



# RIVERSIDE COUNTY PLANNING DEPARTMENT

9:00 A.M.

MAY 19, 2021

**Planning  
Commissioners  
2021**

**1<sup>st</sup> District**  
Carl Bruce  
Shaffer  
Chairman

**2<sup>nd</sup> District**  
David Leonard  
Vice-Chairman

**3<sup>rd</sup> District**  
Gary Thornhill

**4<sup>th</sup> District**  
Bill Sanchez

**5<sup>th</sup> District**  
Eric Kroencke

**Planning  
Director**  
John Hildebrand

**Legal Counsel**  
Michelle Clack  
Chief Deputy  
County Counsel

## AGENDA REGULAR MEETING RIVERSIDE COUNTY PLANNING COMMISSION

COUNTY ADMINISTRATIVE CENTER  
First Floor Board Chambers  
4080 Lemon Street, Riverside, CA 92501  
<https://planning.rctlma.org/>

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 remotely must complete a "Speaker Identification Form" at least 24 hours in advance. To submit your request to speak please visit: [planning.rctlma.org/Speak](https://planning.rctlma.org/Speak) and complete the electronic form. Once submitted you will receive an email confirming your request which will provide further instructions. Livestreaming is available. No registration is required for livestreaming. 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.

### **CALL TO ORDER: SALUTE TO THE FLAG ROLL CALL**

**1.0** CONSENT CALENDAR: 9:00 a.m. or as soon as possible thereafter (Presentation available upon Commissioners' request)

**1.1 PLOT PLAN WIRELESS NO. 200002 – RECEIVE and FILE** – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) – Applicant: Smartlink, LLC c/o Alisha Strasheim – Engineer/Representative: CASA Industries c/o Julius Santiago – Third Supervisorial District – Winchester Zoning Area – Harvest Valley/Winchester Area Plan – Community Development: Commercial Tourist: (CD-CT) (FAR 0.20- 0.35) – Location: Northerly of Craig Avenue, westerly of Patterson Avenue, easterly of State Highway 79/Winchester Road, and southerly of Holland Road – 37.45 Gross Acres – Zoning: Specific Plane No. 310 (Barton Properties -Domenigoni) – **REQUEST:** The Plot Plan Wireless proposes to construct a concealed wireless communication facilities of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, 12 panel antennas, 36 Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 sq. ft. lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site. APN: 466-170-034. Project Planner: Travis Engelking at (951) 955-1417 or email at [tengelki@rivco.org](mailto:tengelki@rivco.org).

**1.2 ADOPTION OF THE REVISED 2021 PLANNING COMMISSION CALENDAR** – Changing the meeting location and start time for the June 16, 2021 from the desert area to be heard at 9:30 a.m. to Riverside at 9:00 a.m. to be heard on the First Floor Board Chambers in the County Administration Center.

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

**NONE**

**3.0 PUBLIC HEARING – CONTINUED ITEMS: 9:00 a.m. or as soon as possible thereafter****NONE****4.0 PUBLIC HEARING – NEW ITEMS: 9:00 a.m. or as soon as possible thereafter**

- 4.1 PLOT PLAN NO. 190039 and CHANGE OF ZONE NO. 200008 – Intent to Adopt a Mitigated Negative Declaration** – CEQ190175 – Applicant: Duke Realty – Representative: Michael Weber – First Supervisorial District – Mead Valley Area Plan – North Perris Area Zoning District – General Plan: Light Industrial (LI) – Zoning: Manufacturing Heavy (M-H) – Manufacturing – Service Commercial (M-SC) – Location: Northeasterly corner of Harvill Avenue and Rider Street – 15.07 acres – **REQUEST** A Plot Plan to construct a construct a 334,922 sq. ft. warehousing and distribution facility with approximately 10,990 sq. ft. of first floor office, 7,850 sq. ft. of office mezzanine, 316,082 sq. ft. of warehouse, 41 dock doors, parking for automobiles and trucks and one water quality detention basin, and associated improvements. The project includes two (2) water quality basins, 333 standard parking spaces, which includes six (6) accessible parking spaces, 49 additional spaces are designated as trailer parking spaces, and a Change of Zone to from Manufacturing Heavy (M-H) and Manufacturing Service Commercial (M-SC) to Manufacturing Service Commercial (M-SC) throughout the property. APN's: 317-170-024 and 317-170-045. Project Planner: Brett Dawson at (951) 955-0972 or email at [bdawson@rivco.org](mailto:bdawson@rivco.org).
- 4.2 CONDITIONAL USE PERMIT NO. 190010 and DEVELOPMENT AGREEMENT NO. 1900006 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15061 (b)(3) (Common Sense), Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures) – Applicant: Derek Catalano – Second Supervisorial District – El Cerrito Zoning District – Temescal Canyon Area Plan: Community Development: Commercial Retail: (CD-CR) (0.20 – 0.35 FAR) – Location: Northerly of Jolora Avenue, easterly of Temescal Canyon Road, southerly of El Cerrito Road, and westerly of Arcadia Street – 0.26 Acres – Zoning: General Commercial (C-1/C-P) – **REQUEST:** Development Agreement No. 1900006 is a proposed 10-year agreement to grant the applicant vesting rights in accordance with the terms of Development Agreement No. 1900006. Conditional Use Permit No. 190010 is a proposal to occupy an existing 1,625 sq. ft. building to be used as a retail cannabis storefront on a 0.26-acre lot with a parking lot and landscaping. APN: 277-110-040. Project Planner: Mina Morgan at (951) 955-6035 or email at [mimorgan@rivco.org](mailto:mimorgan@rivco.org).
- 4.3 CONDITIONAL USE PERMIT NO. 190036 and DEVELOPMENT AGREEMENT NO. 1900024 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061 (b)(3) (Common Sense) – Applicant: Nibble This – Lake Elsinore, LLC – First Supervisorial District – Lakeland Village District – Elsinore Area Plan: Mixed Used Area: (MUA) – Location: Northerly of Akley Street, easterly of Evergreen Street, southerly of Grand Avenue, and westerly of Adelfa Street – 1.34 Acres – Zoning: General Commercial (C-1/C-P) – **REQUEST:** Development Agreement No. 1900024 has a term of 10 years and grants the applicant vesting rights to develop the Project, in accordance with the terms of Development Agreement No. 1900024 and conditional Use Permit No. 190036, which will provide community benefits to the Elsinore Area. Conditional Use Permit No. 190036 proposes to use an existing 3,313 sq. ft. building as a storefront cannabis retailer with delivery services on a 1.34-acre lot with parking and landscaping. APN: 381-273-029. Project Planner: Mina Morgan at (951) 955-6035 or email at [mimorgan@rivco.org](mailto:mimorgan@rivco.org).
- 4.4 GENERAL PLAN AMENDMENT NO. 190004 (GPA190004) – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15061 (b)(3) – Applicant: County of Riverside – Countywide – Location: Unincorporated County within Environmental Justice communities/areas – **REQUEST:** Conduct a public hearing for GPA190004, and continue the public hearing to the Planning Commission scheduled on Wednesday, June 2, 2021. GPA190004 proposes to Amend the General Plan Land Use Element and Healthy Communities Element for Compliance with Senate Bill (SB) 1000 (Environmental Justice General Plan Components) to incorporate Environmental Justice provisions into the General Plan. The purpose of SB1000 is to require the preparation of remediation policies, through a robust outreach process, which are applicable to Environmental Justice Communities defined as “low-income area[s] that [are] disproportionately affected by environmental pollution”. The Land Use Element amendment is proposed to include the spatial definition of environmental justice communities/areas, along with the legal requirements and framework for compliance with SB1000. The Healthy Communities Element is proposed to include the remediation polices. Additionally, an Environmental Justice Implementation Plan is also being proposed. Project Planner: Peter Hersh at (951) 955- 8514 or email at [phersh@rivco.org](mailto:phersh@rivco.org).
- 4.5 CONDITIONAL USE PERMIT NO. 180010 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) – Applicant: Delphi RE Holdings, LLC – Fifth Supervisorial District – Engineer/Representative – Wilfredo Ventura, P.E.,Q.S.D/P – Area Plan: The Pass – Zoning Area/District: Beaumont-

Banning District – General Plan: Agriculture – Location: Southerly of Sun Lakes Boulevard, northerly of Wolfskill Truck Road, and westerly of Portero Road – 32.59 Gross Acres – Zoning: Controlled Development Areas Zone – W-2 – **REQUEST:** A Conditional Use Permit application to allow the operation of a state licensed Alcohol or Drug Abuse Treatment Facility. The proposed facility will be within an existing 6,280 sq. ft. single-family residential building. Services include detoxification, incidental medical services, and recovery and treatment services for a total of 16 beds. The facility would have staff which includes 24-hour care by licensed therapist, nurses, and physicians. APN: 544-260-007. Project Planner: Rob Gonzalez at (951) 955-9549 or email at [rgonzalez@rivco.org](mailto:rgonzalez@rivco.org).

**5.0 WORKSHOPS:**

**NONE**

**6.0 RIVERSIDE COUNTY ADVISORY REDISTRICTING COMMISSION**

**NONE**

**7.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

**8.0 PLANNING DIRECTOR'S REPORT**

**9.0 PLANNING COMMISSIONERS' COMMENTS**




**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.**

**1 . 1**

**Planning Commission Hearing: May 19, 2021**

**PROPOSED PROJECT**

<b>Case Number(s):</b>	PPW200002	<b>Applicant(s):</b>	
<b>CEQA Exempt</b>	Section 15303	<b>Representative(s):</b>	
<b>Area Plan:</b>	Harvest Valley/Winchester		
<b>Zoning Area/District:</b>	Winchester Area		
<b>Supervisory District:</b>	Third District		
<b>Project Planner:</b>	Travis Engelking		
<b>Project APN(s):</b>	466-170-034		
		 John Hildebrand Planning Director	

**PROJECT DESCRIPTION AND LOCATION**

**PLOT PLAN WIRELESS NO. 200002 (PPW200002)**, proposes to construct a concealed wireless communication facilities of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, twelve (12) panel antennas, thirty-six (36) Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 square foot lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site.

The project site is located north of Craig Avenue, west of Patterson Avenue, east of State Highway 79/Winchester Road and south of Holland Road, within the Harvest Valley/Winchester Area Plan.

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

A notice of the Planning Director’s Hearing was mailed to property owners within 600 feet of the project site and was published in the Press Enterprise Newspaper on starting on July 7, 2020. Planning staff has not received written communication or phone calls regarding the Project. The decision of the Planning Director is considered final and no action by the Planning Commissions required unless, within ten days after the notice appears on the Planning Commission agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in Ordinance No. 671, or unless the Planning Commission assumes jurisdiction by ordering the matter set for public hearing.

**PROJECT RECOMMENDATION**

**RECEIVE AND FILE** the Notice of Decision for the above referenced case acted on by the Planning Director on July 27, 2020.

**FIND** that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) based on the findings and conclusions in the staff report; and,

**APPROVE PLOT PLAN WIRELESS NO. 200002**, subject to the attached Advisory Notification Document, Conditions of Approval, and based upon the findings and conclusions provided in this staff report.

## **PROJECT BACKGROUND**

### **Summary**

On July 7, 2020, the Planning Department advertised a 10-Day Optional Public Hearing Notice in the Press Enterprise Newspaper. As of July 27, 2020, the Planning Department has not received any requests for public hearing for the Project.

On or about August 5, 2020, the applicant, Smartlink LLC c/o Alisha Strasheim reached out to the Planning Department requesting the Project to be placed on hold until a new Lease Agreement between the property owner and the applicant can be resolved. As of April 9, 2021, the applicant and property owner's lease agreement has been fully executed.

The project proposes to construct a concealed wireless communication facilities of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, twelve (12) panel antennas, thirty-six (36) Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 square foot lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site.

The project site is located north of Craig Avenue, west of Patterson Avenue, east of State Highway 79/Winchester Road and south of Holland Road, within the Harvest Valley/Winchester Area Plan.



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

**May 6, 2021**

**RE: PLOT PLAN WIRELESS NO. 200002**

**From:** Project Planner – Travis Engelking

**To:** John Hildebrand. – Planning Director

**PLOT PLAN WIRELESS NO. 200002 (PPW200002)** – proposes to construct a concealed wireless communication facilities of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, twelve (12) panel antennas, thirty-six (36) Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 square foot lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site. APN: 466-170-034.

On July 7, 2020, the Planning Department advertised a 10-Day Optional Public Hearing Notice in the Press Enterprise Newspaper. As of July 27, 2020, the Planning Department has not received any requests for public hearing for the Project.

On or about August 5, 2020, the applicant, Smartlink LLC c/o Alisha Strasheim reached out to the Planning Department requesting the Project to be placed on “hold” until a new Lease Agreement between the property owner and the applicant can be resolved. As of April 9, 2021, the applicant and property owner’s lease agreement has been fully executed.

Therefore, staff is prepared to approve the project administratively. Please see the attached Staff Report for your review and signature.




**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.**

**Optional Director's Hearing:**

**PROPOSED PROJECT**

<b>Case Number:</b>	PPW200002	<b>Applicant:</b> Smartlink on behalf of AT&T c/o Alisha Strasheim
<b>CEQA Exempt</b>	15303	<b>Representative(s):</b>
<b>Area Plan:</b>	Harvest Valley/Winchester	
<b>Zoning Area/District:</b>	Winchester Area	
<b>Supervisory District:</b>	Third District	
<b>Project Planner:</b>	Travis Engelking	 John Hildebrand Planning Director
<b>Project APN:</b>	466-170-034	

**PROJECT DESCRIPTION AND LOCATION**

The project, **PLOT PLAN WIRELESS NO. 200002 (PPW200002)**, proposes to construct a concealed wireless communication facilities of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, twelve (12) panel antennas, thirty-six (36) Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 square foot lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site.

The project site is located north of Craig Avenue, west of Patterson Avenue, east of State Highway 79/Winchester Road and south of Holland Road, within the Harvest Valley/Winchester Area Plan.

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

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

**FIND** that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) based on the findings and conclusions in the staff report; and,

**APPROVE PLOT PLAN WIRELESS NO. 200002**, 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:	Specific Plan No. 310 (Barton Properties-Domenigoni)
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**File No. PLOT PLAN WIRELESS NO. 200002**  
**Optional Directors Hearing Staff Report**  
**Page 2 of 11**

Specific Plan Land Use:	Specific Plan No. 310 (Barton Properties-Domenigoni) – Planning Area 3 Commercial Tourist
Existing General Plan Foundation Component:	Community Development (CD)
Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Commercial Tourist: (CT) (FAR 0.20- 0.35)
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	Diamond Valley Lake Policy Area, Highway 79 Policy Area
Surrounding General Plan Land Uses	
North:	Open Space: Recreation (OS:R)
East:	Open Space Recreation (OS:R)
South:	Commercial Tourist (CT) (FAR 0.20- 0.35)
West:	Mixed Use Area (MUA)
Existing Zoning Classification:	Specific Plan No. 310 (Barton Properties-Domenigoni)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Light Agriculture, 10 Acre Minimum (A-1-10)
East:	Light Agriculture, 20 Acre Minimum (A-1-20)
South:	Specific Plan No. 310 (Barton Properties-Domenigoni)
West:	Specific Plan No. 310 (Barton Properties-Domenigoni)
Existing Use:	Farm Land
Surrounding Uses	
North:	Vacant Land
South:	Farm Land
East:	Vacant Land
West:	Farm Land

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	37.45 Acres	
Proposed Building Area (SQFT):	Cell Site Project Area is 988 sq. ft. Concealed Water Tank 70 feet.	105 feet max



**Located Within:**

City's Sphere of Influence:	No
Community Service Area ("CSA"):	Yes – #146
Special Flood Hazard Zone:	No
Agricultural Preserve:	Yes – Agricultural Preserve Winchester No. 2 Map No. 1022 (Diminishment)
Liquefaction Area:	Yes – Low Potential
Subsidence Area:	Yes – Susceptible
Fault Zone:	No
Fire Zone:	Yes – Moderate (State Responsibility Area)
Mount Palomar Observatory Lighting Zone:	Yes – Zone B
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	Yes – In Or Partially Within
Airport Influence Area ("AIA"):	No

**PROJECT LOCATION MAP**

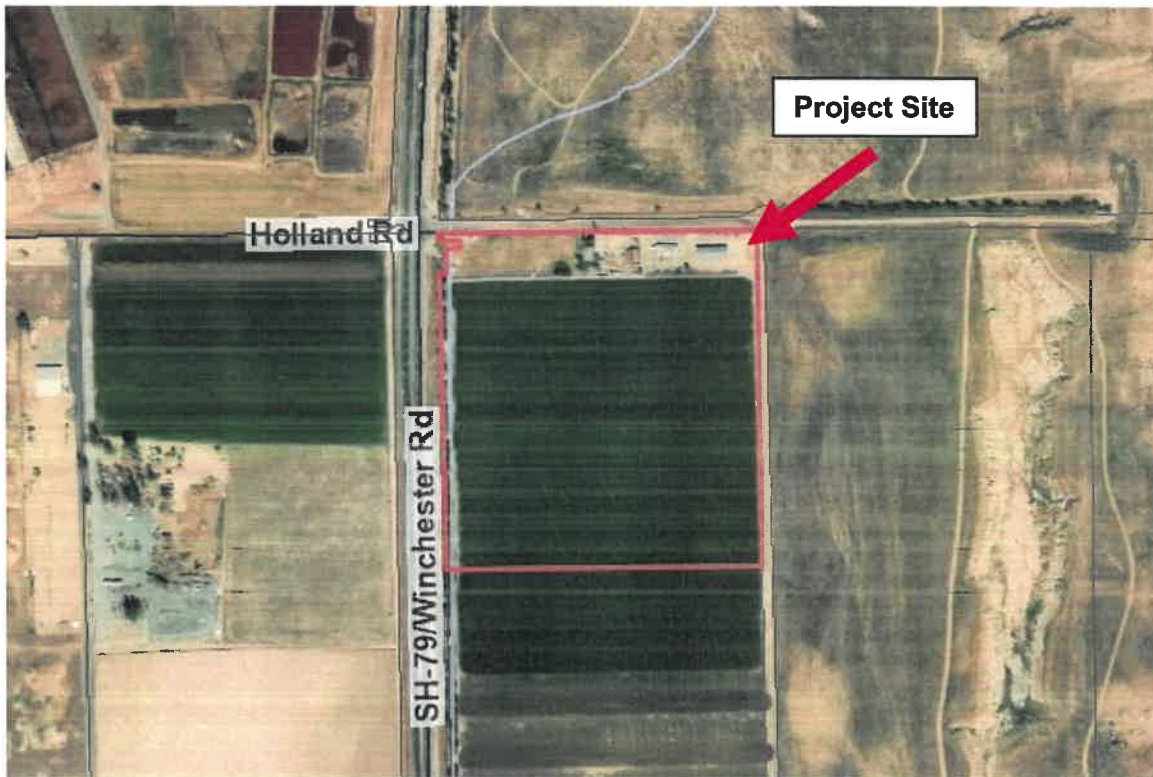


Figure 1: Project Location Map

## PROJECT BACKGROUND AND ANALYSIS

### Background:

#### ***Site Characteristics***

The proposed concealed wireless communication facility is located north of Craig Avenue, east of State Highway-79/ Winchester Road, and south of Holland Road within the unincorporated Riverside County. The project site is approximately a 37.45 acre parcel with a single family dwelling, detached barn, and accessory structures to the north portion of the property.

The project site is within Specific Plan No. 310 Planning Area 3. The General Plan and Specific Plan Land Use designation is Commercial Tourist. The site's Specific Plan Zone permits uses pursuant to Ordinance No. 348 Article XIII Light Agriculture (A-1) zone and Article IXb Commercial Scenic Highway (C-P-S) zone for Planning Area 3. The proposed concealed wireless communication facility are allowed in support of residential and agricultural uses that exists in this area; therefore, the wireless communication facility will follow the standards of the A-1 Zone.

#### ***Zoning/Development Standards***

The applicant has identified the general location/footprint of development on the parcel to show compliance with the applicable development standards of the Specific Plan No. 310, (Domenigoni - Barton Properties), specifically the Planning Area 3. The uses permitted in Planning Areas 3 shall be the same as those uses permitted in Article XIII, Section 13.1 of Ordinance No. 348 except that the uses permitted pursuant to Section 13.1.a.(l), (12), (14) and (15); b.(3), (5), (7), (8) and (9); c.(1), (2), (3), (4), (6), (7) and (11); and d. shall not be permitted. In addition, the permitted uses identified under Section 13.1.a. shall include vineyards and turf crops; the permitted uses identified under Section 13.1.b. shall include all uses set forth in Article IXb, Section 9.50.a. of Ordinance No. 348; and the permitted uses identified under Section 13.1.c. shall include all uses set forth in Article IXb, Section 9.50.b. of Ordinance No. 348. The proposed wireless communication facility will support existing residential and agricultural uses; therefore, pursuant to the SP Zone, the development standards for this proposal within Planning Area 3 shall be the same as those requirements identified in Article XIII of Ordinance No. 348 for agricultural uses. The Article XIII, Section 13.1. of the Ordinance No. 348 refers to the Light Agriculture (A-1) zoning classification. The A-1 generally permits one-family dwellings, nurseries, animal keeping and allows a range of other uses with the approval of a land use permit. The A-1 development standards limit building height to 75' and structure height to 105'; the proposed concealed wireless facility faux water tower is 70' tall, which is within the standards of the A-1 zoning classification height limitation. Article XIXg permits concealed wireless facilities in all zoning classifications provided that the following requirements are met:

1. The facility is designed so that it is not visible at all or, if visible, it is not recognizable as a wireless communication facility. The proposed project is designed as a 70 foot tall faux water tank to conceal all wireless communication equipment. Therefore, the project meets this requirement.
2. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view. The proposed project's supporting equipment is located within a 988 square foot lease area screened from view by a 6 foot chain link fence. The facility will appear to be a water tower and will not be recognized as a wireless communication facility. Therefore, the project meets this requirement.

**General Plan**

The Project site has a General Plan Foundation Component of Community Development, and a land use designation of Commercial Tourist (CD:CT), within the Harvest Valley/ Winchester Valley Area Plan. The Commercial Tourist land use designation allows for tourist-related commercial uses such as hotels, golf courses, recreation, and amusement facilities. Commercial Tourist uses will be permitted based on their compatibility with surrounding land uses. The project site surround by properties which are designated Community Development: Commercial Tourist (CD: CT) to the south, Mixed Use Area to the east, Open Space: Recreation (OS: R) to the north and south. The proposed Project is consistent with the General Plan, as a wireless communication facilities are allowed in support of retail and commercial areas.

File No. Plot Plan Wireless No. 200002 was submitted to the County of Riverside on January 13, 2020.

**ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS**

1. The project conforms to Section 15303, New Construction or Conversion of Small Structures, of the State CEQA Guidelines and is exempt from CEQA. A project is exempt pursuant to Section 15303 if it consists of: construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; or the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to: (c) in urbanized areas, four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
  - a. The project proposes a concealed wireless facility, which is a small structure pursuant to the State CEQA Guidelines, this project would be exempt under Section 15303, which applies because this entails a construction of a small structure, which is a wireless communication facilities of a 70-foot faux water tank. The project site includes of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, twelve (12) panel antennas, thirty-six (36) Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 square foot lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site. The project does not include buildings onsite that exceed 10,000 square-feet in building floor area. The project is 3 miles from the junction of Holland Road and Briggs Road at the boundary of the City of Menifee. Section 15387 of the CEQA guidelines defines an urbanized area as a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. A lead agency shall determine whether a particular area meets the criteria by examining the area or by referring to a map prepared by the U.S. Bureau of the Census which designates the area as urbanized. It has been determined due to the proximity of the project site to the City of Menifee, which has a density of 1,829 persons per square mile, the project site is located within an urbanized area, thus meeting this criteria. Lastly, due to the small scale of the existing public utility use, no significant amounts of hazardous materials are generated at the site.
  - b. Because all aspects of the project are exempt under Section 15303, the project is exempt from CEQA and no further environmental review is required. In addition, there are no

successive projects of the same type in the same place expected over time, there are no unusual circumstances such as scenic resources, historic buildings, trees, or rock outcroppings that will be affected by the project, and it is not on a hazardous waste site. Accordingly, no exception to Section 15303 exemption applies.

## **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 Project site has a General Plan Foundation Component of Community Development, and a land use designation of Commercial Tourist (CD: CT), within the Harvest Valley/ Winchester Valley Area Plan. The project site is also within Specific Plan No. 310 Planning Area 3. The Specific Plan land use designation is also Commercial Tourist. The Commercial Tourist land use designation allows for tourist-related commercial uses such as hotels, golf courses, recreation, and amusement facilities. Commercial Tourist uses will be permitted based on their compatibility with surrounding land uses. FAR range from 0.2 to 0.35. The project site surround by properties which are designated Community Development: Commercial Tourist (CD: CT) to the south, Mixed Use Area to the east, Open Space: Recreation (OS: R) to the north and south. The proposed Project is consistent with the General Plan, as a wireless communication facilities are allowed in support of retail and commercial areas; as well as, in support of existing residential and agricultural uses that currently exists in this area.
2. The applicant has identified the general location/footprint of development on the parcel to show compliance with the applicable development standards of the Specific Plan No. 310, (Domenigoni - Barton Properties), specifically the Planning Area 3. The uses permitted in Planning Areas 3, 25 and 28 of Specific Plan No. 310 shall be the same as those uses permitted in Article XIII, Section 13.1 of Ordinance No. 348 except that the uses permitted pursuant to Section 13.1.a.(l), (12), (14) and (15): b.(3), (5), (7), (8) and (9); c.(1), (2), (3), (4), (6), (7) and (11); and d. shall not be permitted. In addition, the permitted uses identified under Section 13 .1.a. shall include vineyards and turf crops; the permitted uses identified under Section 13.1.b. shall include all uses set forth in Article IXb, Section 9.50.a. of Ordinance No. 348; and the permitted uses identified under Section 13 .1.c. shall include all uses set forth in Article IXb, Section 9.50.b. of Ordinance No. 348. The Article XIII, Section 13.1. of the Ordinance No. 348 refers to the Light Agriculture (A-1) zoning classification. The A-1 generally permits one-family dwellings, nurseries, animal keeping and allows a range of other uses with the approval of a land use permit.
3. The project site is located within the Diamond Valley Lake Policy Area. The Diamond Valley Lake Policy, HVWAP 5.1 states, "Continue cooperating with the Metropolitan Water District and the City of Hemet to encourage the development of a comprehensive program for recreational and support commercial facilities at Diamond Valley Lake." The project is a wireless communication facilities and by definition is a commercial facility that send and/or receive personal wireless communication signals, including, but not limited, to antennas, microwave dishes or horns, antenna structures, towers, equipment enclosures and the land upon which they are all situated. Therefore, the project is consistent with the policy, HVWAP 5.1. The project site is also within the Highway 79 Policy Area. This policy area requires that the overall trip generated by new residential development are at a level of 9% less than the trips projected by the General Plan traffic model for residential development within the Highway 79 Policy Area. This project does not propose new residential development and will not

increase residential trips within the policy area; therefore, the project does not conflict with the policies of the Highway 79 Policy Area.

4. The **Community/Specific Plan**. The subject site is located within the Harvest Valley/Winchester Area Plan (Specific Plan No. 310 (Barton Properties-Domenigoni) – Planning Area 3) which is designated Commercial Tourist. The SP Zone permits agricultural uses and commercial uses for Planning Area 3. The proposed project is compatible with surrounding land uses, as the surrounding land uses consist of scattered residential development and vacant land.

**Entitlement Findings:**

The proposed use, a concealed wireless communication facility, meets the requirements for approval per Ordinance No. 348 Article XIXg “Wireless Communication Facilities,” including the appropriate location, permit application, and requirements for approval for concealed wireless communication facilities as set forth in Section 19.403, the processing requirements for all wireless communication facilities as set forth in Section 19.409, the development standards for all wireless communication facilities as set forth in Section 19.410 based on the following:

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 use is consistent with the Community Development: Commercial Tourist (CD: CT) land use designation as noted previously. The proposed use is a Concealed Wireless Communication Facility that is permitted with the approval of a plot plan under the Light Agriculture (A-1) Zoning Classification as noted previously in Specific Plan No. 310, (Domenigoni - Barton Properties), specifically the Planning Area 3, pursuant to the Ordinance No. 348, Section 19.403, A. concealed wireless communication facilities may be located in any zone classification.
2. The overall development of the land shall be designed for the protection of the public health, safety and general welfare. Implementation of the proposed Project will not impact the surrounding area in terms of a substantial increase in traffic or noise since the Project would not increase these above existing conditions. The Project site is adequately served by State Highway 79 and Holland Road and is capable of providing access for emergency vehicles. Incorporation of conditions of approval in regards location of fire hydrants and portable fire extinguishers will provide compliance with the California Building Code. Furthermore, through compliance with the California Building Code and Riverside County Ordinance No. 348 the project will not negatively affect the public health, safety, or welfare.
3. The project site is surrounded by properties which have General Plan Land Use Designation of Open Space: Recreation (OS: R) to the north and east, with Commercial Tourist (CT) (FAR 0.20 – 035) to the south and Mixed Use Area (MUA) to the west. The proposed 70 foot tall water tank concealed wireless telecommunication facility conforms to the logical development of the existing open space land and is compatible with the surrounding property’s present uses and would not conflict with the future logical development in the area.
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.

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. The proposed project is located on one parcel and is not proposing more than one building or structure and no land division at this time.
6. The facility is designed and sited so that it is minimally visually intrusive because it will be a concealed 70 foot high water tank that would not appear out of place or at minimum would be consistent with the aesthetics of the surrounding area. The water tank will be located where some of the surrounding properties are vacant and will look aesthetically pleasing and blend with the surrounding area by providing earth tone colors.
7. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area.
8. The application has met the location and development standards set forth the Section 19.403 of the Riverside County Zoning ordinance by providing all necessary documentation and adhering to the requirements set forth in the Plot Plan application as it relates to Ordinance No. 348.
9. Pursuant to Section 19.409 of Ordinance No. 348, the application has met the processing requirements set forth in Article XIXg for wireless communication facilities, including a fully executed copy of the lease agreement entered into by the underlying property owner.
10. Pursuant to Section 19.403 A. of Ordinance No. 348, concealed wireless communication facilities may be located in any zone. The project site is zoned as Specific Plan No. 310, (Domenigoni - Barton Properties), specifically the Planning Area 3. The uses permitted in Planning Areas 3 shall be the same as those uses permitted in Article XIII, Section 13.1 of Ordinance No. 348 except that the uses permitted pursuant to Section 13.1.a.(l), (12), (14) and (15); b.(3), (5), (7), (8) and (9); c.(1), (2), (3), (4), (6), (7) and (11); and d. shall not be permitted. In addition, the permitted uses identified under Section 13 .1.a. shall include vineyards and turf crops; the permitted uses identified under Section 13.1.b. shall include all uses set forth in Article IXb, Section 9.50.a. of Ordinance No. 348; and the permitted uses identified under Section 13 .1.c. shall include all uses set forth in Article IXb, Section 9.50.b. of Ordinance No. 348. The Article XIII, Section 13.1. of the Ordinance No. 348 refers to the Light Agriculture (A-1) zoning classification. The A-1 generally permits one-family dwellings, nurseries, animal keeping and allows a range of other uses with the approval of a land use permit.

**Development Standards Findings:**

1. Section 19.410 "Development Standards of Article XIXg "Wireless Communication Facilities"
  - A. Area Disturbance. Physical disturbance to the site will be minimal. The proposed AT&T Wireless Concealed Wireless facility is a 70-foot-high faux water tank. The faux water tank will conceal the wireless communications facility. The faux water tank will be located where most of the surrounding properties are vacant and the faux water tank will look aesthetically pleasing to the surrounding area.

- B. Fencing and Walls. Support equipment are located entirely within an equipment enclosure and not readily available to the general public. The enclosure will be screened from view with landscape vegetation. The proposed enclosure will be comprised of a 6-foot high chain-link fence.
- C. Height Limitations. The proposed project is an incidental use to the existing agriculture and residential uses that exists in this area; therefore, the development standards for this use within SP Zone, Planning Area 3 shall be the same as those requirements identified in Article XIII of Ordinance No. 348 for agricultural uses . The project site is located within the Light Agriculture (A-1) Zoning Classification, which allows a non-residential uses concealed wireless communication facilities for are subject to the height limitations of the zone classification shall not exceed a maximum height of one-hundred and five (105) feet for a wireless communication facilities. The project proposes concealed wireless communication facilities as a 70-foot faux water tank, the project meets the requirement set forth in Ordinance No. 348, Section 19.410 in regards the height limitations for the proposed wireless communications facilities.
- D. Impacts. The location of concealed wireless communication facility is within an area which allows private utilities. The project will not result in adverse impacts to the surrounding community because the proposed concealed wireless facility will not have an adverse effect on the environment, and will be minimally intrusive to the surroundings.
- E. Landscaping. The area surrounding the project site will have ivy shrubs species along the chain-link fencing for adequate screening of the equipment and will also provide irrigation to maintain the growth and prosperity of the landscape materials. In accordance with Ordinance No. 348, Section 19.410. (E), the project proposes to landscape the surrounding area of the ivy along the equipment enclosure, which meets the requirement of the Ordinance.
- F. Lighting – Outside lighting is prohibited unless required by the FAA or the California Building Code (“CBC”). Any new lighting system used during construction or installed on the facility shall also be shielded to the greatest extent possible so as to minimize the negative impact of such lighting on adjacent properties and to not to create a nuisance for the surrounding property owners or wildlife.
- G. Noise – All noise produced by wireless communication facilities shall be minimized and in no case shall noise produced exceed 45 decibels inside the nearest dwelling and 60 decibels at the property line. Wireless communication facilities typically produce negligible noise during normal operations and the nearest habitable structure will not be affected. The equipment enclosure will contain an emergency backup generator. The generator is to be only used in the event of a power disruption and during maintenance checks. It will not be used during the course of regular operations. Any noise produced by the generator is required to comply with the County noise standards.
- H. Parking: The wireless communication facility will provide one parking space for the employee providing maintenance to the water tank.
- I. Paved Access. Access to the existing wireless communication facility is provided by a 10-foot wide dirt access road. Adequate access to the facility is provided.
- J. Power and Communication Lines. No above-ground power or communication lines shall be extended to the site and all underground utilities shall be installed in a manner so as to minimize disturbance of existing vegetation.

- K. Roof- Mounted Facilities. This project includes an AT&T Wireless Communication facilities and is not a roof mounted. This is not a roof mounted facility and as a result, this requirement to maintain rooftop equipment at a height of 10-feet or less above a roofline, does not apply.
- L. Sensitive View-shed: The wireless communication facility will be concealed as a faux water tank which will reduce the impacts of a negative view-shed.
- M. Setbacks. Concealed wireless communication facilities shall meet the setback requirements of the zone classification in which they are located. The project will be set back a distance of 564 feet from the nearest residence. The minimum yard requirements for the front, side and rear yard is respectively twenty (20) feet, five (5) feet, and ten (10) feet. The project is designed to meet the yard setback requirements. The concealed wireless communication facilities is closest to Holland Road where it is setback approximately 67 feet from the property line.
- N. Support Facilities – Freestanding equipment enclosures shall be constructed to look like adjacent structures or facilities typically found in the area and shall adhere to the Countywide Design Standards and Guidelines, where appropriate. This project meets the development standard because the location of the equipment closure will not be readily visible to the public, due to its location and the ivy shrubbery screening. Furthermore, the enclosure will be closed in with a 6-foot high chain-link fence, painted in earth tones to match the surrounding environment.
- O. Treatment – Wireless communication facilities shall be given a surface treatment similar to surrounding architecture and all finishes shall all finishes shall be dark in color with a matte finish and have a reflective rating of 38 percent and shall match the surrounding environment. The proposed concealed wireless communication facilities will a penny brown that will blend with the surrounding environment.

**Other Findings:**

1. The project site is not located within a Criteria Cell of the Multi-Species Habitat Conservation Plan.
2. The project site is located within a Sphere of Influence.
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 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.
5. 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.



**Fire Findings:**

1. This concealed wireless communication facility is located within a CAL FIRE state responsibility area and a moderate severity zone.
  - a. This wireless communication facility has been designed so that as a whole is depicted in Exhibit A, is in compliance sections 4290 and 4291 of the Public Resources Code by providing a defensible space on the parcel 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, structure shall be maintained free of leaves, needles, or other vegetation.
  - b. Fire protection and suppression services will be available for the wireless communication facility through Riverside County Fire Department. Riverside County Fire Station No. 34 that will service the proposed project is located on Haddock Street, 2.9 miles away.
  - 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 by road standards for fire equipment access with a width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and a unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). The project meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code, the regulations adopted thereto, and Riverside County Ordinance No. 787. All necessary roadway infrastructure exists. The project meets these requirements by providing primary access from Holland Road. There is adequate accessibility to the project site for all emergency service vehicles.

**Conclusion:**

1. For the reasons discussed above, 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 2400 feet of the project site. As of the writing of this report, Planning Staff has/has not received written communication/phone calls from property owners who indicated support/opposition to the proposed project.

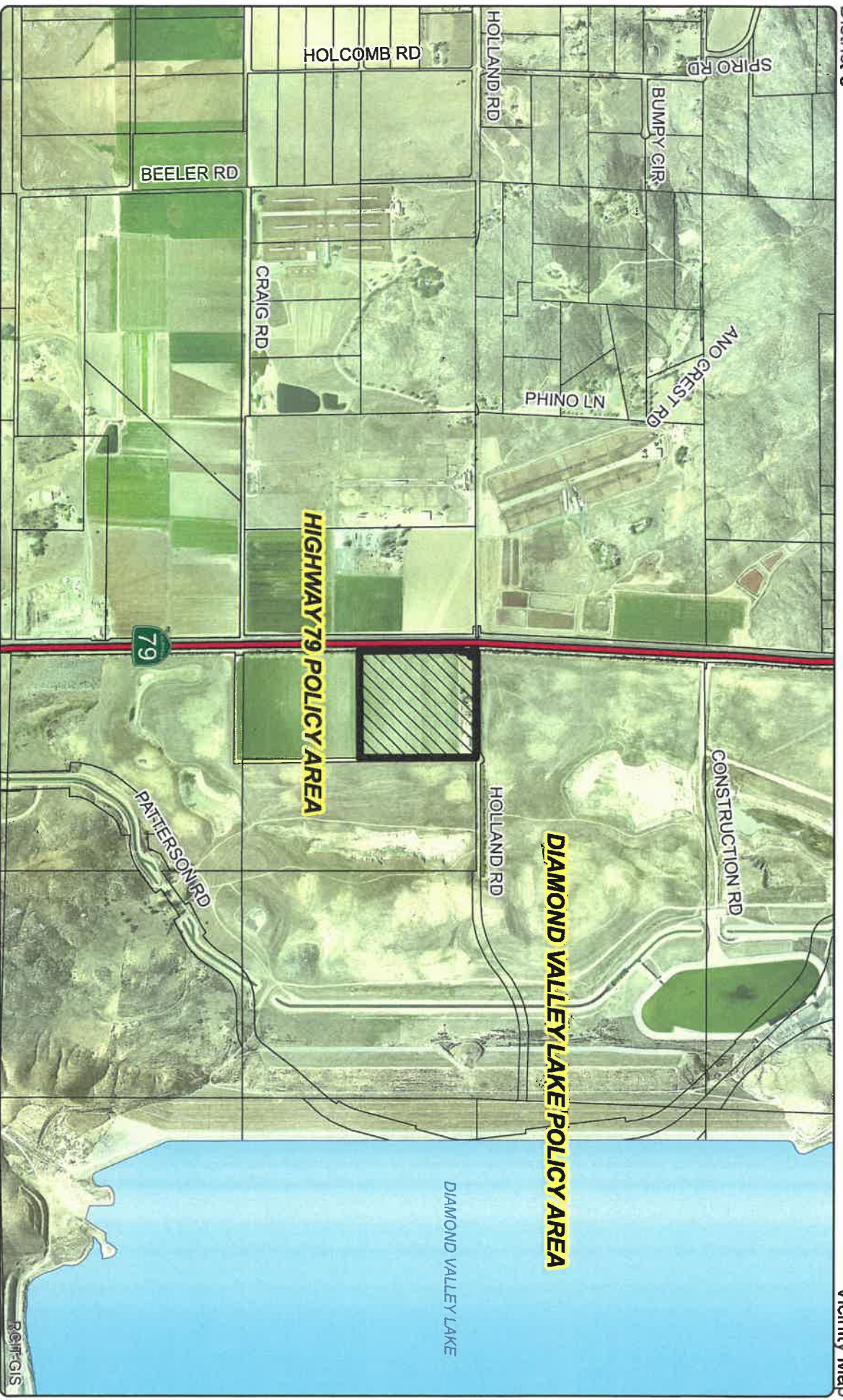
**APPEAL INFORMATION**

The Director's Hearing decision may be appealed to the Planning Commission. 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 mailing of the Planning Director's decision.

