and directed down to prevent light spillage; vehicular traffic and parking areas are screened from view by the project with the location of the convenience store and drive-thru carwash buildings blocking this activity from residential properties; the noise that may occur from the drive-thru carwash would be limited as the hours of operation for the carwash are from 7:00 a.m. to 10:00 p.m.; and fumes and odors that may be generated by the project use on site would be investigated by the South Coast Air Quality Management District (SCAQMD). These complaints and the results of SCAQMD investigations are recorded and kept on file. A review of SCAQMD records from the last 10 years shows no complaints logged by SCAQMD for odors associated with the Project site and no notices of violations related to any issue related to releases of potential odors. Finally, the projects Floor Area Ratio (FAR) is under the amount calculated for a Commercial Retail (CR) designation, which is 0.20 to 0.35, at a ratio of 0.10. As stated per the Land Use Element for the General Plan, Section LU 29.10, it states: *“Floor to Area Ratio (FAR) is intended for planning purposes only. The Planning Director or his/her designee shall have the discretion to authorize the use of a FAR that is less intense in order to encourage good project design and efficient site utilization”*. This project is an efficient use of a uniquely shaped property for commercial development and therefore a FAR of 0.10 is warranted. Therefore, the project is consistent with the County’s General Plan.

2. The Project is located within the Lake Mathews/Woodcrest Area Plan. The project is consistent with this area plan as the portion of Woodcrest, where the project is located, is along Van Buren Boulevard and as stated in the Lake Mathews/Woodcrest Area Plan; the Woodcrest section provides for *“various commercial and service commercial uses located along Van Buren Boulevard”*. The project has a General Plan Land Use Designation of Commercial Retail and a Zoning Classification of Scenic Highway Commercial (C-P-S). Therefore, the project is consistent with the Lake Mathews/Woodcrest Area Plan.

3. The proposed use, a gas station with convenience store and drive-thru carwash, is consistent with the Scenic Highway Commercial (C-P-S) Zoning Classification (Ordinance No. 348, Section 9.50.b). This use under the C-P-S zone is subject to a Conditional Use Permit (CUP) approval. Furthermore, the on-site convenience store is proposing the sale of beer and wine for off-site

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consumption and therefore requires a CUP under the C-P-S zone. With the approval of this CUP, the Project would be consistent with the County's Land Use Ordinance No. 348.

**Conditional Use Permit Findings**

4. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. As identified in the Land Use findings, the Project site has a General Plan Land Use Designation of Community Development: Commercial Retail (CD:CR) and is consistent with this designation and applicable policies of the General Plan. The Project is not located within a Specific Plan.

5. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare. The Project's proposed gas station will be located towards the south-west corner of the lot, furthest away from the existing residential developments surrounding the subject site. No diesel truck fueling pumps are located on the project site for diesel truck fueling (aka big-rigs or 18 wheelers). Only re-fueling trucks for the underground tanks and delivery trucks for products in conjunctions with the convenience store or carwash would be on-site. Landscaping has been installed around the entire proximity of the lot to screen the Project from the existing residences, and 1.3 acres of the east-end of the parcel in closest proximity to the residential dwellings will remain vacant or undeveloped. The two entryways into the Project will be off the major roadways to the south (Van Buren Boulevard) and west (Chicago Avenue) side of the subject site. This allows for uninterrupted landscaped screening along the northern end of the subject site where existing residences are established. In addition, various County Departments, including Fire, Flood, Environmental Health Transportation, Building & Safety, and Waste Resources, have reviewed, provided comments, and added conditions of approval to the Project. In addition, the applicant has received an Advisory Notification Document that includes applicable ordinances and regulations that the County has adopted that the project is also required to adhere to in addition to the conditions of approval.

6. The proposed use, a gas station with convenience store and drive-thru carwash, conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The Project site is surrounded by residential dwellings to the north and west but is as well surrounded by commercial retail development to the east and south. Recently approved project include, but are not limited to, a day care center located northeast of the project site, and a shopping center to the south, across Van Buren Boulevard within the City of Riverside. Many of the properties along Van Buren Boulevard, a major thoroughfare for the County of Riverside and City of Riverside, are commercially designated. The Project is located 4.45 miles west of the 215 Freeway. The Project will provide needed commercial and retail services to nearby residents and the community, as well as to commuters travelling between the 215 and 91 Freeways.

7. The proposed use 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. The proposed Project is on the north-east corner of Van Buren Boulevard and Chicago Avenue intersection. The Project, as

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proposed, will increase the existing road-right-of-way (ROW) from 50 feet to 88 feet on the northern side of the project adjacent to Van Buren Boulevard. Additionally, Chicago Avenue and Iris Avenue will increase their existing ROW from 22 feet to 42 feet and 20 feet to 34 feet respectively; with Chicago Avenue improved on the project's eastern side and Iris Avenue improved on the project's southern side. These ROW improvements include sidewalks, curbs, and gutters to be established within the project's ROW perimeters. Entry into the Project will come from two access points, with one from Van Buren Boulevard and one from Chicago Avenue. No access will be created from Iris Avenue. Water quality best management practices (BMPs) of infiltration basins and/or bio-retention BMPs will be installed and overhead electrical lines under 33kV will be undergrounded.

**Development Standards Findings**

Pursuant to Section 9.53 of Ordinance No. 348, the Project is consistent with the development standards of the C-P-S zone as follows:

Lot Area:

There is no minimum lot area requirement, unless specifically required by zone classification for a particular area. There is no specific requirement by the zone for this area for a lot area or size. The Lake Mathews/Woodcrest generally characterize lots in this area as one acre and larger; with this project site at a 2.84 net acre size. Therefore, the Project meets the lot area standards for the C-P-S zone.

Yards:

There are no yard requirements for buildings which do not exceed 35 feet in height, except as required for specific plans. There are no buildings, as currently proposed, that exceed 35 feet in height. The tallest building proposed is the convenience store, which would have a height of 27 feet. Therefore, the Project meets the yards/height standards for the C-P-S zone.

Heights:

No building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34. of Ordinance No. 348. As previously stated, no buildings for the proposed Project exceed 35 feet in height; with the convenience store at 27 feet high. Therefore, the Project meets the height standards for the C-P-S zone.

Parking:

Automobile storage space shall be provided as required by Section 18.12. of Ordinance No. 348. For Convenience Stores, the standard is that 1 parking space is provided per 200 square foot of gross floor area. As proposed, the Convenience Store would be 3,800 square feet, which

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would equate to 19 required parking spaces. There is a minimum of one parking space that must be provided for persons with disabilities, and no designated electric vehicle (EV) parking spaces are necessary for projects that require less than 25 parking spaces. The Project would provide 29 total parking spaces, which consists of: 16 standard stall parking spaces, 2 EV stalls with charging stations, 9 carwash vacuum stalls, and 2 handicap parking spaces. Therefore, the Project exceeds the parking standards of Ordinance No. 348.

**Roof Mounted Equipment:**

All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of 1,320 feet. The Project, as proposed, does have roof-mounted mechanical equipment, on the convenience store, and it is screened from view. Therefore, the Project meets the roof mounted equipment standards for the C-P-S zone.

**Alcoholic Beverage Sales Findings**

Section 18.48 provides the following development standards for the alcoholic beverage sales:

1. A conditional use permit shall be required for the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption. A conditional use permit is being processed for the sale of alcoholic beverages for off-premises consumption in the Scenic Highway Commercial (C-P-S) zoning classification.
  
2. A conditional use permit shall be required for the sale of alcoholic beverages for off-premises consumption in all zoning classifications, excluding C/V, where such zoning would permit the sale with plot plan approval or conditional use permit approval, however, that the provisions of Subsection B.1. shall not apply to a retail commercial establishment which (1) contains at least 20,000 square feet of interior floor space and is primarily engaged in the sale of groceries and (2) does not sell motor vehicle fuels. A conditional use permit is being processed for the sale of alcoholic beverages for off-premises consumption in the C-P-S zoning classification for a convenience store associated with sale of motor vehicle fuel.
  
3. Such facilities shall not be situated in such a manner that vehicle traffic from the facility may reasonably be believed to be a potential hazard to a school, church, public park or playground. There is a school approximately 1,400 feet southeast from the project site across Van Buren Boulevard. Although the sale of alcohol is located nearby the existing school and traffic from the project could be directed to drive past the school, the improvements existing and proposed by the project along Van Buren Boulevard and Chicago Avenue provide adequate measures to separate pedestrians from vehicle traffic that it would not be a potential hazard to a school. No other public park, nonprofit youth facility, or playground is located within 1,000 feet of the project site. Therefore, vehicle traffic from the facility will not be a potential hazard to a school, public park, nonprofit youth facilities or playground.

Notice of hearing shall be given to all owners of property within 1,000 feet of the subject facility, to any elementary school or secondary school district within whose boundaries the facility is located and to any public entity operating a public park or playground within 1,000 feet of the



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subject facility. The Planning Director may require that additional notice be given, in a manner the Director deems necessary or desirable, to other persons or public entities. A notice of public hearing has been given to all property owners within 1,000 feet of the subject facility.

4. The following additional development standards shall apply as conditions of approval with the Advisory Notification Document to the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption:

- a. Only beer and wine may be sold.
- b. The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner and management shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters.
- c. No displays of beer, wine or other alcoholic beverages shall be located within five feet of any building entrance or checkout counter.
- d. Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.
- e. No beer, wine or other alcoholic beverages advertising shall be located on gasoline islands; and no lighted advertising for beer, wine, or other alcoholic beverages shall be located on the exterior of buildings or within window areas.
- f. Employees selling beer and wine between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age.
- g. No sale of alcoholic beverages shall be made from a drive-in window.

**Public Convenience and Necessity Findings**

1. The project is located within Census Tract 420.05. The 2010 census population for Census Tract 456.09 was 5,452 persons according to the U.S. Census Bureau.

2. The maximum concentration level for General Alcohol License of beer and wine (Type 20 or Type 21) is limited to one per 2,500 people by census tract (Alcoholic Beverage Control Act: California Business and Professions Code Section 238175).

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3. Currently there are two (2) alcohol beverage control licenses for sale for off-site consumption issued in Census Tract 420.05. Approval of this Conditional Use Permit would increase the number of existing alcohol beverage control licenses to three (3). According to the California State Department of Alcohol Beverage Control (ABC), the maximum number of licenses for off-site consumption for this census tract is two (2) based on the population within this census tract. Approval of this Conditional Use Permit will further exceed the number of typically allowed licenses for a census tract. However, ABC requires acknowledgement from the local jurisdiction that the jurisdiction agrees with the increase beyond the limit. The acknowledgement is the approval of finding of "Determination of Public Convenience and Necessity" in the recommendations.

4. The California Alcoholic Beverage Control Board requires the local jurisdiction to make a finding of public convenience and necessity for the granting of a license when said granting would cause an over concentration of licenses within a census tract, or when an over concentration already exists.

5. According to ABC, over concentrations of existing licenses above those allocated for Census Tracts are common occurrences.

6. Based upon the information contained within the staff report and accompanying attachments, the Planning Commission is required to find the proposal to be in the interest of the Public Convenience of Necessity as follows:

- a. The sale of alcohol at the convenience store will be a public convenience. The subject property proposes to sell beer and wine for the convenience of its patrons that shop at the convenience store or use the gas station. It is convenient for consumers to purchase beer and wine at the same time as shopping at the convenience store or using the gas station.
- b. The approval of a new license for the off sale of beer and wine is an ancillary use to a convenience store and will not have a disproportionate impact on adjacent residential neighborhoods or sensitive uses. Less than 5-7% of store area is devoted exclusively for beer and wine sales. The sale of beer and wine is an ancillary use to the sale of general merchandise and groceries and will not adversely affect the adjacent property or sensitive uses that may be nearby.
- c. The approval of the sale of beer and wine will not result in an adverse impact on public health, safety, or welfare. The location or the use shall not result in adverse impacts on public health, safety or welfare in that the subject business is a convenience store within minimal area allocated to beer and wine sales. A public hearing notice was mailed to adjacent property owners within 1000' feet of the subject site. To date, staff has not received any comments from the public. Staff has included conditions of approval to address any potential adverse impacts to the surrounding area.

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- d. The proposed project does provide the public necessity and convenience for the residents of the surrounding community. The Project provides additional local retail services for the surrounding community in line with the General Plan. In addition, the Project will provide a convenience to local residents, jobs, and overall economic growth in the community. By providing fueling as well as retail options, the Project will reduce the number of vehicle trips in the area, and the residents would gain the resulting cumulative benefits of those reduced vehicle trips such as less traffic congestion and lower total emissions.

**Other Findings**

1. The project site is not located within a Criteria Cell of the Multi-Species Habitat Conservation Plan or a Conservation Area of the Western Riverside Multiple Species Habitat Conservation Plan.
2. The project site is located within the City of Riverside's Sphere of Influence. As such, it is required to conform to the County's Memorandum of Understanding (MOU) with the City of Riverside. This project conforms to the MOU with the city. Additionally, the project was provided to City of Riverside on September 5, 2019 and April 16, 2020 for review and comment. No comments were received from the city.
3. The project site is located within Zone D of the March Air Reserve Base Airport Influence Area (AIA) boundary and is therefore subject to the Airport Land Use Commission (ALUC) review. This project was submitted to ALUC for review. On September 12, 2019, the Project was found consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan provided that a list of provided conditions were applied. These conditions have been applied to the Project.
4. In compliance with Assembly Bill 52 (AB52), notices regarding this project were mailed to all requesting tribes on September 18, 2019. Requests for consultations were received from the Temecula Band of Luiseño Indians (Pechanga), Rincon Band of Luiseño Indians (Rincon), and the Soboba Band of Luiseño Indians.

Consultation with Pechanga was initiated and on May 18, 2020, and meetings were held on May 20, 2020 and July 2, 2020. Pechanga told Planning that the project was situated within a TCR, however no information regarding what the TCR consisted of was provided by the tribe and no specific impacts were identified. The final conditions of approval were provided to the tribe on September 17, 2020.

Consultation with Rincon was requested in a letter received by Planning on October 8, 2019. On May 18, 2020 the cultural report and the conditions of approval were provided to the tribe. In a meeting on June 18, 2020 Rincon agreed to the conditions and concluded consultation the same day.

Soboba requested to consult in a letter dated October 24, 2020. Although this was after the 30-day period in which to request, a meeting was held, and consultation was initiated on February

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26, 2020. Soboba requested the full set of conditions which were provided to them on May 18, 2020. Consultation was concluded with Soboba on the same day.