Supervisor: Washington  
District 3

**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
**PPW200002**  
**VICINITY/POLICY AREAS**

Date Drawn: 02/07/2020  
Vicinity Map



Zoning Area: Winchester

Author: Vinnie Nguyen

DISCLAIMER: On October 7, 2008, the County of Riverside adopted a new General Plan. This plan provides a long-term vision for the County and sets the framework for future development. The County Planning Department is currently reviewing the General Plan for consistency with the State General Plan. For more information, please contact the County Planning Department at (951)965-3000 (Western County) or at (951)965-3000 (Eastern County) or visit <http://www.co.riverside.ca.us>



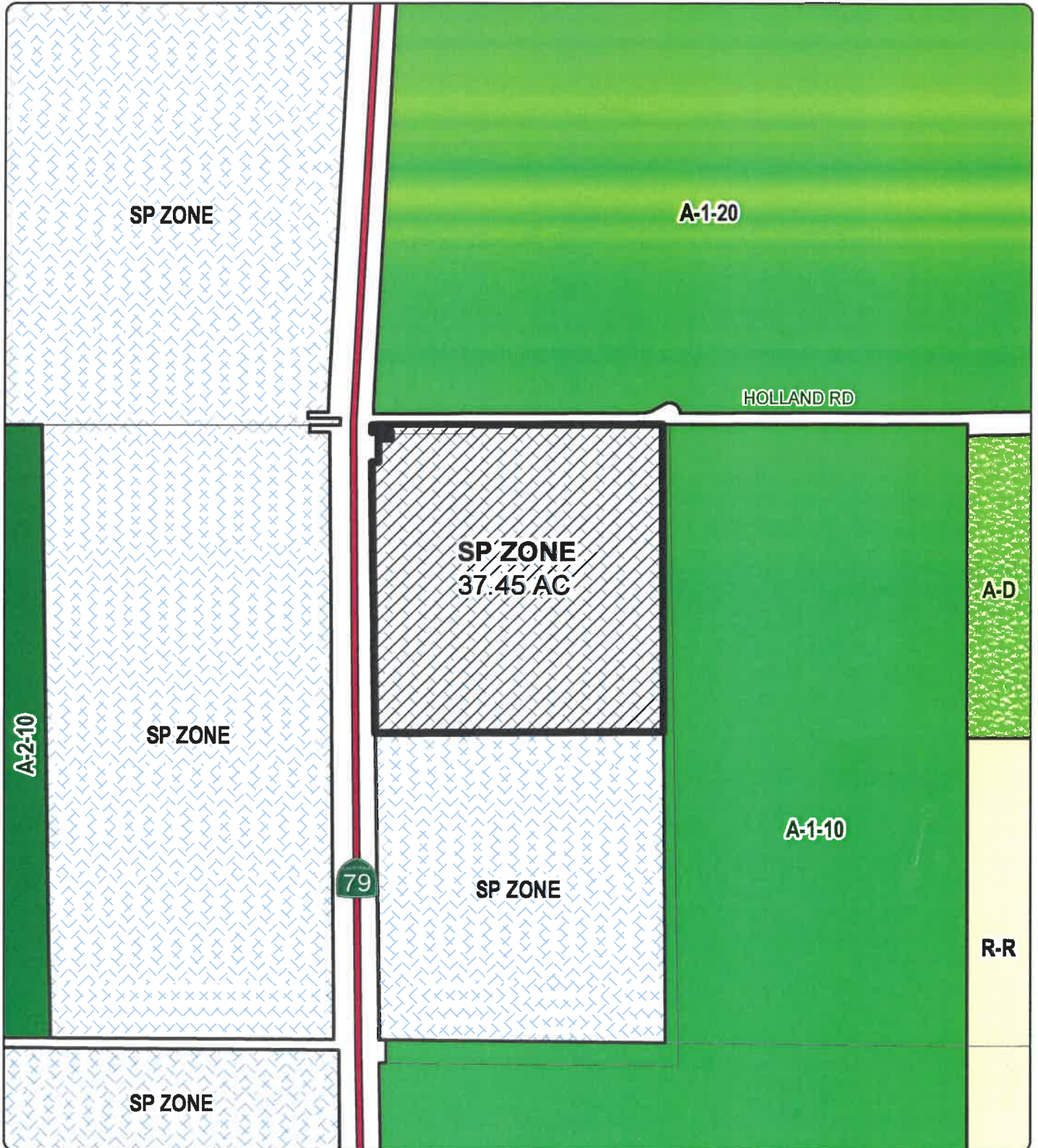
RIVERSIDE COUNTY PLANNING DEPARTMENT

PPW20002

EXISTING ZONING

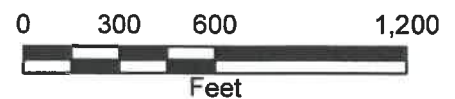
Supervisor: Washington  
District 3

Date Drawn: 02/07/2020  
Exhibit 2



Zoning Area: Winchester

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rctlma.org>

RIVERSIDE COUNTY PLANNING DEPARTMENT

PPW20002

LAND USE

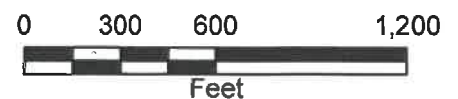
Supervisor: Washington  
District 3

Date Drawn: 02/07/2020  
Exhibit 1



Zoning Area: Winchester

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2009, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rctlma.org>

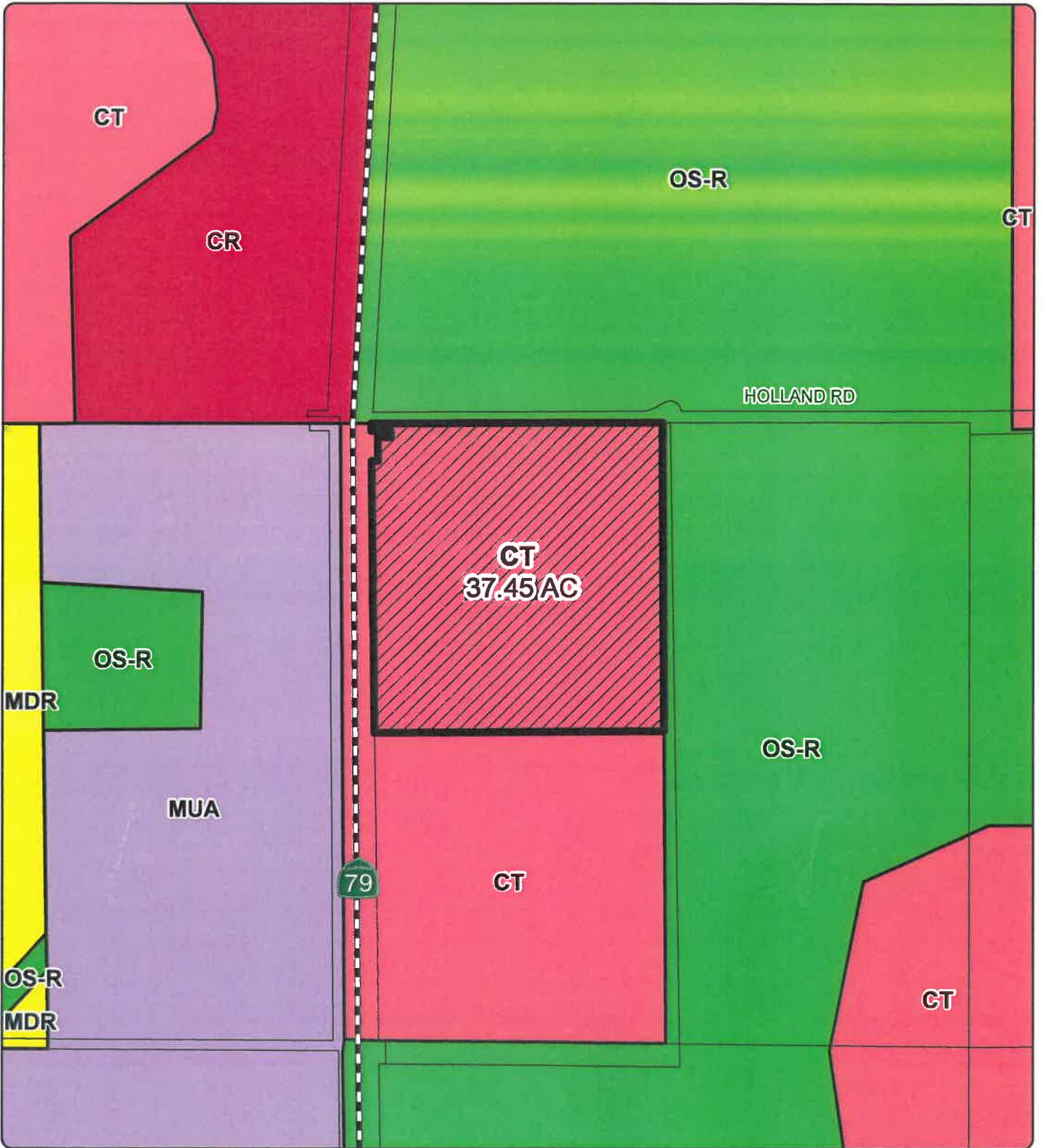
RIVERSIDE COUNTY PLANNING DEPARTMENT

PPW200002

EXISTING GENERAL PLAN

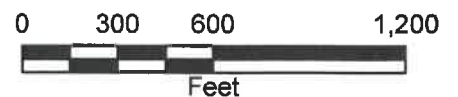
Supervisor: Washington  
District 3

Date Drawn: 02/07/2020  
Exhibit 5



Zoning Area: Winchester

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2009, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rctlma.org>



**AT&T**

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PLOT PLAN NO. 200002

SITE NUMBER: CSL00408

SITE NAME: WINCHESTER

FA NUMBER: 13025534

USID: 280037

31851 WINCHESTER ROAD,

WINCHESTER, CA 92596

RIVERSIDE COUNTY

**CODE COMPLIANCE**

ALL WORKS AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CITY OF WINCHESTER PLANNING DEPARTMENT'S LOCAL BUILDING DEPARTMENT & CONTRACTING TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES:

- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA LAND USE ORDINANCE - TITLE 19
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA LAND USE ORDINANCE - TITLE 22

**PROJECT TEAM**

**CLIENT REPRESENTATIVE**  
COMPANY: SMARTLINK LLC  
ADDRESS: 3300 IRVINE AVENUE, SUITE 300  
CITY: IRVINE, CA 92614  
CONTACT: TYLENIGHT  
PHONE: (949) 257-3733  
EMAIL: tylenight@smartlink.com

**CONSTRUCTION MANAGER**  
COMPANY: SOCIETI CONSTRUCTION INC.  
ADDRESS: 1880 WESTVIEW AVENUE, RITE 280  
CITY: SAN ANTONIO, TX 78240  
CONTACT: RON VANDERKAM  
PHONE: (714) 550-0001  
EMAIL: ronvanderkam@scicm.com

**ATT PROJECT MANAGER**  
COMPANY: AT&T  
ADDRESS: 3075 ANAHEIM AVENUE, SUITE 300  
CITY: ANAHEIM, CA 92806  
CONTACT: BOB STURTEVANT  
PHONE: (714) 979-2788  
EMAIL: bobsturt@att.com

**AFFILIANT**  
COMPANY: AT&T  
ADDRESS: 3075 ANAHEIM AVENUE, SUITE 300  
CITY: ANAHEIM, CA 92806  
CONTACT: BOB STURTEVANT  
PHONE: (714) 979-2788  
EMAIL: bobsturt@att.com

**ENGINEER**  
COMPANY: CAGA INDUSTRIES, INC.  
ADDRESS: 6008 POWERS BLVD, #105  
CITY: TEMECULA, CA 92592  
CONTACT: SANTIAGO CASANOVIA  
PHONE: (714) 355-8800  
EMAIL: SANTIAGO@CAGAS.COM

**SITE INFORMATION**

**APPLICANT / LESSEE**  
**AT&T**  
Your world. Delivered  
1452 EDINGER AVE, 3RD FLOOR  
TUSTIN, CALIFORNIA 92780

**PROPERTY OWNER**  
NAME: ARMY & CRISTY DEVELOPMENT  
ADDRESS: 1452 EDINGER AVE, 3RD FLOOR  
CITY/TOWN/STATE: WINCHESTER, CA 92596  
COUNTY: RIVERSIDE  
LANDING CONTACT: ARMY & CRISTY DEVELOPMENT  
PHONE: (951) 261-1111  
EMAIL: ARMY@ACDDEV.COM

**APPLICANT / LESSEE**  
NAME: AT&T  
ADDRESS: 3300 IRVINE AVENUE, SUITE 300  
CITY/TOWN/STATE: IRVINE, CA 92614  
COUNTY: ORANGE  
LANDING CONTACT: TYLENIGHT  
PHONE: (949) 257-3733  
EMAIL: TYLENIGHT@SMARTLINK.COM

**APPROVALS**

Table with columns: DISCIPLINE, SIGNATURE, DATE. Rows for ATT ENGINEER, ATT OPERATIONS, SITE ACQUISITION, CONSTRUCTION MANAGER, PROPERTY OWNER, ZONING VENDOR, PROJECT MANAGER.

**GENERAL CONTRACTOR NOTES**

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL PLANS & CONDITIONS & CONDITIONS ON THE SITE AS SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

**GENERAL NOTES**

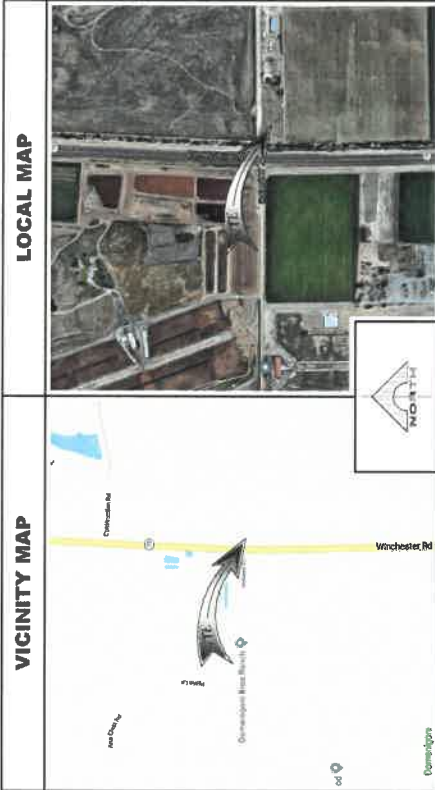
THIS FACILITY IS UNMANNED AND NOT FOR REVENUE FROM A TELECOMMUNICATIONS FACILITY. THIS SITE AS SHOWN FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN THE INSTALLATION OF A COMMERCIAL TELECOMMUNICATIONS FACILITY. THE CONTRACTOR SHALL VERIFY ALL PLANS & CONDITIONS ON THE SITE AS SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

**PROJECT DESCRIPTION**

- INSTALL 1 (1) 24" DIAM. PRECASTER CONCRETE PUMP W/ 10' TOWER.
INSTALL 1 (1) 24" DIAM. PRECASTER CONCRETE PUMP W/ 10' TOWER.
INSTALL 1 (1) 24" DIAM. PRECASTER CONCRETE PUMP W/ 10' TOWER.
INSTALL 1 (1) 24" DIAM. PRECASTER CONCRETE PUMP W/ 10' TOWER.
INSTALL 1 (1) 24" DIAM. PRECASTER CONCRETE PUMP W/ 10' TOWER.

**DRAWING INDEX**

Table with columns: SHEET NO., SHEET TITLE. Rows: T-1 TITLE SHEET, LS-1 SITE SURVEY, LS-2 SITE SURVEY, LS-3 SITE SURVEY NOTES, A-1 SITE PLAN AND IMPROVED SITE PLAN, A-2 CONCEPT/ADDITION PLAN AND REVENUE SCHEDULE, A-3 UTILITIES, A-4 UTILITIES.



**DRIVING DIRECTIONS**

DRIVING DIRECTIONS: FROM I-75 SOUTH, TURN LEFT ONTO 280TH ST. AND MAKE THE RIGHT 2 LANE TURN TO MAKE THE RAMP ONTO CA-52. MAKE THE LEFT TURN ONTO BRINTY CANYON RD. CONTINUE ONTO SCOTT RD. TURN LEFT ONTO HOLLAND RD. DESTINATION WILL BE ON THE RIGHT.

**LEGAL DESCRIPTION**

SEE SURVEY SHEETS FOR LEGAL DESCRIPTION.



1452 EDINGER AVE  
TUSTIN, CALIFORNIA 92780



Table with columns: REV, DATE, DESCRIPTION. Rows: 1, 2, 3, 4, 5.

**NOT TO BE USED FOR CONSTRUCTION**

IT IS A VIOLATION OF LAW FOR ANY PERSON TO REPRODUCE OR TRANSMIT THIS DRAWING OR ANY PART THEREOF WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

CSL00408  
WINCHESTER  
31851 WINCHESTER ROAD,  
WINCHESTER, CA 92596

DRAWN BY: EMS  
CHECKED BY: JS

SHEET TITLE: TITLE SHEET

SHEET NUMBER: T-1



1432 EDINGER AVENUE  
TUSTIN, CA 92780



**ambit consulting**  
1500 W. 14TH AVE., SUITE 200  
DENVER, CO 80202  
PH: (303) 559-9072



**CASA**  
SANTA FE SPRING, CALIFORNIA 94703

REV	DATE	DESCRIPTION
B	12/13/18	TITLE/REVISION (3)
A	11/17/18	INITIAL ISSUE (4)



DATE OF SIGNATURE: 12/16/2018

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS HE OR SHE IS A LICENSED PROFESSIONAL SURVEYOR, TO SIGN THIS DOCUMENT.

CSL00408

31851 WINCHESTER ROAD  
WINCHESTER, CA 92596

SHEET TITLE  
SITE SURVEY

SHEET NUMBER

LS-1



**SURVEY DATE:**  
11/13/2018

**BASIS OF BEARINGS:**  
BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE ZONE 10N. BEARINGS ARE OBSERVED OR OBSERVATIONS ARE REFERENCED TO NUMBER.

**BENCHMARK:**  
PROJECT ELEVATIONS ESTABLISHED FROM OPS BARRICK OBTAINED FROM THE NATIONAL GEODETIC SURVEY. BENCHMARKS ARE REFERENCED TO UTM ZONE 10N. BENCHMARK ELEVATIONS ARE REFERENCED TO NAVD83.

**GRID-TO-GROUND SCALE FACTOR NOTE:**  
THE SCALE FACTOR FOR THIS PROJECT IS 0.999999999. THE STATE ZONE 10N STATE PLANE COORDINATE ZONE (GRID) TO GROUND DISTANCES DIVIDE BY 0.999999999.

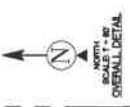
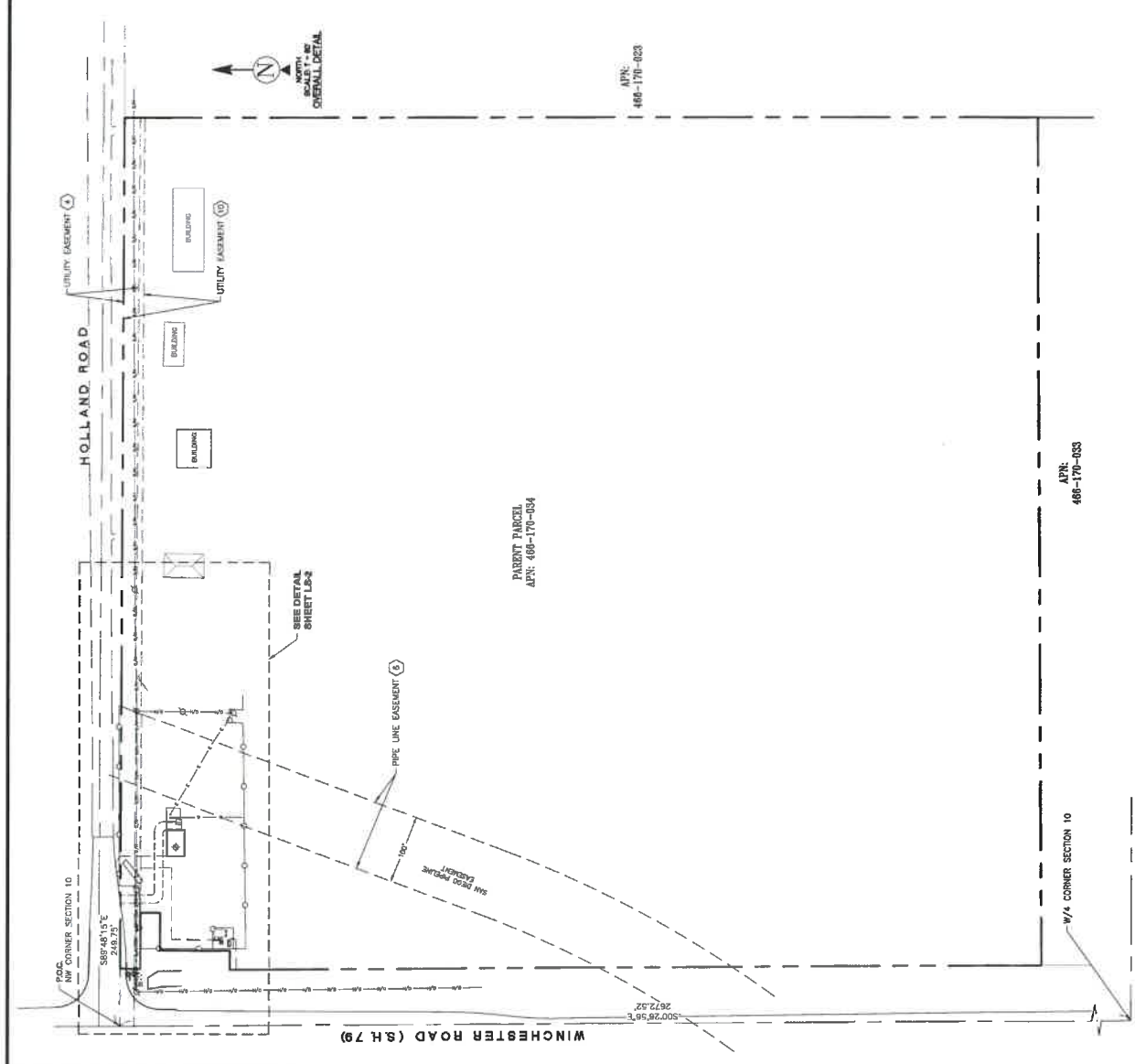
**FLOOD ZONE:**  
THIS PROJECT APPEARS TO BE LOCATED WITHIN FLOOD ZONE "X", ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP(S), MAP ID #88080008R, DATED 07/20/2008.

**UTILITY NOTES:**  
THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION, REMOVAL, RELOCATION AND/OR REPLACEMENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES AND FOLLOW THE CURRENT NATIONAL MAP STANDARDS FOR VERTICAL ACCURACY.

**SURVEYOR'S NOTES:**  
THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD PLANS AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.  
ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES.  
DISTANCES MEASURED BETWEEN POINTS ON THE GROUND SHALL FOLLOW THE CURRENT NATIONAL MAP STANDARDS FOR VERTICAL ACCURACY.

**LEGEND**

- ASPHALT
- BLDG
- CONC
- CONCRETE DRIVEWAY
- FACE OF CURB
- CLINT DRIVE
- GRAVEL DRIVE
- NATURAL GRADE
- WALKWAY
- TOP OF WALL
- TREES
- US STATES
- AIR CONDITIONING UNIT
- UTILITY MANHOLES
- UTILITY METER
- POSITION OF
- GEODETIC COORDINATES
- SPOT ELEVATION
- OVERHEAD LINES
- ELECTRIC LINES
- COMMUNICATION
- WOOD FENCE
- CURBLINES
- EXISTING BUILDINGS
- RIGHT OF WAY LINES
- SUBJECT PROPERTY LINE
- MAJOR CONTOUR INTERVAL
- MINOR CONTOUR INTERVAL



PARENT PARCEL  
APN: 466-170-034

APN:  
466-170-023

APN:  
466-170-033

1/4 CORNER SECTION 10



1432 EDINGER AVENUE  
AND FLOORS  
TUSTIN, CA 92780



ambit consulting  
410 E. SOUTHERN AVE. TEMPE, AZ 85282  
PH. (480) 859-4077



800 PRINCE BLVD. #100  
SANTA FE SPRING, CALIFORNIA 90600

REV	DATE	DESCRIPTION
B	12/12/19	FILE/REVISION (3)
A	11/17/19	INITIAL ISSUE (2)



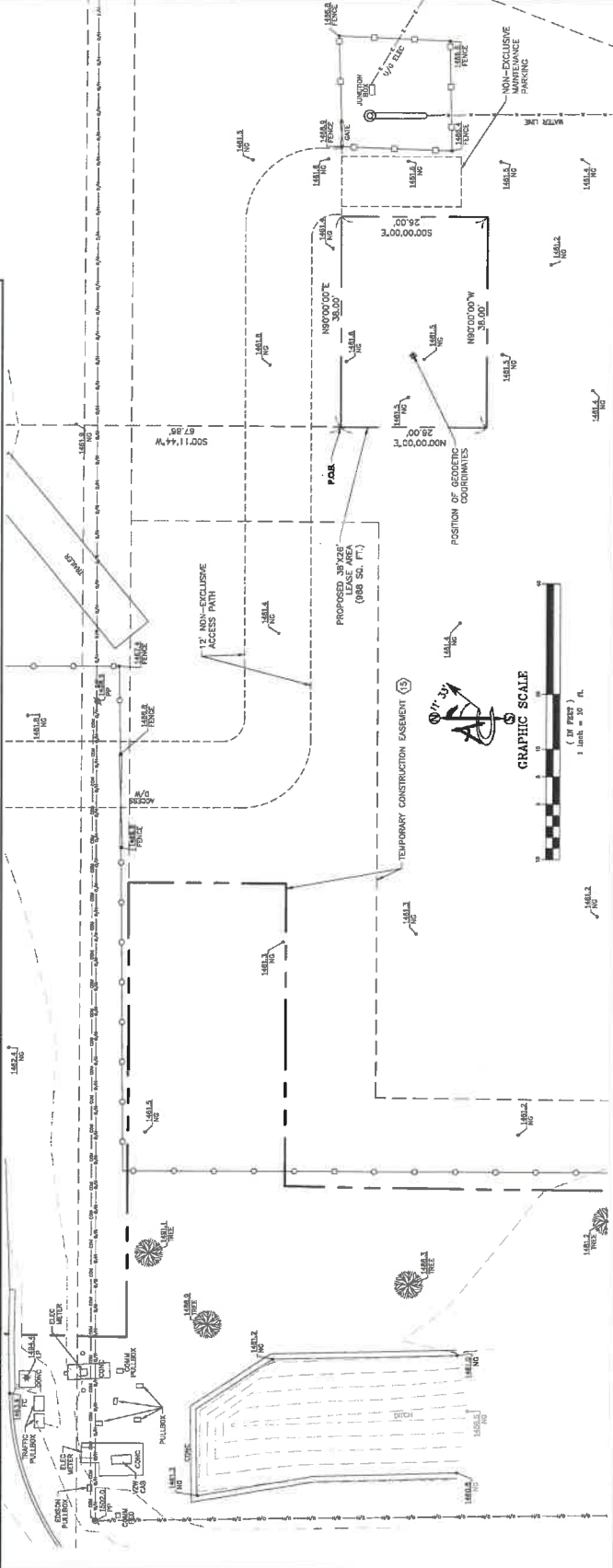
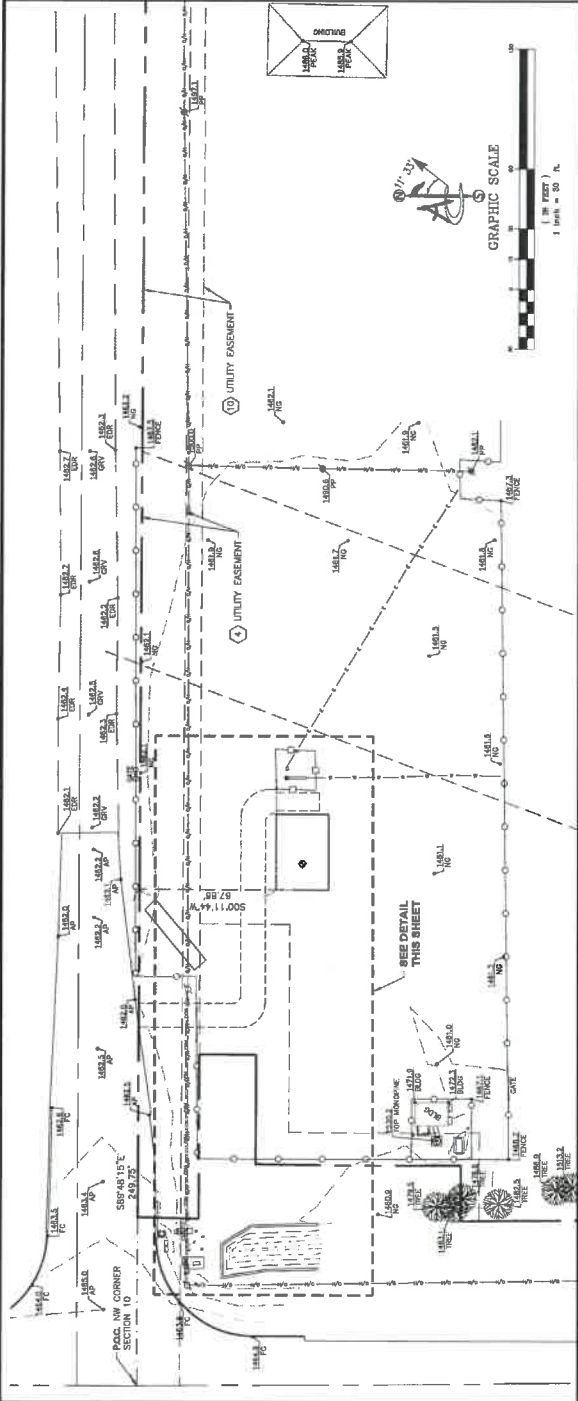
DATE OF SIGNATURE: 12/16/2019  
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CSL00408  
31851 WINCHESTER ROAD  
WINCHESTER, CA 92596

SHEET TITLE  
SITE SURVEY

SHEET NUMBER  
LS-2

POSITION OF GEODETIC COORDINATES  
LATITUDE 33° 40' 14.23" (33.6708207) NORTH (NAD83)  
LONGITUDE 117° 05' 02.207" (117.0839447) WEST (NAD83)  
GROUND ELEVATION @ 1401.5 (NAVD83)









1452 EXEMER AVE.  
TURIN, CALIFORNIA 92786

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3300 IRVINE AVENUE, SUITE 300  
NEWPORT BEACH, CA 92660  
TEL: (949) 387-1275  
FAX: (949) 387-1275



8079 FICHER BLVD. #105  
SAN RAFAEL SPRINGS, CALIFORNIA 94583

REV.	DATE	DESCRIPTION
1	05/18/04	ISSUE #1 - JUNCTION CONDITIONS
2	12/21/04	ISSUE #2 - POWER SERVICE
3	12/21/04	ISSUE #3 - ELECTRICAL SERVICE
4	11/22/04	ISSUE #4 - NEW SERVICE ENTRANCE

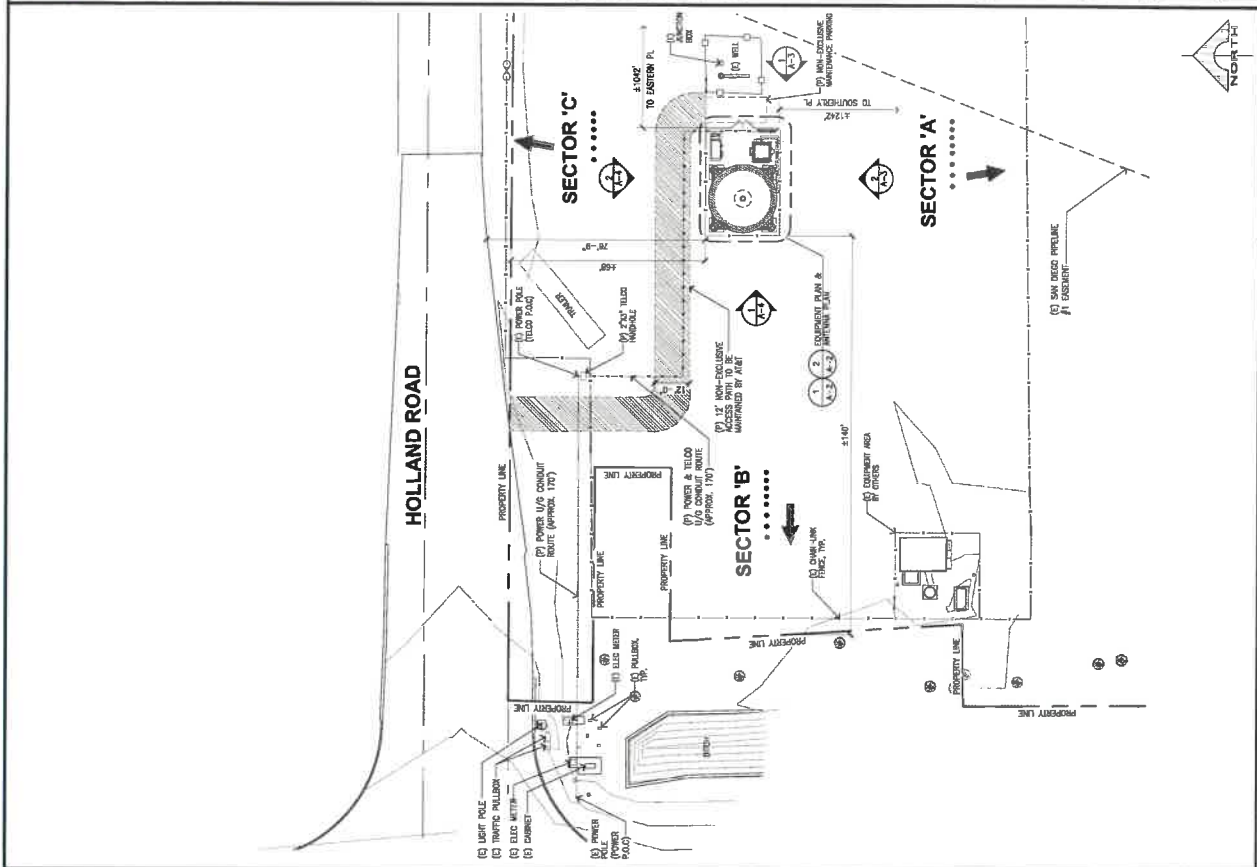
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FOR CONSTRUCTION**

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31851 WINCHESTER ROAD,  
WINCHESTER, CA 92596

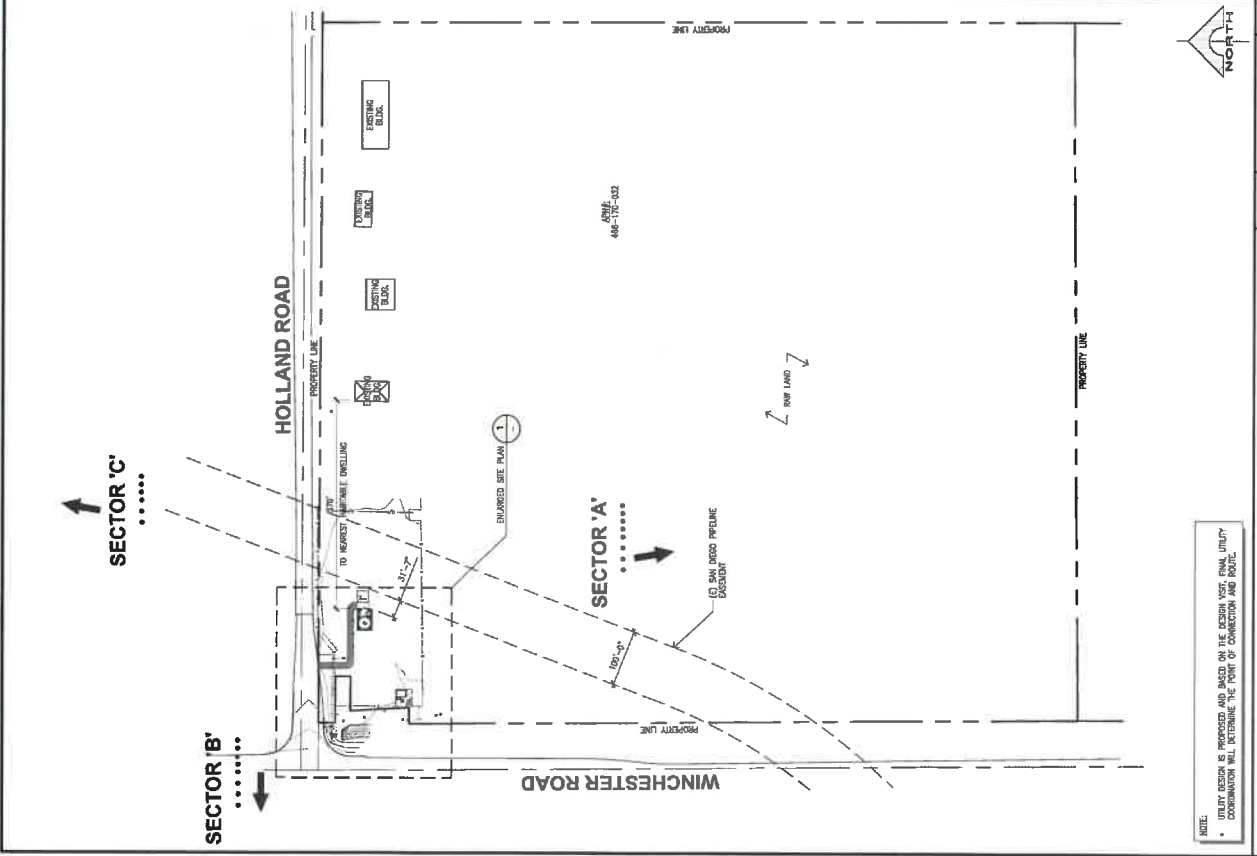
DRAWN BY: EMS  
CHECKED BY: JS

SHEET TITLE: SITE PLAN  
SHEET NUMBER: A-1



SCALE: 1"=200' 0"

ENLARGED SITE PLAN 1



SCALE: 1"=100' 0"

SITE PLAN 2

NOTE:  
• UTILITY DESIGN IS PROPOSED AND BASED ON THE DESIGN NOT FINAL. UTILITY COORDINATION WILL DETERMINE THE POINT OF CONNECTION AND ROUTE.



1452 EDINGER AVE.  
TUSTIN, CALIFORNIA 92780

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REV.	DATE	DESCRIPTION
1	11/27/18	ISSUE FOR PERMITS
2	12/13/18	ISSUE FOR PERMITS
3	12/13/18	ISSUE FOR PERMITS
4	12/13/18	ISSUE FOR PERMITS
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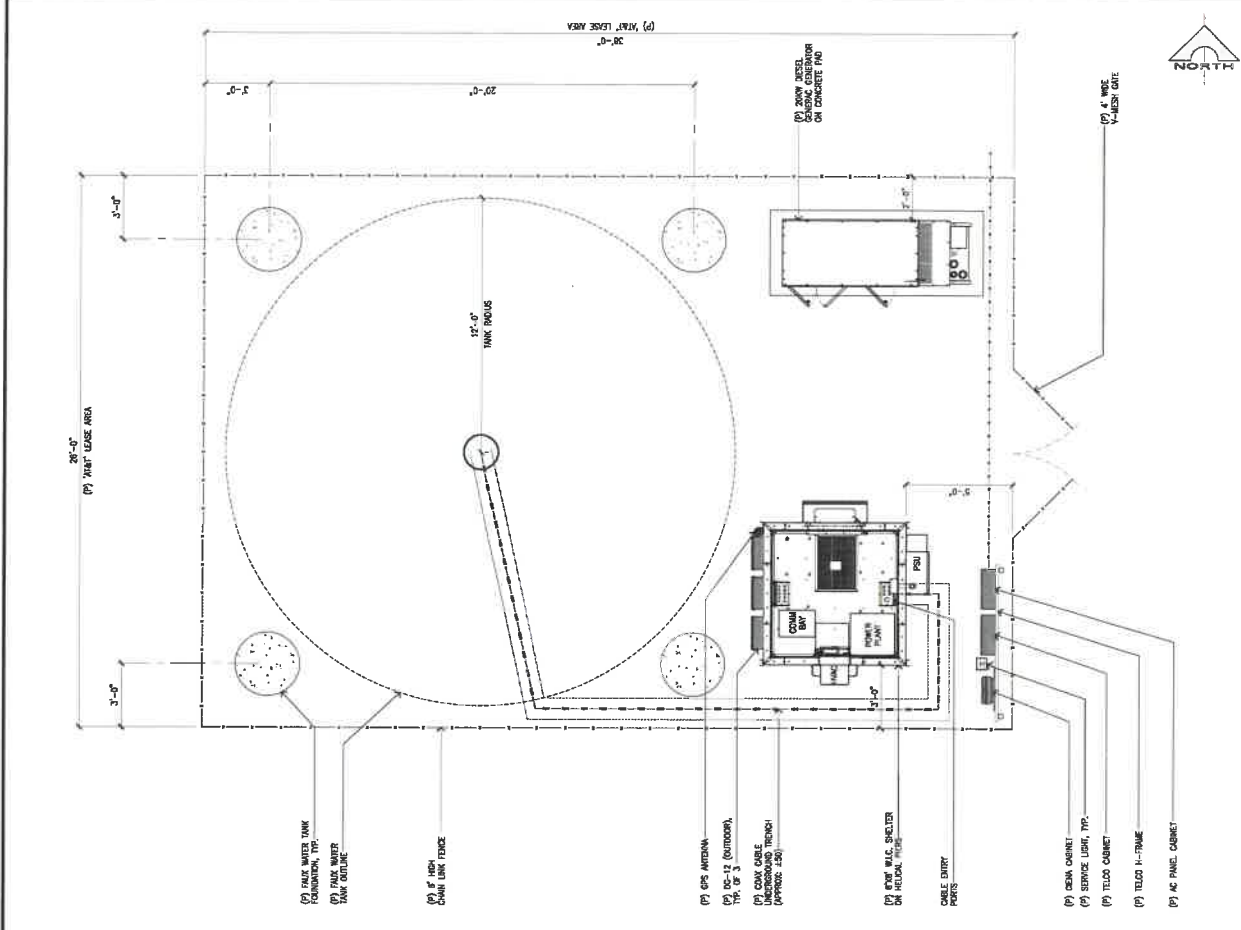
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WINCHESTER, CA 92596

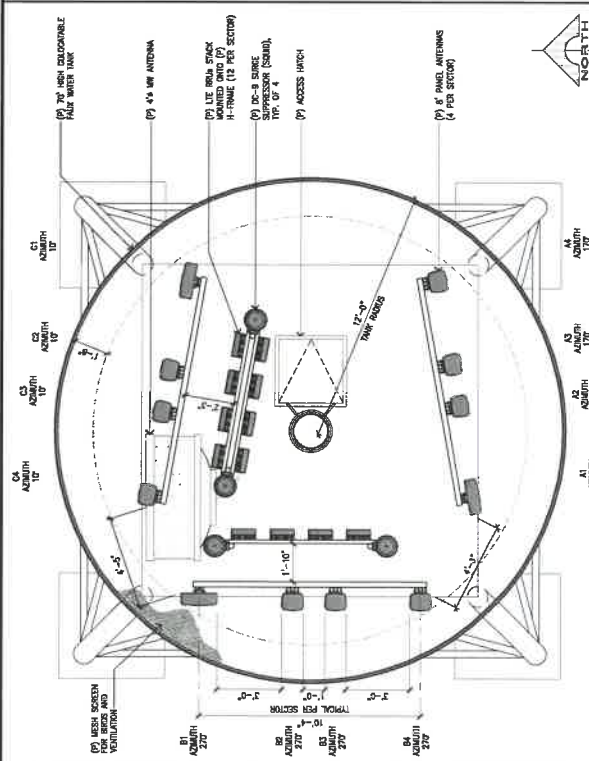
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CHECKED BY: JS

SHEET TITLE:  
ENLARGED SITE PLAN, LEASE AREA/  
ANTENNA PLAN AND ANTENNA/RRU SCHEDULE

SHEET NUMBER:  
**A-2**



SCALE: 3/8"=1'-0"  
1



**ANTENNA PLAN**  
SCALE: 3/8"=1'-0"  
2

SECTOR	ANTENNA TECHNOLOGY	ANTENNA MAKE/TYPE	SIZE (L x B x H)	ANTENNA ANGLE	RRU COUNT	TRANSMISSION LINE LENGTH (FT +/-)	MINIMUM CLEARANCE
A1	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
A2	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
A3	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
A4	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
B1	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
B2	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
B3	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
B4	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
C1	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
C2	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
C3	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'
C4	LTE	8' PANEL ANTENNA	8' x 8' x 12'	120°	3	12'	15'

SECTOR	RRU UP OR DOWN	RRU COUNT	RRU LOCATION (DISTANCE FROM ANTENNA)	MINIMUM CLEARANCES
A1	UP	3	12'	15'
A2	UP	3	12'	15'
A3	UP	3	12'	15'
A4	UP	3	12'	15'
B1	UP	3	12'	15'
B2	UP	3	12'	15'
B3	UP	3	12'	15'
B4	UP	3	12'	15'
C1	UP	3	12'	15'
C2	UP	3	12'	15'
C3	UP	3	12'	15'
C4	UP	3	12'	15'

**ANTENNA AND RRU SCHEDULE**  
SCALE: 3/8"=1'-0"  
3

EQUIPMENT PLAN



1452 EDINGER AVE  
TUSTIN, CALIFORNIA 92780

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3300 IRVINE AVENUE, SUITE 300  
NEWPORT BEACH, CA 92660  
TEL: (949) 337-1272  
FAX: (949) 337-1273



6000 PROCHER BLVD, #100  
SAN JUAN CAPISTRANO, CALIFORNIA 92675

NO.	DATE	DESCRIPTION
1	11/27/18	ISSUED FOR PERMITS
2	03/17/19	ISSUED FOR PERMITS
3	07/27/18	ISSUED FOR PERMITS
4	11/27/18	ISSUED FOR PERMITS
5	11/27/18	ISSUED FOR PERMITS

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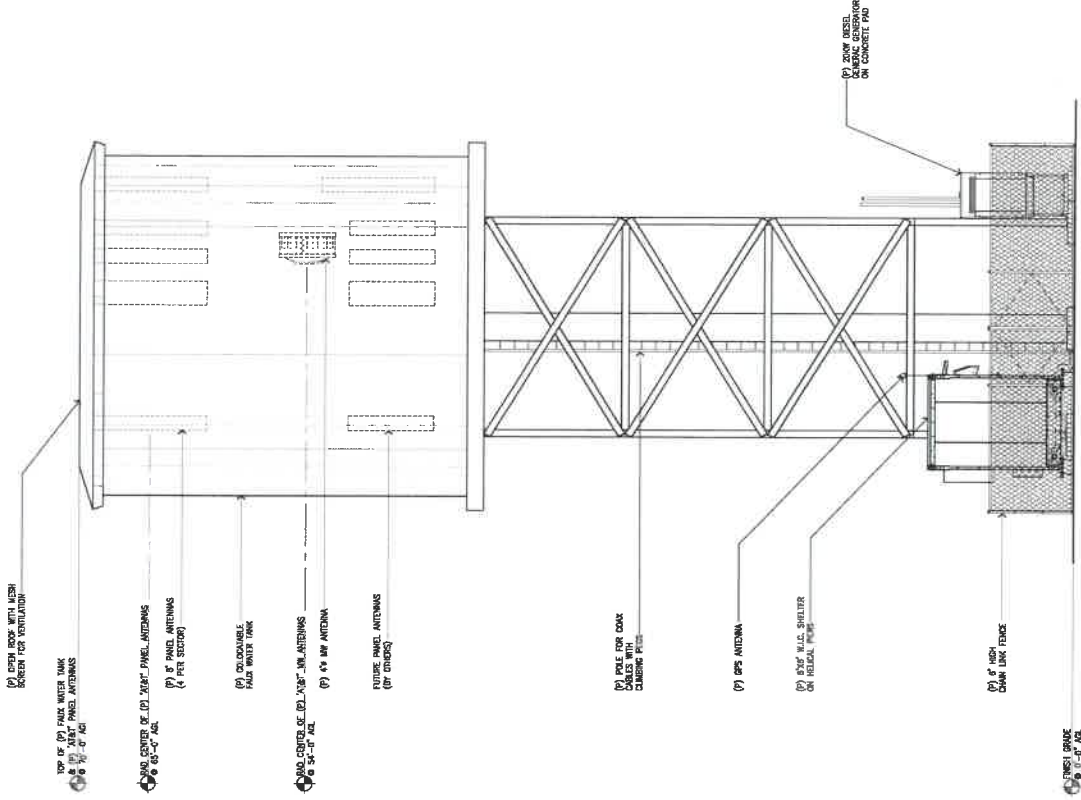
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31851 WINCHESTER ROAD,  
WINCHESTER, CA 92596