Hence, based on the information gathered by Planning and the information provided by the consulting tribes, Planning has concluded that this proposed project poses no potential for a significant impact to Tribal Cultural resources as defined in Section 21073 of the Public Resources code since it was determined that no specific Tribal Cultural Resources were present. However, the project has been conditioned for a Native American monitor to be present during ground disturbance in the event any unanticipated subsurface tribal cultural resources are identified they will be handled in a culturally appropriate manner.

5. The project site is not located within the Mount Palomar Observatory Lighting Zone boundary.

6. The project site is located in, or partially within, the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Per County Ordinance No. 663 and the SKRHCP, all applicants who submit for development permits, including maps, within the boundaries of the Fee Assessment Area who cannot satisfy mitigation requirements through on-site mitigation, as determined through the environmental review process, shall pay a Mitigation Fee of \$500.00 per gross acre of the parcel(s) proposed for development. The Project site is 2.84 total gross acres. Payment of the SKRHCP Mitigation Fee for this Project, instead of onsite mitigation, will not jeopardize the implementation of the SKRHCP as all core reserves required for permanent Stephen's Kangaroo Rat habitat have been acquired and no new land or habitat is required to be conserved under the SKRHCP.

**Fire Findings**

1. The project site is not located within a Cal Fire State Responsibility Area (SRA) and is not within a fire hazard severity zone.

**Conclusion**

1. For the reasons discussed above, as well as the information provided in the Initial Study (MND), the proposed project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. The Project is not located within a specific plan. Moreover, the proposed project would not be detrimental to the health, safety, or general welfare of the community.

**PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH**

This project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 1000-foot radius of the project site. As of the writing of this report, Planning Staff has not received written communication/phone calls from anyone in the public who indicated support/opposition to the proposed project.

This project was presented before the Woodcrest Municipal Advisory Committee (MAC) on November 14, 2019.

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**APPEAL INFORMATION**

The Planning Commission's decision may be appealed to the Board of Supervisors. Such appeals shall be submitted in writing to the Clerk of the Board, with the required fee as set forth in Ordinance No. 671 (Consolidated Fees for Land Use and Related Functions), within 10 calendar days from the date of the Planning Commission's decision.

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**ATTACHMENTS:**

- Exhibit A – Site Plan Exhibit
- Exhibit B – Other Project Exhibits
- Exhibit C – GIS Maps
- Exhibit D – Environmental Document - MND
- Exhibit E – Conditions of Approval (AND/COA)
- Exhibit F – Agency Letters
- Exhibit G – Radius Map and Mailing Labels



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**Agenda Item No.**

(ID # 17231)  
**MEETING DATE:**  
**Wednesday, September 22, 2021**

**SUBJECT:** CONDITIONAL USE PERMIT NO. 190014 and NOISE ORDINANCE EXCEPTION NO. 2100002 – Intent to Adopt a Mitigated Negative Declaration – CEQ190083 – Owner: Isaac Sloan – Applicant: Aaron Cooke – First Supervisorial District – Mead Valley Area Plan – Rural Mountainous (RM) and Rural Residential (RR) General Plan Designations – Good Hope Zoning Area – Zoning: Rural Residential (R-R) – Location: Northerly of Ethinac Road, westerly of Highway 74, and southerly of Olive Avenue – 90.56 Acres – REQUEST: This Conditional Use Permit is to permit a Recreational Motocross park consisting of up to five (5) motocross tracks, a retail parts store, a snack bar, garage, an events hall, two (2) pro race shops, a viewing deck, administration building, motorcycle storage, associated parking, ticket booth, bioretention basin, bike wash, five (5) associated parking areas, an R.V. parking area for overnight dry-camping use, bathrooms, and shower area. The motocross project will host local racing events. The project will be built in three (3) phases based on available funds. The existing residence will remain onsite and used as a caretaker unit. The noise ordinance exception proposes to grant an exception to Ordinance No. 847 Section 4. The overall daytime operational noise level is below the daytime noise limit of 65 dBA Leq that is set by the General Plan Noise Element. APN’s: 345-020-011 and 345-020-016.

**PROPOSED PROJECT**

Case Number(s):	CUP190014 NE2100002
Environmental Type:	Mitigated Negative Declaration
Area Plan No.	Mead Valley
Zoning Area/District:	Good Hope Area
Supervisorial District:	First District
Project Planner:	Brett Dawson
Project APN(s):	345-020-011, 345-020-016
Continued From:	



John Hildebrand, Planning Director 9/16/2021

**PROJECT DESCRIPTION AND LOCATION**

**CONDITIONAL USE PERMIT NO. 190014** proposes to permit a Recreational Motorcross park consisting of up to five (5) motocross tracks, a retail parts store, a snack bar, garage, an events hall, two (2) pro-race shops, a viewing deck, administration building, motorcycle storage, associated parking, ticket booth, bioretention basin, bike wash, five associated parking areas, an R.V parking area for overnight dry-camping use, and a bathroom and shower area on 90.56

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acres. The motocross project will host local racing events. The project will be built in three phases based on available funds. The existing residence will remain onsite and used as a caretaker unit on the site.

**Noise Ordinance Exception No. 2100002 (NE2100002)** proposes to grant an exception to the Ordinance No. 847 Regulating Noise.

The above discretionary action is herein identified as the “project”.

The project site is located at 21220 Ethanac Road, north of Ethanac Road, west of Highway 74, and south of Olive Avenue within the Mead Valley Area Plan.

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:**

**ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. CEQ190083**, based on the findings and conclusions provided in the initial study, attached hereto, and the conclusion that the project will not have a significant effect on the environment; and,

**APPROVE** **Noise Ordinance Exception No. 2100002**, as per Section 7.a.3. Continuous Events Exceptions of Ordinance No. 847, requesting exception from the standards in Sections 4 (GENERAL SOUND LEVEL STANDARDS and SPECIAL SOUND SOURCES STANDARDS) based upon the findings and conclusions set forth in the staff report; and,

**APPROVE** **Conditional Use Permit No. 190014**, subject to the attached Advisory Notification Document, Conditions of Approval, and based upon the findings and conclusions provided in this staff report.

**PROJECT DATA**

**Land Use and Zoning:**

Specific Plan:	N/A
Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:	Rural
Proposed General Plan Foundation Component:	N/A

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Existing General Plan Land Use Designation:	Rural Mountainous (RM), Rural Residential (RR)
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Rural Mountainous (RM), Rural Residential (RR)
East:	Rural Residential (RR)
South:	Specific Plan No. 364 (Rural Mountainous (RM), Very Low Density Residential (VLDR), Open Space Recreation (REC), Medium High Density Residential (MHDR))
West:	Rural Mountainous (RM), Rural Residential (RR)
Existing Zoning Classification:	Rural Residential (RR)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Rural Residential (RR)
East:	Rural Residential (RR)
South:	Rural Residential (RR), Specific Plan (SP)
West:	Rural Residential (RR)
Existing Use:	Vacant with vacant buildings
Surrounding Uses	
North:	Single family residence and vacant mountainous
South:	vacant
East:	vacant
West:	Vacant mountainous

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	93.4 gross acre/90.56 net	N/A
Existing Building Area (SQFT):	Residence: 3,110 SF Accessory Structure I: 5,780 SF Accessory Structure II: 636 SF	N/A



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<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Proposed Building Area (SQFT):	Event Hall (convert existing Accessory Structure I: 5,780 SF) Garage: 3,750 SF Bathroom and Snack bar: 1,200 SF Administration Building: 3,000 SF Pro-Race Shop I: 14,000 SF Pro-Race Shop II: 5,000 SF Bike wash: 600 SF Ticket booth: 72 SF	N/A
Building Height (FT):	33'6"	50'

**Parking:**

<i>Type of Use</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Parks and recreational uses	1 space/8,000 sq. ft. of active recreational area within a park or playground and 1 space/acre of passive recreational area within a park or playground.	508	1217
<b>TOTAL:</b>			

**Located Within:**

City's Sphere of Influence:	Yes – Perris
Community Service Area ("CSA"):	Yes – 152
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes – Low
Subsidence Area:	Yes – Susceptible
Fault Zone:	No
Fire Zone:	Yes – State responsibility Area
Mount Palomar Observatory Lighting Zone:	Yes – Zone B
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No

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Stephens Kangaroo Rat (“SKR”) Fee Area:	Yes – in SKR fee area
Airport Influence Area (“AIA”):	No

**PROJECT LOCATION MAP**

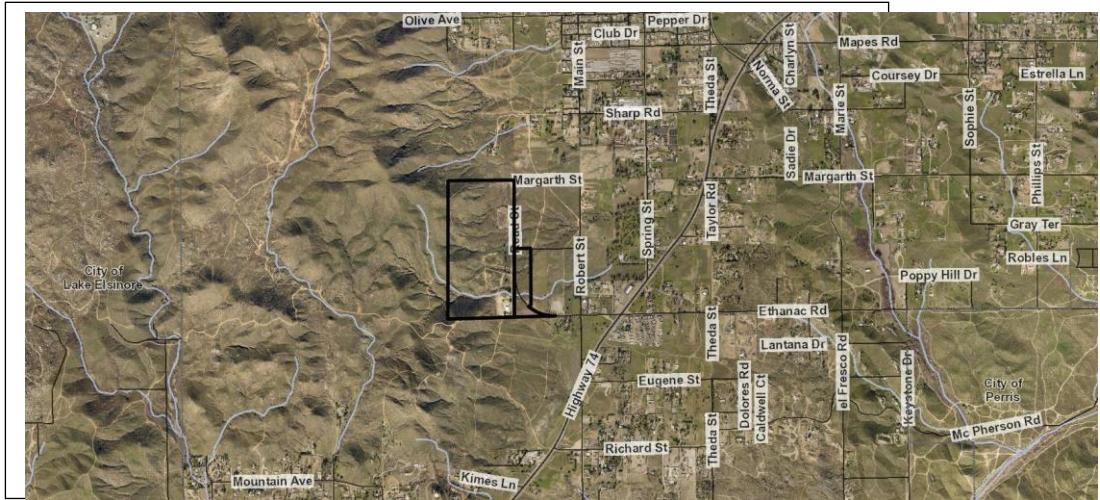


Figure 1: Project Location Map

**PROJECT BACKGROUND AND ANALYSIS**

**Background:**

The project area sits on the western rim of the Perris Valley, where the terrain transitions from the level valley floor to the north-south trending Elsinore Hills to the west. The natural landscape in the region features broad inland valleys divided by groups of rolling hills and rocky knolls. The project area consists of approximately 90.56 acres of mostly undeveloped land in the rural area along the eastern base of the Elsinore Hills. Elevations within the project boundaries range approximately between 1,700 feet and 2,000 feet above mean sea level, inclining gradually to the west over gentle slopes. The eastern portion of the project area is relatively level but contains some areas of uneven terrain and drainages.

The ground surface in parts of the project area have been extensively disturbed by past mining activities as well as grading and construction activities associated with a single-family residence, a storage barn, and four building pads near the intersection of Ethanac Road and Read Street. Landscaping bushes and trees such as pepper, pine, and eucalyptus have been planted along Read Street and around the cluster of buildings.

The existing structures on-site include:

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- a 3,110 square-foot residential structure; this will be used to house the caretaker for the project. The caretaker will be living on the property to ensure 24/7 control of operating hours and noise levels during quiet hours.
- a 5,780 square-foot building to be re-purposed as an event hall; The event hall will be used to host award ceremonies, birthdays and etc.
- and a 636 square-foot building to be re-purposed for storage.

Seven new structures are proposed and include:

- an 800 square-foot building consisting of bathrooms and showers;
- a 72 square foot ticket booth will serve as a point of contact for all visitors to sign in on the liability waiver and pay for attendance.
- a 3,000 square-foot building for administration use; It will be utilized by the business manager, and will store basic supplies like flags, vests, EMT supplies and standard office equipment.
- a 14,000 square-foot, two-story building for a Pro-Race Shop; This will be used for vehicle storage and private team space. It will house two toilets, two sinks for private use of those who utilize the race shop space.
- a 5,000 square-foot, two-story building for a Pro-Race Shop; This building will be for retail support of riders. The shop will be leased to a third party and provide packaged goods and parts that riders need to practice. Minimal repairs will be done such as lever replacement, tire changes and installing new parts. The shop will also sell riding clothing and safety gear.
- a 600 square-foot building to be used as a bike wash; A self wash station, with two pressure washers, will not utilize soap, will be water only.
- a 3,750 square-foot garage; This will be a private garage for the business owner
- and a 1,200 square-foot building consisting of restrooms and a snack bar for pre-packaged food and beverage sales.

The project will be constructed in three phases dependent on available funding. Phase I will include the caretaker unit, garage, an event hall, a storage building, bathroom and snack bar, three motocross tracks, ticket booth, and the east parking (upper and lower areas) that will provide 519 parking spaces. Phase II will include the administration building, two additional tracks, and 394 additional parking spaces. Phase III will include two pro-race shops, additional bathrooms, bike wash building, and 46 RV parking area. The Recreational Vehicle parking area will be available for day use as well as overnight dry-camping use. Nine ADA spaces are required per Condition (15 Gen- Accessible Parking), with 12 electric vehicle spaces with signage and charging stations per Condition (90-Gen- Electric Vehicle).

The five proposed tracks include: the Side x Side/Quad Track (approximately 4,000 feet in length) on the southwestern corner of the site in an "L" shape, the Beginner/Peewee Track

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(approximately 1,600 feet in length) on the southern area above the Super Moto Track in an oval shape, the SX Track Pad (approximately 1,200 feet in length) in the center of the site in a rounded shape, the Veteran Track (approximately 2,400 feet in length) on the northern portion of the site in a “C” shape, and the Main Track (approximately 2,500 feet in length) on the farthest north portion of the site in a rounded shape. All tracks will be 25 feet in width. The design of the tracks may change overtime, as needed.

Hours of operation will be Monday through Sunday from 9:00 a.m. to 4:00 p.m., with three days of night practice until 9:00 p.m., on Monday, Wednesday, and Friday. Special events will be held approximately up to eight times per year with start times of 7:30 a.m. and race end times of 9:30 p.m. on weekends only. Quiet hours for the RV overnight parking area will be from 10 p.m. to 7:30 a.m.

Typical weekday rider attendance is estimated at 50-75 riders during the weekdays and 100-150 on weekends. The total staff would include the EMT, flaggers, manager, gate staff and track prep crew with a total of 12 people. The race events can include a range of 50-300 riders and spectator events can provide a total of 100-800 in total attendance.

Domestic water supply for the facility will be provided by two on-site wells and 43,000 gallons of storage capacity. The Applicant will be applying for a Small Public Water System Permit from Riverside County Environmental Health Services. The system will be designed to provide all project-related domestic, fire flow, and irrigation needs; no additional capacity beyond the project needs will be constructed. Each building on the project site will be connected to the site-wide water distribution piping system.

Wastewater will be treated on-site through a septic system. All buildings will be connected to the system. Utility corridors for water, sewer, electrical, and communications will be designed to be within the existing on-site roads and other disturbed areas.

**Fire Protection/Management Plan:**

The project site is within the Very High Fire Hazard Severity Zone. As part of the development review process, the project’s Fire Protection/Management Plan was reviewed and accepted by the County of Riverside Fire Department. The following provisions and project design will ensure that safety, health and welfare of the visitors, operator and staff, and surrounding residents are addressed:

A licensed EMT will be on-site at all hours of operation and will be given a utility task vehicle (UTV) to remain mobile and respond to call for medical aid. AMS ambulance service will also be on-site during large race events to provide an added level of emergency care and transport to local hospital facilities.

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There will be one point of access from Ethanac Road with sufficient width and open/clear access for emergency vehicles. This design is based on operations of two other tracks in Riverside County and provides sufficient emergency access. Turnarounds and guided path of entry will also be provided. Safety flaggers will be positioned at every track and communicate to the EMT via radio. Flaggers also keep riders from exiting the specific riding areas.

The project will include three fuel modification zones to reduce the exposure of people or structure from a significant risk of loss, injury, or death from wildfires. Each fuel modification zone will be developed and maintained as described in the 2019 California Fire Code. Zone 1, or the Immediate Zone, consists of the first five feet from the exterior wall surface of the building extending out 5 feet horizontally. Within Zone 1, only hardscape or limited fire-resistant plantings acceptable to the Fire Authority Having Jurisdiction (FAHJ) shall be allowed. Zone 2, the Intermediate Zone, is commonly called the defensible space zone for fire suppression forces and protects structures from radiant and convective heat. Zone 2 consists of the area from 5'-50' from the exterior wall surface extending out in a horizontal plane. Within Zone 2, all vegetation shall consist of fire resistant, slow growing, drought tolerant plant species. Zone 3 is the area beyond Zone 2, from 50'-100' in a horizontal plane including manufactured slopes and excludes all prohibited highly combustible native vegetation. Plantings allowed by the FAHJ following approval of the Landscape Plan shall be from the Wildland/Urban Interface Development Standards plant palette. The goal of Zone 3 is the reduction or selective clearing of existing native vegetation by 50% and the planting and maintenance of only approved species.

Additionally, the applicant was able to secure additional road right away for Ethanac Road to ensure that the road can be improved to support emergency response vehicles. The project facility owner will be responsible for Ethanac Road maintenance from the facility boundary to Highway 74. Improvements to Ethanac Road will include grading, installation of an all-weather, standard base capable of supporting a 75,000 pound load.

**Multiple Species Conservation Area:**

The proposed project will not impact any of the adjacent Multiple Species Conservation Habitat Plan (MSCHP) criteria cell or conservation area. The project is located east of a MSCHP conservation area and will provide a fifty (50)-foot setback from this juncture. The project will incorporate barriers where appropriate to minimize unauthorized public access, domestic animal predation, illegal trespass or dumping in any adjacent Multiple Species Conservation Plan area. The project will incorporate measures to ensure that use of chemicals or generate bioproducts that are potentially toxic or may adversely affect wildlife species, habitat or water quality does not result in discharge to any adjacent MSCHP cell or conservation area. Night lighting on this project will be directed away from any adjacent MSCHP cell or conservation area to protect

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species within the MSCHP cell or criteria area. Shielding shall be incorporated in project design to ensure ambient lighting in any adjacent MSCHP cell or conservation area is not increased. The project will incorporate setbacks, berms or walls to minimize effects of noise on any adjacent MSCHP cell or conservation area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards.

Noise Ordinance Exemption No. 2100002 (NE2100002) for Operational Noise Level NE2100002 is a request for an exemption from Section 4 of Ordinance No. 847 in accordance with Section 7, Exceptions, which specifically allows for the application for continuous exceptions from the provisions of Ordinance No. 847. Section 4 of Ordinance No. 847 provides general sound level standards for each of the General Plan Land Use Designations. The project is within and is surrounded by land that is designated Rural Residential and Rural Mountainous, which has a noise level limit of 45 dBA Leq. Since the existing ambient noise levels for this area exceed the general exterior sound level standards, the project includes an application for continuous noise exception per Section 7 of Ordinance No. 847 and will rely on the General Plan Noise Element noise limit of 65 dBA Leq. This noise level will also satisfy the 65 dBA Leq exterior noise level threshold identified for the MSCHP conservation areas.

The MSHCP states that “Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on the MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.” A Noise Impact Analysis (NIA) was completed by Urban Crossroads on August 19, 2021 (available at County offices for review), to determine impacts to the MSHCP Conservation Area as a result of noise levels from the proposed project. Since the proposed project includes noise generating motocross activities, operational noise levels have been calculated at the project boundaries in order to estimate the project-related noise levels within the adjacent MSHCP Conservation Area.

The NIA relied on the 65 dBA Leq exterior noise level limit identified by Policy N 4.1 of the General Plan. The NIA produced five MSHCP receiver locations at the project site’s boundary to estimate the highest noise levels within the nearby MSHCP Conservation Area. In summary, based on the noise levels obtained from the five receiver locations, the project-related noise levels are expected to range from 59.7 to 63.0 dBA Leq. The analysis shows that project-related operational motocross noise levels will satisfy the 65 dBA Leq exterior noise level threshold identified for the adjacent MSHCP Conservation Area. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

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The operational noise analysis shows that the project-related motocross noise levels are expected to range from 48.0 to 54.7 dBA Leq during the daytime hours at the noise-sensitive receiver locations. The receiver locations are located in outdoor living areas such as backyards at 10 feet from any existing or proposed barriers at the building façade, whichever is closer to the project site. A single-family residence is located approximately 530 feet north of the project site, a residential home is located at roughly 1,225 feet on the west side of Spring Street just south of Sharp Road. A sensitive use was identified at 25401 Spring street, approximately 2,104 feet. There are residential homes on the northeast side of Ethanac Road approximately 1,753 feet from the project site. There is an existing residential home on the north side of Ethanac Road approximately 1,3903 from the project site. There is an existing residential home on the south side of Ethanac Road approximately 709 feet from the project site. The operational noise analysis demonstrates that the operational noise levels associated with the Project will satisfy the County of Riverside 65 dBA Leq daytime exterior noise level standards at all nearby receiver locations. Therefore, the operational noise impacts are considered *less than significant* at the nearby noise-sensitive receiver locations provided that all Project activities will be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.

#### General Plan Consistency

The Project site's existing General Plan Foundation Component is Rural (R) and Land Designations are Rural Mountainous (RM) and Rural Residential (RR). Approximately 29 acres of the project site is designated RM. This designation is generally placed on land that consists of slopes of 25% or greater. The remaining project site of approximately 64 acres is designated RR. Limited recreational uses are allowed in both land use designations. The proposed project will provide active recreational opportunities for the surrounding communities and regional area.

#### Zoning/Development Consistency

The project site's existing zoning classification is Rural-Residential (R-R). The R-R zone permits motorcycle racetracks and the proposed associated uses with an approval of a conditional use permit. The Recreational Vehicle parking area is not a traditional recreational vehicle park as described in Ordinance No. 348. The definition of a recreational vehicle park is defined as "any area or tract of land, or a separately designated Section within a mobilehome park, where one or more spaces are rented or leased or held out for rent or lease to owners or users of recreational vehicles. A recreational vehicle park may have a membership organization that provides for the use of spaces within a park. Vacation Recreational Vehicle Parks are defined as park which is designed for transient use, such as overnight or short-term occupancy. No occupancy shall exceed 30 consecutive days or 120 days in one calendar year. Tent camping may be permitted in areas designed and designated for such usage. Generally, only limited services and amenities are provided". The RV parking area will accommodate day and over-night dry-camping use. It will be utilized for people that ride the motorcycles on the weekend. There will be no memberships. The nature of many RV trailers utilized by off highway

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vehicle (OHV) enthusiasts provide space to store the vehicles inside the trailer. The vehicles can be removed, from the inside, the hatch door closed and the trailer can be used as an RV. Most of the RV parking will be utilized for this purpose. The proposed project buildings and structures do not exceed fifty feet in height and the project provides adequate parking spaces pursuant to Ordinance No. 348 Section 18.12.

CUP190014 was submitted to the County of Riverside on August 2, 2019.

**ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS**

An Initial Study (IS) and Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The Initial Study (Environmental Assessment No. CEQ190083), identified potentially significant impacts in regards to the following environmental factors: Biological Resources, Cultural Resources, Tribal Cultural Resources, Hydrology/Water Quality, Wildfire and Transportation. However, with incorporation of mitigation measures the impacts were reduced to less than significant. Based on the Initial Study's conclusions, the County of Riverside determined that the MND is appropriate for the proposed Project pursuant to the State CEQA Guidelines. The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review per the California Environmental Quality Act Statute and Guidelines Section 15105.

No comment letters were received in response to the circulated IS and MND.

**FINDINGS AND CONCLUSIONS**

**In order for the County to approve a proposed project, the following findings are required to be made:**

**Land Use Findings:**

1. The property has a General Plan Designation of both Rural: Rural Mountainous and Rural: Rural Residential General Plan Designations. The Rural Mountainous portion of the site is located along the western side of the property, while the Rural Residential section is located on the eastern side of the property.

The Rural Residential land use designation allows one single family residence per five acres, as well as limited animal-keeping and agricultural activities. Limited recreational uses are permitted.



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The Rural Mountainous land use designation allows single family residential uses, limited animal keeping and agricultural uses, with a maximum residential density of one dwelling unit per 10 acres. The designation applies to areas of at least 10 acres where a maximum 70% of the area has slopes of 25% or greater. It also applies to remote areas that are completely or partially surrounded by slopes greater than 25%, and do not both have county maintained access and access to community sewer and water systems. Limited recreational uses are permitted.

The uses associated with the proposed project has been determined to be a “Recreational Use”. The General Plan has three definitions for “recreation”:

Outdoor Recreation Use: A privately or publicly owned or operated use providing facilities for outdoor recreation activities.

Recreation, Active: A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.

Recreation, Passive: Type of recreation or activity that does not require the use of organized play areas.

The Project is a privately owned and operated use that is providing facilities for outdoor recreation activities. Whereby it qualifies as a recreational use.

Both the Rural Mountainous and Rural Residential Land Use Designations allow for recreational use and are applied to remote, privately-owned open space areas with limited access and a lack of public services. The General Plan defines Recreational uses as: and as this proposal is for a recreational use, it would be consistent with both the Rural Mountainous and Rural Residential Designations in the Riverside County General Plan.

LU 21.2 Require that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use. (AI 3)

The project has been reviewed, approved and conditioned by the Transportation, Fire, and Environmental Health to ensure the project involves adequate circulation, water resources, and septic capacity to meet the demands of the project. The existing buildings will utilize the existing septic system, and the new buildings will utilize a new septic system designed to meet the project's needs.

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2. The site is located within the Rural Residential (R-R) zone. Within the Rural Residential Zone Dune Buggy Parks and Race Tracks, including but not limited to contests between automobiles and motorcycles, and Recreational Vehicle Parks are permitted subject to the approval of a Conditional Use Permit. This project is specifically a motorcycle park, whereby it complies with the Rural Residential Zone.

The buildings will need to comply with the Development Standards of the Rural Residential zone. Section 5.2 of Ordinance No. 348. Which are provided in findings below.

**Entitlement Findings:**

The following findings shall be made prior to making a recommendation to grant a Conditional Use Permit or Public Use Permit, pursuant to the provisions of the Riverside County Zoning Ordinance 348 (Land Use):

3. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. As identified in the Land Use Findings, the project site has a General Plan Land Use Designation of Rural: Rural Mountainous and Rural: Rural Residential. The Rural Mountainous portion of the site is located along the western side of the property, while the Rural Residential section is located on the eastern side of the property. The Rural Residential and Rural Mountainous land use designations allow limited recreational uses. The uses associated with the proposed project has been determined to be a "Recreational Use".
4. The overall development of the land shall be designed for the protection of the public health, safety and general welfare, since as detailed in the Initial Study and the Mitigated Negative Declaration prepared for the project, the project would not have a significant impact on the environment, in particular regarding health and safety factors considered, such as Air Quality, Hazards, and Noise. The design of the project has been reviewed by all applicable Riverside County Departments to ensure the project would not have an adverse effect on the public's health, safety, and general welfare. Conditions of approval have been included on the project from these departments. In addition, the applicant has received an Advisory Notification Document that includes applicable ordinances and regulations that the County has adopted that the project is also required to adhere to in addition to the conditions of approval.
5. The proposed use conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property as the Conditional Use Permit would facilitate a motorcycle park to the area, which as noted previously is consistent with the General Plan and is generally compatible with the

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surrounding larger lot residential land uses, thus creating a compatible land use pattern that assists in protecting public health, safety and welfare which is the foundational purpose of a General Plan.

6. That plan for the proposed use shall consider the location and need for dedication and improvement of necessary streets, 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. The County of Riverside Department of Transportation has analyzed the designs, reviewed and conditioned this project for appropriate improvements to serve the project. Therefore, the proposed project meets this finding.
  
7. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel. The project consists of a motorcycle recreational park on two parcels. The buildings all contribute to one use, and due to the nature of the buildings and the recreational facility, there is no practical reason to subdivide the property.

**Development Standards Findings:**

Section 5.2 of Ordinance No. 348 provides the following development standards for the R-R zone:

Where a structure is erected or a use is made in the R-R Zone that is first specifically permitted in another zone classification, such structure or use shall meet the development standards and regulations of the zone in which such structure or use is first specifically permitted, unless such requirements are hereafter modified.

8. One family residences shall not exceed forty (40') feet in height. No other building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34. of this ordinance. In no event, however, shall a building exceed seventy five (75') feet in height or any other structure exceed one hundred five (105') feet in height, unless a variance is approved pursuant to Section 18.27. of this ordinance. Amended Effective: 5-24-01 (Ord. 348.3990)

The tallest building is 33 feet 6 inches, which complies with the 50-foot limitation.

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9. Lot Area. One-half acre, with a minimum average width of 80 feet, including the area to the center of adjacent streets, shall be the minimum size of any lot except as follows: 1. Public utilities, 20,000 square feet with a minimum average lot width and depth of 100 feet.

The site consists of 90.56 acres, complying with the minimum width and size requirements.