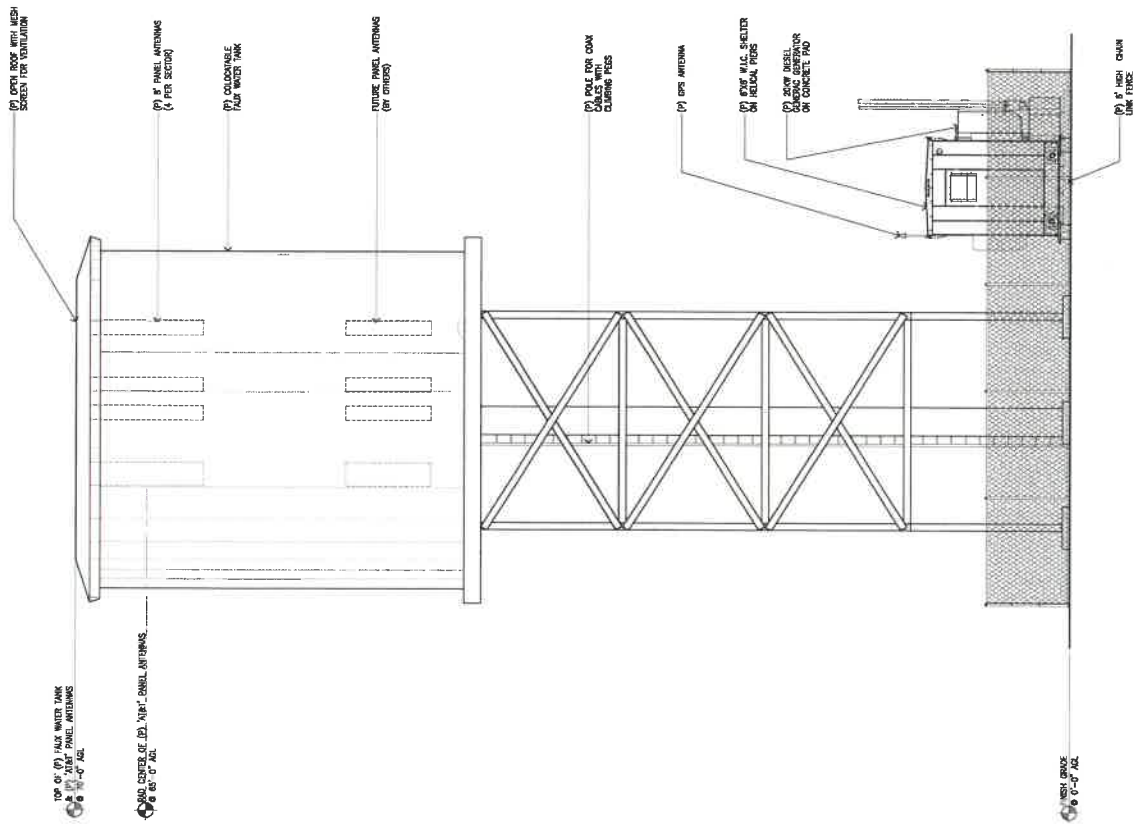
DRAWN BY: EMS  
CHECKED BY: JUS

SHEET TITLE: ELEVATIONS

SHEET NUMBER: A-3



**EAST ELEVATION** SCALE: 1/4"=1'-0" 1



**SOUTH ELEVATION** SCALE: 1/4"=1'-0" 2



1450 ENDICER AVE  
TUSTIN, CALIFORNIA 92780

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3000 IRVINE AVENUE, SUITE 300  
IRVINE, CALIFORNIA 92614  
TEL: (949) 381-1275  
FAX: (949) 381-1275



6001 PONDER BLDG. #105  
SANTA FE SPRINGS, CALIFORNIA 90703

REV.	DATE	DESCRIPTION
1	11/27/14	ISSUE FOR PERMITS
2	12/17/14	ISSUE FOR PERMITS
3	12/17/14	ISSUE FOR PERMITS
4	11/27/14	ISSUE FOR PERMITS

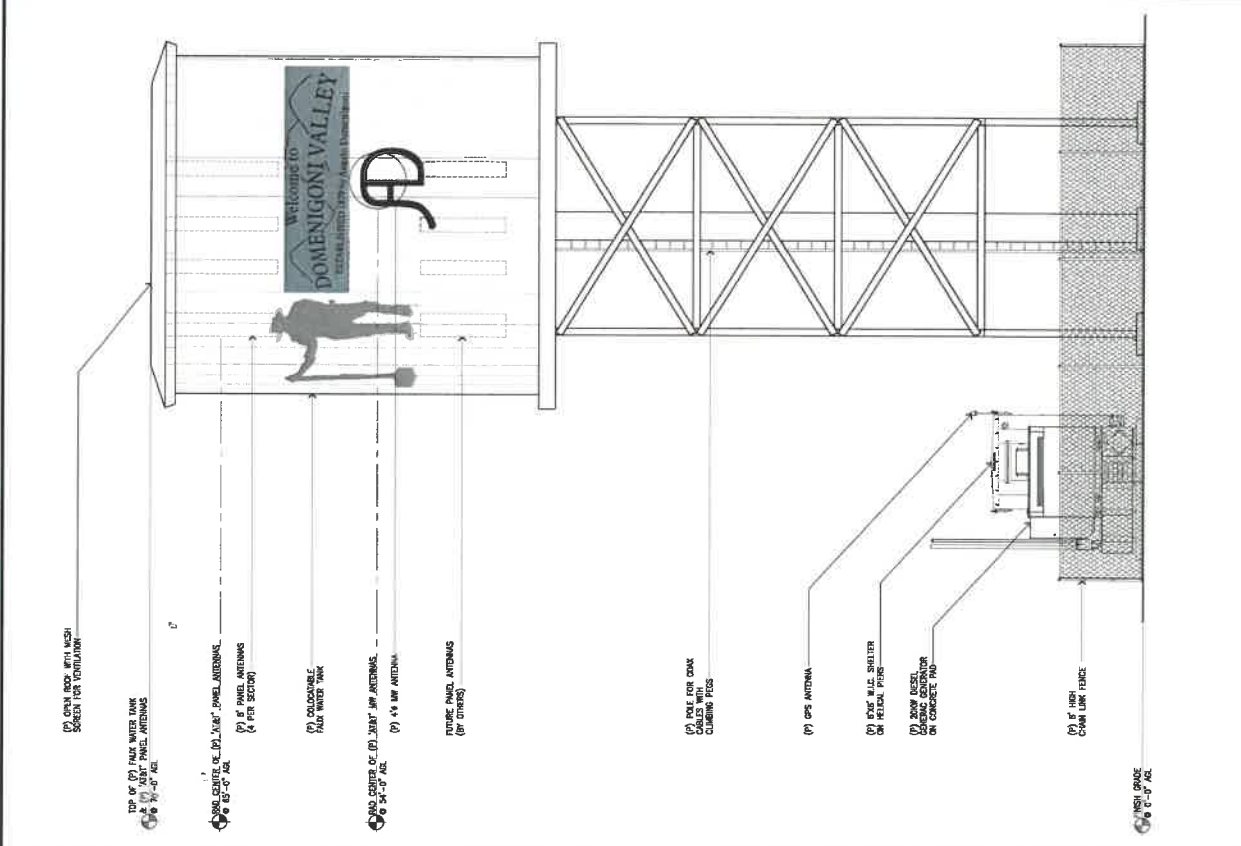
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31851 WINCHESTER ROAD,  
WINCHESTER, CA 92596

DRAWN BY: EJS  
CHECKED BY: JJS

SHEET TITLE: ELEVATIONS

SHEET NUMBER: A-4



**NORTH ELEVATION** SCALE: 1/4"=1'-0" 2

**WEST ELEVATION** SCALE: 3/8"=1'-0" 1



**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**

Juan C. Perez  
Agency Director



**PPW200002**

**ADVISORY NOTIFICATION DOCUMENT**

The following notifications are included as part of the recommendation of approval for PPW200002. They are intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property.

**Advisory Notification**

**Advisory Notification. 1 AND - Preamble**

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this (Plot Plan Wireless No. 200002) and is intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

**Advisory Notification. 2 AND - Project Description & Operational Limits**

Plot Plan Wireless No. 200002 proposes to construct a concealed wireless communication facilities of a 70 foot faux water tank, including twelve (12) antennas, thirty-six (36) RRUs, one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 30kw diesel generator within 988 square foot lease area, surrounded by a 6 foot high chain-link fence, on a 37.45 acre site ("Project").

**Advisory Notification. 3 AND - Exhibits**

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT(S) Exhibit A (Site Plan), Amended No. 1, dated March 16, 2020. Exhibit B (Elevations), Amended No. 1, dated March 13, 2020.

**Advisory Notification. 4 AND - Federal, State & Local Regulation Compliance**

1. Compliance with applicable Federal Regulations, including, but not limited to:
  - National Pollutant Discharge Elimination System (NPDES)
  - Clean Water Act
  - Migratory Bird Treaty Act (MBTA)
2. Compliance with applicable State Regulations, including, but not limited to:
  - The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional Water Quality Control Board (RWQCB.)
  - Government Code Section 66020 (90 Days to Protest)
  - Government Code Section 66499.37 (Hold Harmless)
  - Native American Cultural Resources, and Human Remains (Inadvertent Find)

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

#### **Advisory Notification. 4      AND - Federal, State & Local Regulation Compliance (cont.)**

- School District Impact Compliance
  - Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)
3. Compliance with applicable County Regulations, including, but not limited to:
- Ord. No. 348 (Land Use Planning and Zoning Regulations)
  - Ord. No. 413 (Regulating Vehicle Parking)
  - Ord. No. 457 (Building Requirements)
  - Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program)
  - Ord. No. 484 (Control of Blowing Sand)
  - Ord. No. 625 (Right to Farm)
  - Ord. No. 655 (Regulating Light Pollution)
  - Ord. No. 671 (Consolidated Fees)
  - Ord. No. 742 (Fugitive Dust/PM10 Emissions in Coachella Valley)
  - Ord. No. 787 (Fire Code)
  - Ord. No. 847 (Regulating Noise)
  - Ord. No. 857 (Business Licensing)
  - Ord. No. 859 (Water Efficient Landscape Requirements)
  - Ord. No. 915 (Regulating Outdoor Lighting)
4. Mitigation Fee Ordinances
- Ord. No. 659 Development Impact Fees (DIF)
  - Ord. No. 673 Coachella Valley Transportation Uniform Mitigation Fee (CV TUMF)
  - Ord. No. 875 Coachella Valley Multiple Species Habitat Conservation Plan (CV MSHCP)

### Planning

#### **Planning. 1                              0010-Planning-USE - COMPLY WITH ORD./CODES**

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

#### **Planning. 2                              0010-Planning-USE - FUTURE INTERFERENCE**

If the operation of the facilities authorized by this approved Plot Plan Wireless generates electronic interference with or otherwise impairs the operation of Riverside County communication facilities, the applicant shall consult with Riverside County Information Technology staff and implement mitigation measures acceptable to the Riverside County Department of Information Technology.

#### **Planning. 3                              0010-Planning-USE - MAX HEIGHT**

The concealed wireless facility located within the property shall not exceed a height of 70 feet.

**ADVISORY NOTIFICATION DOCUMENT****Planning****Planning. 4                                      0010-Planning-USE - NOISE REDUCTION (cont.)**

In accordance with Section 19.410.g. of Ordinance No. 348, and for the life of the project, all noise produced by the wireless communication facility shall in no case produce noise which exceeds 45 dB inside the nearest dwelling and 60 dB at the project site's property line.

**Planning. 5                                      0010-Planning-USE - SITE MAINTENANCE CT**

The project site shall be kept in good repair. Graffiti shall be removed from any structures within one week of observation and/or notification. The project site and a minimum area of ten (10) feet around the project site shall be kept free of weeds and other obtrusive vegetation for fire prevention purposes.

**Planning. 6                                      General – Hold Harmless**

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees ("COUNTY") from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the Plot Plan Wireless No. 200001, its advisory agencies, appeal boards, or legislative body concerning the project or its associated environmental documentation; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the project, including, but not limited to, decisions made in response to California Public Records Act requests; and

(a) and (b) above are hereinafter collectively referred to as "LITIGATION."

The COUNTY shall promptly notify the applicant/permittee of any LITIGATION and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such LITIGATION or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such LITIGATION, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the Project, applicant/permittee shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Applicant/permittee shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs are not recoverable under the California Public Records Act from the



**ADVISORY NOTIFICATION DOCUMENT**

**Planning**

**Planning. 6                      General – Hold Harmless (cont.)**

records requestor, applicant/permittee agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, applicant/permittee shall make such additional deposits.

**Planning. 7                      Telcom – Backup Generator**

If a backup generator will be used in conjunction with the wireless communication facility, it is to only be used in the event of a power disruption and during maintenance checks. It is not to be used during the course of regular operations. Any noise produced by the generator is required to comply with County noise standards.

**Planning. 8                      Telcom – Colocation**

The applicant/operator of the facility shall agree to allow for the co-location of equipment of other wireless telecommunication providers at this site when applications are received by the County and it is considered feasible, subject to an agreement between the applicant/operator, the other proposed wireless telecommunication provider(s), and the property owner.

**Planning. 9                      Telcom – Entitlement Life**

Pursuant to Riverside County Ordinance No. 348 (Land Use), a telecommunication facility shall have an initial approval period (life) of ten (10) years, which may be extended if a revised permit application is made and approved by the original approving officer or body. Such extensions, if approved, shall be in increments of ten (10) years. The determination as to the appropriateness of such extensions shall be made, in part, on adherence to the original conditions of approval and the number of complaints, if any, received by the County. In the case of collocated facilities, the permits of all collocators shall be automatically extended until the last collocator's permit expires. In the event that this ten (10) year maximum life span provision is removed from Riverside County Ordinance No. 348 (Land Use), this condition of approval shall become null and void.

**Planning. 10                      Telcom – Equipment Cabinets**

Unless otherwise specifically noted on the approved plans, the telecommunication equipment cabinet shelter color shall be grey or earth-tone, in order to be more compatible with the surrounding setting.

**Planning. 11                      Telcom – Lighting**

All outside lighting shall be hooded and directed into the telecommunication facility area, so as not to shine directly upon adjoining property or in the public rights-of-way.

**Planning. 12                      Telcom – No Proposed Use**

The remainder of the subject property, (excluding the lease area and access easement), shall hereby be

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### **Planning. 12                                      Telcom – No Proposed Use (cont.)**

designated as "NO USE PROPOSED", and shall require approval of an appropriate land use application prior to utilization of any additional land uses, subject to the requirements of Riverside County Ordinance No. 348.

#### **Planning. 13                                      Telcom – Noise**

Pursuant to Riverside County Ordinance No. 348 (Land Use), any noise produced by the telecommunication facility shall in no case exceed 45 dB inside the nearest dwelling and shall not exceed 60 dB at the project site's property line.

#### **Planning. 14                                      Telcom – Signage**

Prior to final inspection of any building permit, the permit holder, developer or successor-in-interest shall install a sign no smaller than 12 inches by 12 inches upon an exterior wall or fence that surrounds the lease area that provides the following contact information:

- Address of wireless communications facility and any internal site identification number or code;
- Name(s) of company who operates the wireless communications facility;
- Full company address, including mailing address and division name that will address problems;
- Telephone number of the telecommunication facility company.

If a colocated facility (addition antennas and/or equipment shelters or cabinets) are added to an existing facility, an additional sign, including the above described information, shall be installed on said shelter or cabinet stating the name of the company who operates the primary wireless communications facility and the name of the company that operates the co-located facility.

#### **Planning. 15                                      Telcom – Site Maintenance**

The project site shall be kept in good repair. Graffiti shall be removed from any structures within one week of observation and/or notification.

#### **Planning. 16                                      Telcom - Tower Height**

Pursuant to this plan, the concealed telecommunication facility tower shall not exceed 70-feet in height.

#### **Planning. 17                                      Telcom – Transmission Interference**

If the operation of this facility generates electronic interference with, or otherwise impairs the operation of Riverside County communication facilities, the applicant shall consult with Riverside County Information Technology ("RCIT") staff and implement acceptable mitigation measures, as approved by RCIT.

## ADVISORY NOTIFICATION DOCUMENT

### Planning-All

#### Planning-All. 1                      0010-Planning-All-USE - MINOR MODIFICATIONS (cont.)

The project shall be allowed for the addition of antennae and other support equipment to the proposed project as part of the building permit process as long as the project is consistent with the applicable development standards, stays within the same lease area, and does not deviate from the purpose of the project as described.

### Planning-CUL

#### Planning-CUL. 1                      PDA07088

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed: All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. \* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other. \*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

### Transportation

#### Transportation. 1                      TRANS GENERAL CONDITIONS

1. With respect to the conditions of approval for the referenced tentative exhibit, it is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

2. Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955 6527.

**ADVISORY NOTIFICATION DOCUMENT****Transportation****Transportation. 1                   TRANS GENERAL CONDITIONS**

1. With respect to the conditions of approval for the referenced tentative exhibit, it is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

2. Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955 6527.

Plan: PPW200002

Parcel: 466170034

## 60. Prior To Grading Permit Issuance

### Planning-CUL

**060 - Planning-CUL. 1 CONCLUSIONS AND RECOMMENDATIONS Not Satisfied**

County Archaeological Report (PDA) No. 7088 submitted for this project (PPW200002) was prepared by Sarah A. Williams of HELIX Environmental Planning, Inc. and is entitled: "Phase I Cultural Resources Assessment AT&T Mobility, LLC Candidate CSL05913 (Lopez), Perris, Riverside County, California ", dated January 13, 2020. PDA concludes: "It is unlikely that cultural resources, including historic properties, would be adversely affected or impacted by the installation of the proposed telecommunications facility. In addition, HELIX is requesting a finding of No Historic Properties for Direct and Indirect Effects." PDA recommends: "A finding of no effect/no significant impact and does not recommend additional cultural resource mitigation or mitigation monitoring prior to construction."

These documents are herein incorporated as a part of the record for project.

**060 - Planning-CUL. 2 HUMAN REMAINS Not Satisfied**

If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

### Planning-PAL

**060 - Planning-PAL. 1 PRIMP Not Satisfied**

This site is mapped in the County's General Plan as having a High potential for paleontological resources (fossils). Proposed project site grading/earthmoving activities could potentially impact this resource. HENCE:

PRIOR TO ISSUANCE OF GRADING PERMITS: 1. The applicant shall retain a qualified paleontologist approved by the County to create and implement a project-specific plan for monitoring site grading/earthmoving activities (project paleontologist). 2. The project paleontologist retained shall review the approved development plan and grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resource Impact Mitigation Program (PRIMP). This PRIMP shall be submitted to the County Geologist for approval prior to issuance of a Grading Permit. Information to be contained in the PRIMP, at a minimum and in addition to other industry standards and Society of Vertebrate Paleontology standards, are as follows: 1. A corresponding and active County Grading Permit (BGR) Number must be included in the title of the report. PRIMP reports submitted without a BGR number in the title will not be reviewed. 2. Description of the proposed site and planned grading operations. 3. Description of the level of monitoring required for all earth-moving activities in the project area. 4. Identification and qualifications of the qualified paleontological monitor to be employed for grading operations monitoring. 5. Identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens. 6. Direction for any fossil discoveries to be immediately reported to the property owner who in turn will immediately notify the County Geologist of the discovery. 7. Means and methods to be employed by the paleontological monitor to quickly salvage fossils as they are unearthed to avoid construction delays. 8. Sampling of sediments that are likely to contain the remains of small fossil invertebrates and

Plan: PPW200002

Parcel: 466170034

## 60. Prior To Grading Permit Issuance

### Planning-PAL

**060 - Planning-PAL. 1 PRIMP (cont.) Not Satisfied**

vertebrates. 9. Procedures and protocol for collecting and processing of samples and specimens. 10. Fossil identification and curation procedures to be employed. 11. Identification of the permanent repository to receive any recovered fossil material. \*Pursuant the County "SABER Policy", paleontological fossils found in the County should, by preference, be directed to the Western Science Center in the City of Hemet. A written agreement between the property owner/developer and the repository must be in place prior to site grading. 12.

All pertinent exhibits, maps and references. 13. Procedures for reporting of findings. 14. Identification and acknowledgement of the developer for the content of the PRIMP as well as acceptance of financial responsibility for monitoring, reporting and curation fees. The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution. 15. All reports shall be signed by the project paleontologist and all other professionals responsible for the report's content (eg. PG), as appropriate. One original signed copy of the report(s) shall be submitted to the County Geologist along with a copy of this condition and the grading plan for appropriate case processing and tracking. These documents should not be submitted to the project Planner, Plan Check staff, Land Use Counter or any other County office. In addition, the applicant shall submit proof of hiring (i.e. copy of executed contract, retainer agreement, etc.) a project paleontologist for the in-grading implementation of the PRIMP.

Safeguard Artifacts Being Excavated in Riverside County (SABER)

### Transportation

**060 - Transportation. 1 CONDITIONAL WQMP REQUIREMENT Not Satisfied**

An approved WQMP is required prior to any grading or building permit, if the development of the parcel meets or exceeds any of the thresholds for a WQMP. Submit the applicable WQMP applicability checklist, found on <http://rcflood.org/npdes/>, if your project proposes an auto repair shop, adding 5,000 sq.ft. of impervious area, or disturbing more than 1 acre. If a WQMP is required, submit a single file PDF on two CD/DVD copies to the Transportation Department for review and approval.

**060 - Transportation. 2 SUBMIT GRADING PLAN Not Satisfied**

Prior to the issuance of a building permit, the owner / applicant may be required to submit a Water Quality Management Plan (WQMP), on one PDF on two CD copies, if the development of the parcel(s) meets or exceeds any of the thresholds outlined in the WQMP guidance document. If it is determined that a WQMP is required, the owner applicant shall be required to submit a WQMP and associated plans for review and approval prior to issuance of building permit. More information can be found at the following website.

<http://rcflood.org/npdes/>

**060 - Transportation. 3 SUBMIT GRADING PLANS Not Satisfied**

The project proponent shall submit two sets of grading plans (24" x 36") to the Transportation Department for review and approval. If road right of way improvements are required, the project

Plan: PPW200002

Parcel: 466170034

## 60. Prior To Grading Permit Issuance

### Transportation

**060 - Transportation. 3 SUBMIT GRADING PLANS (cont.) Not Satisfied**

proponent shall submit street improvement plans for review and approval, open an IP account, and pay for all associated fees in order to clear this condition. The Standard plan check turnaround time is 10 working days. Approval is required prior to issuance of a grading permit

**060 - Transportation. 4 SUBMIT GRADING PLANS Not Satisfied**

In addition to submitting grading plans to the Department of Building and Safety, the project proponent shall submit two sets of grading plans (24" x 36") to the Transportation Department for review and approval. If road right of way improvements are required, the project proponent shall submit street improvement plans for review and approval, open an IP account, and pay for all associated fees in order to clear this condition. The Standard plan check turnaround time is 10 working days. Approval is required prior to issuance of a grading permit.

## 80. Prior To Building Permit Issuance

### Planning

**080 - Planning. 1 0080-Planning-USE - LIGHTING PLANS CT Not Satisfied**

Any proposed outdoor lighting must be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County General Plan.

### Transportation

**080 - Transportation. 1 EVIDENCE/LEGAL ACCESS Not Satisfied**

Provide evidence of legal access.

**080 - Transportation. 2 EVIDENCE/LEGAL ACCESS Not Satisfied**

Provide evidence of legal access.

**080 - Transportation. 3 SUBMIT PLANS Not Satisfied**

This condition applies if a grading permit is not required.

Prior to the issuance of a building permit, the owner / applicant may be required to submit a Water Quality Management Plan (WQMP), on one PDF on two CD copies, if the development of the parcel(s) meets or exceeds any of the thresholds outlined in the WQMP guidance document. If it is determined that a WQMP is required, the owner applicant shall be required to submit a WQMP and associated plans for review and approval prior to issuance of building permit. More information can be found at the following website.

<http://rcflood.org/npdes/>

**080 - Transportation. 4 SUBMIT WQMP IF REQUIRED Not Satisfied**

This condition applies if a grading permit is not required.

An approved WQMP is required prior to any grading or building permit, if the development of the parcel meets or exceeds any of the thresholds for a WQMP. Submit the applicable WQMP applicability

Plan: PPW200002

Parcel: 466170034

## 80. Prior To Building Permit Issuance

### Transportation

**080 - Transportation. 4 SUBMIT WQMP IF REQUIRED (cont.) Not Satisfied**

checklist, found on <http://rcflood.org/npdes/>, if your project proposes an auto repair shop, adding 5,000 sq.ft. of impervious area, or disturbing more than 1 acre. If a WQMP is required, submit a single file PDF on two CD/DVD copies to the Transportation Department for review and approval.

**080 - Transportation. 5 UTILITY PLAN Not Satisfied**

Proposed electrical power lines below 33.6 Kv within public right of way for this cell tower site shall be designed to be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. The applicant is responsible for coordinating the work with the serving utility company. A disposition note describing the above shall be reflected on the site plan. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes

**080 - Transportation. 6 UTILITY PLAN Not Satisfied**

Proposed electrical power lines below 33.6 Kv within public right of way for this cell tower site shall be designed to be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. The applicant is responsible for coordinating the work with the serving utility company. A disposition note describing the above shall be reflected on the site plan. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes

## 90. Prior to Building Final Inspection

### Planning

**090 - Planning. 1 0090-Planning-USE - UTILITIES UNDERGROUND Not Satisfied**

All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Planning Department a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.

**090 - Planning. 2 0090-Planning-USE - WALL & FENCE LOCATIONS Not Satisfied**

Wall/fence locations shall be in conformance with APPROVED EXHIBIT A.

### Transportation

**090 - Transportation. 1 UTILITY INSTALL Not Satisfied**

Proposed electrical power lines below 33.6 Kv within public right of way for this cell tower site shall be underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.

**090 - Transportation. 2 UTILITY INSTALL Not Satisfied**

Proposed electrical power lines below 33.6 Kv within public right of way for this cell tower site shall be underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.



Plan: PPW200002

Parcel: 466170034

## 90. Prior to Building Final Inspection

### Transportation

**090 - Transportation. 3      WQMP COMPLETION      Not Satisfied**

If the project proposes to exceed the impervious thresholds found in the WQMP guidance document, the applicant will be required to acceptably install all structural BMPs described in the Project Specific WQMP, provide an Engineer WQMP certification, GPS location of all BMPs, and ensure that the requirements for permanent inspection and maintenance the BMPs are established with a BMP maintenance agreement.

**090 - Transportation. 4      WRCOG TUMF      Not Satisfied**

Prior to the issuance of an occupancy permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 824.

**090 - Transportation. 5      WRCOG TUMF      Not Satisfied**

Payment of Transportation Fees Prior to the time of issuance of a Certificate of Occupancy or upon final inspection, whichever occurs first, the Project shall pay fees in accordance with the fee schedule in effect at the time of payment:

- Transportation Uniform Mitigation Fees (TUMF) in accordance with Ordinance No. 824.



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

DEVELOPMENT ADVISORY COMMITTEE (“DAC”)  
INITIAL CASE TRANSMITTAL  
RIVERSIDE COUNTY PLANNING DEPARTMENT – RIVERSIDE  
PO Box 1409  
Riverside, 92502-1409

DATE: July 9, 2020

TO:

Riv. Co. Transportation Dept.  
Riv. Co. Environmental Health Dept.  
Riv. Co. Fire Department (Riv. Office)  
Riv. Co. Building & Safety – Grading  
Riv. Co. Building & Safety – Plan Check

P.D. Environmental Programs Division  
P.D. Geology Section  
P.D. Archaeology Section  
Board of Supervisors - Supervisor: Kevin  
Jeffries

Hemet Unified School District  
Eastern Municipal Water District (EMWD)

**PLOT PLAN WIRELESS NO. 200002 – CEQ200002 – Applicant: Smartlink LLC c/o Alisha Strasheim – Engineer/Representative: CASA Industries c/o Julius Santiago – Third Supervisorial District – Winchester Zoning Area – Winchester Area Plan – Commercial Tourist: (CT) (FAR 0.20- 0.35) – Location: North of Craig Avenue, west of Patterson Avenue, east of Winchester 79 and south of Holland Road – 37.45 gross acres – Zoning: SP Zone No. 310 (Domenigoni/Barton Properties) – **REQUEST:** The Plot Plan Wireless proposes to construct a concealed wireless communication facilities of a 70 foot faux water tank, including twelve (12) antennas, thirty-six (36) RRU’s, one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 30kw diesel generator within 988 square foot lease area, surrounded by a 6 foot high chain-link fence. APN: 466-170-034 – **BBID: 133-518-460****

**DAC staff members and other listed Riverside County Agencies, Departments and Districts staff:**  
A Bluebeam invitation has been emailed to appropriate staff members so they can view and markup the map(s) and/or exhibit(s) for the above-described project. Please have your markups completed and draft conditions in the Public Land Management System (PLUS) on or before the indicated DAC date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the PLUS routing on or before the above date. This case is scheduled for a **DAC internal review on February 6, 2020.** Once the route is complete, and the approval screen is approved with or without corrections, the project can be scheduled for a public hearing.

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

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

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

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



# RIVERSIDE COUNTY

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# PLANNING DEPARTMENT

***Charissa Leach, P.E.***  
***Assistant TLMA Director***

Any questions regarding this project, should be directed to Dionne Harris, Project Planner at (951) 955-6836, or e-mail at dharris@rivco.org / MAILSTOP #: 1070

Public Hearing Path:    Administrative Action:     DH:     PC:     BOS:

COMMENTS:

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

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

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

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



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP  
Planning Director

## APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN                       PUBLIC USE PERMIT                      VARIANCE  
 CONDITIONAL USE PERMIT       TEMPORARY USE PERMIT  
 REVISED PERMIT    Original Case No. PPW200002

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

### APPLICATION INFORMATION

Applicant Name: Alisha Strasheim/Smartlink LLC

Contact Person: Alisha Strasheim                      E-Mail: alisha.strasheim@smartlinkllc.ca

Mailing Address: 3300 Irvine Ave Suite 300

Newport Beach                      CA                      92660  
City                      State                      ZIP

Daytime Phone No: (951) 440-0669                      Fax No: (    )

Engineer/Representative Name: CASA Industries

Contact Person: Julius Santiago                      E-Mail: jsantiago@casaind.com

Mailing Address: 9926 Pioneer Blvd #105

Sante Fe Springs                      CA                      90670  
City                      State                      ZIP

Daytime Phone No: (714) 553-8899                      Fax No: (    )

Property Owner Name: Andy and Cindy Domenigoni

Contact Person: \_\_\_\_\_                      E-Mail: \_\_\_\_\_

Mailing Address: 31851 Winchester Rd

Winchester                      CA                      92596  
City                      State                      ZIP

Daytime Phone No: (951) 926-6924                      Fax No: (    )

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

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

*"Planning Our Future... Preserving Our Past"*

**APPLICATION FOR LAND USE AND DEVELOPMENT**

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the use permit type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

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

I certify that I am/we are the record owner(s) or authorized agent, and that the information filed is true and correct to the best of my knowledge, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(If an authorized agent signs, the agent must submit a letter signed by the owner(s) indicating authority to sign on the owner(s)'s behalf, and if this application is submitted electronically, the "wet-signed" signatures must be submitted to the Planning Department after submittal but before the use permit is ready for public hearing.)

Andy Domevignani  
PRINTED NAME OF PROPERTY OWNER(S)

[Signature]  
SIGNATURE OF PROPERTY OWNER(S)

\_\_\_\_\_  
PRINTED NAME OF PROPERTY OWNER(S)

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER(S)

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

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**

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

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 466-170-034

Approximate Gross Acreage: \_\_\_\_\_

General location (nearby or cross streets): North of Craig Ave, South of Holland, East of Winchester 79, West of Patterson Ave.

**APPLICATION FOR LAND USE AND DEVELOPMENT**

**PROJECT PROPOSAL:**

Describe the proposed project.

AT&T proposes to construct a new unmanned wireless telecommunication facility *disguised* ~~concealed~~ as a faux water tank with an equipment enclosure.

Identify the applicable Ordinance No. 348 Section and Subsection reference(s) describing the proposed land use(s): Section 19.403 ~~Concealed~~ Wireless Communication Facilities

Number of existing lots: 19.404 Disguised

EXISTING Buildings/Structures: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>						
No.*	Square Feet	Height	Stories	Use/Function	To be Removed	Bldg. Permit No.
1					<input type="checkbox"/>	
2					<input type="checkbox"/>	
3					<input type="checkbox"/>	
4					<input type="checkbox"/>	
5					<input type="checkbox"/>	
6					<input type="checkbox"/>	
7					<input type="checkbox"/>	
8					<input type="checkbox"/>	
9					<input type="checkbox"/>	
10					<input type="checkbox"/>	

Place check in the applicable row, if building or structure is proposed to be removed.

PROPOSED Buildings/Structures: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
No.*	Square Feet	Height	Stories	Use/Function
1	24'x38'	7'	1	<i>Disguised</i> Equipment Facility
2	Included	70'		<del>Concealed</del> Wireless Communication Facility (Faux Water Tank)
3				
4				
5				
6				
7				
8				
9				
10				

PROPOSED Outdoor Uses/Areas: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
No.*	Square Feet	Use/Function
1		
2		
3		
4		
5		

**APPLICATION FOR LAND USE AND DEVELOPMENT**

6		
7		
8		
9		
10		

\* Match to Buildings/Structures/Outdoor Uses/Areas identified on Exhibit "A".

Check this box if additional buildings/structures exist or are proposed, and attach additional page(s) to identify them.)

Related cases filed in conjunction with this application:

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Are there previous development applications filed on the subject property: Yes  No

If yes, provide Application No(s). \_\_\_\_\_  
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) \_\_\_\_\_ EIR No. (if applicable): \_\_\_\_\_

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes  No

If yes, indicate the type of report(s) and provide a signed copy(ies): \_\_\_\_\_

Is the project located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Government Code Section 65944? Yes  No

Is this an application for a development permit? Yes  No

If the project located within either the Santa Ana River/San Jacinto Valley watershed, the Santa Margarita River watershed, or the Whitewater River watershed, check the appropriate checkbox below.

*If not known, please refer to [Riverside County's Map My County website](#) to determine if the property is located within any of these watersheds (search for the subject property's Assessor's Parcel Number, then select the "Geographic" Map Layer – then select the "Watershed" sub-layer)*

If any of the checkboxes are checked, click on the adjacent hyperlink to open the applicable Checklist Form. Complete the form and attach a copy as part of this application submittal package.

[Santa Ana River/San Jacinto Valley](#)

[Santa Margarita River](#)

[Whitewater River](#)

**APPLICATION FOR LAND USE AND DEVELOPMENT**

If the applicable Checklist has concluded that the application requires a preliminary project-specific Water Quality Management Plan (WQMP), such a plan shall be prepared and included with the submittal of this application.

**HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to [Section 65962.5](#) of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of Applicant: Smartlink on behalf of AT&T - Alisha Strasheim

Address: 3300 Irvine Ave Suite 300, Newport Beach, CA 92660

Phone number: 951-440-0669

Address of site (street name and number if available, and ZIP Code): 92596

Local Agency: County of Riverside

Assessor's Book Page, and Parcel Number: 466-170-034

Specify any list pursuant to Section 65962.5 of the Government Code: \_\_\_\_\_

Regulatory Identification number: \_\_\_\_\_

Date of list: \_\_\_\_\_

Applicant: Smartlink on behalf of AT&T - Alisha Strasheim Date 11/5/19

**HAZARDOUS MATERIALS DISCLOSURE STATEMENT**

[Government Code Section 65850.2](#) requires the owner or authorized agent for any development project to disclose whether:

1. Compliance will be needed with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the County. Yes  No
2. The proposed project will have more than a threshold quantity of a regulated substance in a process or will contain a source or modified source of hazardous air emissions. Yes  No

I (we) certify that my (our) answers are true and correct.

Owner/Authorized Agent (1)  Date 12/30/19

Owner/Authorized Agent (2) \_\_\_\_\_ Date \_\_\_\_\_



## **APPLICATION FOR LAND USE AND DEVELOPMENT**

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**This completed application form, together with all of the listed requirements provided on the Land Use and Development Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.**

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1010 Land Use and Development Condensed Application.docx  
Created: 04/29/2015 Revised: 06/06/2016



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any tentative map (tract or parcel), revised map, map minor change, reversion to acreage, conditional use permit, public use permit, surface mining permit, WECS permit, hazardous waste siting permit, temporary outdoor event permit, plot plan, substantial conformance, revised permit, variance, setback adjustment, general plan amendment, specific plan, specific plan amendment, specific plan substantial conformance, zoning amendments, and any associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

11-6-19

Property Owner(s) Signature(s) and Date

Andy and Cindy Domenigoni

PRINTED NAME of Property Owner(s)

**If the property is owned by multiple owners, the paragraph above must be signed by each owner. Attach additional sheets, if necessary.**

*If the property owner is a corporate entity, Limited Liability Company, partnership or trust, the following documentation must also be submitted with this application:*

- *If the property owner is a limited partnership, provide a copy of the LP-1, LP-2 (if an amendment) filed with the California Secretary of State.*
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Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

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

"Planning Our Future... Preserving Our Past"

## **INDEMNIFICATION AGREEMENT PROPERTY OWNER INFORMATION**

- *If the property owner is a Limited Liability Corporation, provide a copy of the operating agreement for the LLC documenting who has authority to bind the LLC and to sign on its behalf.*

*If the signing entity is also a corporate entity, Limited Liability Company, partnership or trust, the above documentation must also be submitted with this application. For any out of State legal entities, provide documentation showing registration with the California Secretary of State.*

*In addition to the above, provide a copy of a Preliminary Title Report for the property subject to this application. The Preliminary Title Report must be issued by a title company licensed to conduct business in the State of California and dated less than six months prior to the date of submittal of this application. The Assistant TLMA Director may waive the requirement for a Preliminary Title Report if it can be shown to the satisfaction of the Assistant TLMA Director that the property owner(s) has owned the property consistently for at least the last five years.*

### **ONLY FOR WIRELESS PROJECTS (SEE BELOW)**

*If the application is for a plot plan for a Wireless Communication Facility, the property owner(s) and the cellular service provider must sign the indemnification paragraph above. If the application is for a plot plan for a wireless communication co-location, only the co-locating service provider needs to sign the indemnification paragraph above.*



# COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY



Juan C. Perez

Director of Transportation and Land Management Agency

Patricia Romo  
Transportation Director,  
Transportation Department

Charissa Leach, P.E.  
Assistant TLMA Director  
Planning Department

Mike Lara  
Building Official,  
Building & Safety Department

Hector Viray  
Code Enforcement Official,  
Code Enforcement Department

## LAND USE and PERMIT APPLICATION PROCESSING AGREEMENT Agreement for Payment of Costs of Application Processing

### TO BE COMPLETED BY APPLICANT:

This agreement is by and between the County of Riverside, hereafter "County of Riverside",  
and AT&T- Alisha Strasheim hereafter "Applicant" and Andy & Cindy Domenigoni " Property Owner".

#### Description of application/permit use:

AT&T is proposing to build a new unmanned wireless telecommunications facility as a tower with 12 antennas,  
27 radios, and an equipment area.

If your application is subject to Deposit-based Fee, the following applies

### Section 1. Deposit-based Fees

**Purpose:** The Riverside County Board of Supervisors has adopted ordinances to collect "Deposit-based Fees" for the costs of reviewing certain applications for land use review and permits. The Applicant is required to deposit funds to initiate staff review of an application. The initial deposit may be supplemented by additional fees, based upon actual and projected labor costs for the permit. County departments draw against these deposited funds at the staff hourly rates adopted by the Board of Supervisors. The Applicant and Property Owner are responsible for any supplemental fees necessary to cover any costs which were not covered by the initial deposit.

### Section 2. Applicant and Property Owner Responsibilities for Deposit-based Fee Applications

- A. Applicant agrees to make an initial deposit in the amount as indicated by County ordinance, at the time this Agreement is signed and submitted with a complete application to the County of Riverside. Applicant acknowledges that this is an initial deposit and additional funds may be needed to complete their case. The County of Riverside will not pay interest on deposits. Applicant understands that any delays in making a subsequent deposit from the date of written notice requesting such additional deposit by County of Riverside, may result in the stoppage of work.
- B. Within 15 days of the service by mail of the County of Riverside's written notice that the application permit deposit has been reduced to a balance of less than 20% of the initial deposit or that the deposit is otherwise insufficient to cover the expected costs to completion, the Applicant agrees to make an additional payment of an amount as determined by the County of Riverside to replenish the deposit. Please note that the processing of the application or permit may stop if the amount on deposit has been expended. The Applicant agrees to continue making such payments until the County of Riverside is reimbursed for all costs related to this application or permit. The County of Riverside is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts that would have been drawn on the deposit were it not depleted.
- C. The Property Owner acknowledges that the Applicant is authorized to submit this agreement and related application(s) for land use review or permit on this property. The Property Owner also acknowledges that should the Applicant not reimburse the County of Riverside for all costs related to this application or permit, the Property Owner shall become immediately liable for these costs which shall be paid within 15 days of the service by mail of notice to said property Owner by the County.

- D. This Agreement shall only be executed by an authorized representative of the Applicant and the Property Owner. The person(s) executing this Agreement represents that he/she has the express authority to enter into this agreement on behalf of the Applicant and/or Property Owner.
- E. This Agreement is not assignable without written consent by the County of Riverside. The County of Riverside will not consent to assignment of this Agreement until all outstanding costs have been paid by Applicant.
- F. Deposit statements, requests for deposits or refunds shall be directed to Applicant at the address identified in Section 4.

**Section 3. To ensure quality service, Applicant is responsible to provide one-week written notice to the County of Riverside Transportation and Land Management Agency (TLMA) Permit Assistance Centers if any of the information below changes.**

**Section 4. Applicant and Owner Information**

**1. PROPERTY INFORMATION:**

Assessors Parcel Number(s): 466-170-034

Property Location or Address:  
31851 Winchester Road, Winchester, CA 92596

**2. PROPERTY OWNER INFORMATION:**

Property Owner Name: Andy & Cindy Domenigoni Phone No.: 951-926-6924

Firm Name: N/a Email: \_\_\_\_\_

Address: 31851 Winchester Rd  
Winchester, CA 92596

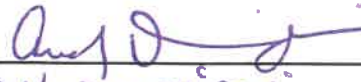
**3. APPLICANT INFORMATION:**


Applicant Name: Alisha Strasheim Phone No.: 951-440-0669

Firm Name: Smartlink- AT&T Email: alisha.strasheim@smartlinkllc.com

Address (if different from property owner)  
3300 Irvine Ave Suite 300,  
Newport Beach, CA 92660

**4. SIGNATURES:**

Signature of Applicant:  Date: 11-6-19  
Print Name and Title: Andy Domenigoni Owner

Signature of Property Owner:  Date: 11-6-19  
Print Name and Title: Andy Domenigoni Owner

Signature of the County of Riverside, by \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name and Title: \_\_\_\_\_

**FOR COUNTY OF RIVERSIDE USE ONLY**

Application or Permit (s)#: \_\_\_\_\_

Set #: \_\_\_\_\_ Application Date: \_\_\_\_\_



# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Charissa Leach, P.E.**  
Assistant TLMA Director

## NOTICE OF EXEMPTION

TO:  Office of Planning and Research (OPR)  
P.O. Box 3044  
Sacramento, CA 95812-3044  
 County of Riverside County Clerk

FROM: Riverside County Planning Department  
 4080 Lemon Street, 12th Floor  
P. O. Box 1409  
Riverside, CA 92502-1409

38686 El Cerrito Road  
Palm Desert, CA 92201

**Project Title/Case No.:** PPW200002/CEQ200002

**Project Location:** North of Tamarack Road, west of Johnston Street, east of Rushmore Avenue and south of Service Road

**Project Description:** Plot Plan Wireless No. 200002 proposes to construct a concealed wireless communication facilities of a 70 foot faux water tank, including twelve (12) antennas, thirty-six (36) RRUs, one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20 kW diesel generator within 988 square foot lease area, surrounded by a 6 foot high chain-link fence, on a 37.45 acre site ("Project").

**Name of Public Agency Approving Project:** Riverside County Planning Department

**Project Applicant & Address:** Smartlink on behalf of AT&T, 3300 Irvine Ave, Newport Beach CA 92660

**Exempt Status: (Check one)**

- Ministerial (Sec. 21080(b)(1); 15268)  
 Declared Emergency (Sec. 21080(b)(3); 15269(a))  
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption (Sec. 15303)  
 Statutory Exemption (\_\_\_\_\_)  
 Other: \_\_\_\_\_

**Reasons why project is exempt:** The project conforms to Section 15303, New Construction or Conversion of Small Structures, of the State CEQA Guidelines and is exempt from CEQA. A project is exempt pursuant to Section 15303 if it consists of: construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; or the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to: (c) in urbanized areas, four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The project proposes a concealed wireless facility, which is a small structure pursuant to the State CEQA Guidelines, this project would be exempt under Section 15303, which applies because this entails a construction of a small structure, which is a wireless communication facilities of a 70 foot faux water tank. The project site includes a 70 foot faux water tank, including twelve (12) antennas, thirty-six (36) RRUs, one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, one (1) utility cabinet, 36 square foot walk in cabinet on on helical piers and one (1) 20kW diesel generator within 988 square foot lease area, surrounded by a 6 foot high chain-link fence. The project does not include buildings onsite that exceed 10,000 square-feet in building floor area. The project is 3 miles from the junction of Holland Road and Briggs Road at the boundary of the City of Menifee. Section 15387 of the CEQA guidelines defines an urbanized area as a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. A lead agency shall determine whether a particular area meets the criteria by examining the area or by referring to a map prepared by the U.S. Bureau of the Census which designates the area as urbanized. It has been determined due to the proximity of the project site to the City of Menifee, which has a density of 1,829 persons per square mile, the project site is located within an urbanized area, thus meeting this criteria. Lastly, due to the small scale of the existing public utility use, no significant amounts of hazardous materials are generated at the site.