10. Automobile storage space shall be provided as required by Section 18.12. of this ordinance. Parks and recreational uses require 1 space/8000 square feet of active recreational area within a park and 1 space/acre of passive recreational area within a park or playground. Parking on the project is required to provide 508 spaces. The site would include a total of 1,217 spaces within three designated vehicle parking areas. There will be an additional 46 spaces for R.V. parking for day use as well as overnight dry-camping use on the southern portion of the project site. 9 ADA spaces are required per Condition (15 Gen- Accessible Parking).

Ordinance No. 348 Section 18.12 requires all development projects that require fifty or more parking spaces shall designate three spaces for electrical vehicles, and designate one additional space for electrical vehicles for each additional fifty parking spaces. This requires 12 electric vehicle spaces with signage and charging stations. 12 electric vehicle spaces with signage and charging stations are required per Condition (90-Gen- Electric Vehicle).

**Other Findings:**

11. Ordinance No. 847 regulating noise states that noise exceptions may be requested from the standards set forth in Sections 4 or 6 of Ordinance No. 847 and may be characterized as construction-related, single event or continuous events exceptions. Section 7b states: "Requirements for Approval. The appropriate decision making body or officer shall not approve an exception application unless the applicant demonstrates that the activities described in the application would not be detrimental to the health, safety or general welfare of the community. In determining whether activities are detrimental to the health, safety or general welfare of the community, the appropriate decision making body or officer shall consider such factors as the proposed duration of the activities and their location in relation to sensitive receptors. If an exception application is approved, reasonable conditions may be imposed to minimize the public detriment, including, but not limited to, restrictions on sound level, sound duration and operating hours."

As detailed in the Noise Impact Analysis (NIA) and the Environmental Assessment (CEQ190083) for the project, the project-related operational noise sources are expected to include Main MX Track, Veteran MX Track, roof-top air conditioning units, and parking lot MX staging. As indicated in the NIA, the proposed project will contribute an operational

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noise level increase during the daytime hours of 1.6 to 5.0 dBA  $L_{eq}$ . The project-related operational with existing conditions noise level contributions of 48.0 to 54.7 dBA  $L_{eq}$  are shown to satisfy the daytime significance criteria of 65 dBA  $L_{eq}$  as established in the County of Riverside General Plan Noise Element Policy 4.1, and the impacts at the sensitive receiver locations will be less than significant. Project operational stationary-source noise would not result in a substantial temporary/periodic, or permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The project site occurs adjacent to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Conservation Area. As discussed in Section/Question 7(g) of this document, the MSHCP states that “Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on the MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.” The NIA determined impacts to the MSHCP Conservation Area as a result of noise levels from the proposed project. Since the proposed project includes noise generating motocross activities, operational noise levels have been calculated at the project boundaries in order to estimate the project-related noise levels within the adjacent MSHCP Conservation Area.

The NIA relied on the 65 dBA  $L_{eq}$  exterior noise level limit identified by Policy N 4.1 of the General Plan. The NIA produced five MSHCP receiver locations at the project site’s boundary to estimate the highest noise levels within the nearby MSHCP Conservation Area. In summary, based on the noise levels obtained from the five receiver locations, the project-related noise levels are expected to range from 59.7 to 63.0 dBA  $L_{eq}$ . The analysis shows that project-related operational motocross noise levels will satisfy the 65 dBA  $L_{eq}$  exterior noise level threshold identified for the adjacent MSHCP Conservation Area. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

The NIA and the Environmental Assessment analyzed whether activities are detrimental to the health, safety or general welfare of the community and considered the proposed duration of the activities and their location in relation to sensitive receptors and found the impacts to be less than significant.

12. According to the MSHCP, the project site would have indirect impacts to the adjacent Criteria Cell 3564, which is located in Cell Group J, Subunit 3, Good Hope East for the Mead Valley Area Plan. The western parcel is also immediately southeast of the Steele Peak Reserve, which is a Public/Quasi-Public Conserved Land. The indirect impacts would

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be from noise, lighting, invasive plants, and possibly toxic materials such as herbicides and pesticides used in landscaping and maintenance, as well as non-hazardous oils and fuels used during project operations.

Nighttime lighting has the potential to indirectly affect wildlife use and activity in the Criteria Cell and the Steele Peak Reserve. The project plans indicate the use of lighting along the two northern off-road tracks on the mountainside, near the common border with Criteria Cell on the east and to a lesser extent the Steele Peak Reserve on the northeast corner. The project's on-site nighttime lighting would be directed away from the Steele Peak Reserve and the Criteria Cell to protect species within these areas from direct nighttime lighting. Shielding shall be incorporated in project designs to ensure ambient lighting adjacent to the Steele Peak reserve and Criteria Areas is not increased. The project proponent is conditioned (80-Gen- Lighting Plan) an on-site lighting plan for review and approval. The submittal of this plan is required as evidence that the proposed on-site lighting sources would meet County lighting standards.

The MSHCP states that "Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on the MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards." A Noise Impact Analysis (NIA) was completed by Urban Crossroads on August 20, 2021 (available at County offices for review), to determine impacts to the MSHCP Conservation Area as a result of noise levels from the proposed project. Since the proposed project includes noise generating motocross activities, operational noise levels have been calculated at the project boundaries in order to estimate the project-related noise levels within the adjacent MSHCP Conservation Area.

The NIA relied on the 65 dBA  $L_{eq}$  exterior noise level limit identified by Policy N 4.1 of the General Plan. The NIA produced five MSHCP receiver locations at the project site's boundary to estimate the highest noise levels within the nearby MSHCP Conservation Area. In summary, based on the noise levels obtained from the five receiver locations, the project-related noise levels are expected to range from 59.7 to 63.0 dBA  $L_{eq}$ . The analysis shows that project-related operational motocross noise levels will satisfy the 65 dBA  $L_{eq}$  exterior noise level threshold identified for the adjacent MSHCP Conservation Area. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

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13. The project site is located within the City of Perris Sphere of Influence. This project was provided to the City of Perris for review and comment. No comments were received either in favor or opposition of the project.
14. The project site is not located within an Airport Influence Area (AIA) boundary and is therefore not subject to the Airport Land Use Commission (ALUC") review.
15. In compliance with Assembly Bill 52 (AB52), notices regarding this project were mailed to all requesting tribes on August 23, 2019. No response was received within 30 days from the Cahuilla Band of Indians, Colorado River Indian Tribes (CRIT), Morongo Band of Mission Indians, Temecula Band of Luiseño Indians (Pechanga) or the Rincon Band of Luiseño Indians and consultation was closed on September 23, 2019. Pala Band of Mission Indians deferred to closer tribes. Consultations were requested by the Rincon Band and the Soboba Band. Rincon requested consultation in a letter dated August 26, 2019. Consultation was held on October 31, 2019 and the band sent a conclusion email on January 2, 2020. No tribal cultural resources were identified by Rincon. Consultation was held with Soboba on October 24, 2019. Soboba requested avoidance of all of the prehistoric cultural features. If not feasible he requested that the milling features be relocated and placed within an open space area that will not be disturbed in the future. This was agreed upon during consultation. Although the milling features do not qualify as a Tribal Cultural Resource, they are cultural features and the relocation of these along with the presence of a Native American Monitor will lessen impacts to less than significant level. The project conditions of approval were provided to Soboba on October 09, 2020 and consultation was concluded via email the same day.
16. The project site is located within Zone B of the Mount Palomar Observatory Lighting Zone boundary, as identified by Ordinance No. 655 (Mt. Palomar). The project is required to comply with all lighting standards specified within Ordinance No. 655, pursuant to Zone B.
17. The project site is located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Per County Ordinance No. 663 and the SKRHCP, all applicants who submit for development permits, including maps, within the boundaries of the Fee Assessment Area who cannot satisfy mitigation requirements through on-site mitigation, as determined through the environmental review process, shall pay a Mitigation Fee of \$500.00 per gross acre of the parcels proposed for development. Payment of the SKRHCP Mitigation Fee for this Project, instead of onsite mitigation, will not jeopardize the implementation of the SKRHCP as all core reserves required for permanent Stephen's Kangaroo Rat habitat have been acquired and no new land or habitat is required to be conserved under the SKRHCP.

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**Fire Findings:**

18. The project site is located within a Cal Fire State Responsibility Area (SRA) and is within a very high fire hazard severity zone. As a part of being within an SRA, the Director of the Department of Forestry and Fire Protection or his/her designee must be notified of applications for building permits, tentative tract/parcel maps, and use permits for construction or development within an SRA. Ordinance No. 787 Section 5 states that the Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the Board of Supervisors. As designated, the Riverside County Assistant Fire Marshall shall have the authority to enforce all applicable State fire laws that the notification requirement of Title 14 has been met. The following additional findings are required to be met:

- a. This land division has been designed so that each lot, and the subdivision as a whole, is in compliance sections 4290 and 4291 of the Public Resources Code by providing a defensible space within each lot of 100 feet from each side, front and rear of a pad site, requiring that the site have fuel modification standards acceptable to the Riverside County Fire Department, requiring a minimum 10-foot clearance of all chimneys or stovetop exhaust pipes, no buildings shall covered or have dead brush overhang the roof line and requiring that the roof structure shall be maintained free of leaves, needles, or other vegetation.

The applicant has prepared a Fire Protection Plan "JS 63 MX Facility Fire Protection Plan March 22, 2021 by Firewise 2000, LLC" that has been reviewed and approved by the Riverside County Fire Department. The Fire Protection plan details all aspects of the site that provide mitigation, such as a fifty foot buffer that will be created on the north, northeast, and western sides of the race tracks, including a twenty foot dirt access road around the perimeter of the three sides. The property owner is required to maintain fuel modification zones throughout the race facility.

- b. Fire protection and suppression services will be available for the subdivision through Riverside County Fire Department.
- c. The project meets the regulations regarding road standards for fire equipment access adopted pursuant to **Section 4290 of the Public Resources Code** and Riverside County Ordinance No. 787 as conditioned in Condition of Approval (80-Fire-Access) "Prior to issuance of Building Permits, an approved site plan for fire apparatus access roads and signage shall be submitted and approved by the Office of the Fire Marshal. The Fire Apparatus Access Road shall be (all weather surface) capable of sustaining an



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imposed load of 75,000 lbs. GVW. The fire apparatus access road or temporary access road shall be reviewed and approved by the Office of the Fire Marshal and in place during the time of construction. Fire apparatus access roads shall have an unobstructed width of not less than twenty-four feet as approved by the Office of the Fire Marshal and an unobstructed vertical clearance of not less than 15 feet if project is located in a State Responsibility Area Fire Hazard Zone.”

**Conclusion:**

1. For the reasons discussed above, as well as the information provided in the Initial Study, the proposed project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. Moreover, the proposed project would not be detrimental to the health, safety or general welfare of the community.

**PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH**

This project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 1200 feet of the project site. As of the writing of this report, Planning Staff has received nine written communications from an adjacent property owner who have indicated support to the proposed project.

This project was presented before the Good Hope Municipal Advisory Council on May 2, 2019.

**APPEAL INFORMATION**

The Planning Commission’s decision may be appealed to the Board of Supervisors. Such appeals shall be submitted in writing to the Clerk of the Board, with the required fee as set forth in Ordinance No. 671 (Consolidated Fees for Land Use and Related Functions), within 10 calendar days from the date of the Planning Commission’s decision.

**ATTACHMENTS**

- EXHIBIT A - PROJECT PLANS
- EXHIBIT B - GIS MAPS
- EXHIBIT C - ENVIRONMENTAL - MND AND NOD
- EXHIBIT D - CONDITIONS OF APPROVAL

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EXHIBIT E - PROJECT COMMENTS  
EXHIBIT F - RADIUS MAP AND MAILING LABELS



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**Agenda Item No.**

4.2

(ID # 17055)

**MEETING DATE:**

**Wednesday, September 22, 2021**

**SUBJECT:** PLOT PLAN NO. 180032 (PPT180032) - Consider Addendum to Environmental Impact Report No. 466– Applicant: Majestic Realty – Representative: T&B Planning – First Supervisorial District – North Perris Zoning Area – Mead Valley Area Plan: Community Development: Light Industrial – Location: West of Harvill Avenue, south of Old Oleander Avenue, east of Decker Road, and north of Markham Street – 19.41 Gross Acres – Zoning: Industrial Park (I-P) and Manufacturing–Service Commercial (M-SC) – REQUEST: The Plot Plan is a proposal for the construction and operation of a 347,672 square foot warehouse/distribution/manufacturing development on 19.41-acres (gross), identified as Building 19. The building consists of 27,814 square feet of office area with the remaining 319,858 square feet as warehouse. – APN: 314-051-015. Project Planner: Russell Brady at (951) 955-3025 or email at RBrady@rivco.org

**PROPOSED PROJECT**

Case Number(s):	PPT180032
Environmental Type:	Environmental Impact Report Addendum
Area Plan No.	Mead Valley
Zoning Area/District:	March Area
Supervisorial District:	First District
Project Planner:	Russell Brady
Project APN(s):	314-051-015
Continued From:	

John Hildebrand, Planning Director 9/9/2021

**PLOT PLAN NO. 180032** is a proposal for the construction and operation of a 347,672 square foot warehouse/distribution/manufacturing development on 19.41-acres (gross), identified as Building 19. The building consists of 27,814 square feet of office area with the remaining 319,858 square feet as warehouse.

The project will be accessed from Harvill Avenue via a shared driveway with Building 20 (PPT180029) to the north. The project has two driveways to access the site from the shared driveway for both passenger vehicles and trucks. Truck queuing will be accommodated with two separate queues extending from the two gated entrances to the loading area. The gated entrance closest to Harvill Avenue would accommodate queueing for 3 trucks and the gated entrance furthest from Harvill Avenue would accommodate queueing for 11 trucks. Harvill

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Avenue is already improved with paving, curb, gutter, and sidewalk. Additional dedication is proposed for Harvill Avenue along with an eight foot (8') wide community trail.

A detention basin is proposed southeast of the project site that would serve this project and that was previously approved with Building 20 (PPT180029). The basin would treat runoff from the site and outlet to proposed drainage facilities at the southeast corner of the site. Grading for the site is anticipated to require export of approximately 139,574 cubic yards of fill (156,958 cubic yards including the shared detention basin).

The description as included above and as further detailed in the Initial Study/Addendum constitutes the "Project" as further referenced in this staff report.

The Project site is located westerly of Harvill Avenue, northerly of Markham Street, southerly of Oleander Avenue, and easterly of Beck Street and Ellsworth Street/Decker Road.

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:**

**CONSIDER** an **ADDENDUM** to **ENVIRONMENTAL IMPACT REPORT NO. 466** based on the findings and conclusions incorporated in the Initial Study that the Project will not have a significant effect on the environment and that none of the conditions described in State CEQA Guidelines section 15162 exist; and,

**APPROVE PLOT PLAN NO. 180032**, subject to the attached advisory notification document and conditions of approval, and based upon the findings and conclusions provided in this staff report.

**PROJECT DATA**

**Land Use and Zoning:**

Specific Plan:	341, Majestic Freeway Business Center
Specific Plan Land Use:	Light Industrial
Existing General Plan Foundation Component:	Community Development
Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Light Industrial (LI)

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Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Light Industrial (LI)
East:	Light Industrial (LI)
South:	Rural Community: Very Low Density Residential (RC: VLDR), Business Park (BP)
West:	Rural Community: Very Low Density Residential (RC: VLDR)
Existing Zoning Classification:	Manufacturing – Service Commercial (M-SC), Industrial Park (I-P)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Manufacturing – Service Commercial, Industrial Park (I-P)
East:	Manufacturing – Service Commercial, Industrial Park (I-P)
South:	Rural Residential, one-acre minimum (R-R-1), Industrial Park (I-P)
West:	Rural Residential (R-R)
Existing Use:	Vacant land
Surrounding Uses	
North:	Vacant land
East:	Industrial/Warehouse
South:	Residential, vacant land
West:	Residential

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	19.41 gross	N/A
Proposed Building Area (SQFT):	347,672	N/A
Floor Area Ratio:	0.42	0.25 minimum, 0.60 maximum for

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<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
		Light Industrial
Building Height (FT):	45	I-P: 35 feet at setback line with 1 feet additional for every 2 feet additional of setback up to 50 feet height M-SC: 40 feet at setback line, 50 feet beyond the setback line
Landscape Area (SQFT):	21.45% (175,621)	I-P: 15% (122,786) M-SC: 10% (81,857)

**Parking:**

<i>Type of Use</i>	<i>Building Area (in SF)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Office	27,814	1 per 250	111.26	
Warehouse	319,858	1 per 2,000	159.93	
<b>TOTAL:</b>			<b>271</b>	<b>272</b>

**Located Within:**

City's Sphere of Influence:	Yes, City of Perris
Community Service Area ("CSA"):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes partially, Low and Moderate
Subsidence Area:	Yes partially, Susceptible
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	Yes
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	Yes
Airport Influence Area ("AIA"):	Yes, March ARB

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PROJECT LOCATION MAP



Figure 1: Project Location Map

PROJECT BACKGROUND AND ANALYSIS

**Background:**

Plot Plan No. 180032 was submitted to the County of Riverside on November 20, 2018.

**Anticipated Uses**

The Project proposes the construction of warehouse buildings on a speculative basis with no specific tenant or use intended at this time. These types of buildings can be used for a variety of tenants and uses including, but not limited to distribution centers, e-commerce, and manufacturing. The ultimate tenant will have to comply with the Project conditions of approval and the analysis included within the Initial Study/Addendum and the previously prepared Environmental Impact Report for the Specific Plan, which may limit certain types of uses due to their scale that might exceed what is currently proposed to be permitted and what was analyzed in the Environmental Impact Report. If any proposed uses exceed what the Project was permitted for and what was analyzed in the Environmental Impact Report, further entitlement permitting and analysis pursuant to CEQA would be required.

**Specific Plan Consistency**

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The Project is located within Planning Area 6 of Specific Plan No. 341 (Majestic Freeway Business Center). Planning Area 6 is designated as Light Industrial. This Specific Plan does not have a Specific Plan zoning ordinance related to it and instead the underlying zoning applies as to what specific uses are permitted and development standards apply to the site. The underlying zoning of Manufacturing – Service Commercial (M-SC) and Industrial Park (I-P) allows for a variety of industrial uses with approval of a Plot Plan that would be expected to occupy the proposed building. These include, but are not limited to, warehousing and distribution; fabrication of wood buildings and structures; manufacture of furniture; vehicles, aircraft, boats, and parts manufacture; draying, freighting, and trucking operations; and offices. The Specific Plan does have certain additional development standards that are applicable to the site. Analysis of the Project’s consistency with the EIR is presented in the below section Environmental Review/Environmental Findings and in detail in the attached Initial Study/Addendum. A complete analysis of the Project’s consistency with the applicable policies of the Specific Plan is included as an appendix to the Initial Study/Addendum.

Airport Land Use Commission

The Project is located within the Airport Influence Area of the March Air Reserve Base, specifically located within Compatibility Zone C2. This Project was reviewed by the Riverside County Airport Land Use Commission (ALUC) on January 10, 2019. The ALUC determined the Project consistent subject to recommended conditions of approval that are included in the recommended conditions of approval on the Project.

**ENVIRONMENTAL REVIEW AND ENVIRONMENTAL FINDINGS**

State CEQA Guidelines Section 15162 provides that an addendum to an adopted Environmental Impact Report may be prepared if only minor technical changes or additions are necessary or if none of the conditions described below have occurred:

1. *Substantial changes are proposed that would require major revisions to the EIR or negative declaration.*

The proposed Project implements Specific Plan No. 341 (Majestic Freeway Business Center), specifically Planning Area 6 of the Specific Plan and is consistent with the permitted uses and development standards of Planning Area 6. The type and amount of development is reduced from what was anticipated for Planning Area 6 as is detailed in the Initial Study/Addendum and supporting technical reports; therefore, the amount of impacts primarily from traffic and related impacts to air quality and noise would likely be reduced from what was analyzed in EIR No. 466 that was prepared for the Specific Plan. Therefore, no substantial changes are proposed that would require major revisions to the EIR.



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2. *Substantial changes would occur requiring major revision 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.*

As demonstrated in the accompanying Initial Study/Addendum and supporting technical reports, the proposed Project would not require major revisions to the previously-certified EIR No. 466 because the Project would not result in any new significant impacts to the environment, nor would it create substantial increases in the severity of the environmental impacts previously disclosed in the EIR No. 466. In summary, the proposed Project consists of an implementing Project for Planning Area 6 of Specific Plan No. 341 (Majestic Freeway Business Center), including 347,672 square feet (analyzed as 365,056 square feet in the Initial Study/Addendum) of warehouse uses. EIR No. 466 evaluated development of Planning Area 6 with industrial land uses. The uses proposed as part of the Project would result in a decrease in the amount of traffic generated from the site as compared to what was evaluated as the maximum impact scenario in EIR No. 466. There are no components of the Project that would result in increased physical environmental effects beyond what was previously evaluated and disclosed as part of EIR No. 466. Accordingly, there would be no new environmental effects or a substantial increase in the severity of previously-identified significant effects as a result of the proposed Project. Thus, the proposed Project would not require major revisions to the previously-certified EIR No. 466.

EIR No. 466 concluded that implementation of the overall Majestic Freeway Business Center Specific Plan would result in significant and unavoidable impacts to air quality (due to due to emissions of VOCs and NO<sub>x</sub> during construction and emissions of VOCs, NO<sub>x</sub>, CO, and PM<sub>10</sub> during long-term operation) and traffic-generated noise. As demonstrated in the accompanying Initial Study/Addendum and supporting technical reports, there are no components of the proposed Project that would result in new or increased impacts to air quality or due to traffic-related noise. As such, the proposed Project would not result in any new significant environmental impacts or substantially increase the severity of impacts identified in EIR No. 466 under the issue areas of air quality or noise.

Subsequent to the certification of EIR No. 466, no substantial changes in the circumstances under which the Project would be undertaken have occurred. Consistent with the conditions that existed at the time EIR No. 466 was certified, the Project site comprises a parcel of land that was previously graded and on which roadway improvements have already been made. Land uses surrounding the site include primarily vacant or industrial land immediately surrounding the Project site to the north,

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east, and south and single-family residential uses to the west. The Project would result in a substantial reduction in the amount of traffic generated by uses on the Project site as compared to what was evaluated for the site by EIR No. 466 as is further shown in the Initial Study/Addendum and supporting technical reports; thus, it can be concluded that the Project's impacts to transportation facilities (including local roads and freeways) would be reduced in comparison to the Project evaluated by EIR No. 466. As demonstrated in the accompanying Initial Study/Addendum supporting technical reports, no substantial changes have occurred in the surrounding area that would result in new or more severe impacts to the environment as compared to what was evaluated and disclosed in EIR No. 466.

3. *New information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified as complete or the negative declaration was adopted, which results in any of 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;*
  - c) *Mitigation measures or alternatives previously found not to be feasible would become feasible and would substantially reduce one or more of the significant effects of the Project but the Project proponents decline to adopt the mitigation measure or alternative; or,*
  - d) *Mitigation measures or alternatives that are considerably different from those previously analyzed and would substantially reduce one or more significant effect on the environment, but the Project proponent declines to adopt the mitigation measure or alternative.*

Subsequent to the certification of EIR No. 466, no new information of substantial importance has become available which was not known and could not have been known at the time the EIR No. 466 was prepared. Changes in law have occurred since certification of EIR No. 466 that have resulted in more environmentally-protective rules and regulations (e.g., increased energy efficiency, water conservation, fuel efficiency, etc.) to which the Project would be required to comply. Compliance with modern rules and regulations would result in decreased impacts to the environment as compared to what was assumed, evaluated, and disclosed by EIR No. 466.

The proposed Project would not result in any new or substantially more severe significant environmental impacts beyond those disclosed in EIR No. 466.

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Subsequent to the certification of EIR No. 466, no new mitigation measures or alternatives have been identified that were infeasible at the time EIR No. 466 was certified and that would substantially reduce impacts to air quality or traffic-related noise, which were identified as significant and unavoidable by EIR No. 466.

Subsequent to the certification of EIR No. 466, no new mitigation measures or alternatives that are considerably different from those analyzed in EIR No. 466 have been identified to reduce the significant unavoidable impacts to air quality or due to traffic-related noise.

The Initial Study/Addendum prepared for this Project analyzed if any of the conditions listed above would occur in light of the proposed Project. No new significant impacts would occur as a result of the proposed Project that were not previously addressed in the EIR. No new impacts would result in terms of substantial environmental damage, serious public health problems, or substantial and avoidable injury to fish or wildlife of their habitats.

**Solar Energy:**

Riverside County Climate Action Plan, as revised in 2019, includes Measure R2-CE1 which requires renewable energy generation by projects of a certain size. This measure requires the production of 20% of the energy demand for commercial, office, industrial or manufacturing uses totaling more than 100,000 square feet. This measure has been applied to this Project based on feasibility analysis provided and will be further implemented by the conditions of approval once a specific tenant is identified and more specific energy demand calculations can be calculated based on that specific tenant to determine the amount of renewable energy generation that is necessary. This is anticipated to be accommodated via rooftop mounted solar panels.

**FINDINGS AND CONCLUSIONS**

**In order for the County to approve the proposed Project, the following findings are required to be made:**

**Land Use Findings:**

1. The Project site currently has a Land Use Designation of Community Development: Light Industrial (CD:LI) in the Riverside County General Plan and as Light Industrial within the Majestic Freeway Business Center Specific Plan (Specific Plan No. 341). The objectives of the Specific Plan state that the intent is to provide a development plan for light industrial and warehouse/distribution uses. The anticipated building intensity per the Specific Plan is 0.25 to 0.6 Floor Area Ratio (FAR). The Project is consistent with the

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Community Development: Light Industrial (CD:LI) land use designation and Light Industrial land use designation of the Majestic Freeway Business Center Specific Plan (Specific Plan No. 341) and other aspects of the General Plan and Specific Plan since the Project proposes a FAR of 0.37 uses such as warehouse, distribution, and manufacturing uses that are described as anticipated uses within the Light Industrial land use designation in the General Plan and the Light Industrial land use designation of the Specific Plan as well as the overall objectives of the Specific Plan.

2. The Project site currently has two Zoning Classifications of Industrial Park (I-P) and Manufacturing – Service Commercial (M-SC). Both of these zones specifically allow for warehouse, distribution, and manufacturing uses as well as a various other industrial uses as previously noted in the background section, subject to approval of a plot plan.
3. The Project, with proposed uses including warehouse, distribution, and manufacturing, is consistent with Ordinance No. 348 (Land Use) and is permitted within both the Industrial Park (I-P) and Manufacturing – Service Commercial (M-SC) Zoning Classifications, subject to Plot Plan approval. Specific findings relating to the proposed uses, including findings relating to the applicable development standards, are in the following separate sections below.

**Entitlement Findings:**

**Plot Plan**

The following findings are required to approve the Plot Plan, pursuant to the provisions of Ordinance No. 348:

1. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. The Project site is designated as Light Industrial in the Riverside County General Plan and as Light Industrial within Specific Plan No. 341 (Majestic Freeway Business Center). The Plot Plan proposes the construction of a building designed to be used for warehouse, distribution, or manufacturing purposes. These general uses are consistent with the Light Industrial land use designation of the General Plan as well as the Light Industrial designation of the Specific Plan since these uses are specifically listed as anticipated uses for each of these designations in the General Plan and Specific Plan.
2. The overall development of the land shall be designed for the protection of the public health, safety and general welfare. As detailed in the Project's Initial Study and Addendum and the Environmental Impact Report previously prepared for the Specific

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Plan, all impacts have been reduced to the minimum amount feasible. EIR No. 466 prepared for Specific Plan No. 341 determined that potentially significant and unavoidable impacts to air quality and traffic-generated noise are anticipated. These impacts were analyzed and feasible mitigation incorporated in the EIR and through this project to reduce these impacts to the maximum amount feasible. The Project also prepared a Health Risk Assessment which determined that impacts from the Project's emissions on the surrounding residents would be within typical acceptable levels and would be less than significant. Conditions of approval incorporated for the Plot Plan will further ensure that public health, safety and general welfare are protected.

3. The proposed use conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding property, as areas to the north, east, and south of the Project site have been developed with, approved for, or designated for similar uses as the proposed Project for industrial and warehouse type uses. Areas to the west of the proposed Project that are developed with or designated for residential uses have been considered in the design of the Project. The loading areas do not face the residential area and the design includes a 12 foot tall wing wall extending from the building on the west side of the loading areas to screen for visual and noise purposes from the residential land uses to the west and south. The Project also incorporates landscaping along the western and southern border and elsewhere onsite to provide additional visual buffering from the residential land uses to the loading areas and the building itself. Additionally, the proposed Project would not inhibit development of surrounding areas.
4. The plan for the proposed use 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. Harvill Avenue is already paved and also includes gutter, curb, and sidewalk. Additional dedication is proposed for the Project's side of Harvill Avenue along with an eight foot (8') wide community trail. The project would direct site drainage to a basin at the southeast corner of the site that would treat runoff from the site and outlet to proposed drainage facilities at the southeast corner of the site.
5. The proposed uses are consistent with Ordinance No. 348, in particular with the permitted uses and development standards of the Industrial Park (I-P) and Manufacturing – Service Commercial (M-SC) zones as detailed in the following Development Standards Findings section. The Plot Plan proposes an industrial building with uses anticipated to include warehouse, distribution, and manufacturing. Both the Industrial Park (I-P) and Manufacturing – Service Commercial (M-SC) zones allow

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specifically for warehouse, distribution, and manufacturing as well as for other various industrial uses with the approval of a plot plan.

6. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel. The plot plan proposes a single building, so this requirement is not applicable.

**Development Standards Findings:**

1. The proposed use is consistent with Ordinance No. 348, in particular with the permitted uses and development standards of the Manufacturing – Service Commercial (M-SC) and Industrial Park (I-P) zones as detailed below. Although there are two different zones that the Project is located within, the development standards of the Industrial Park (I-P) zone are more restrictive than the Manufacturing – Service Commercial (M-SC) zone, so the Industrial Park (I-P) standards have been complied with across the entire Project and are the specific development standards italicized in the discussion below since these standards fulfill both the I-P and the M-SC development standards. As discussed in the subsequent development standards findings, the proposed Project meets or exceeds the development standards for each zone.
  - a. *The minimum lot size shall be 20,000 square feet with a minimum average lot width of 100 feet.* No subdivision is proposed at this time that would create parcels smaller than what currently exists. The individual building's size alone would exceed the minimum 20,000 square foot requirement, so any potential future realignment or merger of parcels would comply with this standard and would also be verified at that time the merger would be proposed. Furthermore, the M-SC zone requires a minimum lot size of 10,000 square feet and an average depth of 75 feet. Therefore, the Project meets both standards.
  - b. *The maximum height of all structures, including buildings, shall be 35 feet at the yard setback line. Any portion of a structure that exceeds 35 feet in height shall be set back from each yard setback line not less than two feet for each one foot in height that is in excess of 35 feet. All buildings and structures shall not exceed 50 feet in height, unless a height up to 75 feet for buildings, or 105 feet for other structures is specifically permitted under the provisions of Section 18.34. of Ordinance No. 348.* The maximum height proposed for the building is 45 feet. This Project therefore also meets the M-SC development standard that building shall not exceed 50 feet in

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height. As also noted below in subsection g of this section, the applicable baseline setback requirements are 25 foot minimum along streets, side yard setback of 10 feet, rear yard setback of 15 feet, and when abutting a residential or commercially zoned property of 50 feet.

As the Project is designed, the critical setback relative to the allowed height is the setback to residential or commercial zoned properties. Residential zoning exists to the west and south of the Project site and the proposed setback of the building to the property line is a minimum of 99 feet to the west and 82 feet to the south, which the required setback for each is 70 feet (50 feet plus 20 feet with the 10 foot additional building height above 35 feet). All other standard required setbacks per the Industrial Park (I-P) zone are met as shown in subsections d, e, and f of this section to not affect the maximum allowed height of the building.

- c. *A minimum 15 percent of the site shall be landscaped and automatic irrigation shall be installed.* The Project proposes 21% landscape coverage and the conceptual landscape plans note planned irrigation methods, which would be proposed specifically with final landscape plans that would be required prior to issuance of building permits. The Project also meets the M-SC zone development standards requiring a minimum of 10% of the site be landscaped.
- d. *A minimum 25 foot setback shall be required on any street. A minimum ten foot strip adjacent to the street line shall be appropriately landscaped and maintained, except for designated pedestrian and vehicular access ways. The remainder of the setback may be used for off-street automobile parking, driveways or landscaping.* The Project site is bordered by Harvill Street on the east border. The Project proposes a minimum setback of 98 feet on Harvill Avenue. The Project includes a minimum 10 foot strip of landscaping on the site outside of the right-of-way along Harvill Avenue, excluding where driveways are located. The Project also meets the M-SC zone development standards requiring a 25 foot setback.
- e. *The minimum sideyard setback shall equal not less than ten feet for the two side lot areas combined.* The Project site is bordered by a street on the east side, residentially zoned properties on the west and south side, and planned industrial to the north. The side yard condition may exist on the west side but pursuant to the prior height findings and following setback findings for residentially zoned properties, the required setback on the west side for residential zoned properties exceeds the 10 feet required for side yard setbacks. So the side yard setback is met through the compliance of the greater setback requirement from residentially zoned properties.

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- f. *The minimum rear yard setback shall be 15 feet.* As noted previously, the Project site is bordered by a street on the east side, residentially zoned properties on the west and south side, and planned industrial to the north. The rear yard condition may be applied on the west, south, or north side. Pursuant to the prior height findings and following setback findings for residentially zoned properties, the required setback on the west and south side for residential zoned properties exceeds the 15 feet required for rear yard setbacks. So the rear yard setback as may be applied on the west or south side is met through the compliance of the greater setback requirement from residentially zoned properties. The north side which is adjacent to an industrial zone and planned industrial uses is setback at least 150 feet from the property to the north with the design of the truck dock area on the north side, which meets the 15 foot rear setback requirement. This fulfills the requirement of both the I-P and M-SC development standards.
- g. *A minimum 50 foot setback shall be required on any boundary where the industrial property abuts a residential or commercially zoned property. A minimum of 20 feet of the setback shall be landscaped, unless a tree screen is approved, in which case the setback area may be used for automobile parking, driveways or landscaping. Block walls or other fencing may be required.* The Project provides a minimum 99 feet to the west and 82 feet to the south where residentially zoned properties exist. Within that setback area there is a minimum 20 foot landscape area located on site. The project does propose a 12 foot tall wing wall along the west side of the loading areas to screen noise and views of the loading area from residential properties to the west. The Project also meets the minimum setback requirement of 25 feet from any residentially zoned properties as well as the required 20 foot landscaping strip under the M-SC development standards.
- h. *Parking, loading, trash and service areas shall be screened by structures or landscaping. They shall be located in such a manner as to minimize noise or odor nuisance. Block walls or other fencing may be required.* Standard vehicle parking areas are located along the north and west sides of the property and are screened with landscaping between the parking areas and the adjacent road right-of-way. As previously noted, the loading area is located on the north side of the building not facing residential land uses, but is screened via a 12 foot screen wall and landscaping located on site. Trash and other service areas are proposed within the loading area for the building and would be adequately screened by the screen wall and landscaping proposed. This fulfills the requirement of both the I-P and M-SC development standards.



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- i. *Outside storage shall be screened with structures or landscaping. Landscaping shall be placed in a manner adjacent to the exterior boundaries of the area so that materials stored are screened from view. If a non-screened exhibit of products is proposed, it shall be part of the industrial park plot plan, and shall be set back at least ten feet from the street line.* No outside storage is proposed with the Project. If future tenants desire to incorporate outside storage it will be required to be adequately screened consistent with the I-P and M-SC development standards.
  
- j. *Automobile parking shall be provided as required by Section 18.12 of Ordinance No. 348.* Based on the conceptual floor plans provided and the division between office and warehouse uses, the building for the proposed Project provides adequate parking consistent with Section 18.12 of Ordinance No. 348. The building proposes 27,814 square feet of office area and the remaining 319,858 square feet as warehouse area. At 1 space per 250 square feet, as required by Ordinance No. 348, the office area requires 111.26 spaces. At 1 space per 2,000 square feet, as required by Ordinance No. 348, the warehouse area requires 159.93 spaces. A total of 271 spaces is required. The building proposes 272 parking spaces to meet the minimum required number of spaces. If future tenants propose tenant improvements through the building permit process that increase the amount of office or other area that requires more parking, such parking shall be provided on the Project site as appropriate and necessary consistent with Section 18.12 of Ordinance No. 348 and may be subject to further review pursuant to Section 18.43 of Ordinance No. 348. Additionally, electrical vehicle parking is noted on the site plan for 17 spaces, which meets the minimum requirement of Section 18.12 for 8 spaces. This fulfills the requirement of both the I-P and M-SC development standards.
  
- k. *All new utilities shall be underground.* The Project is conditioned to underground any new utilities, excluding electrical lines rated higher than 33 kV. This fulfills the requirement of both the I-P and M-SC development standards.
  
- l. *All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of 1,320 feet.* No specific use is proposed at this time and therefore no specific equipment is proposed. However, any future tenants would be required to comply with the development standards of the I-P and M-SC zones and would be subject to this requirement to have any manufacturing equipment enclosed in a building. The Project is conditioned to provide complete screening of roof mounted mechanical equipment from ground view. The building design with parapet is anticipated to provide the necessary screening. If roof mounted equipment exceeds the parapet height, it may be necessary to screen the

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equipment immediately around the equipment to not require an increase in the height to the parapet.

- m. *All signs shall be in conformance with Article XIX of Ordinance No. 348.* No signs are proposed at this time, but applications future signs will be reviewed as part of the building permit process for consistency with Article XIX of Ordinance No. 348.
  
- n. *All lighting, including spotlights, floodlights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property.* The Project is conditioned to comply with Ordinance No. 915 which similarly requires direction of lighting downward and away from adjoining properties. This meets the listed requirement of both the I-P and M-SC development standards.

**Other Findings:**

1. This Project is not located within a Criteria Cell of the MSHCP. Accordingly, this Project fulfills the Conservation Area requirements of the MSHCP and is consistent with the MSHCP.
  
2. This Project is within the City Sphere of Influence of Perris. No memorandum of understanding exists with the City of Perris regarding development applications and consistency of General Plans and zoning. Regardless, the Project was initially transmitted to the City of Perris on November 29, 2018 and no comment was received.
  
3. Pursuant to the requirements of AB 52, tribal consultation was not required for the Project since an Addendum is being considered for this project and a new Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report is not required for this project as is detailed in the previous Environmental Findings in this staff report and in the Initial Study/Addendum. The Project is not subject to tribal consultation pursuant to SB 18 requirements since the project does not include an Amendment to the Specific Plan or General Plan.
  
4. The Project site is located within the Fee Assessment Area for the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Per County Ordinance No. 663 and the SKRHCP, all applicants for development permits, including maps, within the boundaries of the Fee Assessment Area who cannot satisfy mitigation requirements through on-site mitigation, as determined through the environmental review process, shall pay a Mitigation Fee of \$500.00 per gross acre of the parcels proposed for development.

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Payment of the SKRHCP Mitigation Fee for this Project, instead of on-site mitigation, will not jeopardize the implementation of the SKRHCP as all core reserves required for permanent Stephen's Kangaroo Rat habitat have been acquired and no new land or habitat is required to be conserved under the SKRHCP.

5. The Project site is located within Zone B as identified by Ordinance No. 655 (Mt. Palomar). The Project will be required to comply with lighting standards of Ordinance No. 655 for Zone B.
6. The Project is located within the Airport Influence Area of the March Air Reserve Base, specifically located within Compatibility Zone C2. This Project was reviewed by the Riverside County Airport Land Use Commission (ALUC) on January 10, 2019. The ALUC determined the Project consistent subject to recommended conditions of approval that are included in the recommended conditions of approval on the Project.

**Fire Findings:**

1. The Project is not located within a CAL FIRE state responsibility area or any fire hazard severity zone.
2. Fire protection and suppression services will be available for the subdivision through Riverside County Fire Department.

**Conclusion:**

1. For the reasons discussed above, as well as the information provided in the Initial Study/Addendum, the proposed Project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. Moreover, the proposed Project would not be detrimental to the health, safety or general welfare of the community.

**PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH**

This Project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 600 feet of the Project site. As of the writing of this report, Planning Staff has not received any written communication or phone calls who indicated support or opposition to the proposed Project.

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This Project was presented before the Mead Valley Municipal Advisory Committee in November 2018, January 2019, and March 2019. Additional meetings were held at the Mead Valley Senior Center in January 2019, March 2019, and May 2019 and at the Charles Meigs Community Center in March 2019. Further outreach to residents were held in separate meetings, calls, and canvassing efforts.

**APPEAL INFORMATION**

Planning Commission's decision may be appealed to the Board of Supervisors. Such appeals shall be submitted in writing to the Clerk of the Board, with the required fee as set forth in Ordinance No. 671 (Consolidated Fees for Land Use and Related Functions), within 10 days after the date of the mailing of the Planning Commission's decision.

**EXHIBITS**

- A – Site Plan**
- B – Other Project Plans**
- C – GIS Exhibits**
- D – EIR Addendum**
- E – Conditions of Approval**
- F – Radius Map and Labels**



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**Agenda Item No.**

(ID # 17132)  
**MEETING DATE:**  
**Wednesday, September 22, 2021**

**SUBJECT:** CONDITIONAL USE PERMIT NO. 200045 and DEVELOPMENT AGREEMENT NO. 2000023 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301(l)(3) (Existing Facilities) and Section 15061(b)(3) (Common Sense Exemption) - Applicant: Brook Duquesnel – Engineer/Representative: Sam Pakbaz– Second Supervisorial District – Temescal Canyon Area Plan: Light Industrial (LI) – Location: 13445 Estelle Street, Corona, CA. – 1.73 Gross Acres – Zoning: Manufacturing-Service Commercial (M-SC) REQUEST: To authorize commercial cannabis activity within a 36,450 square foot industrial building to include Cannabis Cultivation, a Cannabis Retailer and Cannabis Distribution Facilities with parking, landscaping and other improvements, and to demolish interior mezzanine area and an outdoor enclosure. - APNs: 115-300-028, - 029

**PROPOSED PROJECT**

Case Number(s):	Conditional Use Permit No. 200045 Development Agreement No. 2000023
Environmental Type:	Exemption
Area Plan No.	Temescal Canyon
Zoning Area/District:	East Corona District
Supervisorial District:	Second District
Project Planner:	Steven Jones
Project APN(s):	115-300-028, -029
Continued From:	



John Hildebrand, Planning Director 9/16/2021

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATION:**

**THAT THE PLANNING COMMISSION:**

**CONTINUE** the project to the October 6, 2021 public hearing date.



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**Agenda Item No.**

(ID # 17197)  
**MEETING DATE:**  
**Wednesday, September 22, 2021**

**SUBJECT:** APPEAL of the PLANNING DIRECTOR'S DECISION TO APPROVE PLOT PLAN NO. 190024 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) – Applicant: Gumaro J. Vasquez – Engineer/Representative: Adkan Engineers – First Supervisorial District – Lake Matthews/Woodcrest Area Plan – Woodcrest Zoning District – Rural Community: Very Low Density Residential (RC-VLDR) – Location: Northerly of Valle Vista Way, westerly of Kellen Court, southerly of Hermosa Drive and easterly of Cayuse Court – 1.29 Net Acres – Zoning: Light Agriculture – 1 Acre Minimum (A-1-1) – REQUEST: Plot Plan No. 190024 is a proposal to convert an existing 3,050 sq. ft. two-story detached garage into a Class II Dog Kennel for up to 25 dogs in total, on 1.29 acres. Outside the detached kennel building the Class II Dog Kennel site includes a dog exercise and play area which is enclosed by an existing 6-foot-high vinyl fence. Food and water troughs provided inside the detached kennel building. The remainder of the project site contains a residential dwelling for the kennel owner and a 6-foot-high fenced in area for the residential pool. The project site perimeter is enclosed by either a 6-foot-high chain-link fence or vinyl fence. The proposed Class II kennel will not be open to the public. Customers purchase dogs online and delivery of the dogs are managed offsite. APN: 245-100-048.