Travis Engelking 951-955-1417  
County Contact Person Phone Number  
\_\_\_\_\_  
Urban Regional Planner

Received for Filing and Posting at OPR: \_\_\_\_\_  
Please charge deposit fee case#: CEQ200002 ZCFG No. - County Clerk Posting Fee  
**FOR COUNTY CLERK'S USE ONLY**

RIVERSIDE COUNTY PLANNING DEPARTMENT  
4080 Lemon St. Riverside, CA 92502-1409

This is a public notice that the proposed application referenced below has been filed with the Riverside County Planning Department and will be considered for approval subject to certain conditions.

**PLOT PLAN WIRELESS NO. 200002** – Exempt from the California Environmental Quality Act (CEQA) – CEQ200002 – Applicant: Smartlink LLC c/o Alisha Strasheim – Engineer/Representative: CASA Industries c/o Julius Santiago – Third Supervisorial District – Winchester Zoning Area – Winchester Area Plan – Community Development: Commercial Tourist: (CD-CT) (FAR 0.20 - 0.35) – Location: Northerly of Craig Avenue, westerly of Patterson Avenue, easterly of State Highway 79/Winchester Road, and southerly of Holland Road – 37.45 gross acres – Zoning: Specific Plan No. 310 (Barton Properties – Domenigoni). The Plot Plan Wireless proposes to construct a concealed wireless communication facilities of a 70-foot faux water tank, one (1) utility cabinet, three (3) DC-12 outdoor units, 12 panel antennas, 36 Remote Radio Units (RRUs), one (1) microwave antenna, four (4) surge protectors, one (1) GPS antenna, and one (1) 20kW diesel generator within 988 sq. ft. lease area, surrounded by a 6-foot high chain-link fence, on a 37.45 acre site.

The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment or request a public hearing on the proposed project may submit their request or comments in writing to the Planning Department at the address listed above **no later than 5:00 p.m. on July 24, 2020**.

**NO PUBLIC HEARING WILL BE HELD ON THE APPLICATION UNLESS YOU REQUEST A HEARING IN WRITING PRIOR TO THE AFOREMENTIONED DATE.** The decision of the Planning Director is considered final unless an appeal is filed by you or another interested party within 10 days of the approval date. If a public hearing is scheduled before the Planning Director, a separate notice will be published and mailed to interested parties.

For further information regarding this project, please contact Project Planner Travis Engelking at (951) 955-1417 or email at [TEngelki@rivco.org](mailto:TEngelki@rivco.org).

All comments received, and any prepared responses to comments, will be submitted to the appropriate official, and will be considered, before making a decision on the proposed project. The official may take action on the project any time after July 24, 2020. A copy of the final decision will be mailed to anyone requesting such notification.

**PROPERTY OWNERS CERTIFICATION FORM**

I, VINNIE NGUYEN certify that on February 07, 2020,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers PPW200002 for

Company or Individual's Name RCIT - GIS,

Distance buffered 2400'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

ADDRESS: 4080 Lemon Street 9<sup>TH</sup> Floor

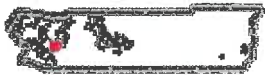
Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158



# Riverside County GIS Mailing Labels

PPW200002 ( 2400 feet buffer )



## Legend

-  County Boundary
-  Cities
-  World Street Map

## Notes



0 1,505 3,009 Feet

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 2/7/2020 10:52:55 AM

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466070029  
MWD  
P O BOX 54153  
LOS ANGELES CA 90054

466150005  
HM HOLLAND DEV  
31620 RAILROAD CANYON RD  
CANYON LAKE CA 92587

466150021  
HOLLAND HERITAGE 120  
33011 HOLLAND RD  
WINCHESTER CA 92596

466160018  
CRAIG 435  
33011 HOLLAND RD  
WINCHESTER CA 92596

466170034  
ANDY DOMENIGONI  
31851 WINCHESTER RD  
WINCHESTER CA 92596

466360049  
WINCHESTER INV NEXUS  
P O BOX 2500  
CHINO CA 91708

Richard Drury  
Komalpreet Toor  
Lozeau Drury, LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612

Kirkland West  
Habitat Defense Council  
PO Box 7821  
Laguna Niguel, Ca, 92607-7821



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any tentative map (tract or parcel), revised map, map minor change, reversion to acreage, conditional use permit, public use permit, surface mining permit, WECS permit, hazardous waste siting permit, temporary outdoor event permit, plot plan, substantial conformance, revised permit, variance, setback adjustment, general plan amendment, specific plan, specific plan amendment, specific plan substantial conformance, zoning amendments, and any associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

11-6-19

Property Owner(s) Signature(s) and Date

Andy and Cindy Domenigoni

PRINTED NAME of Property Owner(s)

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# COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY



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Transportation Director,  
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Charissa Leach, P.E.  
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Mike Lara  
Building Official,  
Building & Safety Department

Hector Viray  
Code Enforcement Official,  
Code Enforcement Department

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If your application is subject to Deposit-based Fee, the following applies

### Section 1. Deposit-based Fees

**Purpose:** The Riverside County Board of Supervisors has adopted ordinances to collect "Deposit-based Fees" for the costs of reviewing certain applications for land use review and permits. The Applicant is required to deposit funds to initiate staff review of an application. The initial deposit may be supplemented by additional fees, based upon actual and projected labor costs for the permit. County departments draw against these deposited funds at the staff hourly rates adopted by the Board of Supervisors. The Applicant and Property Owner are responsible for any supplemental fees necessary to cover any costs which were not covered by the initial deposit.

### Section 2. Applicant and Property Owner Responsibilities for Deposit-based Fee Applications

- A. Applicant agrees to make an initial deposit in the amount as indicated by County ordinance, at the time this Agreement is signed and submitted with a complete application to the County of Riverside.  
Applicant acknowledges that this is an initial deposit and additional funds may be needed to complete their case. The County of Riverside will not pay interest on deposits. Applicant understands that any delays in making a subsequent deposit from the date of written notice requesting such additional deposit by County of Riverside, may result in the stoppage of work.
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**1. PROPERTY INFORMATION:**

Assessors Parcel Number(s): 466-170-034

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**2. PROPERTY OWNER INFORMATION:**


Property Owner Name: Andy & Cindy Domenigoni Phone No.: 951-926-6924  
 Firm Name: N/a Email: \_\_\_\_\_  
 Address: 31851 Winchester Rd  
Winchester, CA 92596

**3. APPLICANT INFORMATION:**

Applicant Name: Alisha Strasheim Phone No.: 951-440-0669  
 Firm Name: Smartlink- AT&T Email: alisha.strasheim@smartlinkllc.com  
 Address (if different from property owner)  
3300 Irvine Ave Suite 300,  
Newport Beach, CA 92660

**4. SIGNATURES:**

Signature of Applicant:  Date: 11-6-19  
 Print Name and Title: Andy Domenigoni Owner

Signature of Property Owner:  Date: 11-6-19  
 Print Name and Title: Andy Domenigoni Owner

Signature of the County of Riverside, by \_\_\_\_\_ Date: \_\_\_\_\_  
 Print Name and Title: \_\_\_\_\_

<b>FOR COUNTY OF RIVERSIDE USE ONLY</b>	
Application or Permit (s)#: _____	
Set #: _____	Application Date: _____

# 2021 PLANNING COMMISSION CALENDAR

1.2

Wednesdays at 9:00 a.m. on the dates and location noted below (unless noted)

**Riverside:** County Administration Center, Board Chambers 1st floor, 4080 Lemon Street

**Desert/Other:** Location TBD (9:30 a.m.)

**No Meeting:** Dark

**Holidays:** Closed

January						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
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Review the agenda prior to meeting date to confirm the time and location. The meeting dates, times, and locations are subject to change.




**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.**

**4 . 2**

**Planning Commission Hearing: May 19, 2021**

**PROPOSED PROJECT**

<b>Case Number(s):</b>	DA1900006 and CUP190010	<b>Applicant(s):</b>	Derek Catalano
<b>Environmental:</b>	CEQA Exempt, Section No. 15303 (C)	<b>Representative(s):</b>	Temeka Group
<b>Area Plan:</b>	Temescal Canyon		
<b>Zoning Area/District:</b>	El Cerrito District		
<b>Supervisory District:</b>	Second District		
<b>Project Planner:</b>	Mina Morgan	 John Hildebrand Planning Director	
<b>Project APN(s):</b>	277-110-040		

**PROJECT DESCRIPTION AND LOCATION**

**Development Agreement No. 1900006** is a proposed 10-year agreement to grant the applicant vesting rights in accordance with the terms of Development Agreement No. 1900006, Conditional Use Permit No. 190010, and Setback Adjustment No. 200014, if approved, and to provide community benefits to the Temescal Canyon Area.

**Conditional Use Permit No. 190010** is a proposal to occupy an existing 1,625 square-foot building to be used as a retail cannabis storefront on a 0.26-acre lot with a parking lot and landscaping.

The project site is located at 19700 Temescal Canyon Road, Corona California, 92881, south of El Cerrito Road, east of Minnesota Road, west of Arcadia St, and north of Jolora Avenue.

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

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION:**

**FIND** that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061 (b) (3) (Common Sense), Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures) based on the findings and conclusions in the staff report;

**TENTATIVELY APPROVE** Development Agreement No. 1900006, based upon the findings in this staff report, pending final adoption of the Development Agreement ordinance by the Board of Supervisors and,



**APPROVE Conditional Use Permit No. 190010**, 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
Existing General Plan Foundation Component:	Community Development (CD)
Existing General Plan Land Use Designation:	Commercial Retail (CR)
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Very Low Density Residential (VLDR)
East:	Commercial Retail (CR)
South:	Commercial Retail (CR)
West:	Commercial Retail (CR)
Existing Zoning Classification:	General Commercial (C-1/C-P)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	One Family Dwellings – Mountain Resort (R-A-1)
East:	General Commercial (C-1/C-P)
South:	General Commercial (C-1/C-P)
West:	General Commercial (C-1/C-P)
Existing Use:	Vacant Building
Surrounding Uses	
North:	Vacant land
East:	Construction Company
South:	Vacant land
West:	Vacant land

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	0.26 acre	N/A
Existing Building total Area (SQFT):	total building is 1,625 square feet	N/A
Retail Suite (Cannabis)	768 square feet	N/A
Building Height (FT):	15 feet in height	50 feet in height

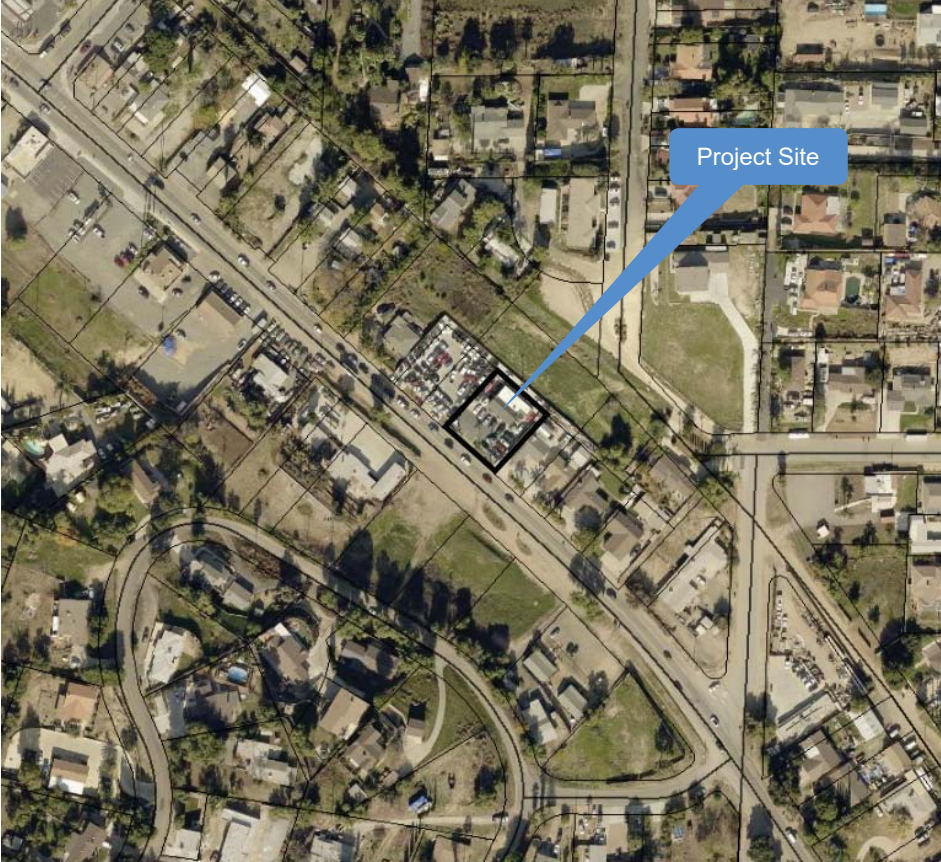
**Parking:**

<i>Type of Use</i>	<i>Building Area (in SQFT)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Retail (Cannabis)	1,625 square feet	1 space/200 square feet of gross floor area	8	11
<b>TOTAL:</b>			<b>8</b>	<b>11</b>

**Located Within:**

City's Sphere of Influence:	Yes – Corona
Community Service Area (CSA):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes – Moderate
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 LOCATION MAP**



**PROJECT BACKGROUND AND ANALYSIS**

**Background:**

On October 23, 2018, the Board of Supervisors adopted Ordinance No. 348.4898 that established the permitting process and regulations for commercial cannabis activities.

Applicants requesting to establish commercial cannabis retail, microbusiness, and/or cultivation uses were required to submit a request for proposal (RFP) cannabis package. Applicants who ranked highest could proceed forward with the process to obtain conditional use permit. On July 2, 2019, the Board of Supervisors accepted the Cannabis RFP response package rankings list, which allowed the highest-ranking applicants to begin the land use review process for their proposed project. In the first year of implementation, 50 cannabis cultivation applications and 19 cannabis retail applications began the land use review process.

The project was assigned an RFP Cannabis File No. CAN190031. Pursuant to the Board of Supervisors' approved ranking list, this application was ranked number 22 and as a result, it was recommended to proceed forward with the conditional use permit application process for a cannabis retail store.

On August 5, 2019 the Riverside County Planning Department received a conditional use permit to operate a storefront retail cannabis business. The proposal is to occupy an approximately 1,625 square-foot existing building to be used as a cannabis storefront.

**Setback Adjustment Findings:**

On April 16, 2021, the **Riverside County Planning Director (Director)** approved Setback Adjustment No. 200014.

SBA200014 is a setback adjustment request for modification of the front yard minimum setback requirement. The minimum setback from residentially zone lot lines for cannabis retailers is 40 feet. Setbacks may be modified with an approved setback adjustment in accordance with Section 19.XX.B and 18.33 of the County of Riverside Zoning Ordinance. The proposal is consistent with the intent and purposes of County of Riverside Ordinance No. 348 (Zoning Ordinance).

- a) The Director found special circumstances applicable to the property that justify the approved setback adjustment. The subject site has an existing commercial building, that was previously approved and operating as a commercial use facility; and,
- b) There is no anticipation that the currently vacant residential lot in question will be impacted by the approved modified front yard minimum setback requirement; and,
- c) There is no expectation that the proposal will be detrimental to the public health, safety, and welfare of the community or neighboring properties.

**Project Details:**

The proposed project would occupy an approximately 1,625 square-foot building to be used as a storefront for a retail cannabis business on a 0.26-acre lot with off-street vehicle parking and landscaping. The project includes a proposed 11 off-street vehicle parking spaces which consists of 10 standard parking spaces and one (1) accessible parking space for persons with disabilities, exceeding the off-street requirement for retail cannabis at one (1) space / 200 square feet that requires a minimum of eight (8) off-street parking spaces. The site also includes a trash enclosure located within the perimeter of the property. In addition, landscaping and internal walkways are proposed throughout the site. The property is accessed from Temescal Canyon Road.

The existing commercial structure is a vacant single story 1,625 square feet building with a pitched roof and stucco exterior finish. In addition, the building has glass windows, and stone veneer sidings installed along the north, east and west elevations of the building.

The interior of the proposed suite area would consist of areas for retail sales, reception, storage, waiting area, and other spaces that include restrooms, and employee break area

The business is proposed to operate daily between the hours of 6:00 a.m. to 10:00 p.m. in accordance with Section 19.505 (l) of the Zoning Ordinance. The subject storefront is proposed to operate strictly as a retail business. No delivery services from this location are proposed.

**General Plan Consistency**

The project site has a General Plan Foundation Component and Land Use Designation of Community Development (CD): Commercial Retail (CR). 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 Riverside County (RCIP) is comprised of the Community Environmental Transportation Corridor Acceptability Process (CETAP), a Multiple Species Habitat Conservation Plan (MSHCP) and the Riverside County General Plan update.

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

### **Zoning Consistency**

The project site is zoned C-1/C-P (General Commercial). 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 Conditional Use Permit CUP application to ensure compliance with all applicable development standards and regulations. As further described in the findings section, except for the proposed setbacks, 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, and parking requirements. A setback adjustment request has been filed to authorize setback measurement modification, to measure the required 40-foot setback from the front of the building rather than the rear of the building.

The Riverside County Ordinance No. 348 requires all cannabis retailers to maintain a minimum setback of 40 feet from any residentially zoned lot line. However, the subject site has an existing commercial building that requires modifications to this provision. Section 18.33 provides that the Planning Director may approve, conditionally approve or deny setback adjustment requests. The applicant submitted a setback adjustment application to ensure consistency with the Riverside County Ordinance to address this requirement.

The proposed project would occupy an approximately 1,625 square-foot building to be used as a storefront for a retail cannabis business on a 0.26-acre lot with off-street vehicle parking and landscaping. The Riverside County Ordinance No. 348 requires all cannabis retailers to maintain a minimum setback of 40 feet from any residentially zoned lot line. However, the subject site has an existing commercial building that was previously approved and operating as a commercial use facility with an approximately 10-foot rear setback from the commercial building to the adjacent residential property. The residential lot in question is currently vacant, thus no significant impacts are anticipated to occur.

The C-1/C-P Zone development standards require setbacks from the property lines where structures exceed 35 feet in height. Approval of Setback Adjustment No. 200014 would allow for an adjustment to the current cannabis retailer use setback to ensure consistency with the Riverside Ordinance. There is no

anticipation that this adjustment will have a significant effect on the environment since the building in question was previously approved and operating for commercial use and the main entrance is oriented facing away from the vacant and undeveloped residentially zoned lot.

The project site includes a proposed landscape plan in accordance with the County of Riverside Ordinance No. 859 and the Zoning Ordinance.

The project site is located outside of the Airport Influence Area (AIA) boundary and is therefore is not subject to the Airport Land Use Commission (ALUC) review.

**ENVIRONMENTAL REVIEW AND ENVIRONMENTAL FINDINGS**

The proposed Project is EXEMPT under State CEQA Guidelines Section 15061 because Section (b) (3) provides: The activity is covered by 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 merely continue to operate as a retail establishment similar to prior ongoing activities at the Project site. The Project 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. 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.

Additionally, this project is also exempt from California Environmental Quality Act (CEQA) review pursuant to Article 19 - Categorical Exemptions, Section 15301 (Existing Facilities), which provides: Class 1 consists of the 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. The key consideration is whether the project involves negligible or no expansion of an existing use. The existing site has already been utilized for ongoing retail and commercial uses at the site. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyance would be required, which would not significantly expand the capability of the site or substantively increase the proposed use of the site beyond what already occurs. In this case, the proposed project would not expand the existing structures and has not proposed any significant construction or improvements for the project site. Therefore, the project as proposed, would not expand upon the existing permitted buildings, would not expand the use of the site beyond those uses that already occur, and therefore the Project complies with the guidelines of the California Environmental Quality Act (CEQA), (Article 19, Section 15301 Class 1, Existing Facilities).

This project is also exempt from the California Environmental Quality Act (CEQA) review pursuant to Article 19 – Categorical Exemptions, Section 15303 (New Construction or Conversion of Small Structures). This section specifically exempts the construction and location of new, small facilities or structures. Examples of this exemption include but are not limited to, a store or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor areas. In urbanized areas, the exemption also applied to up to four such commercial buildings not

exceeding 10,000 square feet in floor area. Also, the exemption applies to development provided that all necessary public facilities are available, and the surrounding areas are not environmentally sensitive. El Cerrito District has an approximate population of 5,630 people and 289 businesses. The District is developed with housings, roads and varies types of businesses, meeting the urbanized definition.

The project qualifies for this exemption since the project proposes to occupy an existing 1,625 square foot commercial building within an urbanized area, and since no hazardous substances are proposed to be kept on-site. The area has an urbanized visual characteristic as there are commercial and industrial uses in the surrounding area and there are residential uses further west of the site. The project proposes to meet the criteria of the exemption since the development would have all necessary public services available including water, sewage, electrical, gas, and other utility extensions. The project is not located in an environmentally sensitive area and no unusual circumstances apply that would create a potentially significant environmental impact. Additionally, the project meets the criteria of the exemption since there is no known unusual environmental circumstance. CEQA guidelines recognize that projects that propose small structures within non-environmentally sensitive urban areas and with available public services qualify for a categorical exemption. Therefore, no further environmental review is required.

Furthermore, the project will not result in any specific or general exceptions to the use of the categorical exemptions as detailed under State CEQA Guidelines Section 15300.2. 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, thus, no environmental impacts are anticipated to occur. The County of Riverside regulates the effects of soils and geological constraints primarily through the enforcement of the California Building Code (CBC), which requires the implementation of engineering solutions for constrains to development posed by subsidence. Additionally, the project's proposed cannabis use does not qualify as an unusual circumstance as the State of California does not consider waste generated by a retail use to be hazardous. Additionally, the proposed project is required to maintain any applicable permits from the Riverside County Fire Department, the Riverside County Department of Environmental Health, the Riverside County Department of Waste Resources and the Agricultural Commissioner.

## 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 Land Use Designation of Commercial Retail (CR). 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 and 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 site has a Zoning Classification of General Commercial (C-1/C-P), which is consistent with the Riverside County General Plan 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 Store, is allowed in the C-1/C-P Zoning Classification with an approved conditional use permit.
4. The uses surrounding the property in question are predominately vacant parcels to the north, west, and south, and commercial use to the east.

**Conditional Use Permit Findings:**

1. The proposed use will not be detrimental to the health, safety, or general welfare of the community because 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 proposed development standards of the C-1/C-P zoning classification, complies with the permit requirements for all Commercial Cannabis Activities. 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 surrounded by properties which are designated Community Development: Commercial Retail (CD: CR) which encourages suburban development and land uses that foster variety, choice and accommodate a balance of jobs, housing, and services within communities. The proposed use, a cannabis retail store front, would provide community services and job opportunities within the surrounding community. Additionally, the project complies with the development standards of the C-1/C-P Zone. 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.
2. 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 property has an existing single-story building on a single parcel, so this situation does not exist for this project.
3. Based on the findings included in this staff report, 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.



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

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 of 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 7, Planning 10, Planning 15 and 16 and other sections of the Advisory Notification Document address odor, 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, standard requirements of the advisory notification document (Planning 15 and 16) require 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 Products 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.

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

**Cannabis Retailer Minimum Standards:**

1. 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 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. The project is not located within 1,000 feet of any other existing or approved Cannabis Retailer.
3. 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 1,000 feet of the site.
4. The project is not located on a lot containing a residential dwelling unit because a property characteristic report as prepared by the Planning Department has not identified any residential dwelling units located at the subject site.
5. 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.
  - B. There are no yard requirements for buildings which do not exceed 35 feet in height, except as required for specific plans. Any portion of a building which exceeds 35 feet in height shall be set back from the front, rear and side lot lines not less than two feet for each foot by which the height exceeds 35 feet. The front setback shall be measured from the existing street line unless since no specific plan has been. The rear setback shall be measured from the existing rear lot line or from any recorded alley or easement; if the rear line adjoins a street, the rear setback requirement shall be the same as required for a front setback. Each side setback shall be measured from the side lot line or from an existing adjacent street line since no specific plan has been adopted. The proposed construction does not exceed 15 feet in height. Therefore, the project meets this standard.
  - C. No building or structure shall exceed 50 feet in height, unless a greater height is approved pursuant to Ordinance No. 348 Section 18.34. In no event, however, shall a building or structure exceed 75 feet in height, unless a variance is approved pursuant to Ordinance No. 348 Section 18.27. The proposed construction does not exceed 15 feet in height. Therefore, the project meets this standard.
  - D. Automobile storage space shall be provided as required by Ordinance No. 348 Section 18.12. The project meets these requirements because the project requires 8 parking spaces and has proposed 11 parking spaces.
  - E. All mechanical equipment used in this project included roof-mounted equipment, is screened.
6. 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. (Conditions of Approval Advisory Notification Document Planning 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 customers to provide proper Identification to very consumers are of appropriate age. The project has been conditioned to meet this standard. (Conditions of Advisory Notification Document Planning 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 very consumers are at least 21 years of age. The project has been conditioned to meet this standard. (Advisory Notification Document Planning Cannabis Retail Operations – 3)
- D. *A 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 very consumers are of appropriate age. The project has been conditioned to meet this standard. (Advisory Notification Document Planning 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 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. The project has been conditioned to meet this standard. (Advisory Notification Document Planning 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 provide floor plan, Exhibit C shows the sales area to only contain cannabis products (Flower Display). It 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. The project has been conditioned to meet this standard. (Advisory Notification Document Planning Cannabis Retail Operations – 7)

- 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 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 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 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 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. The project has been conditioned to meet this standard. (Advisory Notification Document Planning 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 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 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 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 is met because the project has been conditioned to meet these requirements.
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 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 standard.

3. No smoke shop or similar facility is located within 500 feet of the proposed Cannabis Retailer.
4. The proposed Cannabis Retailer lot contains no residential dwelling unit.
5. On April 16, 2021, the Director approved Setback Adjustment No. 200014 for modification of the minimum setback from residential zoned lot lines to 10 feet.
6. The project 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 is met because the project has been conditioned to meet this requirement. (Advisory Notification Document No. 16 Planning - General - O. Permit and License Posting, Advisory Notification Document No. 11 Planning – General – K Monitoring Program)
7. 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 is met because no record of any cannabis-related violations within the last 12 months exist at the project site.

**Other Findings:**

1. The project site is not located within a Criteria Cell of the Multi-Species Habitat Conservation Plan.
2. The project site is located within the **Corona** Sphere of Influence. This project was provided to **City Corona** for review and comment. No comments were received either in favor or opposition of the project.
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 site is not located within Mount Palomar Observatory Lighting Zone boundary.
5. The project site is not located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP).

**Fire Findings:**

1. The project site is not located within a Cal Fire State Responsibility Area (SRA). Conditions of approval were placed on CUP No. 190010 requiring compliance with Ordinance No. 787.

**Development Agreement:**

1. The applicant has proposed entering into the attached draft development agreement (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 did not receive any written communication or phone calls indicating public opposition or support to the proposed project.

DEVELOPMENT AGREEMENT NO. 190006

This Development Agreement (hereinafter “Agreement”) is entered into effective on the date it is recorded with the Riverside County Recorder (hereinafter the “Effective Date”) by and among the COUNTY OF RIVERSIDE (hereinafter “COUNTY”), and the persons and entities listed below (hereinafter “OWNER”):

Derek Catalano

Dana Catalano

RECITALS

WHEREAS, COUNTY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Article 11, Section 7 of the California Constitution and Section 65864, et seq. of the Government Code; and,

WHEREAS, COUNTY has adopted Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements (hereinafter “Procedures and Requirements”), pursuant to Section 65865 of the Government Code; and,

WHEREAS, OWNER has requested COUNTY to enter into a development agreement and proceedings have been taken in accordance with the Procedures and Requirements of COUNTY; and,

WHEREAS, by electing to enter into this Agreement, COUNTY shall bind future Boards of Supervisors of COUNTY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of COUNTY; and,

WHEREAS, the terms and conditions of this Agreement have undergone extensive

review by COUNTY and the Board of Supervisors and have been found to be fair, just and reasonable; and,

WHEREAS, the best interests of the citizens of Riverside County and the public health, safety and welfare will be served by entering into this Agreement; and,

WHEREAS, all of the procedures of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) have been met with respect to the Project and the Agreement; and,

WHEREAS, this Agreement and the Project are consistent with the Riverside County General Plan and any specific plan applicable thereto; and,

WHEREAS, all actions taken and approvals given by COUNTY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and,

WHEREAS, this Agreement will confer substantial private benefits on OWNER by granting vested rights to develop the Property in accordance with the provisions of this Agreement; and,

WHEREAS, OWNER proposes to develop the Property to be used for the Commercial Cannabis Activity described in Exhibit E (“the Development Plan”); and,

WHEREAS, Riverside County Ordinance 348.4898 (hereafter “Ordinance 348.4898”) establishes a regulatory permitting process for Commercial Cannabis Activities and prohibits all Commercial Cannabis Activities in all land use zones without the benefit of a land use permit issued by the COUNTY; and,

WHEREAS, Board of Supervisors Policy No. B-9 further sets forth provisions to be included in development agreements in order to implement applicable General Plan provisions, to ensure that the County does not disproportionately bear the burden of



commercial cannabis activities throughout the County, to ensure the County receives public benefits for the commercial cannabis activities, to ensure there are adequate resources available for enforcement of permitted and unpermitted commercial cannabis activities, and to give cannabis owners and property owners certainty as to the County's requirements; and,

WHEREAS, this Agreement complies with the provisions of both Ordinance No. 348.4898 and Board Policy B-9; and,

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the Government Code are intended; and,

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and,

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

### COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 “Base Rate” means an amount equal to \$16.00 multiplied by the entire Cannabis Area, as shown on Exhibit “G”, and which is payable to COUNTY annually pursuant to Subsections 4.2.1 and 4.2.2 of this Agreement and increased annually by 2% from and after the date of this agreement.

1.1.3 “Commercial Cannabis Activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of Cannabis and cannabis products as provided for in Ordinance No. 348, as amended through Ordinance No. 348.4898, and any other subsequently adopted zoning ordinance amendment or subsequently adopted zoning ordinance.

1.1.4 “Conditional Use Permit” means the land use permit required by COUNTY to conduct Commercial Cannabis Activities.

1.1.5 “COUNTY” means the County of Riverside, a political subdivision of the State of California.

1.1.6 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction or re-construction of buildings and structures; the tenant improvements of structures, and the installation of landscaping. When authorized by a Subsequent Development Approval as provided by this Agreement, “development” includes the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.7 “Development Approvals” means all permits and other entitlements

for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property for Commercial Cannabis Activities including, but not limited to:

- (a) Conditional use permits, and site plans;
- (b) Zoning Amendments;
- (c) General Plan Amendments
- (d) Tentative and final subdivision and parcel maps;
- (e) Grading and building permits;
- (f) Any permits or entitlements necessary from the COUNTY;
- (g) Any easements necessary from COUNTY or any other land owner;
- (h) Specific plans and specific plan amendments;
- (i) Right of Entry agreements

1.1.8 “Development Exaction” means any requirement of the COUNTY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.9 “Development Plan” means the Existing or Proposed Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.10 “Effective Date” means the date this Agreement is recorded with the County Recorder.

1.1.11 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Development Approvals incorporated herein as Exhibit “C” and all other Development Approvals which are a matter of public record on the Effective Date.

1.1.12 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Land Use Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations which are a matter of public record on the Effective Date.

1.1.13 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of COUNTY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings and structures, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the property. “Land Use Regulations” does not include any COUNTY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) The conduct of businesses, professions, and occupations;
- (b) Taxes and assessments;
- (c) The control and abatement of nuisances;
- (d) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;
- (e) The exercise of the power of eminent domain.

1.1.14 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.15 “OWNER” means the owner of the PROPERTY and the persons and entities listed as OWNER on the first page of this Agreement. OWNER shall also include any of the following:

1. A person with an aggregate ownership interest of 20 percent or more in the Commercial Cannabis Activity for which a license or permit is being sought, unless the interest is solely a security, lien, or encumbrance.
2. The chief executive officer of a nonprofit or other entity for the Commercial Cannabis Activity.
3. A member of the board of directors of a nonprofit for the Commercial Cannabis Activity.
4. An individual who will be participating in the direction, control, or management of the person applying for a Commercial Cannabis Activity Conditional Use Permit or State license.”

1.1.16 “Project” means the development of the Property contemplated by the Development Plan as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.17 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.18 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to COUNTY under Section 3.5 of this Agreement.

1.1.19 “Subsequent Development Approvals” means all Development

Approvals approved subsequent to the Effective Date in connection with development of the Property.

1.1.20 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.21 “Transfer” means sale, assignment, lease, sublease or any other transfer of a legal or equitable interest in the Property.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” - Legal Description of the Property

Exhibit “B” - Map Showing Property and Its Location

Exhibit “C” - Existing Development Approvals

Exhibit “D” - Existing Land Use Regulations

Exhibit “E” - Commercial Cannabis Activity Site Plan & Description

Exhibit “F” - Applicable Annual Public Benefits Base Payments

Exhibit “G” - Commercial Cannabis Area calculation exhibit.

Exhibit “H” - Additional Public Benefits Exhibit

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of a legal or equitable interest in the Property or a portion thereof.

2.3 Term. This Agreement shall commence on the Effective Date and shall continue for a period of ten years thereafter, unless this term is modified or extended for one additional five year term pursuant to the provisions of this Agreement and so long as the Project is in compliance with all applicable conditions of approval and County ordinances.

2.4 Transfer.

2.4.1 Right to Transfer. Right to Transfer. OWNER shall have the right to transfer the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq., or Riverside County Ordinance No. 460) to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such transfer shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No transfer of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such transfer or within fifteen (15) business days thereafter, OWNER shall notify COUNTY, in writing, of such transfer and

shall provide COUNTY with an executed agreement by the transferee, in a form reasonably acceptable to COUNTY, providing therein that the transferee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement.

Any transfer not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any transferee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such transferee, but the benefits of this Agreement shall not inure to such transferee until and unless such agreement is executed.

2.4.2 Release of Transferring Owner. Notwithstanding any transfer, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring OWNER is given a release in writing by COUNTY, which release shall be provided by COUNTY upon the full satisfaction by such transferring OWNER of the following conditions:

- (a) OWNER no longer has a legal or equitable interest in all or any part of the Property.
- (b) OWNER is not then in default under this Agreement.
- (c) OWNER has provided COUNTY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.
- (d) The transferee provides COUNTY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Subsequent Transfer. Any subsequent transfer after an initial transfer shall be made only in accordance with and subject to the terms and conditions of this Section.



2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only by written consent of all parties in the manner provided for in Government Code Section 65868. This provision shall not limit any remedy of COUNTY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of the ordinance approving this Agreement. For purposes of clarity this termination section excludes entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of Board of Supervisors' Policy No. B-9.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) OWNER's election to terminate this Agreement. If OWNER elects not to develop all or a portion of the Property as a Commercial Cannabis Activity, OWNER shall provide notice of such election to the COUNTY, such notice by OWNER shall (i) seek to terminate this Agreement as to the portion of the Property that is the subject of such notice of termination; and (ii) shall acknowledge that the Conditional Use Permit (CUP No. 190010) shall be null and void as to the Property that is the subject of such notice of termination. Following receipt of OWNER's notice of election to terminate this Agreement, OWNER and COUNTY shall execute an appropriate instrument in recordable form evidencing such

termination, and shall cause such instrument to be an amendment to this Agreement to be processed in accordance with COUNTY's "Procedures and Requirements for the Consideration of Development Agreements (Commercial Cannabis Activities)" set forth in Resolution No. 2019-037.

(e) When OWNER no longer has a legal or equitable interest in the Property or has ceased operations on the Property for a period of ninety (90) consecutive days and no evidence demonstrating continuing and ongoing use of the Property consistent with the approved Conditional Use Permit No. 190010.

(f) Federal Enforcement of the Federal Controlled Substances Act against OWNER or the COUNTY. The parties understand that cannabis is still classified as a Schedule I Drug under the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq. In the event there is federal enforcement of the Federal Controlled Substances Act against the COUNTY for the COUNTY's enactment of a comprehensive, regulatory framework for commercial cannabis activities or against OWNER for OWNER's own commercial cannabis activities, this Agreement shall be deemed terminated and of no further effect.

(g) Revocation of a Commercial Cannabis Activity Conditional Use Permit or State License.

Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

2.7 Notices.

(a) As used in this Agreement, “notice” includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either:

(i) when delivered in person to the recipient named below; (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; (iii) on the next business day when delivered by overnight United States mail or courier service; or (iv) on the date of delivery shown in the facsimile records of the party sending the facsimile after transmission by facsimile to the recipient named below. All notices shall be addressed as follows:

If to COUNTY:

Clerk of the Board of Supervisors  
Riverside County Administrative Center  
4080 Lemon Street, First Floor  
Riverside, CA 92502  
Fax No. (951) 955-1071

with copies to:

County Executive Officer  
Riverside County Administrative Center  
4080 Lemon Street, 4th Floor  
Riverside, CA 92501  
Fax No. (951) 955-1105

and

Assistant TLMA Director — Planning and Land Use  
Transportation and Land Management Agency  
Riverside County Administrative Center,  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501  
Fax No. (951) 955-1817

and

County Counsel  
County of Riverside  
3960 Orange Street, Suite 500  
Riverside, CA 92501  
Fax No. (951) 955-6363

If to OWNER:

Associate General Counsel  
Shryne Group, Inc.  
Eric M. Lightman  
728 E. Commercial St., Ste 200  
Los Angeles, CA 90012

with copies to:

Masur Griffiths Avidor, LLP  
Jon Avidor  
65 Reade St.  
New York, NY 10007

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by any such change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Existing Development Approvals shall not expire and shall remain valid for the Term of this Agreement so long as the Project remains in compliance with all conditions of approval for the Existing Development Approvals and in compliance with this Agreement. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as

otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings and structures, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, COUNTY shall exercise its discretion in accordance with the Development Plan, and as provided by this Agreement including, but not limited to, the Reservations of Authority. COUNTY shall accept for processing, review and action all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems

appropriate within the exercise of its subjective business judgment.

3.4 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit “C”, and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY’s reasonable discretion, a change to the Existing Development Approvals shall be deemed “minor” and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
- (b) Increase the density or intensity of use of the Property as a whole;

or,

- (c) Increase the maximum height and size of permitted buildings or structures;

or,

- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,

- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.5 Reservations of Authority.

3.5.1 Limitations. Reservations and Exceptions. Notwithstanding any other

provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Processing fees and charges of every kind and nature imposed by COUNTY to cover the estimated actual costs to COUNTY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations governing construction standards and specifications including, without limitation, the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code applicable in the County.

(d) Regulations imposing Development Exactions. Development Exactions shall be applicable to development of the Property if such Development Exaction is applied uniformly to development, either throughout the COUNTY or within a defined area of benefit which includes the Property. No such subsequently adopted Development Exaction shall apply if its application to the Property would physically prevent development of the Property for the uses and to the density or intensity of development set forth in the Development Plan.

(e) Regulations which may be in conflict with the Development Plan but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide OWNER with the rights and assurances provided under this Agreement.

(f) Regulations which are not in conflict with the Development Plan.

Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(g) Regulations which are in conflict with the Development Plan provided OWNER has given written consent to the application of such regulations to development of the Property.

3.5.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.5.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement or require changes in plans, maps or permits approved by the COUNTY, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.5.4 Intent. The parties acknowledge and agree that COUNTY is restricted in its authority to limit its police power by contract and that the foregoing limitations,



reservations and exceptions are intended to reserve to COUNTY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to COUNTY all such power and authority which cannot be restricted by contract.

3.5.5. Application of State and Local Regulatory Laws Governing Commercial Cannabis Activities. The operation of Commercial Cannabis Activities is a highly regulated business activity, and it is subject to various state and local laws and regulations. This Agreement does not, and the County cannot and does not intend to, give OWNER the right to continue its operations without complying with applicable state and local laws governing its operations. OWNER shall be responsible for obtaining, and maintaining throughout the entire term of this Agreement, all applicable state licenses, permits, approvals, and consents, even if the applicable state laws and regulations are altered following the Effective Date.

3.6. Public Works. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to COUNTY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to COUNTY or such other public agency if it would have undertaken such construction.

3.7 Provision of Real Property Interests by COUNTY. In any instance where OWNER is required to construct any public improvement on land not owned by OWNER, OWNER shall at its sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event OWNER is unable, after exercising reasonable efforts to acquire the real property interests necessary for the construction of such public improvements, and if so instructed by OWNER and upon OWNER'S provision of

adequate security for costs COUNTY may reasonably incur, COUNTY shall negotiate the purchase of the necessary real property interests to allow OWNER to construct the public improvements as required by this Agreement and, if necessary, in accordance with the procedures established by law, use its power of eminent domain to acquire such required real property interests. OWNER shall pay all costs associated with such acquisition or condemnation proceedings. This Section 3.7 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the COUNTY upon the development of the Project under the Subdivision Map Act, Government Code Section 66410 et seq., or other legal authority.

3.8 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of COUNTY possess authority to regulate aspects of the development of the Property separately from or jointly with COUNTY and this Agreement does not limit the authority of such other public agencies. For example, pursuant to Government Code Section 66477 and Section 10.35 of Riverside County Ordinance No. 460, another local public agency may provide local park and recreation services and facilities and in that event, it is permitted, and therefore shall be permitted by the parties, to participate jointly with COUNTY to determine the location of land to be dedicated or in lieu fees to be paid for local park purposes, provided that COUNTY shall exercise its authority subject to the terms of this Agreement.

3.9 Tentative Tract Map Extension. Notwithstanding the provisions of Section 66452.6(a)(1) of the Government Code, regarding extensions of time for approved tentative maps subject to a development agreement, no tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be granted an extension of

time except in accordance with the Subdivision Map Act and Existing Land Use Regulations.

3.10 Vesting Tentative Maps. If any tentative or final subdivision map, or tentative or final parcel map, heretofore or hereafter approved in connection with development of the Property, is a vesting map under the Subdivision Map Act (Government Code Section 66410, et seq.) and Riverside County Ordinance No. 460 and if this Agreement is determined by a final judgment to be invalid or unenforceable insofar as it grants a vested right to develop to OWNER, then and to that extent the rights and protections afforded OWNER under the laws and ordinances applicable to vesting maps shall supersede the provisions of this Agreement. Except as set forth immediately above, development of the Property shall occur only as provided in this Agreement, and the provisions in this Agreement shall be controlling over any conflicting provision of law or ordinance concerning vesting maps.

3.11 Request for Proposal Responses. Unless superseded by the terms of this Agreement, development of the Property shall be consistent with the Request for Proposal Responses submitted to the COUNTY and associated with CAN190031, incorporated herein by this reference.

#### 4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will detrimentally affect public interests which will not be fully addressed by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER which should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of public interests.

##### 4.2 Public Benefits for Commercial Cannabis Activities.

4.2.1 Annual Public Benefit Base Payments. Prior to the issuance of the first

grading permit or the first building permit, whichever occurs first, for any part of the Commercial Cannabis Activity, OWNER shall pay to COUNTY an amount equal to the base payment calculated per Section 1.1.2 of this Agreement (“Base Payment”); provided, however, that such initial annual base payment shall be prorated based on the number of whole months remaining between the date of payment and the first following June 30th.

4.2.2 Subsequent Annual Base Payments. The Annual Base Payment shall be subject to annual increases in an amount of 2%. Prior to the first July 1<sup>st</sup> following the initial Base Payment and each July 1<sup>st</sup> thereafter during the term of the Agreement, OWNER shall pay to COUNTY an amount equal to the Base Payment plus the 2% annual increase.

4.3 Annual Additional Public Benefits. OWNER shall perform Additional Public Benefits identified in Exhibit “H” that will benefit the community in which the Commercial Cannabis Activity is located. Prior to the issuance of the first grading permit or the first building permit, whichever occurs first, for any part of the Commercial Cannabis Activity, OWNER shall pay to COUNTY an amount equal to the additional annual public benefit set forth in Exhibit “H” of this Agreement (“Additional Public Benefit”); provided, however, that such initial annual payment shall be prorated based on the number of whole months remaining between the date of payment and the first following June 30th.

4.3.1 Subsequent Annual Additional Public Benefits. The Additional Public Benefit provided in Exhibit “H” shall be subject to annual increases in an amount of 5%. Prior to the first July 1<sup>st</sup> following the initial Additional Public Benefit payment and each July 1<sup>st</sup> thereafter during the term of the Agreement, OWNER shall pay to COUNTY an amount equal to the Additional Public Benefit plus the 5% annual increase.

4.4 Taxes. Nothing herein shall be construed to relieve OWNER from paying and

remitting all applicable federal, state and local taxes applicable to the Project, including but not limited to, income taxes, property taxes, local sales and use taxes, and any taxes imposed on cannabis activities and cannabis products pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

4.5 Assessments. Nothing herein shall be construed to relieve the Property from assessments levied against it by the County pursuant to any statutory procedure for the assessment of property to pay for infrastructure and/or services which benefit the Property.

4.6 New Taxes. Any subsequently enacted County taxes, including but not limited to any taxes on commercial cannabis activities, shall apply to the Project. In the event that County taxes are enacted specifically for commercial cannabis activities and cannabis products, the parties agree that this Agreement may be modified in accordance with Section 2.5 to reduce the OWNER's total public benefit payment (the sum total of the Base Rate plus the Additional Public Benefit) by an amount equal to the amount of the tax imposed on the OWNER for commercial cannabis activities and cannabis products. The parties acknowledge that the intent of being able to modify the Agreement in the event County taxes are enacted on the commercial cannabis activities and cannabis products is to enable the authority to adjust the total public benefit amount due and payable under this Agreement by the OWNER.

5. FINANCING OF PUBLIC IMPROVEMENTS. If deemed appropriate, COUNTY and OWNER will cooperate in the formation of any special assessment district, community facilities district or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities required as part of the Development Plan. OWNER also agrees that it will not initiate and/or cooperate in the formation of any such special assessment district, community facilities district or alternate financing mechanism involving any other public agency without the prior written consent of the COUNTY.

Should the Property be included within such a special assessment district, community facilities district or other financing entity, the following provisions shall be applicable:

(a) In the event OWNER conveys any portion of the Property and/or public facilities constructed on any portion of the Property to COUNTY or any other public entity and said Property is subject to payment of taxes and/or assessments, such taxes and/or assessments shall be paid in full by OWNER prior to completion of any such conveyance.

(b) If OWNER is in default in the payment of any taxes and/or assessments, OWNER shall be considered to be in default of this Agreement and COUNTY may, in its sole discretion, initiate proceedings pursuant to Section 8.4 of this Agreement.

Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring COUNTY or the COUNTY Board of Supervisors to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Annual Review. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall review this Agreement annually, on or before the Effective Date, in order to ascertain the good faith compliance by OWNER with the terms of the Agreement. In order to facilitate this review, OWNER shall submit an annual monitoring report, in a form specified by the TLMA Director providing all information necessary to evaluate such good faith compliance as determined by the TLMA Director. OWNER shall pay the annual review and administration fee set forth in Ordinance No. 671 prior to submission of each annual monitoring report. Prior to the issuance of any grading permit or building permit for any part of the Project, OWNER shall prepay a fee deposit and administration fee as set forth in Ordinance No. 671 (the "Monitoring Fee Prepayment"). The Monitoring Fee Prepayment shall be retained by the COUNTY until termination of this Agreement, may be used by the COUNTY at any time if

there is a failure to pay any part of the annual monitoring and administration fees required under Ordinance No. 671, and shall be promptly replenished by OWNER up to the original required amount after notice by COUNTY to OWNER. Failure by OWNER to submit an annual monitoring report, on or before the Effective Date of each year in the form specified by the TLMA Director, to pay any part of the annual monitoring and administration fee required under Ordinance No. 671, to make the Monitoring Fee Prepayment or to replenish the Monitoring Fee Prepayment shall constitute a default by OWNER under this Agreement.

6.2 Special Review. The Board of Supervisors may order a special review of compliance with this Agreement at any time. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall conduct such special reviews.

6.3 Property Inspection. In accordance with applicable regulations set forth in the Medicinal and Adult Use Cannabis Regulation and Safety Act and upon twenty-four (24) hour written notice, OWNER shall allow COUNTY representatives access to the Property and all buildings and structures located on the Property to determine compliance with CUP No. 190010 and this Agreement.

6.4 Records Inspection. Upon written request by the COUNTY, OWNER shall provide records to the COUNTY demonstrating compliance with this Agreement, CUP No. 190010 and consistency with the Request for Proposal Responses associated with CAN 190031 including, but not limited to, ownership of Property, local hiring and local ownership programs.

6.5 Procedure.

(a) During either an annual review or a special review, OWNER shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on OWNER.

(b) Upon completion of an annual review or a special review, the TLMA

Director shall submit a report to the Board of Supervisors setting forth the evidence concerning good faith compliance by OWNER with the terms of this Agreement and his recommended finding on that issue.

(c) If the Board finds on the basis of substantial evidence that OWNER has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

(d) If the Board makes a preliminary finding that OWNER has not complied in good faith with the terms and conditions of this Agreement, the Board may modify or terminate this Agreement as provided in Section 6.4 and Section 6.5. Notice of default as provided under Section 8.4 of this Agreement shall be given to OWNER prior to or concurrent with, proceedings under Section 6.4 and Section 6.5.

6.6 Proceedings Upon Modification or Termination. If, upon a preliminary finding under Section 6.3, COUNTY determines to proceed with modification or termination of this Agreement, COUNTY shall give written notice to OWNER of its intention so to do. The notice shall be given at least ten calendar days prior to the scheduled hearing and shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not COUNTY proposes to terminate or to modify the Agreement; and,

(c) Such other information as is reasonably necessary to inform OWNER of the nature of the proceeding.

6.7 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, OWNER shall be given an opportunity to be heard and shall be entitled to present written and oral evidence. OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue



shall be on OWNER. If the Board of Supervisors finds, based upon substantial evidence, that OWNER has not complied in good faith with the terms or conditions of the Agreement, the Board may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the County. The decision of the Board of Supervisors shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.8 Certificate of Agreement Compliance. If, at the conclusion of an annual or special review, OWNER is found to be in compliance with this Agreement, COUNTY shall, upon request by OWNER, issue a Certificate of Agreement Compliance (“Certificate”) to OWNER stating that after the most recent annual or special review and based upon the information known or made known to the TLMA Director and Board of Supervisors that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after an annual or a special review and shall state the anticipated date of commencement of the next annual review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by transferees or OWNER, COUNTY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the TLMA Director or Board of Supervisors.

## 7. INCORPORATION AND ANNEXATION.

7.1 Intent. If all or any portion of the Property is annexed to or otherwise becomes a part of a city or another county, it is the intent of the parties that this Agreement shall survive and be binding upon such other jurisdiction.

7.2 Incorporation. If at any time during the term of this Agreement, a city is

incorporated comprising all or any portion of the Property, the validity and effect of this Agreement shall be governed by Section 65865.3 of the Government Code.

7.3 Annexation. OWNER and COUNTY shall oppose, in accordance with the procedures provided by law, the annexation to any city of all or any portion of the Property unless both OWNER and COUNTY give written consent to such annexation.

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that COUNTY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that COUNTY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application, validity, interpretation or effect of the provisions of this Agreement.

Notwithstanding anything in this Article 8 to the contrary, OWNER's liability to COUNTY in connection with this Agreement shall be limited to direct damages and shall exclude any other liability, including without limitation liability for special, indirect, punitive or consequential damages in contract, tort, warranty, strict liability or otherwise.

8.2 Specific Performance. The parties acknowledge that money damages and remedies

at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against COUNTY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 General Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in Section 8, OWNER, for itself, its successors and assignees, hereby releases the COUNTY, its officers, agents, employees, and independent contractors from any and all claims, demands, actions, or suits of any kind or nature whatsoever arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other monetary liability or damages, whatsoever, upon the COUNTY because it entered into this Agreement or because of the terms of this Agreement. OWNER hereby waives the

provisions of Section 1542 of the Civil Code which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

\_\_\_\_\_  
OWNER Initials

\_\_\_\_\_  
OWNER Initials

\_\_\_\_\_  
OWNER Initials

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 2.5 herein, COUNTY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as “default”); provided, however, COUNTY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of COUNTY. OWNER may terminate this Agreement only in the event of a default by COUNTY in the performance of a material term of this Agreement and only after providing written notice to COUNTY of default setting forth the nature of the default and the actions, if any, required by COUNTY to cure such default and, where

the default can be cured, COUNTY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.6 Attorneys' Fees. In any action at law or in equity to enforce or interpret this Agreement, or otherwise arising out of this Agreement, including without limitation any action for declaratory relief or petition for writ of mandate, the parties shall bear their own attorneys' fees.

## 9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. COUNTY has determined that this Agreement is consistent with its General Plan, and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with COUNTY's determination. The parties acknowledge that:

- (a) Litigation may be filed challenging the legality, validity and adequacy of the General Plan; and,
- (b) If successful, such challenges could delay or prevent the performance of this Agreement and the development of the Property.

COUNTY shall have no liability in damages under this Agreement for any failure of COUNTY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless COUNTY, its officers, agents,

employees and independent contractors from any claim, action or proceeding against COUNTY, its officers, agents, employees or independent contractors to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. COUNTY shall promptly notify OWNER of any such claim, action or proceeding, and COUNTY shall cooperate in the defense. If COUNTY fails to promptly notify OWNER of any such claim, action or proceeding, or if COUNTY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless COUNTY. COUNTY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of COUNTY. OWNER shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. COUNTY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any

federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any action based or asserted upon any such alleged act or omission. COUNTY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, COUNTY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend COUNTY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse COUNTY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of Sections 8.1 through 8.3, inclusive, Section 8.6 and Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

## 10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. COUNTY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. COUNTY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any

Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the COUNTY in the manner specified herein for giving notices, shall be entitled to receive written notification from COUNTY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If COUNTY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, COUNTY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. No Mortgagee (including one who acquires title or possession to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination, eviction or otherwise) shall have any obligation to construct or complete construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to solar power plant use except in full compliance with this Agreement. A Mortgagee in possession shall not have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER



is a condition precedent to the performance of a covenant by COUNTY, the performance thereof shall continue to be a condition precedent to COUNTY's performance hereunder. All payments called for under Section 4 of this Agreement shall be a condition precedent to COUNTY's performance under this Agreement. Any transfer by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

## 11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment, modification, termination or cancellation thereof shall be recorded with the County Recorder by the Clerk of the Board of Supervisors within the period required by Section 65868.5 of the Government Code.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Sections 4.2 and 4.3 of this Agreement, including the payments set forth therein, are essential elements of this Agreement and COUNTY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Gender and Number. As used herein, the neuter gender includes the masculine and feminine, the feminine gender includes the masculine, and the masculine gender includes the feminine. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. If this Agreement is signed by more than one OWNER, all obligations of such OWNERS under this Agreement shall be joint and several, and the default of any such OWNER shall be the default of all such OWNERS.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party; shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. Unless expressly stated herein, this Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force). If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of

any provision of this Agreement shall be filed and tried in the Riverside Historic Courthouse of the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between COUNTY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by COUNTY of its power of eminent domain. As used herein, "Material Condemnation" means a condemnation of all or a portion of the Property that will have the effect of preventing development of the Project in accordance with this Agreement. In the event of a Material Condemnation, OWNER may (i) request the COUNTY to amend this Agreement and/or to amend the Development Plan, which amendment shall not be unreasonably withheld, (ii) decide,

in its sole discretion, to challenge the condemnation, or (iii) request that COUNTY agree to terminate this Agreement by mutual agreement, which agreement shall not be unreasonably withheld, by giving a written request for termination to the COUNTY.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the TLMA Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U .S.T. 361, T.I.A.S. No. 6638).

11.20 Designation of COUNTY Officials. Except for functions to be performed by the Board of Supervisors, COUNTY may, at any time and in its sole discretion, substitute any COUNTY official to perform any function identified in this Agreement as the designated responsibility of any other official. COUNTY shall provide notice of such substitution pursuant to Section 2.7; provided, however, the failure to give such notice shall not affect the authority of the substitute official in any way.

11.21 Authority to Execute. The person executing this Agreement on behalf of OWNER

warrants and represents that he has the authority to execute this Agreement on behalf of his corporation, partnership or business entity and warrants and represents that he has the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

COUNTY OF RIVERSIDE, a political subdivision of  
the State of California

Dated: \_\_\_\_\_

By \_\_\_\_\_

Chair, Board of Supervisors

ATTEST:

KECIA HARPER  
Clerk of the Board

By \_\_\_\_\_  
Deputy  
(SEAL)

Dated: \_\_\_\_\_

OWNER: Derek Catalano

By: \_\_\_\_\_

Dated: \_\_\_\_\_

OWNER: Dana Catalano

By: \_\_\_\_\_

(ALL SIGNATURES SHALL BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
EXECUTION ON BEHALF OF ANY CORPORATION SHALL BE BY TWO  
CORPORATE OFFICERS.)

EXHIBIT "A"

Development Agreement No. 190006

LEGAL DESCRIPTION OF PROPERTY

*(This exhibit will consist of the legal description of the subject property, as described on a provided current (no more than 30 days old) Title Report)*



EXHIBIT "B"

Development Agreement No. 1900006

MAP OF PROPERTY AND ITS LOCATION

EXHIBIT “C”

Development Agreement No. 1900006

EXISTING DEVELOPMENT APPROVALS

*(This exhibit will list all existing Development Approvals of the subject property)*

SPECIFIC PLAN

ZONING

LAND DIVISIONS

OTHER DEVELOPMENT APPROVALS

The development approvals listed above include the approved maps and all conditions of approval.

COPIES OF THE EXISTING DEVELOPMENT APPROVALS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

EXHIBIT “D”

Development Agreement No. 1900006EXISTING LAND USE REGULATIONS

1. Riverside County Comprehensive General Plan as amended through Resolution No. 2019-050
2. Ordinance No. 348 as amended through Ordinance No. 348.4913
3. Ordinance No. 448 as amended through Ordinance No. 448.A
4. Ordinance No. 457 as amended through Ordinance No. 457.105
5. Ordinance No. 458 as amended through Ordinance No. 458.16
6. Ordinance No. 460 as amended through Ordinance No. 460.154
7. Ordinance No. 461 as amended through Ordinance No. 461.10
8. Ordinance No. 509 as amended through Ordinance No. 509.2
9. Ordinance No. 547 as amended through Ordinance No. 547.7
10. Ordinance No. 555 as amended through Ordinance No. 555.20
11. Ordinance No. 617 as amended through Ordinance No. 617.4
12. Ordinance No. 650 as amended through Ordinance No. 650.6
13. Ordinance No. 659 as amended through Ordinance No. 659.13
14. Ordinance No. 663 as amended through Ordinance No. 663.10
15. Ordinance No. 671 as amended through Ordinance No. 671.21
16. Ordinance No. 673 as amended through Ordinance No. 673.4
17. Ordinance No. 679 as amended through Ordinance No. 679.4
18. Ordinance No. 682 as amended through Ordinance No. 682.4
19. Ordinance No. 726 as amended through Ordinance No. 726
20. Ordinance No. 743 as amended through Ordinance No. 743.3
21. Ordinance No. 748 as amended through Ordinance No. 748.1

22. Ordinance No. 749 as amended through Ordinance No. 749.1
23. Ordinance No. 752 as amended through Ordinance No. 752.2
24. Ordinance No. 754 as amended through Ordinance No. 754.3
25. Ordinance No. 787 as amended through Ordinance No. 787.9
26. Ordinance No. 806 as amended through Ordinance No. 806
27. Ordinance No. 810 as amended through Ordinance No. 810.2
28. Ordinance No. 817 as amended through Ordinance No. 817.1
29. Ordinance No. 824 as amended through Ordinance No. 824.15
30. Ordinance No. 847 as amended through Ordinance No. 847.1
31. Ordinance No. 859 as amended through Ordinance No. 859.3
32. Ordinance No. 875 as amended through Ordinance No. 875.1
33. Ordinance No. 915 as amended through Ordinance No. 915
34. Ordinance No. 925 as amended through Ordinance No. 925.1
35. Ordinance No. 926 as amended through Ordinance No. 926
36. Ordinance No. 927 as amended through Ordinance No. 927
37. Ordinance No. 931 as amended through Ordinance No. 931
38. Resolution No. 2019-037 Establishing Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements (Commercial Cannabis Activities)
39. Board of Supervisors Policy No. B-9 Commercial Cannabis Activities

COPIES OF THE EXISTING LAND USE REGULATIONS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

EXHIBIT “E”

Development Agreement No. 1900006

COMMERCIAL CANNABIS ACTIVITY SITE PLAN & DESCRIPTION

As shown on the attached site plan, CUP No. 190010 permits a storefront retail cannabis business to operate from an existing 1,625 square foot building on a 0.26 acre lot.

EXHIBIT “F”

Development Agreement No. 1900006

APPLICABLE PUBLIC BASE BENEFITS PAYMENTS

The Cannabis Retailer operating at the Property pursuant to CUP No. 190010 includes the existing 1,625 square foot commercial building as shown on Exhibit “G”. In accordance with Board Policy B-9, the base public benefit is \$16.00 per square foot. Therefore, the public base benefit payment will be \$26,000.00 and will increase annually at a rate of 2%.

EXHIBIT “G”

Development Agreement No. 1900006

CANNABIS AREA CALCULATION EXHIBIT

The Cannabis Area calculation includes the 1,625 square foot commercial building that will be used for the Cannabis Retailer operations as shown in this Exhibit “G”.

EXHIBIT “H”

Development Agreement No. 1900006

COMMERCIAL CANNABIS ACTIVITY PUBLIC BENEFIT

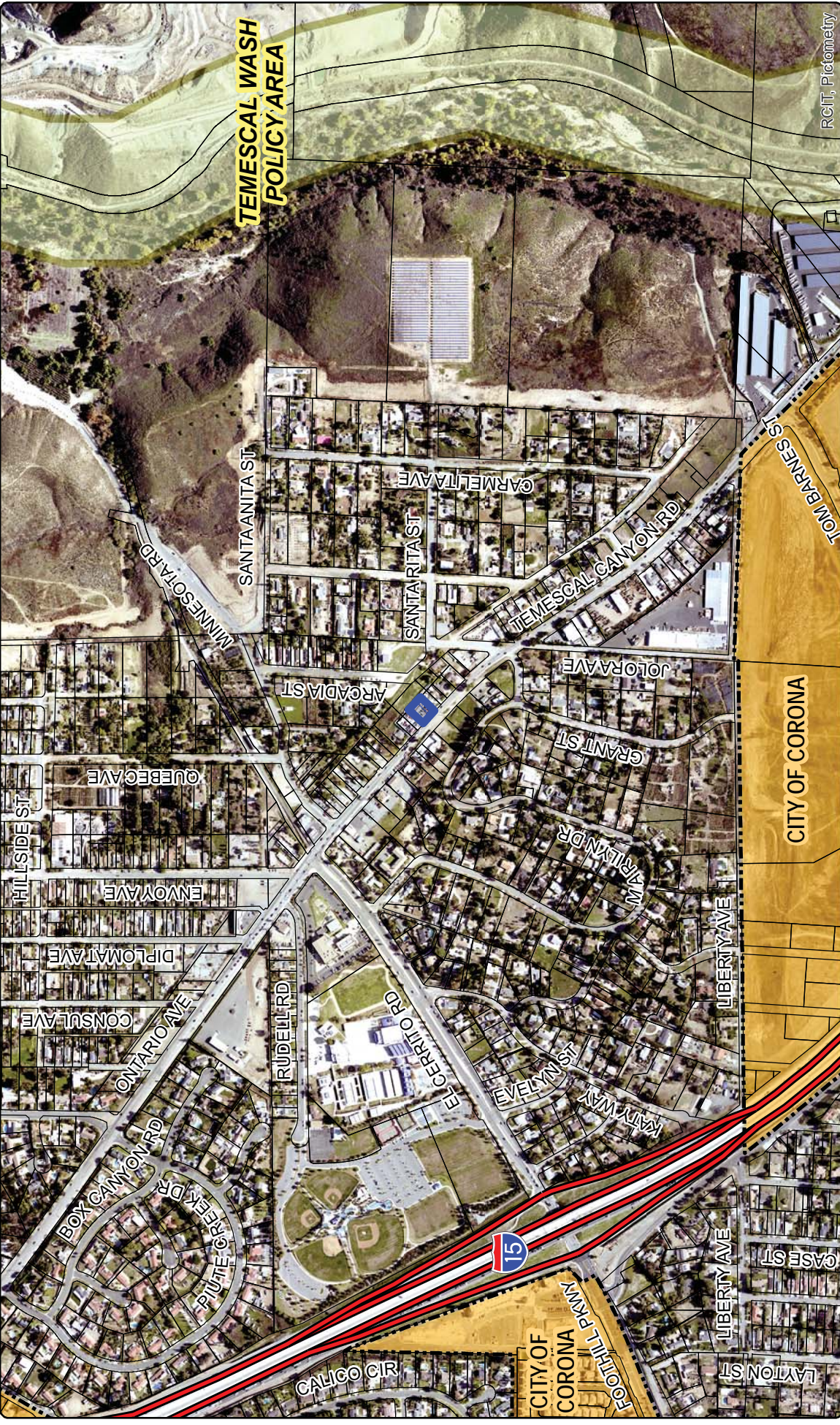
The additional annual public benefit provided by the OWNER shall be \$38,000.00 with an annual increase of 5%. The COUNTY will utilize this additional annual public benefit within the surrounding community for additional public benefits including, but not limited to, code enforcement, public safety services, infrastructure improvements, community enhancement programs and other similar public benefits as solely determined by the COUNTY’s Board of Supervisors. Additionally, consistent with CAN 190031, OWNER will participate in community events, career opportunity events, as well as educational and wellness seminars within the surrounding community.



# RIVERSIDE COUNTY PLANNING DEPARTMENT CUP190010 VICINITY/POLICY AREAS

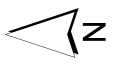
Supervisor: Spiegel  
District 2

Date Drawn: 10/23/2020  
Vicinity Map



Zoning Dist: El Cerrito

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided herein. For more information, please contact the County of Riverside Planning Department offices in Riverside at (951)955-5200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website: <http://www.riverside.ca.gov>

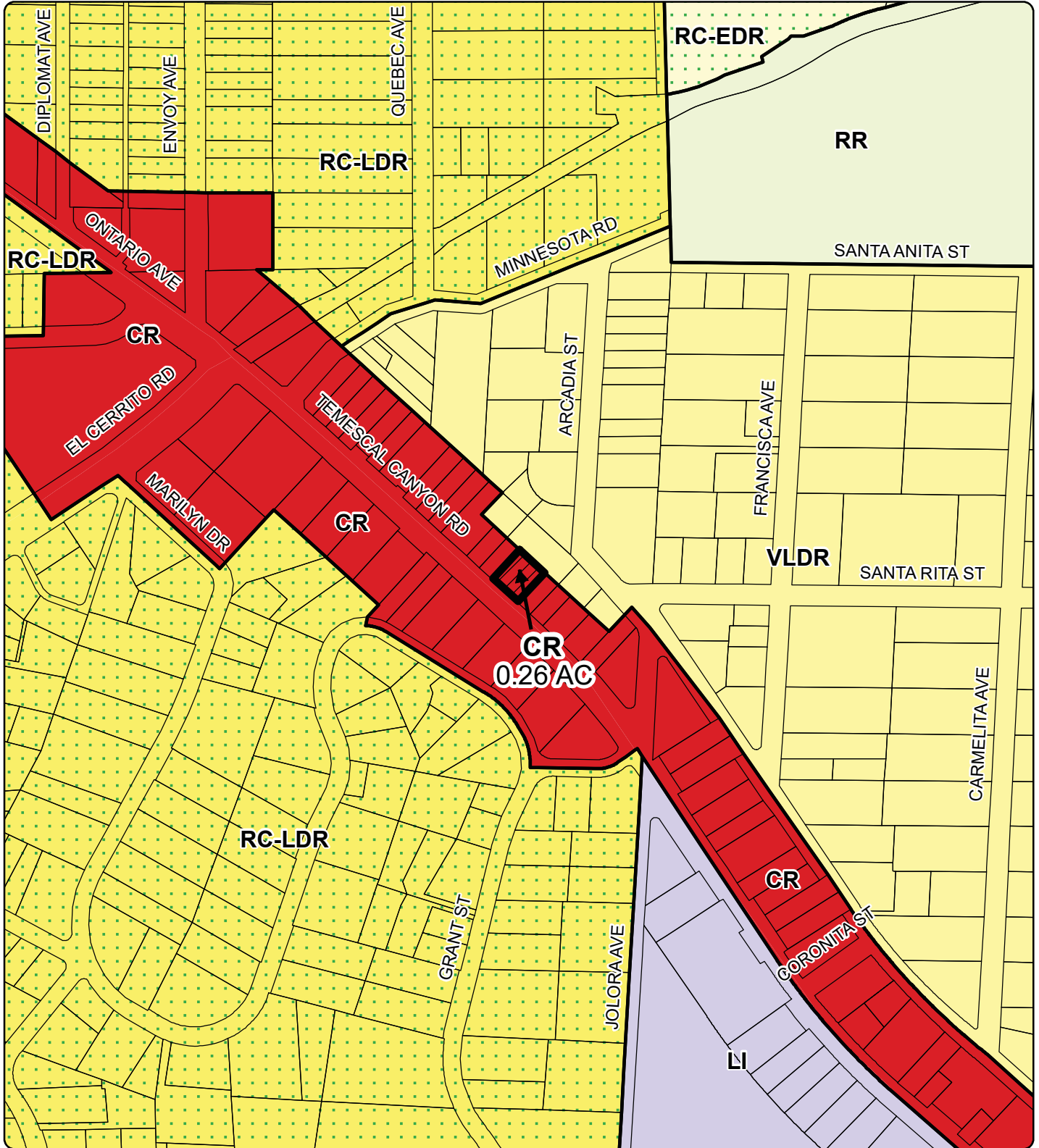
# RIVERSIDE COUNTY PLANNING DEPARTMENT

## CUP190010

### EXISTING GENERAL PLAN

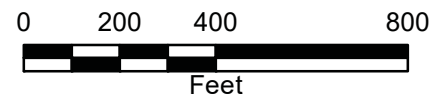
Supervisor: Spiegel  
District 2

Date Drawn: 10/23/2020  
Exhibit 5



Zoning Dist: El Cerrito

Author: Vinnie Nguyen



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RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP190010

LAND USE

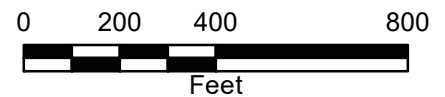
Supervisor: Spiegel  
District 2

Date Drawn: 10/23/2020  
Exhibit 1



Zoning Dist: El Cerrito

Author: Vinnie Nguyen



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RCTI, Pictometry

RIVERSIDE COUNTY PLANNING DEPARTMENT

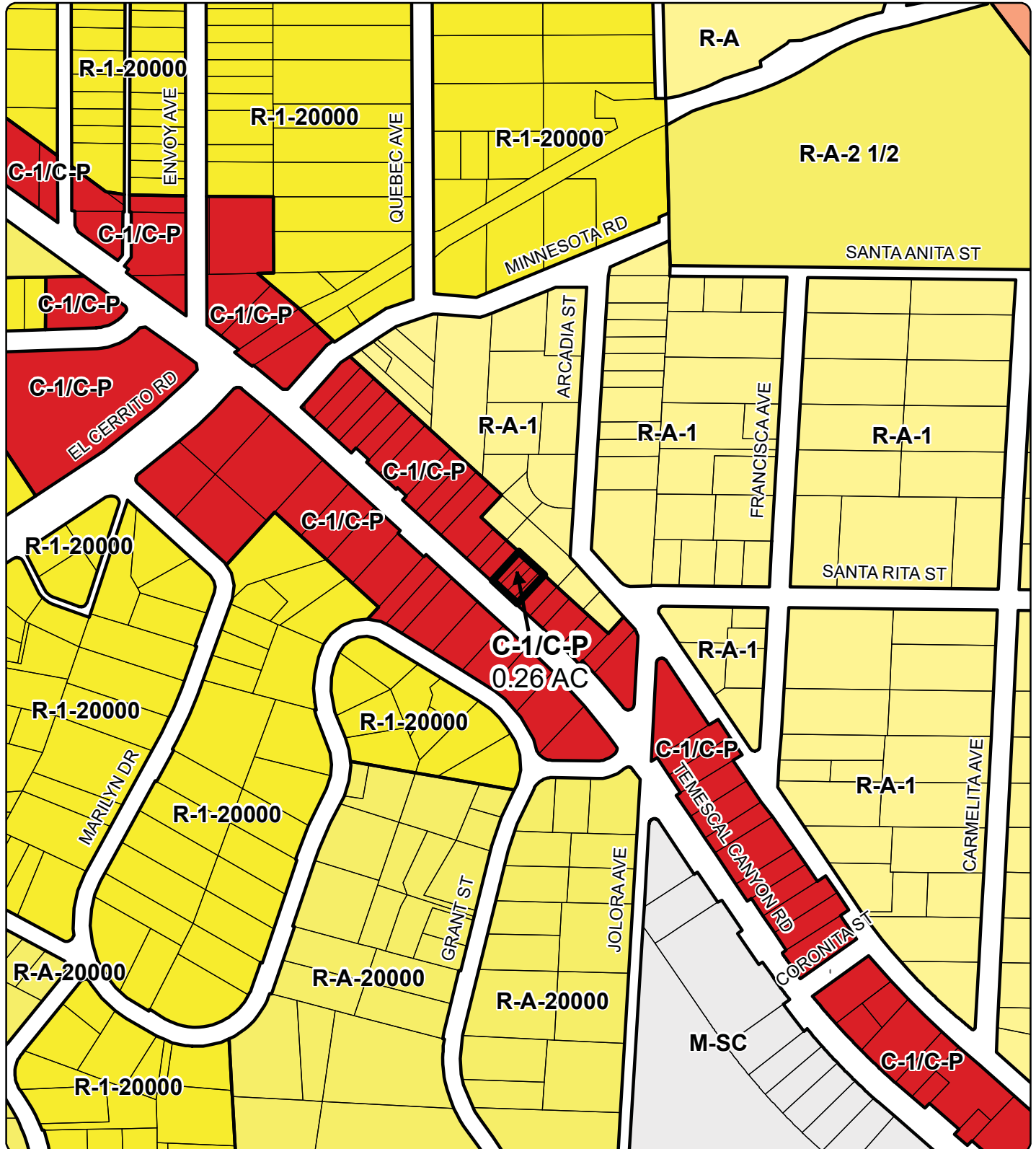
CUP190010

EXISTING ZONING

Supervisor: Spiegel  
District 2

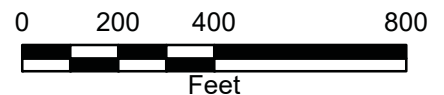
Date Drawn: 10/23/2020

Exhibit 2



Zoning Dist: El Cerrito

Author: Vinnie Nguyen



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## TENANT IMPROVEMENTS

- REPAVE PARKING LOT ASPHALT
- PAINT PARKING STALLS ON RESURFACED PARKING LOT
- REPAINT FACADE OF THE BUILDING
- NEW LIGHTING (SEE LIGHTING SHEET)
- NEW SIGNAGE (SEE SIGNAGE SHEET)
- NEW 6FT BLOCK WALL & WROUGHT IRON SLIDE GATE @ ENTRANCE
- NEW DRIP IRRIGATION SYSTEM FOR DROUGHT TOLERANT LANDSCAPING

**NOTE:**  
NO SECURITY BARS WILL BE INSTALLED

## PARKING

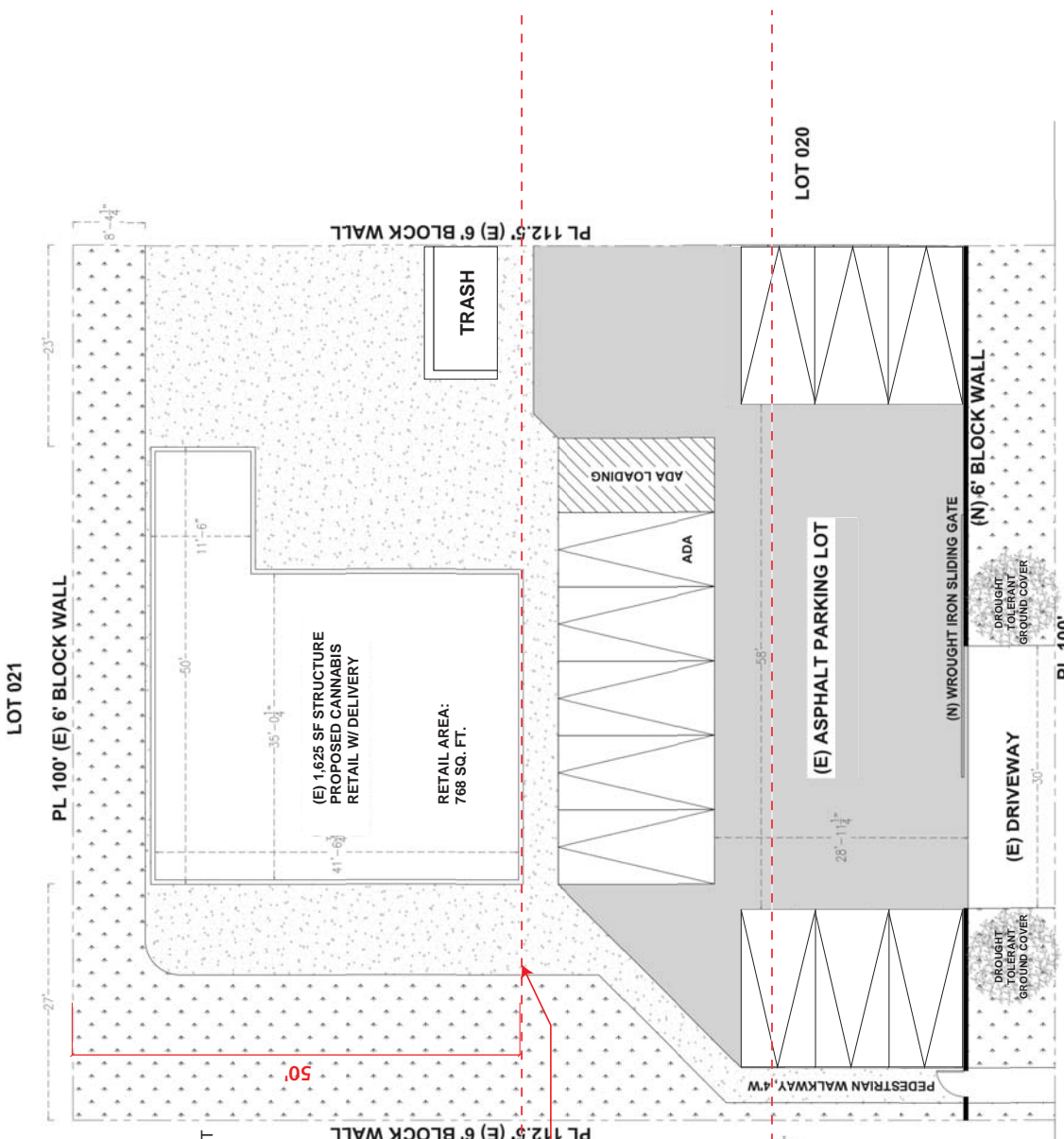
8 REQUIRED / 11 PROPOSED PARKING SPACES

## RETAIL AREA

768 SQ. FT.

## PROPOSED RIGHT AWAY

64' half-width road dedication per County Standard No.92, Ordinance 461. No improvement is required at this time only dedication.



### SITE LEGEND:

- DECOMPOSED GRANITE
- STANDARD 8.5'X18' PARKING SPACE TOTAL 10
- ASPHALT
- CONCRETE

LOT 040 11250 SF

## TEMESCAL CANYON RD

## BUSINESS OF OPERATION

WILL CARRY BOTH (A) ADULT & (M) MEDICAL LICENSES

1/SITE 1.0: SITE PLAN, 1:75

**APPLICANT:**  
Derek F. Catalano  
4079 Stacy Ridge Circle  
San Diego, CA 92121  
951-415-0064  
derekcf@apl.com

**DESIGN:**  
Temescal Group  
10000 Camino del Rio B  
Corona, CA 92883  
951-538-2462  
tommy@temescalgroup.com  
www.temescalgroup.com

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
19700 TEMESCAL CANYON RD.  
CANNABIS RETAIL W/ DELIVERY

**PROJECT TITLE:**  
CUP

**SITE PLAN**  
1:13.21

**SITE**

**APPLICANT:**

Derek F. Catalano  
4079 Stacy Ridge Circle  
San Diego, CA 92121  
951-415-0064  
derekcf@apl.com

**DESIGN:**

Tenaka Group  
10000 La Tijera Blvd. Suite B  
Corona, CA 92883  
951-538-2462  
tommy@tenagagroup.com  
www.tenagagroup.com

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
**19700 TEMESCAL CANYON RD.  
CANNABIS RETAIL W/ DELIVERY**

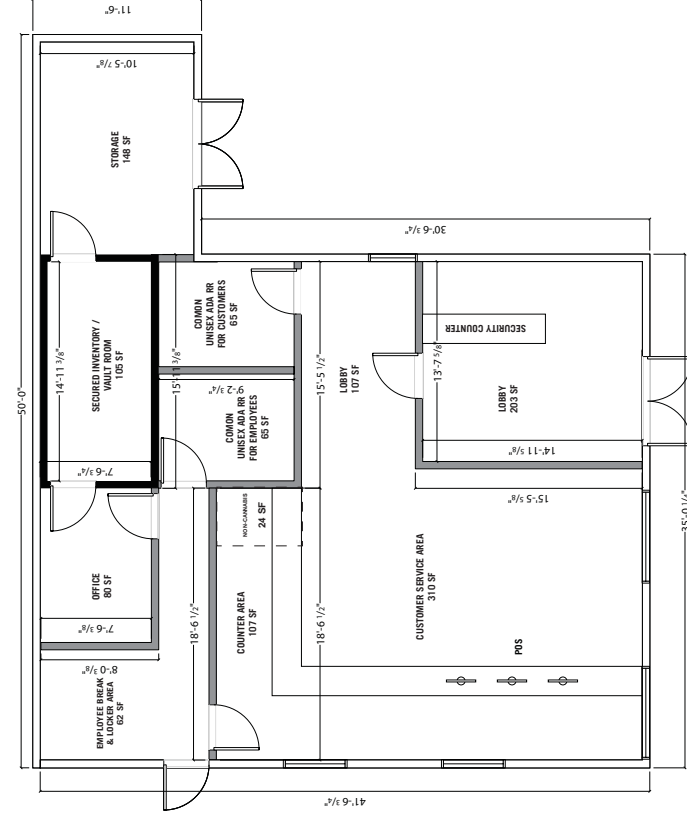
**PROJECT TITLE:**

CUP

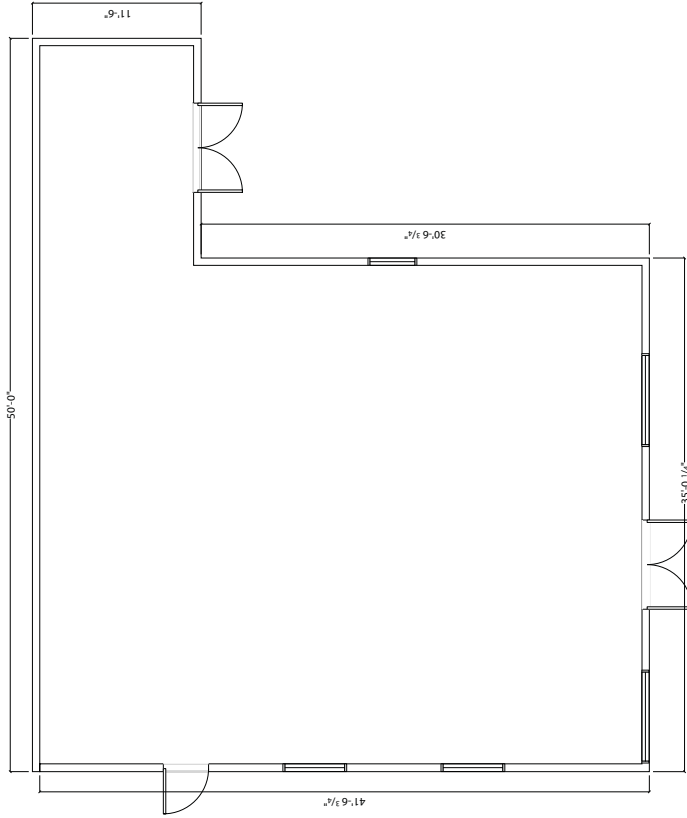
FLOOR PLAN

1.13.21

A1






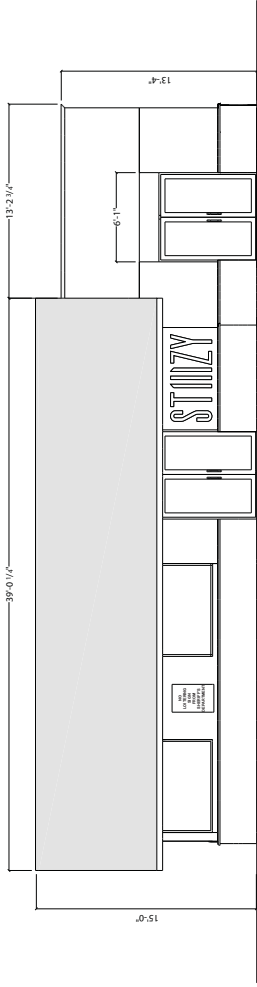
**(N) FLOOR PLAN, 1/4"=1'**



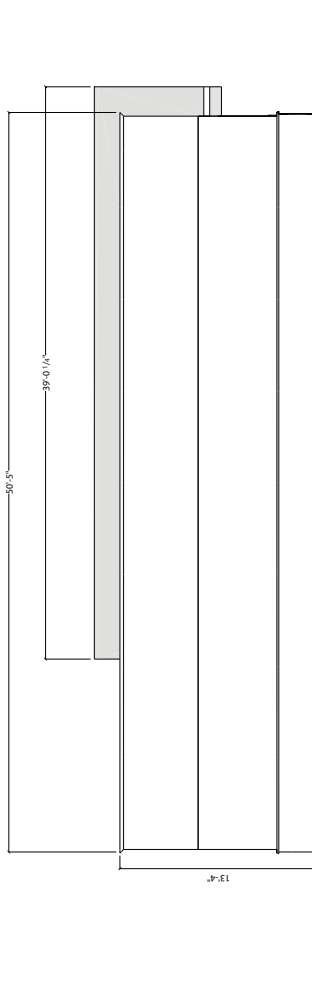
**(E) FLOOR PLAN, 1/4"=1'**

**WALL LEGEND:**

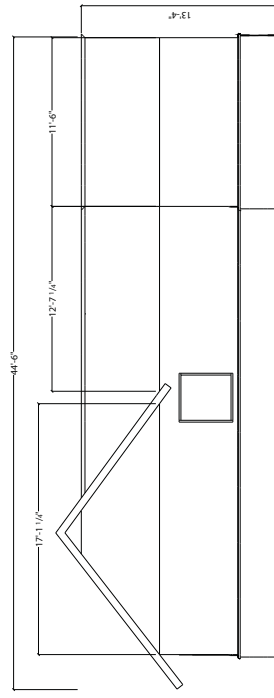
-  (E) DEMISING WALL TO REMAIN
-  (N) NONLOADBEARING 1 HR FIRERATED PARTITION WALL
-  (N) SECURE STORAGE WALL, CLAD IN STEEL OR CMU BLOCK



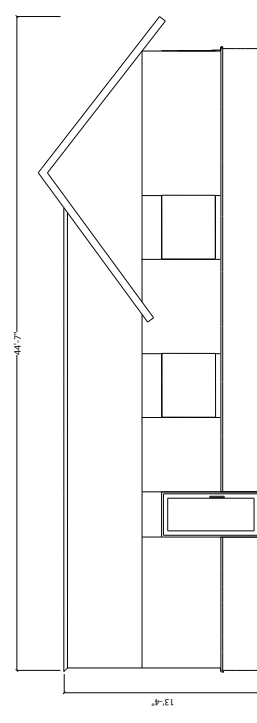
**SOUTH ELEVATION, 1/4"=1'**



**NORTH ELEVATION, 1/4"=1'**



**WEST ELEVATION, 1/4"=1'**



**EAST ELEVATION, 1/4"=1'**

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
**19700 TEMESCAL CANYON RD.**  
**CANNABIS RETAIL W/ DELIVERY**

**APPLICANT:**

Derek F. Catalano  
 4079 Stacy Ridge Circle  
 San Marcos, CA 92061  
 951-415-0064  
 derekcf84@aol.com

**DESIGN:**

Temeka Group  
 10000 Temescal Canyon, Suite B  
 Corona, CA 92883  
 951-538-2462  
 tommy@temekagroup.com  
 www.temekagroup.com

**PROJECT TITLE:**

CUP

**ELEVATIONS**

1:13.21

A2



INTERIOR RENDERINGS

**APPLICANT:**

Derek F. Catalano  
4079 Shady Ridge Circle  
San Diego, CA 92121  
951-415-0064  
derekcf@afj.com

**DESIGN:**

Temeka Group  
10000 Wilshire Blvd, Suite B  
Beverly Hills, CA 90233  
951-538-2462  
tommy@temekagroup.com  
www.temekagroup.com

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
19700 TEMESCAL CANYON RD.  
CANNABIS RETAIL W/ DELIVERY

**PROJECT TITLE:**

CUP

INTERIOR  
RENDERINGS

1:13.21

A4





EXTERIOR RENDERINGS

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
19700 TEMESCAL CANYON RD.  
CANNABIS RETAIL W/ DELIVERY

**APPLICANT:**

Derek F. Catalano  
4079 Stacy Ridge Circle  
Corona, CA 92601  
951-415-0064  
derekcf4@aol.com

**DESIGN:**

Temeka Group  
10000 Sycamore Circle B  
Corona, CA 92883  
951-538-2462  
tommy@temekagroup.com  
www.temekagroup.com

PROJECT TITLE:

CUP

INTERIOR  
RENDERINGS

1:13.21

A5

**APPLICANT:**  
Derek F. Catalano  
4079 Stacy Ridge Circle  
San Diego, CA 92121  
951-415-0064  
derekcf4@aol.com

**DESIGN:**  
Temeka Group  
10000 La Tijera Blvd. Suite B  
Corona, CA 92883  
951-538-2462  
tommy@temekagroup.com  
www.temekagroup.com

PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
**19700 TEMESCAL CANYON RD.  
CANNABIS RETAIL W/ DELIVERY**

**PROJECT TITLE:**  
CUP

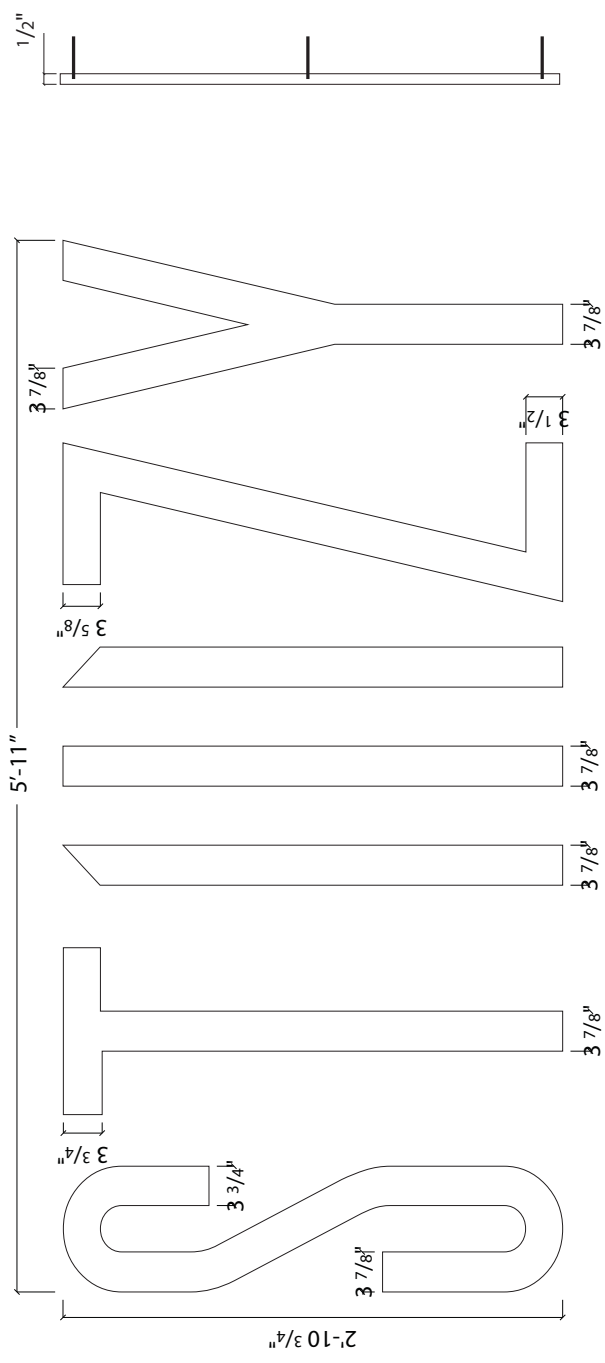
**INTERIOR  
RENDERINGS**  
1:13.21

**A6**



**RENDERED SITEPLAN**

**(1) STIIIZY LOGO**  
**SUB - 1/2" ACRYLIC PAINTED SATIN WHITE**  
**MOUNTING - PIN MOUNTED**



PLANS FOR CONDITIONAL USE PERMIT AT RIVERSIDE COUNTY  
**19700 TEMESCAL CANYON RD.**  
**CANNABIS RETAIL W/ DELIVERY**

PROJECT TITLE:  
 CUP

SIGN PROGRAM  
 1.13.21

**SIGNAGE**

APPLICANT:  
 Derek F. Catalano  
 4079 Stacy Ridge Circle  
 San Diego, CA 92121  
 951-415-0064  
 derekcf@apl.com

DESIGN:  
 Temeska Group  
 10000 Temescal Canyon Rd, Suite B  
 Corona, CA 92883  
 951-538-2462  
 tommy@temeska.com  
 www.temeska.com

Plan: CUP190010

Parcel: 277110040

60. Prior To Grading Permit Issuance

Survey

060 - Survey. 1                                      R O W - DEDICATION                                      Not Satisfied

Sufficient IRREVOCABLE public street right-of-way along Temescal Canyon Road (project boundary) shall be conveyed via an Irrevocable Offer of Dedication for public use to provide for a 64 foot half-width dedicated right-of-way per County Standard No. 92, Ordinance No. 461.