**PROPOSED PROJECT**

Case Number(s):	PPT190024
Environmental Type:	Exemption
Area Plan No.	Lake Matthews/Woodcrest
Zoning Area/District:	Woodcrest District
Supervisorial District:	First District
Project Planner:	Tim Wheeler
Project APN(s):	245-100-048
Continued From:	



John Hildebrand, Planning Director 9/16/2021

**PROJECT DESCRIPTION AND LOCATION**

This appeal concerns the Planning Director's approval of Plot Plan No. 190024, which proposes to convert an existing 3,050 sqft. two-story detached garage into a Class II Dog Kennel for up to 25 dogs in total, on 1.29 acres. Outside the detached kennel building the Class II Dog Kennel site includes a dog exercise and play area which is enclosed by an existing 6-foot-high vinyl fence. Food and water troughs provided inside the detached kennel building. The remainder of

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the project site contains a residential dwelling for the kennel owner and a 6-foot-high fenced in area for the residential pool. The project site perimeter is enclosed by either a 6-foot-high chain-link fence or vinyl fence. The proposed Class II kennel will not be open to the public. Customers purchase dogs online and delivery of the dogs are managed offsite.

The above is hereinafter referred to as “the project or Project”.

The site is located north of Valle Vista Way, west of Kellen Court, south of Hermosa Drive and east of Cayuse Court, within the Lake Mathews/Woodcrest Area Plan. The project site address is 15111 Kellen Circle.

The appeal application, staff reports, and memorandum documents provided at the Planning Director’s hearings are attached hereto and incorporated herein by reference.

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:**

**DENY THE APPEAL** of the Planning Director’s decision on July 26, 2021, approving Plot Plan No.190024; and,

**UPHOLD THE PLANNING DIRECTOR’S FINDING THAT PLOT PLAN NO. 190024** is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities), based on the findings and conclusions in the staff report; and,

**UPHOLD THE PLANNING DIRECTOR’S APPROVAL OF PLOT PLAN NO. 190024**, subject to the attached Advisory Notification Document, Conditions of Approval, and based upon the findings and conclusions incorporated in this staff report and its attachments.

**PROJECT DATA**

**Land Use and Zoning:**

Specific Plan:	N/A
Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:	Rural Community (RC)
Proposed General Plan Foundation Component:	N/A

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Existing General Plan Land Use Designation:	Rural Community: Very Low Density Residential (RC: VLDR)
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Rural Community: Very Low Density Residential (RC: VLDR)
East:	Rural Community: Very Low Density Residential (RC: VLDR)
South:	Rural Community: Very Low Density Residential (RC: VLDR)
West:	Rural Community: Very Low Density Residential (RC: VLDR)
Existing Zoning Classification:	Light Agriculture - 1 Acre Minimum (A-1-1)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Light Agriculture - 1 Acre Minimum (A-1-1)
East:	Light Agriculture - 1 Acre Minimum (A-1-1)
South:	Light Agriculture - 1 Acre Minimum (A-1-1)
West:	Light Agriculture - 1 Acre Minimum (A-1-1)
Existing Use:	Single Family Residence w/ Pool & Detached Garage
Surrounding Uses	
North:	Single Family Residence
South:	Single Family Residence
East:	Single Family Residence
West:	Single Family Residence

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	1.29 net acres	Minimum 1.00 gross acres
Existing Building Area (SQFT):	Detached Garage 3,050 sqft. (Dwelling 2,430 sqft.)	N/A



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<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Detached Garage Height (FT):	24 feet	Other structures/buildings 50 feet

**Located Within:**

City's Sphere of Influence:	Yes – City of Riverside
Community Service Area (“CSA”):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes – High and Moderate
Subsidence Area:	Yes – Susceptible
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	No
WRCMSHCP Criteria Cell:	No
Stephens Kangaroo Rat (“SKR”) Fee Area:	Yes – Inside SKR Fee Area
Airport Influence Area (“AIA”):	Yes – March Air Reserve Base, Zone D

**PROJECT BACKGROUND AND ANALYSIS**

**Background:**

The project, a Class II Dog Kennel, was submitted to the County of Riverside Planning Department on September 11, 2019.

The project site is located on a residential lot of approximately 1.29 acres that is accessible from Kellen Court within the Woodcrest Community. Additionally, the residential property has an 8-foot-wide shared access easement that comes from Valle Vista Way. The lot is currently improved with a 2,431 sqft. residential dwelling built in 1986 and a 3,050 sqft. two-story detached garage. The kennel proposes to convert the existing detached garage into a Class II Dog Kennel for up to 25 dogs (French Bulldogs): including eight (8) indoor kennels, food and water trough areas, and utilities for heating or cooling. The project will not be a training facility nor be open to the public as all transactions for the dogs would be processed online and deliveries will be conducted offsite.

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A public hearing at a Director's Hearing (DH) for the project occurred on July 26, 2021. The DH Staff Report package included 8 of letters of support and 8 letters that opposed the project. After staff's presentation, the Hearing Officer received additional public testimony in opposition of the project. There was a total of 7 speakers in opposition of the project. The stated concerns included the following: dog barking and noise, a commercial use in a residential area, pet waste and water quality, animal control violation for an illegal kennel or puppy mill, too many dogs of 40 or more dogs; to name a few. Note that these concerns are repeated in the appeal application and are further discussed below in this in staff report.

The applicant provided a verbal response to the concerns, stating they were unaware of needing a kennel entitlement until it was brought to their attention by Animal Control and Code Enforcement, their direct neighbors state they support and do not hear any loud dog barking, supplied a Noise Study for the kennel entitlement, have a routine schedule for the dogs both outdoors and indoors and that due to the heat, they keep and the dogs prefer to be indoors, they have reduced their number of dogs to what is allowed under a Class II Kennel (maximum of 25 dogs), and that their dogs are well feed, clean, healthy, and well taken care of; was some of their response to comments from the opposition. Furthermore, their Noise Study indicated that the dogs or dog barking do not exceed the noise standards of County Ordinance No. 847, the animal waste is cleaned every day will not impact any waterways, the number of dogs that may be located onsite is conditioned as part of the project, the use is permitted with an approved Plot Plan in the Light Agriculture (A-1) Zone per Ordinance No. 348, kennel will not be open to the public, the dogs will be delivered by a dog nanny to the buyer. After closing public testimony, the Hearing Officer approved the project based upon the facts, findings, and conclusions of the project stated in the staff report and reflected on the submitted plans.

The Project's Notice of Determination (NOD) was filed and posted by the Riverside County's Records Office on July 30, 2021 and provided to the applicant. The 10-day project appeal period was initiated on July 26, 2021 and closed on August 5, 2021. On August 4, 2021, the County received an appeal application from Terra Lynn Dearth, prior to the appeal period closure on August 5, 2021 (Attachment A).

The Director's Hearing staff report package, which includes the project description, site plans, elevations, environmental analysis, advisory notification document, and conditions of approval, is attached (Attachment D). Included in this attachment is the response to comments to the letters/emails of opposition that were sent to the County.

The following portion of this staff report specifically restates verbatim, the Appellant's reasons for the appeal as provided for in the Request for Appeal Application. Staff provides comments to each of the Appellant's reasons for the appeal and are noted as **"Staff Comments"**.

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**Appellant Statement – Reasons for Appeal**

*“Noise level far exceeds an acceptable level and presents a nuisance”.*

**Staff’s Comments:**

The County of Riverside requested the applicant provide a Noise Study for the Class II Kennel project. A Noise Study was provided by MIG dated March 19, 2021 from the applicant. The sound level standard per Ordinance No. 847 (Regulating Noise) for the land use designation of Rural Community: Very Low Density Residential (RC: VLDR), which is the land use designation of the project site, is 55 Db from 7 am to 10 pm and 45 Db from 10 pm to 7 am.

The ambient noise level monitoring at the project site (kennel) over a 24-hour period from 5:30 PM on Friday, July 24 to 5:30 PM on Saturday, July 25, 2020. The ambient noise monitoring included two long-term (LT) measurements (24-hours) and one short-term (ST) measurement (50 minutes) at locations selected to provide direct observations and measurements of existing noise sources (at the kennel). The ambient noise monitoring results show measured 24-hour community noise exposure levels (CNEL) at 15111 Kellen Court, including kennel operations, were approximately 46 CNEL. This value is well below the County’s normally acceptable noise limit for low density residential land uses (60 CNEL). In addition, ambient noise monitoring shows average hourly noise levels during outdoor dog exercise periods ranged from 40.6 dBA to 47 dBA, which were consistent with overall daytime noise level ranges measured when dogs were inside the kennel (38 dBA to 49 dBA). The maximum hourly noise levels (Lmax) measured during the ambient noise monitoring ranged from approximately 60 dBA Lmax to 76 dBA Lmax. Based on field observations, the maximum measured noise levels at the project site (kennel) were not caused by kennel operations or dogs barking. Rather, the maximum measured noise levels at the kennel were the result of local residential activities (e.g., pneumatic drills used for vehicle maintenance), propeller and jet plane flights directly overhead of the kennel, and vehicle traffic on local roads and Washington Street. The results of the ambient noise monitoring indicate there was no noticeable difference in measured Lmax noise levels during periods of time when dogs were inside or outside the kennel.

**Appellant Statement – Reasons for Appeal**

*“Dogs have been heard fighting on the property to the point of disturbing the neighbors”.*

**Staff’s Comments:**

As stated above regarding noise, the Noise Study conducted on site was within the sound level standards for Ordinance No. 847. Additionally, per the kennel’s daily business operation, the

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dogs go outside to play and exercise in the morning and evening, 10 am to 11 am and 5 pm to 6pm respectively. Understanding that “dogs at play” can make noise, again as stated per the Noise Study, noise levels were at or below sound level standards. Furthermore, the project planner did a site inspection on August 6, 2021. During the inspection, no dogs were observed fighting. Any barking observed was minimal and stopped within 10 minutes and were covered by the louder sounds of the project fan(s) within the kennel. Finally, the applicants state that the dogs like to stay indoors, where it is cooler, then being outdoors in the heat.

**Appellant Statement – Reasons for Appeal**

*“Neighbors are concerned about the health and welfare of the dogs”.*

**Staff’s Comments:**

Project planner did a site inspection, as of August 6, 2021, and observed clean food and water containers for the dogs and that the dogs were kept clean and taken care for. A 6-foot-high fenced off area for dog exercise and playing is provided as well as a little water bathing area outside for the dogs. Additionally, the applicants have veterinarian records for all their dogs and regular check-ups. Furthermore, the County of Riverside Department of Animal Service will conduct regular and/or surprise inspections for the Class II Kennel. The project site needs to meet Animal Service regulations or the kennel would be fined and could lose its license and/or have the Class II Kennel entitlement revoked.

**Appellant Statement – Reasons for Appeal**

*“The number of dogs has been over the amount allowed for a Class II Kennel that permits a maximum of 25 dogs, for years”.*

**Staff’s Comments:**

Applicants stated at one time they had more dogs then allowed under a Class II Kennel. Complaints from neighbors to Animal Services and/or Code Enforcement have caused field inspections by both departments to occur. Code Enforcement inspected the property (August 2019) for detached garage used as a second unit. Code Enforcement Office didn’t not find that any one was living in the detached garage but did see it was being used as a kennel. Applicant stated they were in the process of apply for a Class II Kennel. An application was submitted to the Planning Department in September 2019 for a Class II Kennel (PPT190024, the project). Additionally, during the site inspection by the project planner no dogs were on site that what would be allowed under a Class II Kennel (maximum 25 dogs). As stated above, Animal

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Services will conduct route inspections to make sure that the project site and applicants are keeping within the guidelines of their entitlement for a Class II Kennel of 25 mature dogs on site.

**Appellant Statement – Reasons for Appeal**

*“The last time Riverside County Department of Animal Services has physically visited the property was prior to 2/2020 at which time 44 dogs were noted. As per Riverside Department of Planning a Class IV Kennel License would allow 44 dogs and is not allowed on this property. It appears to the neighbors that this violation has been since 2015 with no action and accountability made on the part of the owner”.*

**Staff’s Comments:**

Planning conferred with Animal Control Services (ACS) and were provided the following information: November 20, 2018 (animal cruelty compliant) – ACS Officer observed no welfare violations; August 2, 2019 (animal compliant) – ACS Officer issued an administrative citation for a Kennel Violation; August 7, 2019 – Officer observed 37 dogs, no welfare violations. Place was clean and they were working with planning to get their kennel permit; March 24, 2020 – ACS noted that the property owner was have a hard time finding someone to do noise study due to Covid outbreak; August 5, 2020 – Kennel Clerk received voice message stating noise study was completed; and June 18, 2021 (another animal cruelty compliant) – ACS Officer observes 30 French Bull Dogs all dogs are in good health, food and water present and clean. Dogs appear bright alert and responsive. Administrative citation for Kennel Violation issued.

Additionally, ACS Officer Jason Sanders did another field inspection on September 9, 2021 – Met with property owner/kennel owners. Owners walked ACS Officer Sanders back to the kennels (kennel building). Dogs are adorable, all well taken care of and in amazing conditions. Food and water were present, and the dogs only barked a couple of times when I was there and then immediately calmed down. Seventeen dogs all present in the garage. Nothing bad to report.

Furthermore, there have not been any complaints made to Code Enforcement regarding a kennel. A code case was opened, CV1903106, due to a reporting party regarding the detached garage’s 2nd floor being lived or used as a second unit. These claims were determined to be unfounded by the Code Office on a field inspection on September 11, 2019. The office did note that they had a kennel being ran out of the detached garage and the applicants stated that they were in the process of getting the kennel entitled under PPT190024 (the project). The code case was closed as a Class II Kennel permit was applied for with the Planning Department.