At the time the County of Riverside accepts the herein described Irrevocable Offer of Dedication; upon request of the Director of Transportation and at the owner's expense, the owner shall demolish/relocate any and all encroachments, parking stalls, fences, and/or structures immediately. Any requirement for a new Water Quality Management Plan that may apply shall be provided by the owner at his/her expense. No additional encroachments shall be allowed within the herein described dedication.

80. Prior To Building Permit Issuance

Fire

080 - Fire. 1                                      Prior to permit                                      Not Satisfied

1. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C. and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 1/2" x 2 1/2") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3.)
2. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3)

080 - Fire. 2                                      Prior to permit                                      Not Satisfied

1. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 75,000 lbs. GVW. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Office of the Fire Marshal. (CFC 501.4)
2. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Office of the Fire Marshal. (CFC 501.4)
3. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) as approved by the Office of the Fire Marshal and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1)

080 - Fire. 3                                      Prior to permit                                      Not Satisfied

Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.

1. The Office of the Fire Marshal is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2

Plan: CUP190010

Parcel: 277110040

80. Prior To Building Permit Issuance

Fire

080 - Fire. 3 Prior to permit (cont.) Not Satisfied  
to 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)

080 - Fire. 4 Prior to permit Not Satisfied  
Prior to building permit issuance, please provide a business plan with a complete scope of work. Indicate any storage, hazardous materials or manufacturing that may be conducted on this site. In addition, please note proposed business hours and if open flame devices will be on site.

Planning

080 - Planning. 1 Fee Status Not Satisfied  
Prior to issuance of building permits for CUP190010, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

Survey

080 - Survey. 1 R O W - DEDICATION Not Satisfied  
Sufficient IRREVOCABLE public street right-of-way along Temescal Canyon Road (project boundary) shall be conveyed via an Irrevocable Offer of Dedication for public use to provide for a 64 foot half-width dedicated right-of-way per County Standard No. 92, Ordinance No. 461.  
At the time the County of Riverside accepts the herein described Irrevocable Offer of Dedication; upon request of the Director of Transportation and at the owner's expense, the owner shall demolish/relocate any and all encroachments, parking stalls, fences, and/or structures immediately. Any requirement for a new Water Quality Management Plan that may apply shall be provided by the owner at his/her expense. No additional encroachments shall be allowed within the herein described dedication.

Transportation

080 - Transportation. 1 R O W - DEDICATION Not Satisfied  
Sufficient IRREVOCABLE public street right-of-way along Temescal Canyon Road (project boundary) shall be conveyed via an Irrevocable Offer of Dedication for public use to provide for a 64 foot half-width dedicated right-of-way per County Standard No. 92, Ordinance No. 461.  
At the time the County of Riverside accepts the herein described Irrevocable Offer of Dedication; upon request of the Director of Transportation and at the owner's expense, the owner shall demolish/relocate any and all encroachments, parking stalls, fences, and/or structures immediately. Any requirement for a new Water Quality Management Plan that may apply shall be provided by the owner at his/her expense. No additional encroachments shall be allowed within the herein described dedication.

90. Prior to Building Final Inspection

Waste Resources

Plan: CUP190010

Parcel: 277110040

90. Prior to Building Final Inspection

Waste Resources

090 - Waste Resources. 1 090 Mandatory Commercial Recycling and Organics Recyclin Not Satisfied

Form D – Mandatory Commercial Recycling and Organics Recycling

Prior to final building inspection, applicants shall complete a Mandatory Commercial Recycling and Organics Recycling Compliance form (Form D). Form D requires applicants to identify programs or plans that address commercial and organics recycling, in compliance with State legislation/regulation. Once completed, Form D shall be submitted to the Recycling Section of the Department of Waste Resources for approval. To obtain Form D, please contact the Recycling Section at 951-486-3200, or email to: [Waste-CompostingRecycling@rivco.org](mailto:Waste-CompostingRecycling@rivco.org)



**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**

Juan C. Perez  
Agency Director



01/20/21, 3:44 pm

**CUP190010**

**ADVISORY NOTIFICATION DOCUMENT**

The following notifications are included as part of the recommendation of approval for CUP190010. They are intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property.

**Advisory Notification**

**Advisory Notification. 1            AND - Preamble**

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this Plan CUP190010 and is intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

**Advisory Notification. 2            AND - Project Description & Operational Limits**

Conditional Use Permit No. 190010 is a proposal to occupy an existing 1,625 square-foot building to be used as a retail cannabis storefront on a 0.26 acre lot with parking and landscaping.

**Advisory Notification. 3            AND - Exhibits**

The development of the premises shall conform substantially with that as shown on the following APPROVED EXHIBIT(S)

- Exhibit A (Site Plan), dated 1/13/21
- Exhibit B (Elevations), dated 1/13/21
- Exhibit C (Floor Plans), dated 1/13/21
- Exhibit E (Conceptual Landscaping and Irrigation Plans), dated 1/13/21
- Interior Rendering, dated 1/13/21
- Exterior Rendering, dated 1/13/21
- Site Plan Rendering, dated 1/13/21

**Advisory Notification. 4            AND - Federal, State & Local Regulation Compliance**

1. Compliance with applicable Federal Regulations, including, but not limited to:
  - National Pollutant Discharge Elimination System (NPDES)
  - Clean Water Act
  - Migratory Bird Treaty Act (MBTA)
2. Compliance with applicable State Regulations, including, but not limited to:
  - The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

#### Advisory Notification. 4                    **AND - Federal, State & Local Regulation Compliance (cont.)**

Water Quality Control Board (RWQCB.)

- Government Code Section 66020 (90 Days to Protest)
- Government Code Section 66499.37 (Hold Harmless)
- State Subdivision Map Act
- Native American Cultural Resources, and Human Remains (Inadvertent Find)
- School District Impact Compliance
- Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)

3. Compliance with applicable County Regulations, including, but not limited to:

- Ord. No. 348 (Land Use Planning and Zoning Regulations)
- Ord. No. 413 (Regulating Vehicle Parking)
- Ord. No. 457 (Building Requirements)
- Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program)
- Ord. No. 460 (Division of Land)
- Ord. No. 461 (Road Improvement Standards)
- Ord. No. 484 (Control of Blowing Sand)
- Ord. No. 625 (Right to Farm)
- Ord. No. 716 (Abandoned, Neglected or Cruelly Treated Animals)
- Ord. No. 771 (Controlling Potentially Dangerous & Dangerous Animals)
- Ord. No. 878 (Regarding Noisy Animals)
- Ord. No. 671 (Consolidated Fees)
- Ord. No. 679 (Directional Signs for Subdivisions)
- Ord. No. 787 (Fire Code)
- Ord. No. 847 (Regulating Noise)
- Ord. No. 857 (Business Licensing)
- Ord. No. 859 (Water Efficient Landscape Requirements)
- Ord. No. 915 (Regulating Outdoor Lighting)
- Ord. No. 916 (Cottage Food Operations)
- Ord. No. 927 (Regulating Short Term Rentals)

4. Mitigation Fee Ordinances

- Ord. No. 659 Development Impact Fees (DIF)
- Ord. No. 663 Stephens Kangaroo Rat Habitat Conservation Plan (SKR)
- Ord. No. 810 Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP)
- Ord. No. 824 Western Riverside County Transportation Uniform Mitigation Fee (WR TUMF)

### E Health

#### E Health. 1

#### Gen - Custom

If contamination or the presence of a naturally occurring hazardous material is discovered at the site, assessment, investigation, and/or cleanup may be required. Contact Riverside County Environmental Health - Environmental Cleanup Programs at (951) 955-8980, for further information.

#### E Health. 2

#### OWTS Certification

Certification of the existing OWTS was provided and documented that it was in good repair. The 1500



## ADVISORY NOTIFICATION DOCUMENT

### E Health

#### **E Health. 2                      OWTS Certification (cont.)**

gallon system is sized appropriately for the intended operation of the facility.

### General

#### **General. 1                      General – Business Licensing**

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department.

#### **General. 2                      General – Causes for Revocation**

In the event the use hereby permitted under this permit is found:

- (a) to be in violation of the terms and conditions of this permit; and/or,
- (b) to have been obtained by fraud or perjured testimony; and/or,
- (c) to be detrimental to the public health, safety or general welfare, or is a public nuisance,

then this permit shall be subject to revocation procedures.

#### **General. 3                      General – Ceased Operations**

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this Conditional Use Permit and accompanying Development Agreement approval shall become null and void.

#### **General. 4                      General – Hold Harmless**

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees ("COUNTY") from the following:

- (a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the project or its associated environmental documentation; and,
- (b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the project, including, but not limited to, decisions made in response to California Public Records Act requests; and
- (a) and (b) above are hereinafter collectively referred to as "LITIGATION."

The COUNTY shall promptly notify the applicant/permittee of any LITIGATION and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such LITIGATION or

## ADVISORY NOTIFICATION DOCUMENT

### General

#### **General. 4 General – Hold Harmless (cont.)**

fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such LITIGATION, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the Project, applicant/permittee shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Applicant/permittee shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs are not recoverable under the California Public Records Act from the records requestor, applicant/permittee agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, applicant/permittee shall make such additional deposits.

#### **General. 5 General – Human Remains**

If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

#### **General. 6 General – Review Fees**

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan, or mitigation and monitoring review, shall be reviewed on an hourly basis, or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

#### **General. 7 General – Unanticipated Resources**

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit.

If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed:

## **ADVISORY NOTIFICATION DOCUMENT**

### **General**

#### **General. 7**

#### **General – Unanticipated Resources (cont.)**

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

### **Planning**

#### **Planning. 1**

#### **General - A. Application Requirements**

At the time of filing the application for a Commercial Cannabis Activity on a form provided by the Planning Department, the applicant shall also provide the applicable fee for processing the land use permit application. All entitlement fees shall be paid in full, prior to operating the cannabis business.

#### **Planning. 2**

#### **General - B. State License Required**

Obtain and maintain during the life of the Commercial Cannabis Activity the applicable California license issued pursuant to California Business and Professions Code Sections 19300.7 or 26050(a) as may be amended from time to time.

#### **Planning. 3**

#### **General - C. Suspension, Revocation, or Termination of State License**

Suspension of a license issued by the State of California, or by any State licensing authority, shall immediately suspend the ability of a Commercial Cannabis Activity to operate within the County until the State, or its respective State licensing authority, reinstates or reissues the State license. Revocation or termination of a license by the State of California, or by any State licensing authority, will also be grounds to revoke or terminate any conditional use permit granted to a Commercial Cannabis Activity pursuant to this Article.

#### **Planning. 4**

#### **General - D. Health and Safety**

Commercial Cannabis Activities shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public. Commercial Cannabis Activities shall not create a public nuisance or adversely affect the health or safety of the nearby residents, businesses or employees working at the Commercial

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### **Planning. 4                                      General - D. Health and Safety (cont.)**

Cannabis Activity by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, and runoff of water, pesticides or wastes.

#### **Planning. 5                                      General - E. Development Agreement**

No approval required by this ordinance shall be given for any permit for a Commercial Cannabis Activity unless the Board of Supervisors prior to or concurrently with approves a development agreement, pursuant to Section 18.26b of this ordinance, setting forth the terms and conditions under which the Commercial Cannabis Activity will operate in addition to the requirements of this ordinance, all other local ordinances and regulations, state law and such other terms and conditions that will protect and promote the public health, safety and welfare. No use or operation under any permit for a Commercial Cannabis Activity shall be allowed to begin until the development agreement is effective.

#### **Planning. 6                                      General - F. Nuisance Odors**

All Commercial Cannabis Activities shall be sited and operated in a manner that prevents Cannabis nuisance odors from being detected offsite. All Commercial Cannabis Activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Activity that is distinctive to its operation is not detected outside of the operation’s facility, anywhere on adjacent lots or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Activity. In order to control nuisances such as odors, humidity and mold, Commercial Cannabis Activities shall install and maintain at the minimum, the following equipment, or any other equipment that can be proven to be an equally or more effective method or technology to control these nuisances:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
2. An air system that creates negative air pressure between the Commercial Cannabis Activities’ interior and exterior, so that the odors generated by the Commercial Cannabis Activity are not detectable on the outside of the Commercial Cannabis Activity.

#### **Planning. 7                                      General - G. Commercial Cannabis Activity Operator Qualifications**

1. All operators and all employees of a Commercial Cannabis Activity must be 21 years of age or older.
2. Operators shall be subject to background checks.
3. Permits for Commercial Cannabis Activities shall not be granted for operators with felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.
4. Applicants providing false or misleading information in the permitting process will result in rejection of

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 7**                                            **General - G. Commercial Cannabis Activity Operator Qualifications (cont.)**  
the application or nullification or revocation of any permit granted pursuant to this Article.

**Planning. 8**                                            **General - H. Relocation of a Permitted Commercial Cannabis Activity**  
In the event the permittee or successor in interest vacates and relocates the Commercial Cannabis Activity to a new location, a new conditional use permit will need to be granted by the County in accordance with this ordinance prior to commencing operations at the new location.

**Planning. 9**                                            **General - I. Hours of Operation**  
A Commercial Cannabis Activity operating as a Cannabis Retailer may be open to the public seven days a week only between the hours of 6:00 A.M. and 10:00 P.M. All other Commercial Cannabis Activities may operate only during the hours specified in the conditional use permit granted by the County.

**Planning. 10**                                           **General - J. Inspections**  
A Commercial Cannabis Activity shall be subject to inspections by appropriate local and State agencies, including, but not limited to, the Riverside County Departments of Code Enforcement, Planning, Fire, Public Health, Environmental Health, the Agricultural Commissioner's Office and the Sheriff's Department.

**Planning. 11**                                           **General - K. Monitoring Program**  
Permittees of a Commercial Cannabis Activity shall participate in the County's monitoring program to verify permit requirements such as, but not limited to, security measures, water use and State track-and-trace requirements.

**Planning. 12**                                           **General - L. Restriction on Alcohol and Tobacco Sales or Consumption**  
Commercial Cannabis Activities shall not allow the sale, dispensing, or consumption of alcoholic beverages or tobacco on the site of the Commercial Cannabis Activity.

**Planning. 13**                                           **General - M. Restriction on Consumption**  
Cannabis shall not be consumed or used on the lot of any Commercial Cannabis Activity.

**Planning. 14**                                           **General - N. Security - Part 1**  
A Commercial Cannabis Activity shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing Cannabis or Cannabis Products, to deter and prevent the theft of Cannabis or Cannabis Products at the Commercial Cannabis Activity and to ensure emergency access in accordance with applicable Fire Code standards. Guard dogs shall not be used at the Commercial Cannabis Activity as a security measure. Security measures shall include, but not be limited to, the following:

1. A plan to prevent individuals from loitering on the lot if they are not engaging in activity expressly related to the Commercial Cannabis Activity.

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### Planning. 14

#### General - N. Security - Part 1 (cont.)

2. 24 hour emergency contact information for the owner or an on-site employee which shall be provided to the County.
3. A professionally installed, maintained, and monitored alarm system.
4. 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.
5. 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.

#### Planning. 15

#### General - N. Security - Part 2

6. Sensors shall be installed to detect entry and exit from all secure areas.
7. Panic buttons shall be installed in all Commercial Cannabis Activities.
8. Any bars installed on the windows or the doors of a Commercial Cannabis Activity shall be installed only on the interior of the building.
9. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services.
10. 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.
11. 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.
12. 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

## **ADVISORY NOTIFICATION DOCUMENT**

### **Planning**

#### **Planning. 15**                                      **General - N. Security - Part 2 (cont.)**

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.

13. 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.

14. Cannabis or Cannabis Products shall not be stored outside at any time.

#### **Planning. 16**                                      **General - O. Permit and License Posting**

The permittee shall post or cause to be posted at the Commercial Cannabis Activity all required County and State permits and licenses to operate. Such posting shall be in a central location, visible to the patrons, and in all vehicles that deliver or transport Cannabis.

#### **Planning. 17**                                      **General - P. Signage**

Signage for a Commercial Cannabis Activity shall comply with the following:

1. In addition to the requirements set forth in this section and California Business and Professions Code section 26152 as may be amended, business identification signage for a Commercial Cannabis Activity shall comply with Section 19.4 of this ordinance.

2. No Commercial Cannabis Activity shall advertise by having a person or device holding a sign or an air dancer sign advertising the activity to passersby, whether such person, device or air dancer is on the lot of the Commercial Cannabis Activity or elsewhere including, but not limited to, the public right-of-way.

3. No Commercial Cannabis Activity shall publish or distribute advertising or marketing that is attractive to children.

4. No Commercial Cannabis shall advertise or market Cannabis or Cannabis Products on motor vehicles.

5. Except for advertising signs inside a licensed Premises and provided that such advertising signs do not advertise or market Cannabis or Cannabis Products in a manner intended to encourage persons under 21 years of age to consume Cannabis or Cannabis Products, no Commercial Cannabis Activity shall advertise or market Cannabis or Cannabis Products on an advertising sign within 1,000 feet of a Child Day Care Center, a K-12 school, a public park or a Youth Center.

6. No signs placed on the lot of a Commercial Cannabis Activity shall obstruct any entrance or exit to the building or any window.

7. Each entrance to a Commercial Cannabis Activity shall be visibly posted with a clear and legible notice

## **ADVISORY NOTIFICATION DOCUMENT**

### **Planning**

#### **Planning. 17**                              **General - P. Signage (cont.)**

indicating that smoking, ingesting, or otherwise consuming Cannabis on the lot of the Commercial Cannabis Activity is prohibited.

8. Signage shall not be directly illuminated, internally or externally.

9. No banners, flags, billboards, or other prohibited signs may be used at any time.

#### **Planning. 18**                              **General - Q. Records**

1. Each owner and permittee of a Commercial Cannabis Activity shall maintain clear and adequate records and documentation demonstrating that all Cannabis or Cannabis Products have been obtained from and are provided to other permitted and licensed Cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon written request.

2. Each owner and permittee of a Commercial Cannabis Activity shall maintain a current register of the names and contact information, including name, address, and telephone number, of anyone owning or holding an ownership interest in the Commercial Cannabis Activity, and of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the Commercial Cannabis Activity. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

3. All Commercial Cannabis Activities shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all Cannabis and Cannabis Products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase by or distribution to a qualified patient, primary caregiver for medical purpose or an adult 21 years of age or older who qualifies to purchase adult-use Cannabis.

#### **Planning. 19**                              **General - R. Water**

All Commercial Cannabis Activities shall obtain a 'Will Serve' letter from the applicable water purveyor, indicating agreement to supply water for the Commercial Cannabis Activity. The letter shall include the activity proposed and any improvements required for service. For Commercial Cannabis Activities where water service is not available, conditions from the Department of Environmental Health for a permitted onsite, in-ground well will be required for the conditional use permit. Irrigation and domestic water supplies shall not include water transported by vehicle from off-site sources.

#### **Planning. 20**                              **General - S. Waste Water**

All Commercial Cannabis Activities shall obtain a 'Will Serve' letter from the applicable sanitary sewer purveyor, indicating agreement to supply sewer for the Commercial Cannabis Activity. The letter shall include the activity proposed and any improvements required for service. For Commercial Cannabis Activities where sewer service is not available, conditions from the Department of Environmental Health will be required for the conditional use permit. Where sanitary sewer is not available, the applicant shall obtain clearance from the appropriate regional water quality control board.



## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### **Planning. 21                                      General - T. Parking (cont.)**

#### **Planning. 21                                      General - T. Parking**

Parking shall be provided in accordance with Section 18.12 of this ordinance.

#### **Planning. 22                                      General - U. Visibility**

In no case shall Live Cannabis Plants be visible from a public or private road, sidewalk, park or common public viewing area.

#### **Planning. 23                                      General - V. Hazardous Materials**

All Commercial Cannabis Activities that utilize hazardous materials shall comply with applicable hazardous waste generator, Riverside County Ordinance No. 615, and hazardous materials handling, Riverside County Ordinance No. 651, requirements and maintain any applicable permits for these programs from the Riverside County Fire Department, the Riverside County Department of Environmental Health, the Riverside County Department of Waste Resources and the Agricultural Commissioner.

#### **Planning. 24                                      General - W. Compliance with Local and State Laws and Regulations**

1. All Commercial Cannabis Activities shall comply with all applicable local and State laws, ordinances and regulations related to, but not limited to, the following: the California Environmental Quality Act, California Building Code, California Fire Code, Riverside County Ordinance No. 787, Riverside County Ordinance No. 457, Riverside County Ordinance No. 657, Riverside County Ordinance No. 745, Airport Land Use Compatibility Plans, weights and measures regulations, track and trace requirements, pesticide use, water quality, storm water discharge and the grading of land.

2. All buildings and structures, including greenhouse, hoop structures, or other similar structures shall comply with all applicable Building, Fire, and Safety laws and regulations. All buildings and structures shall be reviewed by the Riverside County Building and Safety Department in accordance with the California Building Code and Riverside County Ordinance No. 457 and by the Riverside County Fire Department in accordance with Riverside County Ordinance No. 787 and the California Fire Code.

#### **Planning. 25                                      General - X. Material Alterations to Premises**

No physical change, alteration, or modification shall be made to a Premises without first obtaining the appropriate approvals from the County, including but not limited a substantial conformance or revised permit and all other necessary permits. Alterations or modifications requiring approval include, without limitation: (i) the removal, creation, or relocation of a common entryway, doorway, passage, or a means of public entry or exit, when such common entryway, doorway, or passage alters or changes limited-access areas within the Premises; (ii) the removal, creation, addition, or relocation of a Cultivation Area; (iii) or the addition or alteration of a water supply. The requirement of this Section is in addition to compliance with any other applicable State or local law or regulation pertaining to approval of building modifications, zoning, and land use requirements. In the event that the proposed modification requires a new or modified conditional use permit such permit must be obtained prior to issuance of building

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 25**                                    **General - X. Material Alterations to Premises (cont.)**  
permits.

**Planning. 26**                                    **General - Y. Multiple Commercial Cannabis Activities**

Multiple Commercial Cannabis Activities may be allowed on the same lot provided the proposed activities are allowed in the zone classification and meet all requirements in this Article and State Law.

### Planning-All

**Planning-All. 1**                                    **Cannabis Retail Operations - 1**

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.

**Planning-All. 2**                                    **Cannabis Retail Operations - 10**

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.

**Planning-All. 3**                                    **Cannabis Retail Operations - 11**

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.

**Planning-All. 4**                                    **Cannabis Retail Operations - 12**

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.

**Planning-All. 5**                                    **Cannabis Retail Operations - 13**

Cannabis or Cannabis Products shall not be sold or delivered by any means or method to any person within a motor vehicle.

**Planning-All. 6**                                    **Cannabis Retail Operations - 14**

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.

**Planning-All. 7**                                    **Cannabis Retail Operations - 2**

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.

## ADVISORY NOTIFICATION DOCUMENT

### Planning-All

**Planning-All. 8 Cannabis Retail Operations - 3 (cont.)**

**Planning-All. 8 Cannabis Retail Operations - 3**

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.

**Planning-All. 9 Cannabis Retail Operations - 4**

A 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.

**Planning-All. 10 Cannabis Retail Operations - 5**

Display areas shall include the smallest amount of Cannabis and Cannabis Products reasonably anticipated to meet sales during operating hours.

**Planning-All. 11 Cannabis Retail Operations - 6**

Cannabis and Cannabis Products not in the display area shall be maintained in a locked secure area.

**Planning-All. 12 Cannabis Retail Operations - 7**

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.

**Planning-All. 13 Cannabis Retail Operations - 8**

Restroom facilities shall be locked and under the control of the Cannabis Retailer.

**Planning-All. 14 Cannabis Retail Operations - 9**

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.

### Transportation

**Transportation. 1 GENERAL CONDITIONS**

1. With respect to the conditions of approval for the referenced tentative exhibit, it is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit

## ADVISORY NOTIFICATION DOCUMENT

### Transportation

#### Transportation. 1                      GENERAL CONDITIONS (cont.)

to be resubmitted for further consideration. The County of Riverside applicable ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

2. Sufficient IRREVOCABLE public street right-of-way along Temescal Canyon Road shall be conveyed via an Irrevocable Offer of Dedication for public use to provide for a 64 foot half-width dedicated right-of-way per County Standard No. 92, Ordinance No. 461.

At the time the County of Riverside accepts the herein described Irrevocable Offer of Dedication; upon request of the Director of Transportation and at the owner's expense, the owner shall demolish/relocate any and all encroachments, parking stalls, fences, and/or structures immediately. Any requirement for a new Water Quality Management Plan that may apply shall be provided by the owner at his/her expense. No additional encroachments shall be allowed within the herein described dedication.

3. Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955 6527.



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## DEVELOPMENT ADVISORY COMMITTEE (“DAC”) INITIAL CASE TRANSMITTAL RIVERSIDE COUNTY PLANNING DEPARTMENT – RIVERSIDE PO Box 1409 Riverside, 92502-1409

DATE: July 10, 2019

TO:

Riv. Co. Transportation Dept.  
Riv. Co. Environmental Health Dept.  
Riv. Co. Public Health Dept.  
Riv. Co. Fire Department (Riv. Office)  
Riv. Co. Building & Safety – Plan Check

Riv. Co. Trans. Dept. – Landscape Section  
Riv. Co. Sheriff’s Dept.  
Riv. Co. Waste Resources Management Dept.  
Board of Supervisors - Supervisor: Spiegel  
City of Corona Sphere of Influence

Western Municipal Water District (WMWD)  
Southern California Edison Co. (SCE)  
Southern California Gas Co.

**CONDITIONAL USE PERMIT NO. 190010** – CEQ190072 – Applicant: Derek Catalano – Second Supervisorial District – El Cerrito Zoning District – Temescal Canyon Area Plan: Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 FAR) – Location: North of Temescal Canyon Rd, east of I-15, south of El Cerrito Rd, and west of Arcadia St – 0.26 Acres – Zoning: General Commercial (C-1/C-P) – **PROJECT DESCRIPTION:** Cannabis retail store – APN: 277-110-040 – **BBID: 520-507-417**

**DAC staff members and other listed Riverside County Agencies, Departments and Districts staff:**  
A Bluebeam invitation has been emailed to appropriate staff members so they can view and markup the map(s) and/or exhibit(s) for the above-described project. Please have your markups completed and draft conditions in the Public Land Use System (PLUS) on or before the indicated DAC date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the PLUS routing on or before the above date. This case is scheduled for a **DAC internal review on August 1, 2019.** Once the route is complete, and the approval screen is approved with or without corrections, the project can be scheduled for a public hearing.

Any questions regarding this project, should be directed to Mina Morgan, Project Planner

Public Hearing Path: Administrative Action:  DH:  PC:  BOS:

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

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

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

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



RIVERSIDE COUNTY  

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**PLANNING DEPARTMENT**

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

COMMENTS:

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

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

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

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



# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Charissa Leach**  
Assistant TLMA Director

April 19, 2021

Derek Catalano  
4079 Shady ridge Circle  
Corona, CA 92881  
Attn: Derek Catalano

**RE: CONDITIONAL USE PERMIT NO. 190010, SETBACK ADJUSTMENT NO.200014** *(The project is a proposal to occupy an existing 1,625 square-foot building to be used as a retail cannabis storefront on a 0.26-acre lot with a parking lot and landscaping. The Setback Adjustment is a request to alter the required 40-foot setback, from the rear of the existing commercial building to the adjacent residential property line.*

The proposal is consistent with the intent and purposes of Ordinance No. 348, with the following findings:

- a) There are special circumstances applicable to the property that justify the approval of the adjustment of the setback requirement. The subject site has an existing commercial building, that was previously approved and operating as a commercial use facility; and,
- b) The residential lot in question is currently vacant, and will not be impacted by the proposed setback adjustment; and,
- c) The proposal will not be detrimental to the public health, safety, and welfare of the community, nor will it be detrimental to neighboring properties.

On April 16, 2021, the **Riverside County Planning Director** approved Setback Adjustment No. 200014, based on the findings mentioned above.

This action may be appealed within ten (10) days of the date of the Board of Supervisors action. The appeal must be made in writing and submitted with a fee in accordance with Ordinance No. 671 to the Riverside County Clerk of the Board. An appeal of any condition constitutes an appeal of the action as a whole and requires a new public hearing.

**Final Conditions will be sent following the close of the appeal period, if no appeal is filed.**

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT  
John Hildebrand, Planning Director



---

Mina Morgan, Contract Planner

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

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



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN                       PUBLIC USE PERMIT                       VARIANCE  
 CONDITIONAL USE PERMIT                       TEMPORARY USE PERMIT
- REVISED PERMIT    Original Case No. \_\_\_\_\_

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

### APPLICATION INFORMATION

Applicant Name: Derek Catalano

Contact Person: Derek Catalano                      E-Mail: derekc646@aol.com

Mailing Address: 4079 Shady Ridge Circle

Street

Corona                      CA                      92881

City                      State                      ZIP

Daytime Phone No: ( 951 ) 415 0064                      Fax No: ( \_\_\_\_\_ ) \_\_\_\_\_

Engineer/Representative Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_                      E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street

\_\_\_\_\_

City                      State                      ZIP

Daytime Phone No: ( \_\_\_\_\_ ) \_\_\_\_\_                      Fax No: ( \_\_\_\_\_ ) \_\_\_\_\_

Property Owner Name: Derek Catalano

Contact Person: Derek Catalano                      E-Mail: derekc646@aol.com

Mailing Address: 4079 Shady Ridge Circle

Street

Corona                      CA                      92881

City                      State                      ZIP

Daytime Phone No: ( 951 ) 415 0064                      Fax No: ( \_\_\_\_\_ ) \_\_\_\_\_

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**APPLICATION FOR LAND USE AND DEVELOPMENT**

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the use permit type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

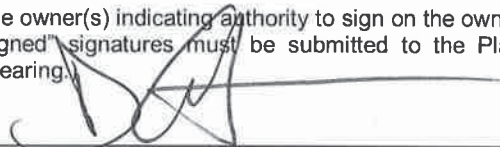
**AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:**

I certify that I am/we are the record owner(s) or authorized agent, and that the information filed is true and correct to the best of my knowledge, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(If an authorized agent signs, the agent must submit a letter signed by the owner(s) indicating authority to sign on the owner(s)'s behalf, and if this application is submitted electronically, the "wet-signed" signatures must be submitted to the Planning Department after submittal but before the use permit is ready for public hearing.)

Derek Catalano

\_\_\_\_\_  
*PRINTED NAME OF PROPERTY OWNER(S)*



\_\_\_\_\_  
*SIGNATURE OF PROPERTY OWNER(S)*

\_\_\_\_\_  
*PRINTED NAME OF PROPERTY OWNER(S)*

\_\_\_\_\_  
*SIGNATURE OF PROPERTY OWNER(S)*

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

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**

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

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 277-110-040

Approximate Gross Acreage: \_\_\_\_\_

General location (nearby or cross streets): North of \_\_\_\_\_, South of \_\_\_\_\_, East of \_\_\_\_\_, West of \_\_\_\_\_.

**APPLICATION FOR LAND USE AND DEVELOPMENT**

**PROJECT PROPOSAL:**

Describe the proposed project.

Commercial cannabis retail storefront with delivery

Identify the applicable Ordinance No. 348 Section and Subsection reference(s) describing the proposed land use(s): \_\_\_\_\_

Number of existing lots: \_\_\_\_\_

EXISTING Buildings/Structures: Yes <input type="checkbox"/> No <input type="checkbox"/>						
No.*	Square Feet	Height	Stories	Use/Function	To be Removed	Bldg. Permit No.
1					<input type="checkbox"/>	
2					<input type="checkbox"/>	
3					<input type="checkbox"/>	
4					<input type="checkbox"/>	
5					<input type="checkbox"/>	
6					<input type="checkbox"/>	
7					<input type="checkbox"/>	
8					<input type="checkbox"/>	
9					<input type="checkbox"/>	
10					<input type="checkbox"/>	

Place check in the applicable row, if building or structure is proposed to be removed.

PROPOSED Buildings/Structures: Yes <input type="checkbox"/> No <input type="checkbox"/>				
No.*	Square Feet	Height	Stories	Use/Function
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

PROPOSED Outdoor Uses/Areas: Yes <input type="checkbox"/> No <input type="checkbox"/>		
No.*	Square Feet	Use/Function
1		
2		
3		
4		
5		

**APPLICATION FOR LAND USE AND DEVELOPMENT**

6		
7		
8		
9		
10		

\* Match to Buildings/Structures/Outdoor Uses/Areas identified on Exhibit "A".

Check this box if additional buildings/structures exist or are proposed, and attach additional page(s) to identify them.)

Related cases filed in conjunction with this application:

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Are there previous development applications filed on the subject property: Yes  No

If yes, provide Application No(s). \_\_\_\_\_  
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) \_\_\_\_\_ EIR No. (if applicable): \_\_\_\_\_

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes  No

If yes, indicate the type of report(s) and provide a signed copy(ies): \_\_\_\_\_

Is the project located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Government Code Section 65944? Yes  No

Is this an application for a development permit? Yes  No

If the project located within either the Santa Ana River/San Jacinto Valley watershed, the Santa Margarita River watershed, or the Whitewater River watershed, check the appropriate checkbox below.

*If not known, please refer to [Riverside County's Map My County website](#) to determine if the property is located within any of these watersheds (search for the subject property's Assessor's Parcel Number, then select the "Geographic" Map Layer – then select the "Watershed" sub-layer)*

If any of the checkboxes are checked, click on the adjacent hyperlink to open the applicable Checklist Form. Complete the form and attach a copy as part of this application submittal package.

[Santa Ana River/San Jacinto Valley](#)

[Santa Margarita River](#)

[Whitewater River](#)

**APPLICATION FOR LAND USE AND DEVELOPMENT**

If the applicable Checklist has concluded that the application requires a preliminary project-specific Water Quality Management Plan (WQMP), such a plan shall be prepared and included with the submittal of this application.

**HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of Applicant: Derek Catalano

Address: 4079 Shady Ridge Circle; Corona, CA 92881

Phone number: 951 415 0064

Address of site (street name and number if available, and ZIP Code): 19700 Temescal Canyon Rd.; Corona, CA 92881

Local Agency: County of Riverside

Assessor's Book Page, and Parcel Number: 277-110-040

Specify any list pursuant to Section 65962.5 of the Government Code: \_\_\_\_\_

Regulatory Identification number: \_\_\_\_\_

Date of list: \_\_\_\_\_

Applicant: \_\_\_\_\_ Date \_\_\_\_\_

**HAZARDOUS MATERIALS DISCLOSURE STATEMENT**

Government Code Section 65850.2 requires the owner or authorized agent for any development project to disclose whether:

1. Compliance will be needed with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the County. Yes  No
2. The proposed project will have more than a threshold quantity of a regulated substance in a process or will contain a source or modified source of hazardous air emissions. Yes  No

I (we) certify that my (our) answers are true and correct.

Owner/Authorized Agent (1) \_\_\_\_\_ Date \_\_\_\_\_

Owner/Authorized Agent (2) \_\_\_\_\_ Date \_\_\_\_\_

## **APPLICATION FOR LAND USE AND DEVELOPMENT**

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**This completed application form, together with all of the listed requirements provided on the Land Use and Development Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.**

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\Land Use and Development Condensed application.docx  
Created: 04/29/2015 Revised: 08/03/2018



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## APPLICATION FOR DEVELOPMENT AGREEMENT

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

### APPLICATION INFORMATION

Applicant Name: Derek Catalano

Contact Person: Derek Catalano E-Mail: derekc646@aol.com

Mailing Address: 4079 Shady Ridge Circle  
Corona CA 92881  
City State ZIP

Daytime Phone No: ( 951 ) 415 0064 Fax No: (      )     

Engineer/Representative Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street  
City State ZIP

Daytime Phone No: (      ) \_\_\_\_\_ Fax No: (      ) \_\_\_\_\_

Property Owner Name: Derek Catalano

Contact Person: Derek Catalano E-Mail: derekc646@aol.com

Mailing Address: 4079 Shady Ridge Circle  
Corona CA 92881  
City State ZIP

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Palm Desert, California 92211  
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**APPLICATION FOR DEVELOPMENT AGREEMENT**

**DESCRIBE APPLICANT'S INTEREST IN THE PROPERTY:**

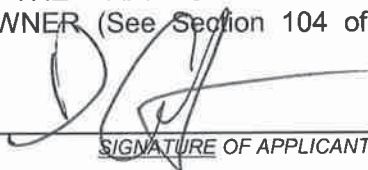
To open a commercial cannabis retail storefront with delivery

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*NOTE:** ATTACH DOCUMENTATION VERIFYING THE APPLICANT'S INTEREST AND AUTHORIZATION TO APPLY ON BEHALF OF THE OWNER (See Section 104 of Exhibit "A" of Resolution No. 2012-047).

Derek Catalano

PRINTED NAME OF APPLICANT



SIGNATURE OF APPLICANT

**DESCRIBE OWNER'S INTEREST IN THE PROPERTY:**

To open a commercial cannabis retail storefront with delivery

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Derek Catalano

PRINTED NAME OF PROPERTY OWNER(S)



SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the General Plan Amendment type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 277-110-040

Approximate Gross Acreage: \_\_\_\_\_

General location (nearby or cross streets): North of \_\_\_\_\_, South of \_\_\_\_\_, East of \_\_\_\_\_, West of \_\_\_\_\_.

**This completed application form, together with all of the listed requirements provided on the Development Agreement Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.**

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1070 DA Condensed Application.docx  
Created: 07/06/2015 Revised: 07/30/2018



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E,  
Assistant TLMA Director

## INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any tentative map (tract or parcel), revised map, map minor change, reversion to acreage, conditional use permit, public use permit, surface mining permit, WECS permit, hazardous waste siting permit, temporary outdoor event permit, plot plan, substantial conformance, revised permit, variance, setback adjustment, general plan amendment, specific plan, specific plan amendment, specific plan substantial conformance, zoning amendments, and any associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

Property Owner(s) Signature(s) and Date

Derek Catalano

Printed Name of Owner

*If the property is owned by multiple owners, the paragraph above must be signed by each owner. Attach additional sheets of this page, if necessary.*

*If the property owner is a corporate entity, Limited Liability Company, partnership or trust, the following documentation must also be submitted with this application:*

- *If the property owner is a limited partnership, provide a copy of the LP-1, LP-2 (if an amendment) filed with the California Secretary of State.*
- *If the property owner is a general partnership, provide a copy of the partnership agreement documenting who has authority to bind the general partnership and to sign on its behalf.*
- *If the property owner is a corporation, provide a copy of the Articles of Incorporation and/or a corporate resolution documenting which officers have authority to bind the corporation and to sign on its behalf. The corporation must also be in good standing with the California Secretary of State.*
- *If the property owner is a trust, provide a copy of the trust certificate.*

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(951) 955-3200 · Fax (951) 955-1811

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Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7040

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## **INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS**

- *If the property owner is a Limited Liability Corporation, provide a copy of the operating agreement for the LLC documenting who has authority to bind the LLC and to sign on its behalf.*

*If the signing entity is also a corporate entity, Limited Liability Company, partnership or trust, the above documentation must also be submitted with this application. For any out of State legal entities, provide documentation showing registration with the California Secretary of State.*

*In addition to the above, provide a copy of a Preliminary Title Report for the property subject to this application. The Preliminary Title Report must be issued by a title company licensed to conduct business in the State of California and dated less than six months prior to the date of submittal of this application. The Assistant TLMA Director may waive the requirement for a Preliminary Title Report if it can be shown to the satisfaction of the Assistant TLMA Director that the property owner(s) has owned the property consistently for at least the last five years.*

*If the application is for a plot plan for a Wireless Communication Facility, the property owner(s) and the cellular service provider must sign the indemnification paragraph above. If the application is for a plot plan for a wireless communication co-location, only the co-locating service provider needs to sign the indemnification paragraph above.*

## NOTICE OF PUBLIC HEARING

**A PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider a proposed project in the vicinity of your property, as described below:

**CONDITIONAL USE PERMIT NO. 190010 and DEVELOPMENT AGREEMENT NO. 1900006 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15061 (b)(3) (Common Sense), Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures) – Applicant: Derek Catalano – Second Supervisorial District – El Cerrito Zoning District – Temescal Canyon Area Plan: Community Development: Commercial Retail: (CD-CR) (0.20 – 0.35 FAR) – Location: Northerly of Jolora Avenue, easterly of Temescal Canyon Road, southerly of El Cerrito Road, and westerly of Arcadia Street – 0.26 Acres – Zoning: General Commercial (C-1/C-P) – **REQUEST:** Development Agreement No. 1900006 is a proposed 10-year agreement to grant the applicant vesting rights in accordance with the terms of Development Agreement No. 1900006. Conditional Use Permit No. 190010 is a proposal to occupy an existing 1,625 sq. ft. building to be used as a retail cannabis storefront on a 0.26-acre lot with a parking lot and landscaping. APN: 277-110-040.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.  
DATE OF HEARING: **MAY 19, 2021**  
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER  
BOARD CHAMBERS, 1ST FLOOR  
4080 LEMON STREET, RIVERSIDE, CA 92501

Pursuant to 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 allowed but limited to comply with the Executive Order. Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>.

For further information regarding this project please contact the Project Planner Mina Morgan at (951) 955-6035 or email at [mimorgan@rivco.org](mailto:mimorgan@rivco.org), or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing. The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment on the proposed project may submit their comments in writing by mail or email, or by phone between the date of this notice and the public hearing; or, you may appear and be heard at the time and place noted above. You may participate remotely by registering with the Planning Department. All comments received prior to the public hearing will be submitted to the Planning Commission for consideration, in addition to any oral testimony, before making a decision on the proposed project. All correspondence received before and during the meeting will be distributed to the Planning Commission and retained for the official record.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:  
RIVERSIDE COUNTY PLANNING DEPARTMENT  
Attn: Mina Morgan  
P.O. Box 1409, Riverside, CA 92502-1409

# Riverside County GIS Mailing Labels

CUP190010 ( 600 feet buffer )



## Legend

-  County Boundary
-  Cities
-  Parcels
-  World Street Map

## Notes



0

376

752 Feet

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 10/23/2020 10:26:19 AM

© Riverside County RCIT

## PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on October 23, 2020,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers 166-661-011 for

Company or Individual's Name RCIT - GIS,

Distance buffered 1000'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

ADDRESS: 4080 Lemon Street 9<sup>TH</sup> Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

277110004  
ROGELIO WENCES  
6724 MORRILL AVE  
WHITTIER CA 90606

277110021  
FORREST LYNN JENSEN  
7486 SMERBER RD  
CORONA CA 92881

277110034  
FRANK J. BARTOLINI  
19660 ARCADIA ST  
CORONA CA 92881

277110050  
DENNIS WOODLAND  
19760 TEMESCAL CANYON RD  
CORONA CA 92881

277110054  
MARILYN A. MATHENY  
19731 JOLORA AVE  
CORONA CA 92881

277110064  
ALIX D. SINGH  
19600 ARCADIA ST  
CORONA CA 92881

277110001  
LAWRENCE HAYDEN  
7891 MINNESOTA RD  
CORONA CA 92881

277110022  
MARK F. SAUER  
19720 TEMESCAL CANYON RD  
CORONA CA 92881

277110036  
MICHAEL V. CRUZ  
19650 ARCADIA ST  
CORONA CA 92881

277110053  
CHRISTOPHER MICHAEL FOBAR  
19576 ARCADIA ST  
CORONA CA 92881

277151001  
RICHARD FLYNN  
19540 CARMELITA AVE  
CORONA CA 92881

277151012  
J & D REAL ESTATE HOLDINGS  
1164 KINDRICK CT  
CORONA CA 92883

277151014  
KRISTIAN GARCIA  
7834 MARILYN DR  
CORONA CA 92881

277152007  
CYNTHIA M. RODARTE  
7901 MARILYN DR  
CORONA CA 92881

277122008  
DEREK CATALANO  
4079 SHADY RIDGE CIR  
CORONA CA 92881

277152003  
DEJON L. ANDERSON  
7831 MARILYN DR  
CORONA CA 92881

277163003  
JACOBO RAMIREZ  
19790 GRANT ST  
CORONA CA 92881

277110015  
DEREK FRANK CATALANO  
4079 SHADY RIDGE CIR  
CORONA CA 92881

277151013  
THOMAS E. MOORE  
7840 MARILYN DR  
CORONA CA 92881

277152002  
JEFFREY WAGONER  
7801 MARILYN DR  
CORONA CA 92881

279031006  
EULALIA VALENZUELA  
19601 FRANCISCA AVE  
CORONA CA 92881

279041011  
JOHN S. GUTIERREZ  
19711 FRANCISCA AVE  
CORONA CA 92881

279042005  
WILLIAM G. ALVES  
7550 CANDLE LIGHT DR  
RIVERSIDE CA 92509

279031005  
DAVID M. WADSWORTH  
9597 FRANCISCA AVE  
CORONA CA 92881

277122002  
RAUL MONTES  
7855 MINNESOTA RD  
CORONA CA 92881

277122003  
FABIAN R. ROJAS  
7847 MINNESOTA RD  
CORONA CA 92881

277122013  
HONEST HOLDINGS  
419 LAKE ST # 135  
HUNTINGTN BCH CA 92648

277151010  
JOSEPH H. HERNANDEZ  
16143 GREENS CT  
CHINO HILLS CA 90255

277151011  
BRIAN K. STUART  
P O BOX 2556  
CORONA CA 92878

277151015  
BETSABE VELA GARCIA  
7296 MARILYN DR  
CORONA CA 92881

277152008  
JAMES R. HILDEBRAND  
1590 HEARTLAND WAY  
CORONA CA 92881

277152009  
BRADFORD JAMES RICHARDSON  
19819 GRANT ST  
CORONA CA 92881

279041001  
FLORES MARY HELEN REVOCABLE TRUST  
8045 SANTA RITA ST  
CORONA CA 92881

279041013  
MARTIN DEANDA  
1840 BEL AIR  
CORONA CA 92881

279042006  
ANTHONY DEBIASE  
8040 SANTA RITA ST  
CORONA CA 92881

279042001  
CARLOS FLORES RODRIGUEZ  
4255 FLOYD DR  
CORONA CA 92883

279042004  
BRENT M. CHAPPELLE  
8030 SANTA RITA ST  
CORONA CA 92881

279031009  
RUBEN DELATORRE  
8008 SANTA RITA ST  
CORONA CA 92881

279041006  
MICHAEL ANTHONY MCMASTER  
16550 TIGER LILLY WAY  
RIVERSIDE CA 92503

277110007  
ERIC DORN  
PO BOX 1286  
PARAMOUNT CA 90723

277110010  
DEMIRAL EMMA SOLIMAN  
2900 GARRETSON AVE  
CORONA CA 92881

277110025  
VALENTIN ZAPATA  
19741 ARCADIA ST  
CORONA CA 92881

277110039  
SHAWN E. BRAWNER  
43189 BUSINESS PARK DR  
TEMECULA CA 92590

277110059  
ROBERT LYLE WHITACRE  
981 KIRKWOOD LN  
LA HABRA CA 90631

277151004  
RANDALL PHILLIP  
2248 BURNING TREE DR  
CORONA CA 92882

277151016  
STEVEN STRUTHERS  
7300 MARILYN DR  
CORONA CA 92881

277110002  
CONCHITA R. VICKERS  
8061 SANTA ANITA ST  
CORONA CA 92881

277110006  
JUAN C. PAN  
19837 ARCADIA ST  
CORONA CA 92881

277110062  
ROBERT L. FREEMAN  
108 MORNING SIDE DR  
MANHATTAN BEACH CA 90226

277110066  
GABRIEL FLORES  
19730 KATY WAY  
CORONA CA 92881

277151003  
EDWARD SHAPIRO  
570 CHARRO WAY  
NIPOMO CA 93444

277152005  
TIM R. WALDREP  
7873 MARILYN DR  
CORONA CA 92881

277152006  
ALEJANDRA OCHOA  
7885 MARILYN DR  
CORONA CA 92881

277162002  
KELLER ORGANIZATION INC  
5341 SIERRA VISTA AVE  
RIVERSIDE CA 92505

277162004  
MIGUEL BAUTISTA  
19801 GRANT ST  
CORONA CA 92881

279041007  
ANGIE SOLIS  
8035 SANTA RITA ST  
CORONA CA 92881



277110005  
ANGEL SALGADO  
19587 ARCADIA ST  
CORONA CA 92881

277110044  
MARGUERITE R. HUME  
210 WARBLOOD WAY  
NORCO CA 92860

277110065  
ESTRELLA VARELA  
19596 ARCADIA ST  
CORONA CA 92881

277122010  
F A B HOLDINGS  
29361 ST ANDREW  
LAKE ELSINORE CA 92530

277122011  
TEM CAN PARTNERS INC  
2933 PICASSO DR  
BONITA CA 91982

277110012  
JOHNNIE HARMISON  
19654 TEMESCAL CANYON RD  
CORONA CA 92881

279042002  
DAVE RUTKOSKI  
8004 SANTA RITA ST  
CORONA CA 92881

279031010  
ADRIAN E. MARTINEZ  
19613 FRANCISCA AVE  
CORONA CA 92881

279042003  
GARY M. WOLFF  
8010 SANTA RITA ST  
CORONA CA 92881

277110020  
MARK F. SAUER  
19720 TEMESCAL CYN  
CORONA CA 92881

277122009  
ELIZABETH WOHL  
6 WOLFE CANYON RD  
KENTFIELD CA 94904

277151009  
ROSIE MARTINEZ  
1080 1ST ST  
NORCO CA 92860

277151020  
ANDREW W. ELLIS  
7828 MARILYN DR  
CORONA CA 92881

277152001  
DAVID EDWARD BOURNE  
7793 MARILYN DR  
CORONA CA 92881

277163001  
RODERICK C. BENFORD  
19789 EVELYN ST  
CORONA CA 92881

277163002  
JOSEPH S. LOWERY  
19790 GRANT ST  
CORONA CA 92881

277122005  
ALLAN M. BERLAND  
6 WOLFE CANYON RD  
KENTFIELD CA 94904

277151005  
JAMES MARTINEZ  
1080 1ST ST  
NORCO CA 92860

277152004  
RYAN DOUGLAS WILLIAMSON  
7861 MARILYN DR  
CORONA CA 92881

**Applicant:**

Derek Catalano  
4079 Shady Ridge  
Corona CA, 92881

**Owner:**

Derek Catalano  
4079 Shady Ridge  
Corona CA, 92881

EMWD  
2270 Trumble Rd  
Perris, CA 92570

Richard Drury  
Komalpreet Toor  
Lozeau Drury, LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612

City of Corona  
400 S Vicentia Ave  
Corona, CA 92882

Kirkland West  
Habitat Defense Council  
PO Box 7821  
Laguna Niguel, Ca, 92607-7821

Southern California Edison  
2244 Walnut Grove Ave. Room 312  
P.O. Box 600  
Rosemead, CA 91770

Southern California Gas Company  
P.O. Box 1626  
Monterey Park, CA 91754



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

## NOTICE OF EXEMPTION

**TO:**  Office of Planning and Research (OPR) P.O. Box 3044 Sacramento, CA 95812-3044  
 County of Riverside County Clerk

**FROM:** Riverside County Planning Department  
 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409

38686 El Cerrito Road Palm Desert, CA 92201

**Project Title/Case No.:** Cannabis Retailer / Development Agreement No. 1900006, Change of Zone No. 1900035, and Conditional Use Permit No. 190010

**Project Location:** 19700 Temescal Canyon Road Corona, CA 92881

**Project Description:** DEVELOPMENT AGREEMENT NO. 1900006, AND CONDITIONAL USE PERMIT NO. 190010 – Exempt from the California Environmental Quality Act (“CEQA”), pursuant to State CEQA Guidelines Section 15061 (b) (3) (Common Sense), Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures) – Applicant: Derek Catalano – Second Supervisorial District – El Cerrito Zoning District – Temescal Canyon Area Plan: Community Development: Commercial Retail: (CD:CR) (0.20 – 0.35 FAR) – Location: North of Jolora Avenue, east of Temescal Canyon Road, south of El Cerrito Rd, and west of Arcadia St – 0.26 Acres – Zoning: General Commercial (C-1/C-P) – REQUEST: Development Agreement No. 1900006 is a proposed 10-year agreement to grant the applicant vesting rights in accordance with the terms of Development Agreement No. 1900006. Conditional Use Permit No. 190010 is a proposal to occupy an existing 1,625 square-foot building to be used as a retail cannabis storefront on a 0.26-acre lot with a parking lot and landscaping. – APN: 277-110-040.

**Name of Public Agency Approving Project:** Riverside County Planning Department

**Project Applicant & Address:** Derek Catalano – 4079 Shady Ridge CIR Corona, CA 92881

**Exempt Status: (Check one)**

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption 15301, 15303, and 15061 (b)(3)
- Statutory Exemption (\_\_\_\_\_)
- Other:

**Reasons why project is exempt:** The proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061 (b) (3) (Common Sense), Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures).

Mina Morgan \_\_\_\_\_ (951) 955-6035 \_\_\_\_\_  
County Contact Person Phone Number

Please charge deposit fee case#: ZEA No.42996 ZCFW No. 6364- County Clerk Posting Fee  
**FOR COUNTY CLERK'S USE ONLY**

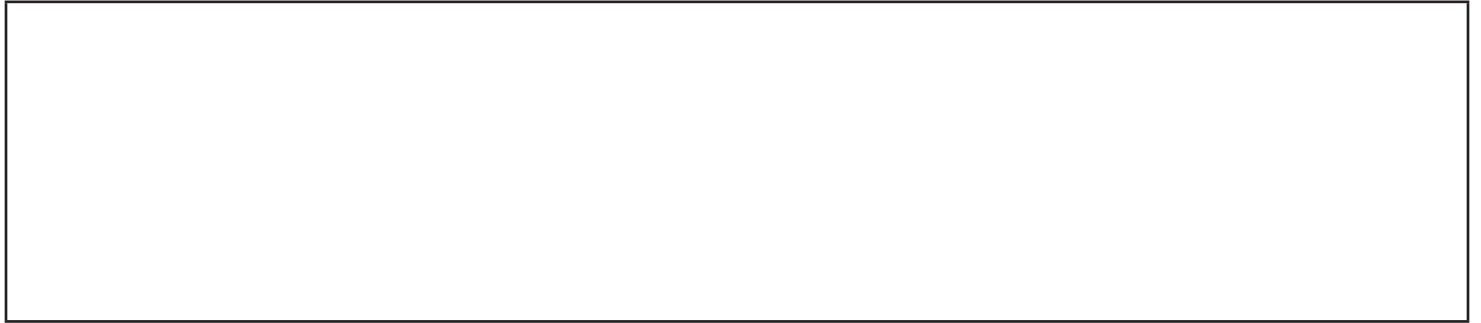
\_\_\_\_\_  
Signature Project Planner Title May 10, 2021 Date

Date Received for Filing and Posting at OPR: \_\_\_\_\_

NOTICE OF EXEMPTION

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Y:\Planning Case Files-Riverside office\CUP190010\Hearing Package



**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.**

**4 . 3**

**Planning Commission Hearing: May 19, 2021**

**PROPOSED PROJECT**

**Case Number(s):** DA1900024 and CUP190036  
**Environmental:** CEQA Exempt, Section No. 15303 and Section 15061 (b) (3)  
**Area Plan:** Elsinore  
**Zoning Area/District:** Lakeland Village District  
**Supervisory District:** First District  
**Project Planner:** Mina Morgan  
**Project APN(s):** 381-273-029

**Applicant(s):** Nibble This – Lake Elsinore, LLC

**Representative(s):** Graphia Architecture & Engineering

  
 John Hildebrand  
 Planning Director

**PROJECT DESCRIPTION AND LOCATION**

**Conditional Use Permit No. 190036** proposes to use an existing 3,313 square-foot building as a storefront cannabis retailer with delivery services, on a 1.34 acre lot with parking, landscaping.

**Development Agreement No. 1900024** has a term of 10 years and grants the applicant vesting rights to develop the Project, in accordance with the terms of Development Agreement No. 1900024 and Conditional Use Permit No. 190036, and will provide community benefits to the Elsinore Area.

The project site is located at 17139 Grand Ave, Lake Elsinore CA, 92530, south of Grand Avenue, east of Evergreen Street, west of Adelfa Street within the Elsinore Area Plan.

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

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:**

**FIND** that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061 (b) (3) (Common Sense) based on the findings and conclusions in the staff report; and,

**TENTATIVELY APPROVE** **Development Agreement No. 1900024**, based upon the findings in this staff report, pending final adoption of the Development Agreement ordinance by the Board of Supervisors; and,

**APPROVE Conditional Use Permit No. 190036**, subject to the attached Advisory Notification Document and Conditions of Approval, and based upon the findings and conclusions provided in this staff report, subject to final approval of the Development Agreement ordinance by the Board of Supervisors.

**PROJECT DATA**

**Land Use and Zoning:**

Existing General Plan Foundation Component:	Community Development (CD)
Existing General Plan Land Use Designation:	Mixed Use Area (MUA)
Surrounding General Plan Land Uses	
North:	Medium Density Residential (MDR)
East:	Mixed Use Area (MUA)
South:	Mixed Use Area (MUA)
West:	Mixed Use Area (MUA)
Existing Zoning Classification:	General Commercial (C-1/C-P)
Surrounding Zoning Classifications	
North:	General Commercial (C-1/C-P)
East:	General Commercial (C-1/C-P)
South:	General Commercial (C-1/C-P)
West:	General Commercial (C-1/C-P)
Existing Use:	Existing Shopping Center
Surrounding Uses	
North:	Residential
East:	Vacant Land
South:	Residential
West:	Residential

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	1.34 Gross acres	N/A
Existing Building total Area (SQFT):	total building is 8,236 sq. ft.	N/A
Tenant Space (Cannabis):	3,313 sq. ft.	N/A
Building Height (FT):	26'-6" feet in height	Maximum 50 feet in 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>
Storefront (Cannabis)	3,313 sqft.	1 space/200 sq. ft. of gross floor area	17	52
<b>TOTAL:</b>	<b>3,313</b>		<b>17</b>	<b>52</b>

**Located Within:**

City's Sphere of Influence:	Yes – Lake Elsinore
Community Service Area ("CSA"):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes – Very High
Subsidence Area:	Yes – Susceptible
Fault Zone:	No
Fire Zone:	Yes – Very High
Mount Palomar Observatory Lighting Zone:	Yes – Zone B
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	No
Airport Influence Area ("AIA"):	No

## PROJECT LOCATION MAP



## PROJECT BACKGROUND AND ANALYSIS

### **Background:**

On October 23, 2018, the Board of Supervisors adopted Ordinance No. 348.4898 that established the permitting process and regulations for commercial cannabis activities.

Applicants requesting to establish commercial cannabis retail, microbusiness, and/or cultivation uses were required to submit a request for proposal "RFP" cannabis package. Applicants who ranked highest were allowed to proceed forward with the Conditional Use Permit process. On July 2, 2019, the Board of Supervisors accepted the Cannabis RFP response package rankings list, which allowed the highest ranking applicants to begin the land use review process for their proposed project. In the first year of implementation, 50 cannabis cultivation applications and 19 cannabis retail applications began the land use review process.

The project was assigned an RFP Cannabis File No. CAN190043. Pursuant to the Board of Supervisors approved ranking list, this application was ranked number 4 and as a result, it was recommended to proceed forward with the conditional use permit application process for a storefront cannabis retailer.

The applications for Conditional Use Permit No. 190036 (CUP190036) and Development Agreement No. 1900024 (DA1900024) were received by the Riverside County Planning Department on October 15, 2019.

### **Project Details:**

The proposed project will occupy 3,313 square-foot tenant space within an existing shopping center to be utilized as a storefront cannabis retailer on a 1.34-acre lot with parking and landscaping. The existing shopping center has two buildings that total 8,236 square feet and includes fifty-two (52) off-street parking

spaces, which consists of forty-eight (48) standard parking spaces, three (3) accessible parking spaces, and one (1) electric vehicle parking space. The existing parking area provides sufficient on-site parking for the proposed retail cannabis business and remaining retail units that are not a part of this project. Based on Ordinance No. 348, the required onsite parking is 1 space per 200 sq. ft of general retail. This equates to 42 required parking spaces for the entire retail center; the site exceeds this requirement by 10 spaces. Of the existing parking spaces, the retail cannabis requires seventeen (17) parking spaces. The site also includes a trash enclosure located within the perimeter of the property. In addition, landscaping and internal walkways are existing throughout the site. The property is accessed from Grand Avenue.

The existing retail tenant unit is a vacant 3,313 square-foot space located within an existing shopping center. The existing building is a single-story structure with a flat tile roofing design, and stucco sidings installed along all elevations of the building. In addition, the building has glass windows, and entrance doors dedicated for each tenant space.

The interior of the proposed suite area consists of areas for retail sales, reception, storage, waiting area, and other spaces that include restrooms, and employee break areas.

The project will operate strictly as a retail business that will be open to the public between the hours of 7 am to 9 pm, with delivery services provided from this location.

#### **General Plan/Policy Area Consistency**

The project site has a General Plan Foundation Component of Community Development (CD) and a Land Use Designation of Mixed-Use Area (MUA). 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 life styles, 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 Mixed-Use Area (MUA) land use designation is intended to allow for more flexibility in land usage than conventionally designated and zoned areas that limit land uses to a singular theme. While traditional mixed-use development is seen as vertical with commercial or offices on the bottom floors and housing above, the diverse nature of the various communities in the County is such that some mixed-use developments may be horizontal. Horizontal mixed-use allows differing uses to coexist side by side rather than vertically. As such, the project is consistent with the Land Use Designation in which it is located as the project is located within a previously developed shopping center and proposes a commercial Cannabis business that would otherwise not be there. The project is consistent with the Community Development General Plan Foundation Component and Mixed-Use Area Land Use Designation as it would provide community services and job opportunities within the surrounding community.

In addition, the project is also located within the Lakeland Village Policy Area (LVPA) and upholds the Elsinore Area Plan policy ELAP 6.2, which provides, "In addition to Specific Plan and Mixed-Use zoning classifications, commercial zoning classifications that implements the intent of the land use designation or provide for a community serving use(s) may be utilized for any Mixed-Use Area (MUA) General Land Use designation within the Lakeland Village Policy Area (LVPA)". Considering the project is located within

the General Commercial (C-1/C-P) zone and meets the development standards, the project is consistent with the General Plan and the General Plan Policy Area.

### **Zoning Consistency**

The project site is zoned C-1/C-P (General Commercial). Pursuant to Section 19.518.a.(2) of Ordinance No. 348, Storefront Cannabis Retailers with a permanent structure 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, and parking, and setback requirements.

The project site includes a proposed landscape plan in accordance with County of Riverside Ordinance No. 348 and Ordinance No. 859.

The project site is not located within the Airport Influence Area ("AIA") boundary and is therefore is not subject to the Airport Land Use Commission ("ALUC") review.

## **ENVIRONMENTAL REVIEW AND ENVIRONMENTAL FINDINGS**

This project is exempt from the California Environmental Quality Act (CEQA) review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities), which provides: Class I consists of the 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. The key consideration is whether the project involves negligible or no expansion of an existing use. The existing site has already been utilized for ongoing retail and commercial uses at the site. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyance would be required, which would not significantly expand the capability of the site or substantively increase the proposed use of the site beyond what already occurs. In this case, the proposed project would not expand the existing structures and has not proposed any significant construction or improvements for the project site. Therefore, the project as proposed, would not expand upon the existing permitted buildings, would not expand the use of the site beyond those uses that already occur, and therefore the Project is exempt from CEQA.

Additionally, this project is also exempt under State CEQA Guidelines Section 15061 because Section (b) (3) provides: The activity is covered by 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 merely continue to operate as a retail establishment similar to prior ongoing activities at the Project site. The Project 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. 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.

Furthermore, the project will not result in any specific or general exceptions to the use of the categorical exemptions as detailed under State CEQA Guidelines Section 15300.2. 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; thus, no environmental impacts are anticipated to occur. The County of Riverside regulates the effects of soils and geological constraints primarily through the enforcement of the California Building Code (CBC), which requires the implementation of engineering solutions for constraints to development posed by subsidence. Additionally, the project's proposed cannabis use does not qualify as an unusual circumstance as the State of California does not consider waste generated by a retail use to be hazardous. Additionally, the project is required to maintain any applicable permits from the Riverside County Fire Department, the Riverside County Department of Environmental Health, the Riverside County Department of Waste Resources and the Agricultural Commissioner.

## **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 (CD) and a Land Use Designation of Mixed-Use Area (MUA). 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 Mixed-Use Area (MUA) land use designation is intended to allow for more flexibility in land usage than conventionally designated and zoned areas that limit land uses to a singular theme. While traditional mixed-use development is seen as vertical with commercial or offices on the bottom floors and housing above, the diverse nature of the various communities in the County is such that some mixed-use developments may be horizontal. Horizontal mixed-use allows differing uses to coexist side by side rather than vertically. As such, the project is consistent with the Land Use Designation in which it is located as the project is located within a previously developed shopping center and proposes a commercial Cannabis business that would otherwise not be there. The project is consistent with the Community Development General Plan Foundation Component and Mixed-Use Area Land Use Designation as it would provide community services and job opportunities within the surrounding community.

In addition, the project is also located within the Lakeland Village Policy Area (LVPA) and upholds the Elsinore Area Plan policy ELAP 6.2, which provides, "In addition to Specific Plan and Mixed-Use zoning classifications, commercial zoning classifications that implement the intent of the land use designation or provide for a community serving use(s) may be utilized for any Mixed-Use Area (MUA)

General Land Use designation within the Lakeland Village Policy Area (LVPA)". Considering the project is located within the C-1/C-P zone and meets the development standards, the project is consistent with the General Plan and the General Plan Policy Area.

2. The site has a Zoning Classification of General Commercial (C-1/C-P), which is consistent with the Riverside County General Plan Foundation Component of Community Development (CD) and Land Use Designation of Mixed-Use Area (MUA) because the C-1/C-P Zone conditionally allows specified retail uses which implements the CD: MUA General Plan Land Use Designation that encourages local and regional retail and services.
3. The proposed use, a Storefront Cannabis Retailer with a permanent structure, is allowed in the C-1/C-P Zoning Classification with an approved Conditional Use Permit.
4. The uses surrounding the property in question are predominately vacant parcels to the west and east and residential uses to the north and south of the project site. The project in question meets all the required setbacks and development standards for the proposed use.

**Conditional Use Permit Findings:**

1. The proposed use will not be detrimental to the health, safety, or general welfare of the community since the project has been reviewed by County departments specifically for these concerns and has received departmental approvals and has 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.
2. 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 Ordinance No. 348. The site is located adjacent to other properties which have land use designations of Mixed-Use Area (MUA) to the east, west and south which allow for more flexibility in land usage than conventionally designated and zoned areas that limit land uses to a singular theme. 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.
3. 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:**

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 of 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 15 and other sections of the Advisory Notification Document address odor, hours of operation, security, and other requirements of Section 19.505.
2. While security has been raised as a concern relating to cannabis-related activities, a standard 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.
  - 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 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 Sherriff'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.

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 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.* The project is not located within 1,000 feet of any other Cannabis Retailer, at the point of the writing of this staff report no other existing or even proposed Cannabis Retailers were determined to be within 1,000 feet of the proposed project site.
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 as no smoke shops were observed within the 500 foot buffer from the project 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 because a property characteristic report as prepared by the Planning Department has not identified any residential dwelling units located at the subject site.

#### *Setbacks*

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 provides there are no yard requirements for buildings which do not exceed 35 feet in height. The existing building has a maximum height of 26.5 feet which does not exceed the 35 foot limit. Therefore, this standard is 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 and shall operate between the allowed hours of 8 AM to 9 PM and no mobile deliveries shall be scheduled after 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. (Conditions of Approval Advisory Notification Document Planning 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 customers to provide proper Identification to very consumers are of appropriate age. The project has been conditioned to meet this standard. (Conditions of Advisory Notification Document Planning 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 very consumers are at least 21 years of age. The project has been conditioned to meet this standard. (Advisory Notification Document Planning Cannabis Retail Operations – 3)*
- D. *A 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 very consumers are of appropriate age. The project has been conditioned to meet this standard. (Advisory Notification Document Planning 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 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. The project has been conditioned to meet this standard. (Advisory Notification Document Planning 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 provide floor plan, Exhibit C shows the sales area to only contain cannabis products (Flower Display). It 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. The project has been conditioned to meet this standard. (Advisory Notification Document Planning Cannabis Retail Operations – 7)*
- 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 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 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 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 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. The project has been conditioned to meet this standard. (Advisory Notification Document Planning 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 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 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 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 is met because the project has been conditioned to meet these requirements. (Advisory Notification Document Planning. 7 - General - B. State License Required)
- 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 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 standard.

3. The project 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 is met because the project has been conditioned to meet this requirement. (Advisory Notification Document No. 16 Planning - General - O. Permit and License Posting, Advisory Notification Document No. 11 Planning – 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 is met because no record of any cannabis-related violations within the last 12 months exist at the project site.

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

1. The following standards of development are required in the C-1/C-P Zone:
  - a. *There is no minimum lot area requirement, unless specifically required by zone classification for a particular area.* The project meets this requirement as there is no lot area requirement.
  - b. *There are no yard requirements for buildings which do not exceed 35 feet in height except as required for specific plans. Any portion of a building which exceeds 35 feet in height shall be set back from the front, rear and side lot lines not less than two feet for each foot by which the height exceeds 35 feet. The front setback shall be measured from the existing street line unless a specific plan has been adopted in which case it will be measured from the specific plan street line. The rear setback shall be measured from the existing rear lot line or from any recorded alley or easement; if the rear line adjoins a street, the rear setback requirement shall be the same as required for a front setback. Each side setback shall be measured from the side lot line, or from an existing adjacent street line unless a specific plan has been adopted, in which case it will be measured from the specific plan street line.* The project meets this requirement as the maximum height of the existing building is 26.5 feet in height which is below the height limit, and this project is not located within a specific plan. As such there are no yard requirements for the proposed 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.* The project meets this requirement as the existing building is listed as 26.5 feet in height which is under the 50 foot threshold.
  - d. *Automobile storage space shall be provided as required by Section 18.12 or Ordinance No. 348.* The project meets this development as the site has been previously developed and includes fifty-two (52) off-street parking spaces which consists of forty-eight (48) standard parking spaces, three (3) accessible parking space, and one (1) electric vehicle parking space, exceeding the off-street requirement for retail cannabis at 1 stall per 200 square-feet that equals a minimum of seventeen (17) parking spaces.

- 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 requirement as the building is already existing and no roof-mounted equipment is proposed.

**Other Findings:**

1. The project site is not located within a Criteria Cell of the Multi-Species Habitat Conservation Plan.
2. The project site is located within the **City of Lake Elsinore** Sphere of Influence. This project was provided to the **City of Lake Elsinore** for review and comment. No comments were received either in favor or opposition of the project.
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 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.
6. The project site is not located within the Fee Assessment Area of the Stephen’s Kangaroo Rat Habitat Conservation Plan (“SKRHCP”).

**Fire Findings:**

1. The project site is located within a Cal Fire State Responsibility Area (“SRA”) and is also located within a very high hazard severity zone.

**Development Agreement:**

The applicant has proposed entering into the attached draft Development Agreement No. 1900024 (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 did not received any written communication or phone calls indicating public opposition or support to the proposed project.

DEVELOPMENT AGREEMENT NO. 1900024

This Development Agreement (hereinafter "Agreement") is entered into effective on the date it is recorded with the Riverside County Recorder (hereinafter the "Effective Date") by and among the COUNTY OF RIVERSIDE (hereinafter "COUNTY"), and the persons and entities listed below (hereinafter "OWNER"):

- A. Nibble This - Riverside County, LLC, a California limited liability company (hereinafter "Nibble This");
- B. The Brunner Family Trust dated March 3, 2007;
- C. Raquel Origel, an individual, as Managing Member of Nibble This;
- D. Clyde W. Brunner, an individual, as Member of Nibble This and Trustee of the Brunner Family Trust dated March 3, 2007; and
- E. Sharol Brunner, an individual, as Trustee of the Brunner Family Trust dated March 3, 2007.

RECITALS

WHEREAS, COUNTY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Article 11, Section 7 of the California Constitution and Section 65864, et seq. of the Government Code; and,

WHEREAS, COUNTY has adopted Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements (hereinafter "Procedures and Requirements"), pursuant to Section 65865 of the Government Code; and,

WHEREAS, OWNER has requested COUNTY to enter into a development agreement and proceedings have been taken in accordance with the Procedures and Requirements of COUNTY; and,

WHEREAS, by electing to enter into this Agreement, COUNTY shall bind future Boards of Supervisors of COUNTY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of COUNTY; and,

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by COUNTY and the Board of Supervisors and have been found to be fair, just and reasonable; and,

WHEREAS, the best interests of the citizens of Riverside County and the public health, safety and welfare will be served by entering into this Agreement; and,

WHEREAS, all of the procedures of the California Environmental Quality Act (Public Resources Code, Sections 21000 et seq.) have been met with respect to the Project and the Agreement; and,

WHEREAS, this Agreement and the Project are consistent with the Riverside County General Plan and any specific plan applicable thereto; and,

WHEREAS, all actions taken and approvals given by COUNTY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and,

WHEREAS, this Agreement will confer substantial private benefits on OWNER by granting vested rights to develop the Property in accordance with the provisions of this Agreement; and,

WHEREAS, OWNER proposes to develop the Property to be used for the Commercial Cannabis Activity described in Exhibit "E" ( hereinafter the "Development Plan"); and,



WHEREAS, Riverside County Ordinance 348.4898 (hereinafter “Ordinance 348.4898”) establishes a regulatory permitting process for Commercial Cannabis Activities and prohibits all Commercial Cannabis Activities in all land use zones without the benefit of a land use permit issued by COUNTY; and,

WHEREAS, Board of Supervisors Policy No. B-9 further sets forth provisions to be included in development agreements in order to implement applicable General Plan provisions, to ensure that the County of Riverside does not disproportionately bear the burden of Commercial Cannabis Activities throughout Riverside County, to ensure the County of Riverside receives public benefits for the Commercial Cannabis Activities, to ensure there are adequate resources available for enforcement of permitted and unpermitted Commercial Cannabis Activities, and to give cannabis owners and property owners certainty as to Riverside County’s requirements; and,

WHEREAS, this Agreement complies with the provisions of both Ordinance No. 348.4898 and Board Policy B-9; and,

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the Government Code are intended; and,

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and,

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

## COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “Base Rate” means an amount equal to \$18.00 multiplied by the entire Cannabis Area, as shown on Exhibit “G”, and which is payable to COUNTY annually pursuant to Subsections 4.2.1 and 4.2.2 of this Agreement and increased annually by 2% from and after the date of this agreement.

1.1.3 “Commercial Cannabis Activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in Ordinance No. 348, as amended through Ordinance No. 348.4898, and any other subsequently adopted zoning ordinance amendment or subsequently adopted zoning ordinance.

1.1.4 “Conditional Use Permit” means the land use permit required by COUNTY to conduct Commercial Cannabis Activities.

1.1.5 “COUNTY” means the County of Riverside, a political subdivision of the State of California.

1.1.6 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction or reconstruction of buildings and structures; the tenant improvements of structures, and the installation of landscaping. When authorized by a Subsequent Development Approval as provided by this Agreement, “development” includes the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.7 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property for Commercial Cannabis Activities including, but not limited to:

- (a) Conditional use permits, and site plans;
- (b) Zoning Amendments;
- (c) General Plan Amendments
- (d) Tentative and final subdivision and parcel maps;
- (e) Grading and building permits;
- (f) Any permits or entitlements necessary from the COUNTY;
- (g) Any easements necessary from COUNTY or any other land owner;
- (h) Specific plans and specific plan amendments; and,
- (i) Right of entry agreements.

1.1.8 “Development Exaction” means any requirement of the COUNTY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.9 “Development Plan” means the Existing or Proposed Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.10 “Effective Date” means the date this Agreement is recorded with the County Recorder.

1.1.11 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Development Approvals incorporated herein as Exhibit “C” and all other Development Approvals which are effective and a matter of public record on the Effective Date.

1.1.12 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Land Use Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations which are a matter of public record on the Effective Date.

1.1.13 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of COUNTY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings and structures, the provisions for reservation or dedication of land for public purposes, and the

design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any COUNTY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) The conduct of businesses, professions, and occupations;
- (b) Taxes and assessments;
- (c) The control and abatement of nuisances;
- (d) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property; or
- (e) The exercise of the power of eminent domain.

1.1.14 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.15 "OWNER" means the owner of the PROPERTY and the persons and entities listed as OWNER on the first page of this Agreement. OWNER shall also include any of the following:

- (a). A person with an aggregate ownership interest of 20 percent or more in the Commercial Cannabis Activity for which a license or permit is being sought, unless the interest is solely a security, lien, or encumbrance.
- (b). The chief executive officer of a nonprofit or other entity for the Commercial Cannabis Activity.
- (c). A member of the board of directors of a nonprofit for the Commercial Cannabis Activity.
- (d). An individual who will be participating in the direction, control, or

management of the person applying for a Commercial Cannabis Activity Conditional Use Permit or State license.

1.1.16 “Project” means the development of the Property contemplated by the Development Plan as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.17 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.18 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to COUNTY under Section 3.5 of this Agreement.

1.1.19 “Subsequent Development Approvals” means all Development Approvals approved subsequent to the Effective Date in connection with development of the Property.

1.1.20 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.21 “Transfer” means sale, assignment, lease, sublease or any other transfer of a legal or equitable interest in the Property.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

- Exhibit “A” - Legal Description of the Property
- Exhibit “B” - Map Showing Property and Its Location
- Exhibit “C” - Existing Development Approvals
- Exhibit “D” - Existing Land Use Regulations

Exhibit "E" - Commercial Cannabis Activity Site Plan & Description

Exhibit "F" - Applicable Annual Public Benefits Base Payments

Exhibit "G" - Commercial Cannabis Area Calculation Exhibit.

Exhibit "H" - Additional Public Benefits Exhibit

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of a legal or equitable interest in the Property or a portion thereof.

2.3 Term. This Agreement shall commence on the Effective Date and shall continue for a period of ten years thereafter, unless this term is modified or extended for one additional five year term pursuant to the provisions of this Agreement and so long as the Project is in compliance with all applicable conditions of approval and County of Riverside ordinances.

2.4 Transfer.

2.4.1 Right to Transfer. OWNER shall have the right to transfer the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq., or Riverside County Ordinance No. 460) to any person, partnership, joint venture, firm, or corporation at any time during the term of this Agreement; provided, however, that any such transfer shall include the assignment and assumption of the rights, duties, and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No transfer of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such transfer or within fifteen (15) business days thereafter, OWNER shall notify COUNTY, in writing, of such transfer and shall provide COUNTY with an executed agreement by the transferee, in a form



reasonably acceptable to COUNTY, providing therein that the transferee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement.

Any transfer not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any transferee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such transferee, but the benefits of this Agreement shall not inure to such transferee until and unless such agreement is executed.

2.4.2 Release of Transferring Owner. Notwithstanding any transfer, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring OWNER is given a release in writing by COUNTY, which release shall be provided by COUNTY upon the full satisfaction by such transferring OWNER of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the Property.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided COUNTY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.

(d) The transferee provides COUNTY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Subsequent Transfer. Any subsequent transfer after an initial transfer shall be made only in accordance with and subject to the terms and conditions of this Section.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or

cancelled in whole or in part only by written consent of all parties in the manner provided for in Government Code Section 65868. This provision shall not limit any remedy of COUNTY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of the ordinance approving this Agreement. For purposes of clarity this termination section excludes entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of Board of Supervisors' Policy No. B-9.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) OWNER's election to terminate this Agreement. If OWNER elects not to develop all or a portion of the Property as a Commercial Cannabis Activity, OWNER shall provide notice of such election to the COUNTY, such notice by OWNER shall (i) seek to terminate this Agreement as to the portion of the Property that is the subject of such notice of termination; and (ii) shall acknowledge that the Conditional Use Permit (CUP No. 190036) shall be null and void as to the Property that is the subject of such notice of termination. Following receipt of OWNER's notice of election to terminate this Agreement, OWNER and COUNTY shall execute an appropriate instrument in recordable form evidencing such termination, and shall cause such instrument to be an amendment to this

Agreement to be processed in accordance with COUNTY's Procedures and Requirements for the Consideration of Development Agreements set forth in Resolution No. 2020-124.

(e) When OWNER no longer has a legal or equitable interest in the Property or has ceased operations on the Property for a period of ninety (90) consecutive days and no evidence demonstrating continuing and ongoing use of the Property consistent with the approved Conditional Use Permit No. 190036.

(f) Federal Enforcement of the Federal Controlled Substances Act against OWNER or the COUNTY. The parties understand that cannabis is still classified as a Schedule I Drug under the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq. In the event there is federal enforcement of the Federal Controlled Substances Act against the COUNTY for the COUNTY's enactment of a comprehensive, regulatory framework for Commercial Cannabis Activities or against OWNER for OWNER's own Commercial Cannabis Activities, this Agreement shall be deemed terminated and of no further effect.

(g) Revocation of a Commercial Cannabis Activity Conditional Use Permit or State License.

Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

## 2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either:

(i) when delivered in person to the recipient named below; (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; (iii) on the next business day when delivered by overnight United States mail or courier service; or (iv) on the date of delivery shown in the facsimile records of the party sending the facsimile after transmission by facsimile to the recipient named below. All notices shall be addressed as follows:

If to COUNTY:

Clerk of the Board of Supervisors

Riverside County Administrative Center

4080 Lemon Street, First Floor

Riverside, CA 92502

Fax No. (951) 955-1071

with copies to:

County Executive Officer

Riverside County Administrative Center

4080 Lemon Street, 4th Floor

Riverside, CA 92501

Fax No. (951) 955-1105

and

Assistant TLMA Director — Planning and Land Use

Transportation and Land Management Agency

Riverside County Administrative Center,

4080 Lemon Street, 12th Floor

Riverside, CA 92501

Fax No. (951) 955-1817

and

County Counsel

County of Riverside

3960 Orange Street, Suite 500

Riverside, CA 92501

Fax No. (951) 955-6363

If to OWNER:

Nibble This - Lake Elsinore, LLC

ATTN: Raquel Origel, Managing Member

316 Calle Corral

San Clemente, CA 92673

The Brunner Family Trust dated March 3, 2007

ATTN: Clyde and Sharol Brunner, Trustees

171 Avenida Vaquero, Unit B

San Clemente, CA 92672

With copies to:

Damian A. Martin, Esq.

6700 Pacific Coast Hwy, Ste. 201

Long Beach, CA 90803

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by any such change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Existing Development Approvals shall not expire and shall remain valid for the Term of this Agreement so long as the Project remains in compliance with all conditions of approval for the Existing Development Approvals and in compliance with this Agreement. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and

official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings and structures, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, COUNTY shall exercise its discretion in accordance with the Development Plan, and as provided by this Agreement including, but not limited to, the Reservations of Authority. COUNTY shall accept for processing, review and action all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.4 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such

change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit “C”, and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY’s reasonable discretion, a change to the Existing Development Approvals shall be deemed “minor” and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
- (b) Increase the density or intensity of use of the Property as a whole;

or,

- (c) Increase the maximum height and size of permitted buildings or structures;

or,

- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,

- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

### 3.5 Reservations of Authority.

3.5.1 Limitations, Reservations, and Exceptions. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

- (a) Processing fees and charges of every kind and nature imposed by COUNTY to cover the estimated actual costs to COUNTY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.



(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations governing construction standards and specifications including, without limitation, the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code applicable in Riverside County.

(d) Regulations imposing Development Exactions. Development Exactions shall be applicable to development of the Property if such Development Exaction is applied uniformly to development, either throughout the COUNTY or within a defined area of benefit which includes the Property. No such subsequently adopted Development Exaction shall apply if its application to the Property would physically prevent development of the Property for the uses and to the density or intensity of development set forth in the Development Plan.

(e) Regulations that may be in conflict with the Development Plan but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide OWNER with the rights and assurances provided under this Agreement.

(f) Regulations that are not in conflict with the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(g) Regulations that are in conflict with the Development Plan provided OWNER has given written consent to the application of such regulations to

development of the Property.

3.5.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.5.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement or require changes in plans, maps or permits approved by the COUNTY, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.5.4 Intent. The parties acknowledge and agree that COUNTY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to COUNTY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to COUNTY all such power and authority which cannot be restricted by contract.

3.5.5. Application of State and Local Regulatory Laws Governing Commercial Cannabis Activities. The operation of Commercial Cannabis Activities is a highly regulated

business activity, and it is subject to various state and local laws and regulations. This Agreement does not, and the COUNTY cannot and does not intend to, give OWNER the right to continue its operations without complying with applicable state and local laws governing its operations. OWNER shall be responsible for obtaining, and maintaining throughout the entire term of this Agreement, all applicable state licenses, permits, approvals, and consents, even if the applicable state laws and regulations are altered following the Effective Date.