**Appellant Statement – Reasons for Appeal**

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*“The owner of the property has been in avoidance of obtaining a kennel license for years”.*

**Staff’s Comments:**

As stated above, ACS issued an administrative citation for a Kennel Violation on August 2, 2019. Additionally, the property owners were made aware by the Code Enforcement Officer for CV1903106 that an entitlement for a kennel was needed. Owners indicated that they had started the process for a kennel license/entitlement. The County of Riverside’s Planning Department received an application for a Class II Kennel (11 to 25 dogs) on September 11, 2019 (PPT190024, the project).

**Appellant Statement – Reasons for Appeal**

*“The easement to the portion of the property that houses the kennels has been used as a road and as a result the easement has eroded beyond normal wear. The run-off path to the Woodcrest Dam and other properties directly next to this easement have also been affected. Who will be paying for and maintaining this as it needs constant attention and is currently maintained by neighbors, not by the property owner in question? When can neighbors expect to see this taking place”?*

**Staff’s Comments:**

The project site’s underlining tract map (TR11047 Lot 6) provides for an eight-foot-wide easement for equestrian and ingress/egress use. This easement runs the length of the underlining tract map for lots 1, 6, 7, and 8. Additionally, the neighboring tract map on the other side of this easement also provides eight feet for the same purpose (TR11044 Lots 8 thru 12, and 14). This provides for a total of 16 feet given, for said easement, for the use of equestrian or ingress/egress purposes. Furthermore, the blueline stream or natural drainage that runs next to this easement is currently dry. All neighboring properties that abut this blueline stream/drainage have not kept it clear of debris. The project planner, during a field inspection, observed that the drainage that is next to the easement and runs through the project site dry and kept clear. No debris, trash, or waste is located within the drainage.

**Appellant Statement – Reasons for Appeal**

*“The easement, as per county plans, is not for driving, as has been used by the owner of this property, but for horses and walking. There is a concern by neighbors for residents that walk past this part of the property for their safety”.*

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**Staff's Comments:**

As stated above, the 16-foot-wide easement is for equestrian and ingress/egress uses, which can include vehicles. Per the applicants, they have used the easement for dropping off dog food and feed for the kennel and 2 horses on the property. Furthermore, the Class II Kennel is not open to the public so there will be no customers using the easement for access. Lastly, the easement may, in urgent circumstances, be used by emergency vehicles. Fire has stated that with the fire hydrant off Valle Vista Way and the detached garage, used for the kennel, with fire sprinklers installed are sufficient and fire trucks using the easement are only in extreme situations.

**Appellant Statement – Reasons for Appeal**

*“The lower part of the property also houses a corral and horses. Has anyone checked on this from a county office, in person?”*

**Staff's Comments:**

During the site inspection by the project planner, it was observed that the applicants have 2 horses on the property within a corral. The horses seemed in good health. The project site is zoned Light Agriculture-One Acre Minimum (A-1-1) and per Ordinance No. 348-Section 13.1.4 states: The grazing of cattle, horses, sheep, goats, or other farm stock or animals, not including hogs, including the supplementary feeding thereof, not to exceed five animals per acre of all the land available. As the project site of the Class II Kennel is 1.29 acres, the applicants are allowed up to five horses.

**Appellant Statement – Reasons for Appeal**

*“As per information given at the meeting, neighbors were told that if a Class II Kennel License is granted a water hydrant is required to be installed and emergency access to the property needs to be made available as per the Riverside County Fire Department. If both are added to the lower part of this property or on the easement this can impact the stabilization of the easement, water run off area to the Woodcrest Dam and neighboring properties. If this is added to the area on Kellen Court, the property now has fencing that encroaches on the easement and inhibits placing the proposed fire hydrant and access thereof. The result could not only affect the 15111 Kellen Court; but in addition, neighboring properties. Additionally, the terrain from Kellen Court to the lower part of the property can affect response to a fire. Who pays for this, what does this look like, what is the proposed location and what is the time-line for this to happen?”*

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**Staff's Comments:**

As stated above, there is an existing fire hydrant off Valle Vista Way as well as another fire hydrant off Kellen Court. Fire can use both hydrants to address any fire related concerns on the project site. Additionally, the Class II Kennel has been conditioned to acquire a permit for a tenant improvement for the kennel and through that permit process have fire sprinklers install in the detached garage. It is Staff's determination that there may have been a misunderstanding of what was being discussed during the Director's Hearing as it relates to the Fire Departments conditions. There will be no improvements to the easement, or an additional fire hydrant installed. Additionally, the fencing added to the front of the project site property does not require a permit except for the electrical to the front gate.

**Appellant Statement – Reasons for Appeal (David Castle)**

*Excessive Animal Density Per Acre – In addition to the existing illegal unlicensed commercial kennel with up to 44 dogs, there is a horse stable with 2 horses. How many animals are allowed on this property? If this exceeds the zoning, it requires an environmental impact report.*

**Staff's Comments:**

As stated above, the A-1-1 zone allows, as a use permitted, up to 5 horses on one acre of land. The 2 horses on the project site meet this requirement. Furthermore, with an approved plot plan, a Class II Kennel (with a maximum of 25 dogs) can be allowed on the project site. Additionally, per a site inspection by the project planner, the applicant had under the maximum of dogs allowed for a Class II Kennel.

**Appellant Statement – Reasons for Appeal (David Castle)**

*How Is Kennel Waste Going To Be Eliminated? - All the properties in this area are on septic systems. There are no sewers in this area. If there is a septic system for the detached garage that has been converted into an illegal unlicensed kennel, it is probably only rated for a single-bedroom garage apartment. How are the owners going to eliminate the waste from 25 dogs? This requires an environmental impact report.*

**Staff's Comments:**

The Class II Kennel project has been conditioned (per AND Planning. 1 – Animal Waste) and states: All animal waste shall be disposed of daily, in a watertight and fly proof disposal bag or container and placed into the trash bins for the local waste service provider to haul away



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weekly. No waste from the Class II Kennel is permitted to go into the septic system. There is no bathroom or septic attached to the detached garage.

**Appellant Statement – Reasons for Appeal (David Castle)**

*Impact On Water Quality In Woodcrest Dam - Currently, the waste products from the dog kennel are being washed directly into a seasonal creek feeding the Woodcrest Dam settling basin less than 800 feet away. (Please see attached satellite map.) What are the remediation plans to keep the dog feces and urine from affecting the ground water quality? This requires an environmental impact report.*

**Staff's Comments:**

As stated above, the Class II Kennel project has been conditioned (per AND Planning. 1 – Animal Waste) and states: All animal waste shall be disposed of daily, in a watertight and fly proof disposal bag or container and placed into the trash bins for the local waste service provider to haul away weekly. No waste from the Class II Kennel is permitted to go into the septic system or into the blueline stream/natural drainage. Furthermore, the project planner during their onsite inspection did not see any debris, waste, or dog feces in the blueline stream/natural drainage that runs next to the easement and near the detached garage where the kennel is located. Photos from the site inspection have been included in the report package for the Appeal to the Planning Commission.

**Appellant Statement – Reasons for Appeal (David Castle)**

*Requirement For Legal Easement Between Properties – the plot plans for this area do not show the dirt berm walkway between neighbors in the canyon. This is not a legal easement. This will need to be changed before it can be used for commercial vehicles and firetrucks. This requires an environmental impact report.*

**Staff's Comments:**

As stated above, the project site's underlining tract map (TR11047 Lot 6) provides for an eight-foot-wide easement for equestrian and ingress/egress use. This easement runs the length of the underlining tract map for lots 1, 6, 7, and 8. Additionally, the neighboring tract map on the other side of this easement also provides eight feet for the same purpose (TR11044 Lots 8 thru 12, and 14). This provides for a total of 16 feet given, for said easement, for the use of equestrian or ingress/egress purposes. The Class II Kennel is not open to the public so there will be no customers using the easement for access. Lastly, the easement may, in urgent circumstances, be used by emergency vehicles. Fire has stated that with the fire hydrant off Valle Vista Way

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and the detached garage, used for the kennel, with fire sprinklers installed are sufficient and fire trucks using the easement are only in extreme situations.

**Appellant Statement – Reasons for Appeal (David Castle)**

*Upgrade Of Dirt Berm Walkway For Firetruck Access – required upgrades to the existing dirt berm walkway from Valle Vista into the canyon to a Class II roadway for firetruck access are going to damage the adjoining seasonal creek and encroach on the neighbor's property. Some neighbors occasionally drive vehicles over the curb and onto this berm. But it is too steep and too narrow for a commercial roadway. This requires an environmental impact report.*

**Staff's Comments:**

As stated above, this project, a Class II Kennel, is not open to the public and will not be used by other in relation to the kennel except for the applicants/property owners of taking dog food to the detached garage. Firetrucks will not need to use the 16-foot-wide easement unless extreme situations.

Finally, to address the overall concern from the Appellant for the need of an Environmental Impact Report (EIR) per the California Environmental Quality Act (CEQA); none of the items mention regarding the need for an EIR meet the requirement for a 'Potentially Significant Impact' from CEQA. The proposed use, a Class II Kennel, is occupying or going to occupy an existing and permitted detached garage (per building permit BXX030353). Furthermore, since the Class II Kennel is not open to the public, there is not additional impact to the property then what already exists by the use of the property from the property owners. The Class II Kennel meets the allowed exemptions provide by CEQA (per Section 15301-Existing Facilities) and therefore can be exempted per a Notice of Exemption (NOE) for the project.

**Conclusion**

It is staff's assessment, based on the project analysis, that the project meets the requirements and findings for approving Plot Plan No. 190024. As designed and conditioned, it is not anticipated that the project would result in physical environmental impacts pursuant to CEQA. Staff recommends that the Planning Commission uphold the Planning Director's decision and uphold the Planning Director's findings to exempt the project from CEQA and approve Plot Plan No. 190024, subject to the advisory notification document, conditions of approval, including incorporated advisory notification and conditions from Fire & Planning at the July 26th Directors Hearing, and findings outlined in Attachment D of this report.

**APPEAL INFORMATION**

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The Planning Commission's decision may be appealed to the Board of Supervisors. An appeal may be submitted in writing to the Clerk of the Board along with the appropriate filing fee as set forth in Ordinance No. 671, within 10 days after the Planning Commission's decision.

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**Attachments:**

**Attachment A – Appeal Application**

**Attachment B – Letter of Appeal dated July 30, 2021 to Planning Director from Ms. Dearth and signed by other individuals with additional appeal comments by Mr. Castle**

**Attachment C – Response to comments from Project Applicant, Mr. Vasquez**

**Attachment D – Additional Support/Opposition comments received by Staff**

**Attachment E – July 26, 2021 DH Staff Report**

**Attachment F – July 26, 2021 DH Staff Report Packet (includes: Project Exhibits, Photos, AND/COAs, Letter/Emails of Support & Opposition, NOE)**

**Attachment G – Report of Action – DH July 26, 2021**

**Attachment H – Additional Site Photos from Site Inspection by Planner August 6, 2021**



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**Agenda Item No.**

(ID # 17271)  
**MEETING DATE:**  
**Wednesday, September 22, 2021**

**SUBJECT:** EXECUTIVE OFFICE TECHNICAL COMMITTEE: Riverside County 2021 Redistricting Update. All Districts [\$0]

**PROPOSED PROJECT**

Case Number(s):	N/A
Environmental Type:	
Area Plan No.	
Zoning Area/District:	
Supervisorial District:	All Districts
Project Planner:	Rania Odenbaugh
Project APN(s):	
Continued From:	



John Hildebrand, Planning Director 9/16/2021

**PROJECT DESCRIPTION AND LOCATION**

Riverside County 2021 Redistricting Update; All Districts.

**PROJECT RECOMMENDATION**

**EXECUTIVE OFFICE TECHNICAL COMMITTEE RECOMMENDATIONS:**

**THAT THE RIVERSIDE COUNTY ADVISORY REDISTRICTING COMMISSION TAKE THE FOLLOWING ACTION(S):**

1. Receive and file the Executive Office Technical Committee's (EOTC) updates on the status of the dissemination of Redistricting Data and the County's redistricting schedule.

**PROJECT BACKGROUND AND ANALYSIS**

**Background:** Redistricting is the process by which Supervisorial District boundaries are drawn every 10 years to ensure each district has an equal number of residents.

Under state law, the Board of Supervisors may establish, by resolution, ordinance or charter amendment, an independent redistricting commission, a hybrid redistricting

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commission, or an advisory redistricting commission composed of residents of the County to change the Board's district boundaries.

Elections Code 23002 applies to Advisory Redistricting Commissions. It states in relevant part, "(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission; (c) A person who is an elected official of the local jurisdiction, or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction shall not be appointed to serve on the commission; (d) A local jurisdiction may impose additional requirements or restrictions on the commission, members of the commission, or applicants to the commission in excess of those prescribed by this section."

On November 17, 2020, the Riverside County Board of Supervisors established the 2021 Advisory Redistricting Commission by resolution, which is the existing Planning Commission for the County of Riverside and is a Brown Act body of five members selected by the Board of Supervisors. Each of the Planning Commissioners are residents of the County with one Planning Commissioner from each Supervisorial District. The Planning Commission receives support through the County of Riverside Planning Department and meets on Wednesdays within the county.

The 2021 Advisory Redistricting Commission receives direct support through a Technical Committee established by the Executive Office, which is comprised of the five Chiefs of Staff for each Supervisorial District, as well as staff from County Counsel, the Executive Office, Riverside County Information Technology Department, Registrar of Voters, and the Transportation Land Management Agency, among others.

In prior census years, data collection was complete by July of the census year. However, due to challenges in collecting data posed by the COVID-19 pandemic, the Census Bureau extended data collection to October 2020. In addition, during prior census and redistricting cycles, the Census Bureau has released data to the states by April of the year following the census. This year, the Redistricting Data is expected to be released by September 2021, nearly five months later than prior redistricting cycles. The significant delays on the release of data by both the federal and state governments have created a very tight timeline for local jurisdictions to complete the redistricting process, which by law must be complete by no later than December 15, 2021, to allow for those districts to be ready for use in the June 7, 2022 primary election.

Since the last update provided to the Advisory Redistricting Commission on August 18, 2021, progress has been made on the dissemination of the Redistricting Data to the state and local governments. Today, the EOTC is presenting an update on the

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Redistricting Data and the impact to the County's redistricting schedule that was previously presented in August.

Project Contact: Riverside County Executive Office Deputy Director, Rania Odenbaugh at (951) 955-1110 or by email at [rodenbaugh@rivco.org](mailto:rodenbaugh@rivco.org)