3.6. Public Works. If OWNER is required by this Agreement to construct any public works facilities that will be dedicated to COUNTY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to COUNTY or such other public agency if it would have undertaken such construction.

3.7 Provision of Real Property Interests by COUNTY. In any instance where OWNER is required to construct any public improvement on land not owned by OWNER, OWNER shall at its sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event OWNER is unable, after exercising reasonable efforts to acquire the real property interests necessary for the construction of such public improvements, and if so instructed by OWNER and upon OWNER'S provision of adequate security for costs COUNTY may reasonably incur, COUNTY shall negotiate the purchase of the necessary real property interests to allow OWNER to construct the public improvements as required by this Agreement and, if necessary, in accordance with the procedures established by law, use its power of eminent domain to acquire such required real property interests. OWNER shall pay all costs associated with such acquisition or condemnation proceedings. This Section 3.7 is not intended by the parties to impose upon the OWNER an

enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the COUNTY upon the development of the Project under the Subdivision Map Act, Government Code Section 66410 et seq., or other legal authority.

3.8 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of COUNTY possess authority to regulate aspects of the development of the Property separately from or jointly with COUNTY and this Agreement does not limit the authority of such other public agencies. For example, pursuant to Government Code Section 66477 and Section 10.35 of Riverside County Ordinance No. 460, another local public agency may provide local park and recreation services and facilities and in that event, it is permitted, and therefore shall be permitted by the parties, to participate jointly with COUNTY to determine the location of land to be dedicated or in lieu fees to be paid for local park purposes, provided that COUNTY shall exercise its authority subject to the terms of this Agreement.

3.9 Tentative Tract Map Extension. Notwithstanding the provisions of Section 66452.6(a)(1) of the Government Code, regarding extensions of time for approved tentative maps subject to a development agreement, no tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be granted an extension of time except in accordance with the Subdivision Map Act and Existing Land Use Regulations.

3.10 Vesting Tentative Maps. If any tentative or final subdivision map, or tentative or final parcel map, heretofore or hereafter approved in connection with development of the Property, is a vesting map under the Subdivision Map Act (Government Code Section 66410, et seq.) and Riverside County Ordinance No. 460 and if this Agreement is determined by a final judgment to be invalid or unenforceable insofar as it grants a vested right to develop to OWNER, then and

to that extent the rights and protections afforded OWNER under the laws and ordinances applicable to vesting maps shall supersede the provisions of this Agreement. Except as set forth immediately above, development of the Property shall occur only as provided in this Agreement, and the provisions in this Agreement shall be controlling over any conflicting provision of law or ordinance concerning vesting maps.

3.11 Request for Proposal Responses. Unless superseded by the terms of this Agreement, development of the Property shall be consistent with the Request for Proposal Responses submitted to COUNTY and associated with CAN 190043, incorporated herein by this reference.

#### 4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will detrimentally affect public interests which will not be fully addressed by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER which should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of public interests.

##### 4.2 Public Benefits for Commercial Cannabis Activities.

4.2.1 Annual Public Benefit Base Payments. Prior to the issuance of the certificate of occupancy for any part of the Commercial Cannabis Activity, OWNER shall pay to COUNTY an amount equal to the base payment calculated per Section 1.1.2 of this Agreement (hereinafter “Base Payment”); provided, however, that such initial annual Base Payment shall be prorated based on the number of whole months remaining between the date of payment and the first following June 30th.

4.2.2 Subsequent Annual Base Payments. The annual Base Payment shall be

subject to annual increases in an amount of 2%. Prior to the first July 1<sup>st</sup> following the initial Base Payment and each July 1<sup>st</sup> thereafter during the term of the Agreement, OWNER shall pay to COUNTY an amount equal to the Base Payment plus the 2% annual increase.

4.3 Annual Additional Public Benefits. OWNER shall perform additional public benefits identified in Exhibit “H” that will benefit the community in which the Commercial Cannabis Activity is located. Prior to or concurrently with the issuance of the certificate of occupancy for any part of the Commercial Cannabis Activity, OWNER shall pay to COUNTY fifty percent (50%) of the total additional public benefit amount set forth in Exhibit “H” of this Agreement (hereinafter the “Additional Public Benefit”) and the remaining fifty percent (50%) of the Additional Public Benefit within six months of issuance of the certificate of occupancy; ; provided, however, that such initial annual payment shall be prorated based on the number of whole months remaining between the date of payment and the first following June 30th.

4.3.1 Subsequent Annual Additional Public Benefits. The Additional Public Benefit provided in Exhibit “H” shall be subject to annual increases in an amount of 3% for the first five (5) years of this Agreement and 4% for the remaining five (5) years of this Agreement. Prior to the first July 1<sup>st</sup> following the initial Additional Public Benefit payment and each July 1<sup>st</sup> thereafter during the term of the Agreement, OWNER shall pay to COUNTY an amount equal to the Additional Public Benefit plus the applicable annual increase.

4.4 Taxes. Nothing herein shall be construed to relieve OWNER from paying and remitting all applicable federal, state and local taxes applicable to the Project, including but not limited to, income taxes, property taxes, local sales and use taxes, and any taxes imposed on

cannabis activities and cannabis products pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

4.5 Assessments. Nothing herein shall be construed to relieve the Property from assessments levied against it by COUNTY pursuant to any statutory procedure for the assessment of property to pay for infrastructure and/or services which benefit the Property.

4.6 New Taxes. Any subsequently enacted Riverside County taxes, including but not limited to any taxes on Commercial Cannabis Activities, shall apply to the Project. In the event that Riverside County taxes are enacted specifically for Commercial Cannabis Activities and cannabis products, the parties agree that this Agreement may be modified in accordance with Section 2.5 to reduce the OWNER's total public benefit payment (the sum total of the Base Rate plus the Additional Public Benefit) by an amount equal to the amount of the tax imposed on the OWNER for Commercial Cannabis Activities and cannabis products. The parties acknowledge that the intent of being able to modify the Agreement in the event Riverside County taxes are enacted on the Commercial Cannabis Activities and cannabis products is to enable the authority to adjust the total public benefit amount due and payable under this Agreement by the OWNER.

4.7 Vote on Future Assessments and Fees. In the event that any assessment, fee, or charge that is applicable to the Property is subject to Article XIID of the California Constitution and OWNER does not return its ballot, OWNER agrees, on behalf of itself and its successors that the County may count OWNER's ballot as affirmatively voting in favor of such assessment, fee, or charge.

5. FINANCING OF PUBLIC IMPROVEMENTS. If deemed appropriate, COUNTY and OWNER will cooperate in the formation of any special assessment district, community facilities district or alternate financing mechanism to pay for the construction and/or maintenance and

operation of public infrastructure facilities required as part of the Development Plan. OWNER also agrees that it will not initiate and/or cooperate in the formation of any such special assessment district, community facilities district or alternate financing mechanism involving any other public agency without the prior written consent of the COUNTY.

Should the Property be included within such a special assessment district, community facilities district or other financing entity, the following provisions shall be applicable:

(a) In the event OWNER conveys any portion of the Property and/or public facilities constructed on any portion of the Property to COUNTY or any other public entity and said Property is subject to payment of taxes and/or assessments, such taxes and/or assessments shall be paid in full by OWNER prior to completion of any such conveyance.

(b) If OWNER is in default in the payment of any taxes and/or assessments, OWNER shall be considered to be in default of this Agreement and COUNTY may, in its sole discretion, initiate proceedings pursuant to Section 8.4 of this Agreement.

Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring COUNTY or its Board of Supervisors to form any such district or to issue and sell bonds.

## 6. REVIEW FOR COMPLIANCE.

6.1 Annual Review. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall review this Agreement annually, on or before the Effective Date, in order to ascertain the good faith compliance by OWNER with the terms of the Agreement.

In order to facilitate this review, OWNER shall submit an annual monitoring report, in a form specified by the TLMA Director providing all information necessary to evaluate such good faith compliance as determined by the TLMA Director. OWNER shall pay the annual review and administration fee set forth in Ordinance No. 671 prior to submission of each annual monitoring



report. Prior to the issuance of any grading permit or building permit for any part of the Project, OWNER shall prepay a fee deposit and administration fee as set forth in Ordinance No. 671 (the "Monitoring Fee Prepayment"). The Monitoring Fee Prepayment shall be retained by the COUNTY until termination of this Agreement, may be used by the COUNTY at any time if there is a failure to pay any part of the annual monitoring and administration fees required under Ordinance No. 671, and shall be promptly replenished by OWNER up to the original required amount after notice by COUNTY to OWNER. Failure by OWNER to submit an annual monitoring report, on or before the Effective Date of each year in the form specified by the TLMA Director, to pay any part of the annual monitoring and administration fee required under Ordinance No. 671, to make the Monitoring Fee Prepayment or to replenish the Monitoring Fee Prepayment shall constitute a default by OWNER under this Agreement.

6.2 Special Review. The Board of Supervisors may order a special review of compliance with this Agreement at any time. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall conduct such special reviews.

6.3 Property Inspection. In accordance with applicable regulations set forth in the Medicinal and Adult Use Cannabis Regulation and Safety Act and upon twenty-four (24) hour written notice, OWNER shall allow COUNTY representatives access to the Property and all buildings and structures located on the Property to determine compliance with CUP No. 190036 and this Agreement.

6.4 Records Inspection. Upon written request by the COUNTY, OWNER shall provide records to the COUNTY demonstrating compliance with this Agreement, CUP No. 190036 and consistency with the Request for Proposal Responses associated with CAN XXX including, but not limited to, ownership of Property, local hiring and local ownership programs.

6.5

Procedure.

(a) During either an annual review or a special review, OWNER shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on OWNER.

(b) Upon completion of an annual review or a special review, the TLMA Director shall submit a report to the Board of Supervisors setting forth the evidence concerning good faith compliance by OWNER with the terms of this Agreement and his or her recommended finding on that issue.

(c) If the Board finds on the basis of substantial evidence that OWNER has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

(d) If the Board makes a preliminary finding that OWNER has not complied in good faith with the terms and conditions of this Agreement, the Board may modify or terminate this Agreement as provided in Section 6.4 and Section 6.5. Notice of default as provided under Section 8.4 of this Agreement shall be given to OWNER prior to or concurrent with, proceedings under Section 6.4 and Section 6.5.

6.6 Proceedings Upon Modification or Termination. If, COUNTY determines to proceed with modification or termination of this Agreement, COUNTY shall give written notice to OWNER of its intention so to do. The notice shall be given at least ten calendar days prior to the scheduled hearing and shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not COUNTY proposes to terminate or to modify the Agreement; and,
- (c) Such other information as is reasonably necessary to inform OWNER of

the nature of the proceeding.

6.7 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, OWNER shall be given an opportunity to be heard and shall be entitled to present written and oral evidence. OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on OWNER. If the Board of Supervisors finds, based upon substantial evidence, that OWNER has not complied in good faith with the terms or conditions of the Agreement, the Board of Supervisors may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the COUNTY. The decision of the Board of Supervisors shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.8 Certificate of Agreement Compliance. If, at the conclusion of an annual or special review, OWNER is found to be in compliance with this Agreement, COUNTY shall, upon request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent annual or special review and based upon the information known or made known to the TLMA Director and Board of Supervisors that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after an annual or a special review and shall state the anticipated date of commencement of the next annual review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by transferees or OWNER, COUNTY shall not be bound by a Certificate if a default existed at the time of the periodic or special review, but was concealed from or otherwise not known to the TLMA Director or Board of Supervisors.

7. INCORPORATION AND ANNEXATION.

7.1 Intent. If all or any portion of the Property is annexed to or otherwise becomes a part of a city or another county, it is the intent of the parties that this Agreement shall survive and be binding upon such other jurisdiction.

7.2 Incorporation. If at any time during the term of this Agreement, a city is incorporated comprising all or any portion of the Property, the validity and effect of this Agreement shall be governed by Section 65865.3 of the Government Code.

7.3 Annexation. OWNER and COUNTY shall oppose, in accordance with the procedures provided by law, the annexation to any city of all or any portion of the Property unless both OWNER and COUNTY give written consent to such annexation.

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that COUNTY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that COUNTY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application, validity, interpretation or effect of the provisions of this Agreement.

Notwithstanding anything in this Article 8 to the contrary, OWNER's liability to COUNTY in connection with this Agreement shall be limited to direct damages and shall exclude any other liability, including without limitation liability for special, indirect, punitive or consequential damages in contract, tort, warranty, strict liability or otherwise.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against COUNTY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 General Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in this Article 8, OWNER, for itself, its successors and assignees, hereby releases the COUNTY, its officers, agents,

employees, and independent contractors from any and all claims, demands, actions, or suits of any kind or nature whatsoever arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other monetary liability or damages, whatsoever, upon the COUNTY because it entered into this Agreement or because of the terms of this Agreement. OWNER hereby waives the provisions of Section 1542 of the Civil Code which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

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OWNER Initials

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OWNER Initials

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OWNER Initials

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Section 2.5 herein, COUNTY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as “default”); provided, however, COUNTY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after

the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of COUNTY. OWNER may terminate this Agreement only in the event of a default by COUNTY in the performance of a material term of this Agreement and only after providing written notice to COUNTY of default setting forth the nature of the default and the actions, if any, required by COUNTY to cure such default and, where the default can be cured, COUNTY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.6 Attorneys' Fees. In any action at law or in equity to enforce or interpret this Agreement, or otherwise arising out of this Agreement, including without limitation any action for declaratory relief or petition for writ of mandate, the parties shall bear their own attorneys' fees.

## 9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. COUNTY has determined that this Agreement is consistent with its General Plan, and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with COUNTY's determination. The parties acknowledge that:

(a) Litigation may be filed challenging the legality, validity and adequacy of the General Plan; and,

(b) If successful, such challenges could delay or prevent the performance of this

Agreement and the development of the Property.

COUNTY shall have no liability in damages under this Agreement for any failure of COUNTY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless COUNTY, its officers, agents, employees and independent contractors from any claim, action or proceeding against COUNTY, its officers, agents, employees or independent contractors to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. COUNTY shall promptly notify OWNER of any such claim, action or proceeding, and COUNTY shall cooperate in the defense. If COUNTY fails to promptly notify OWNER of any such claim, action or proceeding, or if COUNTY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless COUNTY. COUNTY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of Section 9.2 above, OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for



damages arising through the sole active negligence or sole willful misconduct of COUNTY. OWNER shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. COUNTY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any action based or asserted upon any such alleged act or omission. COUNTY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, COUNTY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend COUNTY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse COUNTY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of Sections 8.1 through 8.3, inclusive, Section 8.6 and Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

## 10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any

manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. COUNTY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. COUNTY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the COUNTY in the manner specified herein for giving notices, shall be entitled to receive written notification from COUNTY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If COUNTY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, COUNTY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. No Mortgagee (including

one who acquires title or possession to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination, eviction, or otherwise) shall have any obligation to construct or complete construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to solar power plant use except in full compliance with this Agreement. A Mortgagee in possession shall not have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by COUNTY, the performance thereof shall continue to be a condition precedent to COUNTY's performance hereunder. All payments called for under Section 4 of this Agreement shall be a condition precedent to COUNTY's performance under this Agreement. Any transfer by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

## 11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment, modification, termination or cancellation thereof shall be recorded with the County Recorder by the Clerk of the Board of Supervisors within the period required by Section 65868.5 of the Government Code.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall

be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Sections 4.2 and 4.3 of this Agreement, including the payments set forth therein, are essential elements of this Agreement and COUNTY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, as all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Gender and Number. As used herein, the neuter gender includes the masculine and feminine, the feminine gender includes the masculine, and the masculine gender includes the feminine. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. If this Agreement is signed by more than one OWNER, all obligations of such OWNERS under this Agreement shall be joint and several, and the default of any such OWNER shall be the default of all such OWNERS.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this

Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. Unless expressly stated herein, this Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, or strikes or other labor difficulties beyond the party's control, (including the party's employment force). If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon

every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Riverside Historic Courthouse of the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between COUNTY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this

Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by COUNTY of its power of eminent domain. As used herein, "Material Condemnation" means a condemnation of all or a portion of the Property that will have the effect of preventing development of the Project in accordance with this Agreement. In the event of a Material Condemnation, OWNER may (i) request the COUNTY to amend this Agreement and/or to amend the Development Plan, which amendment shall not be unreasonably withheld, (ii) decide, in its sole discretion, to challenge the condemnation, or (iii) request that COUNTY agree to terminate this Agreement by mutual agreement, which agreement shall not be unreasonably withheld, by giving a written request for termination to COUNTY.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the TLMA Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of Riverside County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of

Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U .S.T. 361, T.I.A.S. No. 6638).

11.20 Designation of COUNTY Officials. Except for functions to be performed by the Board of Supervisors, COUNTY may, at any time and in its sole discretion, substitute any COUNTY official to perform any function identified in this Agreement as the designated responsibility of any other official. COUNTY shall provide notice of such substitution pursuant to Section 2.7; provided, however, the failure to give such notice shall not affect the authority of the substitute official in any way.

11.21 Authority to Execute. The person executing this Agreement on behalf of OWNER warrants and represents that he has the authority to execute this Agreement on behalf of his corporation, partnership or business entity and warrants and represents that he has the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

COUNTY OF RIVERSIDE, a political subdivision of the State of California

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Spiegel  
Chair, Board of Supervisors



ATTEST:

KECIA HARPER  
Clerk of the Board

By: \_\_\_\_\_  
Deputy  
(SEAL)

OWNER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_

(ALL SIGNATURES SHALL BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
EXECUTION ON BEHALF OF ANY CORPORATION SHALL BE BY TWO  
CORPORATE OFFICERS.)



EXHIBIT "A"

Development Agreement No. 1900024

LEGAL DESCRIPTION OF PROPERTY

*(This exhibit will consist of the legal description of the subject property, as described on a provided current (no more than 30 days old) Title Report)*

EXHIBIT "B"

Development Agreement No. 1900024

MAP OF PROPERTY AND ITS LOCATION

*(This Exhibit will indicate the property's legal (metes and bounds, if required) boundary  
and its location)*

EXHIBIT "C"

Development Agreement No. 1900024

EXISTING DEVELOPMENT APPROVALS

*(This exhibit will list all existing Development Approvals of the subject property)*

SPECIFIC PLAN

ZONING

LAND DIVISIONS

OTHER DEVELOPMENT APPROVALS

The development approvals listed above include the approved maps and all conditions of approval.

COPIES OF THE EXISTING DEVELOPMENT APPROVALS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

EXHIBIT "D"

Development Agreement No. 1900024

EXISTING LAND USE REGULATIONS

1. Riverside County Comprehensive General Plan as amended through Resolution No. 2019-050
2. Ordinance No. 348 as amended through Ordinance No. 348.4926
3. Ordinance No. 448 as amended through Ordinance No. 448.A
4. Ordinance No. 457 as amended through Ordinance No. 457.105
5. Ordinance No. 458 as amended through Ordinance No. 458.16
6. Ordinance No. 460 as amended through Ordinance No. 460.154
7. Ordinance No. 461 as amended through Ordinance No. 461.10
8. Ordinance No. 509 as amended through Ordinance No. 509.2
9. Ordinance No. 547 as amended through Ordinance No. 547.7
10. Ordinance No. 555 as amended through Ordinance No. 555.20
11. Ordinance No. 617 as amended through Ordinance No. 617.4
12. Ordinance No. 650 as amended through Ordinance No. 650.6
13. Ordinance No. 659 as amended through Ordinance No. 659.13
14. Ordinance No. 663 as amended through Ordinance No. 663.10
15. Ordinance No. 671 as amended through Ordinance No. 671.21
16. Ordinance No. 673 as amended through Ordinance No. 673.4
17. Ordinance No. 679 as amended through Ordinance No. 679.4
18. Ordinance No. 682 as amended through Ordinance No. 682.4
19. Ordinance No. 726 as amended through Ordinance No. 726
20. Ordinance No. 743 as amended through Ordinance No. 743.3

21. Ordinance No. 748 as amended through Ordinance No. 748.1
22. Ordinance No. 749 as amended through Ordinance No. 749.1
23. Ordinance No. 752 as amended through Ordinance No. 752.2
24. Ordinance No. 754 as amended through Ordinance No. 754.3
25. Ordinance No. 787 as amended through Ordinance No. 787.9
26. Ordinance No. 806 as amended through Ordinance No. 806
27. Ordinance No. 810 as amended through Ordinance No. 810.2
28. Ordinance No. 817 as amended through Ordinance No. 817.1
29. Ordinance No. 824 as amended through Ordinance No. 824.15
30. Ordinance No. 847 as amended through Ordinance No. 847.1
31. Ordinance No. 859 as amended through Ordinance No. 859.3
32. Ordinance No. 875 as amended through Ordinance No. 875.1
33. Ordinance No. 915 as amended through Ordinance No. 915
34. Ordinance No. 925 as amended through Ordinance No. 925.1
35. Ordinance No. 926 as amended through Ordinance No. 926
36. Ordinance No. 927 as amended through Ordinance No. 927
37. Ordinance No. 931 as amended through Ordinance No. 931
38. Resolution No. 2019-037 Establishing Procedures and Requirements of  
the County of Riverside for the Consideration of Development  
Agreements (Commercial Cannabis Activities)
39. Board of Supervisors Policy No. B-9 Commercial Cannabis Activities

COPIES OF THE EXISTING LAND USE REGULATIONS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.



EXHIBIT "E"

Development Agreement No. 1900024

COMMERCIAL CANNABIS ACTIVITY SITE PLAN & DESCRIPTION

As shown on the attached site plan, CUP No. 190036 permits a storefront retail cannabis business to operate from an existing 3,313 square foot building located on a 1.34 acre lot.

EXHIBIT "F"

Development Agreement No. 1900024

APPLICABLE PUBLIC BASE BENEFITS PAYMENTS

The Cannabis Retailer operating at the Property pursuant to CUP No. 190036 includes an existing 3,313 square foot building as shown on Exhibit "G". In accordance with Board Policy B-9, the base public benefit is \$18.00 per square foot. Therefore, the public base benefit payment will be \$59,634.00 and will increase annually at a rate of 2%.

EXHIBIT "G"

Development Agreement No. 1900024

CANNABIS AREA CALCULATION EXHIBIT

The Cannabis Area calculation includes the existing 3,313 square foot building that will be used for the Cannabis Retailer operations as shown in this Exhibit "G".

EXHIBIT "H"

Development Agreement No. 1900024

COMMERCIAL CANNABIS ACTIVITY PUBLIC BENEFIT

The additional annual public benefit provided by the OWNER shall be \$120,000.00 with an annual increase of 3% for the initial five (5) years of the term for Development Agreement No. 1900024 and then an annual increase of 4% for the remaining term of Development Agreement No. 1900024. The COUNTY will utilize this additional annual public benefit within the surrounding community for additional public benefits including, but not limited to, code enforcement, public safety services, infrastructure improvements, community enhancement programs and other similar public benefits as solely determined by the COUNTY's Board of Supervisors. Additionally, consistent with CAN 190043, OWNER will participate in community events, career opportunity events, as well as educational and wellness seminars within the surrounding community.

**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
**CUP190036 DA1900024**  
**VICINITY/POLICY AREAS**

Supervisor: Jeffries  
 District 1

Date Drawn: 01/14/2021  
 Vicinity Map



Zoning Dist: Lakeland Village

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2009, the County of Riverside adopted a new General Plan providing acre land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department at (951) 955-3300 or visit the Riverside County Planning Department website at <http://www.riversideca.gov/planning>.

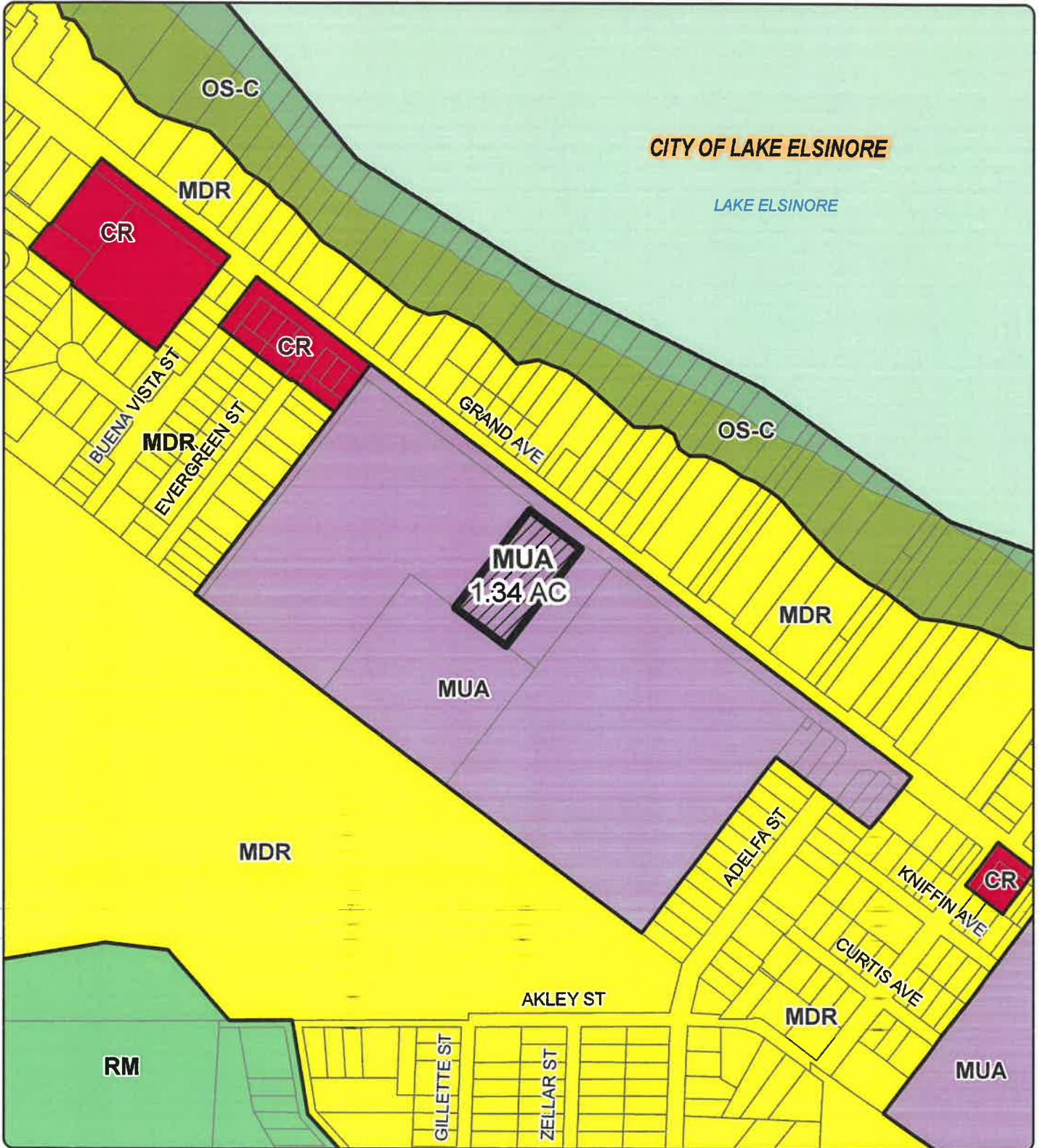
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP190036 DA1900024

EXISTING GENERAL PLAN

Supervisor: Jeffries  
District 1

Date Drawn: 01/15/2021  
Exhibit 5



Zoning Dist: Lakeland Village

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rctdms.org>

RIVERSIDE COUNTY PLANNING DEPARTMENT  
CUP190036 DA190024

Supervisor: Jeffries  
District 1

Date Drawn: 01/15/2021  
Exhibit 1

LAND USE



Zoning Dist: Lakeland Village

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rcilma.org>

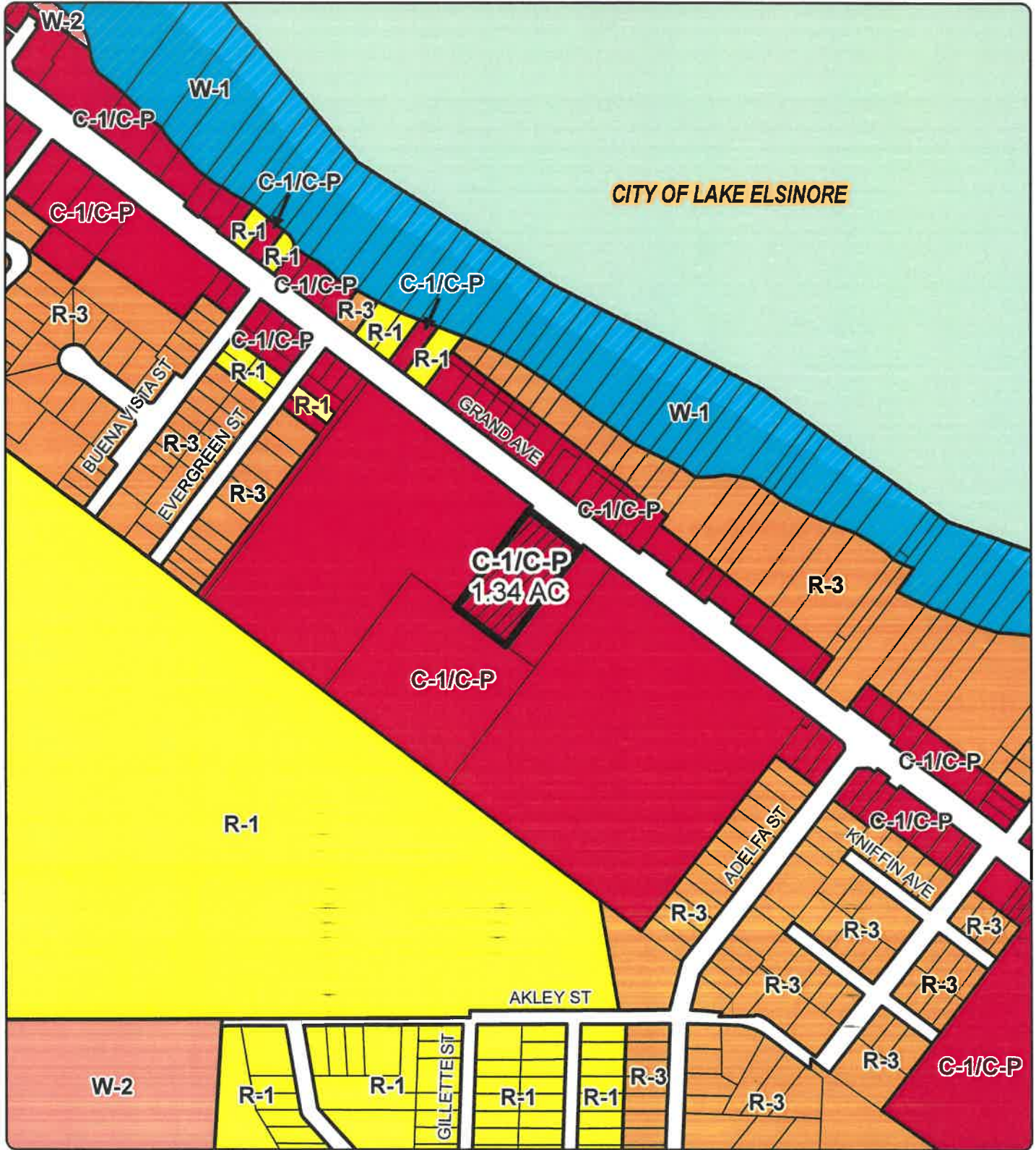
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP190036 DA1900024

EXISTING ZONING

Supervisor: Jeffries  
District 1

Date Drawn: 01/15/2021  
Exhibit 2



Zoning Dist: Lakeland Village

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rvlmso.org>





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PROJECT: 20150806.5

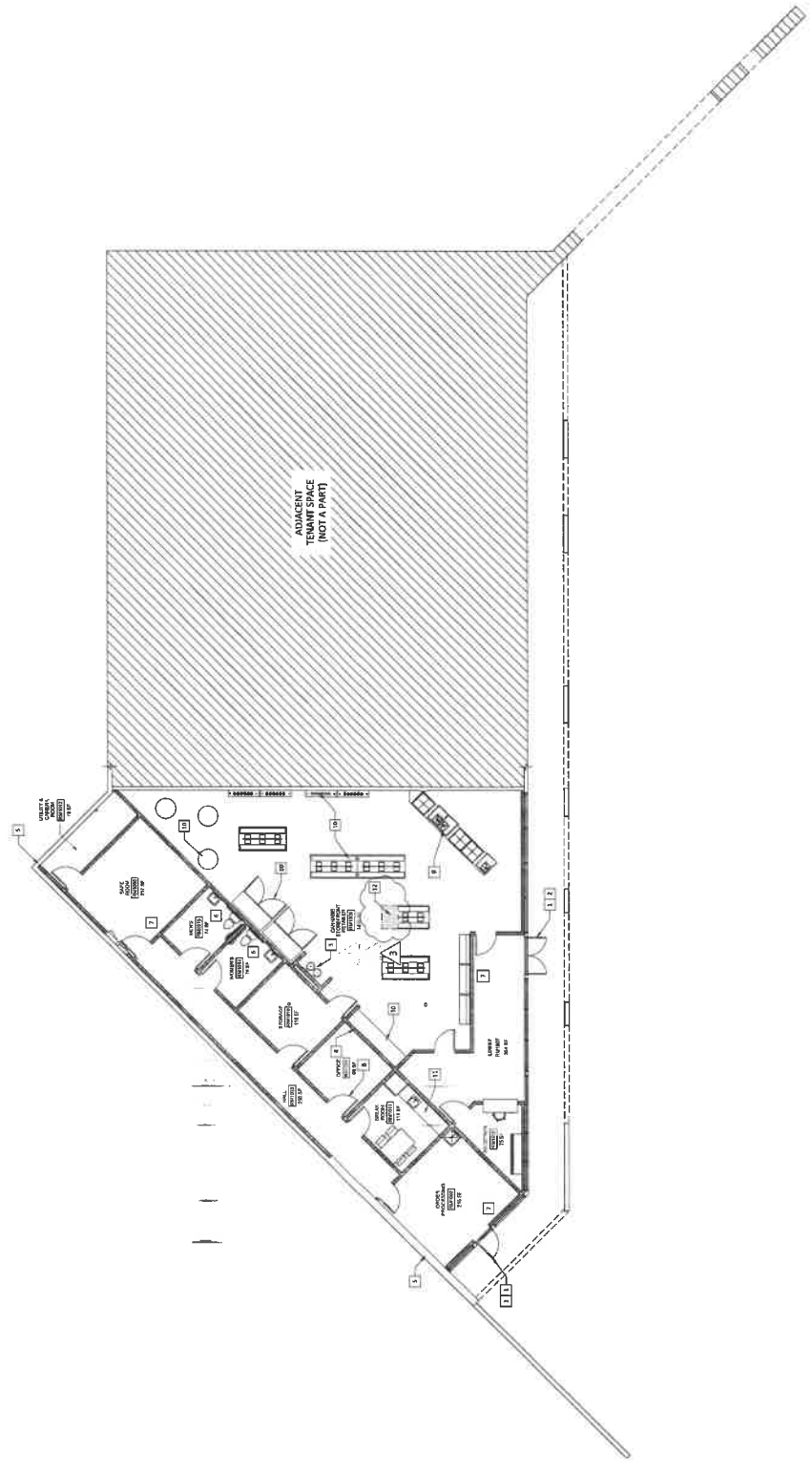
CLIENT:  
NIBBLE THIS - LAKE ELSINORE, LLC  
318 GALL CANYON  
LAKE ELSINORE, CA 92530  
PHONE: 714-413-0448  
EMAIL: nibblethis@nibblethis.com

NEW CONDITIONAL USE PERMIT FOR:  
**NIBBLE THIS - LAKE ELSINORE, LLC**  
(CANNABIS STOREFRONT RETAILER)  
17139 GRAND AVENUE  
LAKE ELSINORE, CA 92530

TITLES:  
PROJECT - FLOOR PLAN



SHEET:  
**A3.11**  
OF 3 SHEETS



**PROJECT - FLOOR PLAN** SCALE: 1/8" = 1'-0" **1**

**KEYNOTE LEGEND**

- 1 EXISTING MAIN BUILDING ENTRANCE & EMPLOYEE ACCESS POINT. EXISTING MAIN BUILDING ENTRANCE TO BE RECONFIGURED TO ACCOMMODATE NEW ACCESS POINT. ALLOWING ENTRY, REFERENCE DOOR SCHEDULE.
- 2 EXISTING LEVEL LANDING.
- 3 ACCESSIBLE DRINKING FOUNTAIN.
- 4 INTERIOR PARTITION WALL.
- 5 EXISTING EXTERIOR WALL.
- 6 ACCESSIBLE RESTROOM.
- 7 LOCKER ROOM. LOCKER ROOM SHALL BE CONSTRUCTED TO MEET ALL ACCESSIBILITY AND FIRE CODE REQUIREMENTS. LOCKER ROOM SHALL BE CONSTRUCTED TO MEET ALL ACCESSIBILITY AND FIRE CODE REQUIREMENTS.
- 8 INTERIOR DOOR.
- 9 POINT OF SALE.
- 10 SECURE PRODUCT DISPLAYS.
- 11 COMPLETELY NEW CONSTRUCTION. PROVIDE 2" x 4" CHILL WALL TO CONTAINURE OF 40°F/38° CLEARANCE. FLOOR ON STOVE TOP AND HOTPANS, UPPER CABINETS.
- 12 8 SQUARE FEET OF DESIGNATED AREA FOR RETAIL SALES OF INCIDENTAL GOODS.

**SQUARE FOOTAGE CALCULATION**

LESSER OF THE TWO	10 SF OR LESS	10 SF OR LESS OF
ADJACENT ALLOWED SQUARE FOOTAGE PER PER	50 SF	148 SF
DESIGNATED AREA FOR RETAIL SALES OF INCIDENTAL GOODS.	8.2 SF	8.2 SF
DESIGNATED AREA FOR RETAIL SALES OF INCIDENTAL GOODS.	8.2 SF	8.2 SF
DESIGNATED AREA FOR RETAIL SALES OF INCIDENTAL GOODS.	8.2 SF	8.2 SF
DESIGNATED AREA FOR RETAIL SALES OF INCIDENTAL GOODS.	8.2 SF	8.2 SF

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PROJECT: 20190606LS

CLIENT:  
NIBBLE THIS - LAKE ELSINORE, LLC  
17139 GRAND AVENUE  
LAKE ELSINORE, CA 92530  
PHONE: 714.615.0449  
info@nibblethis.com

NEW CONDITIONAL USE PERMIT FOR:  
**NIBBLE THIS - LAKE ELSINORE, LLC**  
(CANNABIS STOREFRONT RETAILER)

TITLES:  
EXTERIOR ELEVATIONS

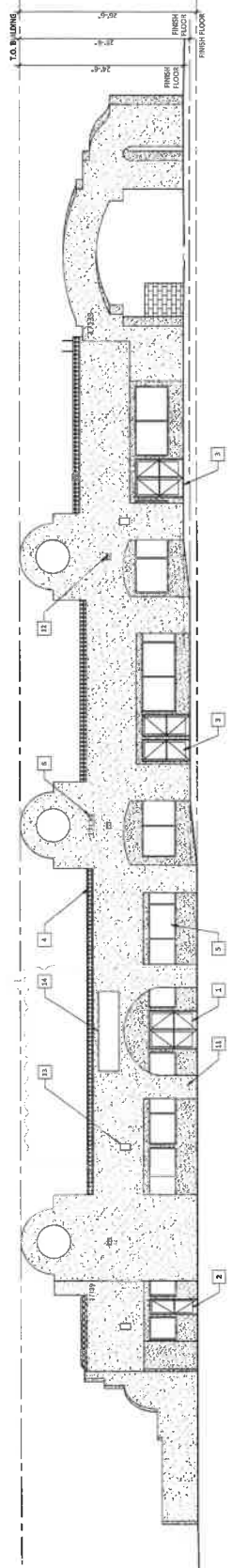
DATE: 06/24/2019

ARCHITECT'S APPROVAL:

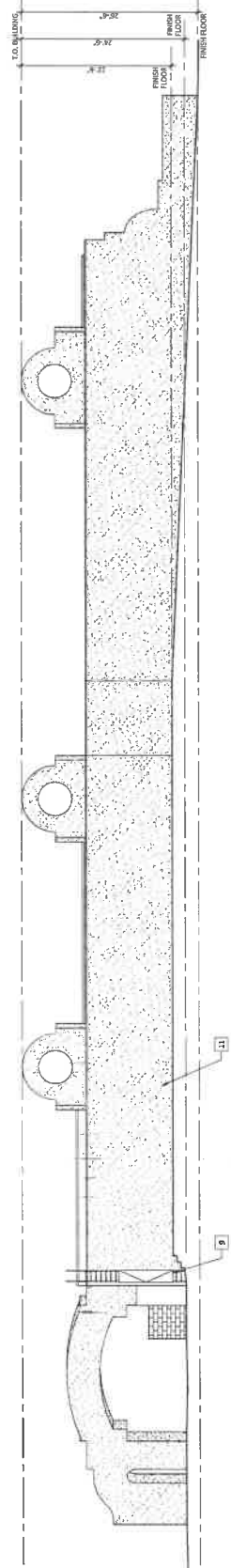


THIS PROJECT IS NOT APPROVED BY THE CITY OF LAKE ELSINORE. THE CITY OF LAKE ELSINORE HAS REVIEWED AND APPROVED THE ARCHITECTURAL AND ENGINEERING DRAWINGS FOR THE CITY OF LAKE ELSINORE.

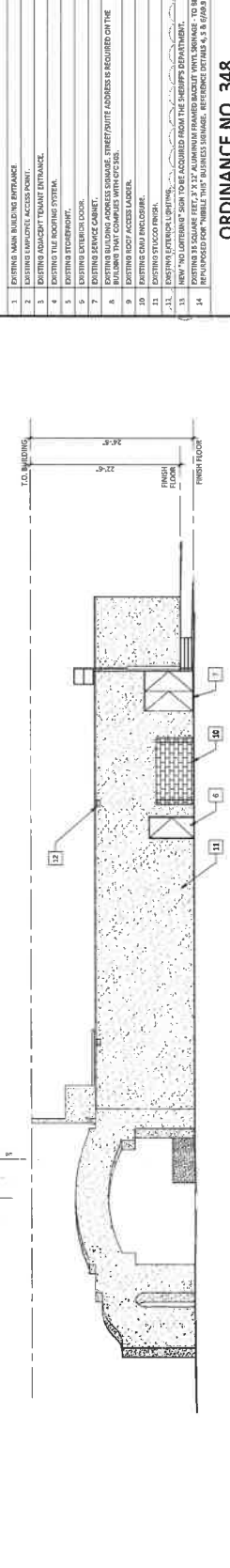
SHEET:  
**A7.11**



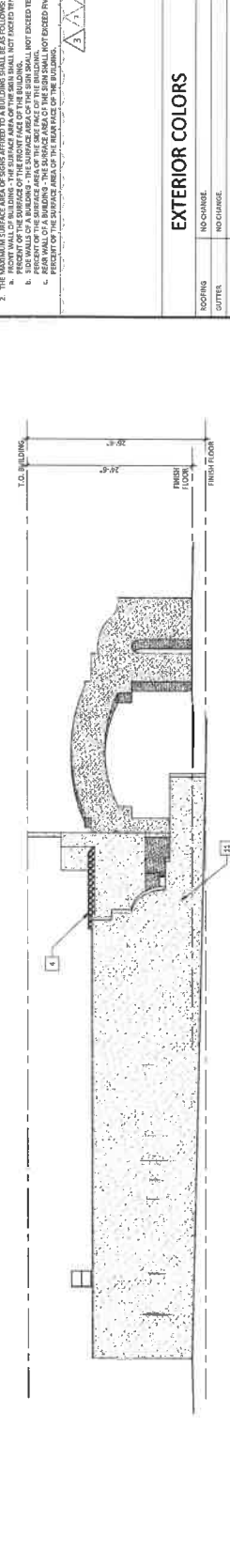
EXISTING ELEVATION: NORTH 4



EXISTING ELEVATION: SOUTH 3



EXISTING ELEVATION: EAST 2



EXISTING ELEVATION: WEST 1

**KEYNOTES**

1. EXISTING MAIN BUILDING ENTRANCE.
2. EXISTING EMPLOYEE ACCESS POINT.
3. EXISTING ADA COMPLIANT ENTRANCE.
4. EXISTING TILE ROOFING SYSTEM.
5. EXISTING STOREFRONT.
6. EXISTING SERVICE CABINET.
7. EXISTING SERVICE CABINET.
8. EXISTING ROOF ACCESS LADDER.
9. EXISTING ROOF ACCESS LADDER.
10. EXISTING ROOF ACCESS LADDER.
11. EXISTING STUCCO FINISH.
12. EXISTING EXTERIOR LIGHTING.
13. EXISTING EXTERIOR LIGHTING.
14. EXISTING EXTERIOR LIGHTING.

**ORDINANCE NO. 348**

SECTION 18.4

8. SIGNS APPROVED TO BUILDINGS - ALL AREAS.  
 8.1. NO CORNER SIGNS OR SIGNS ON CORNERS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.2. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.3. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.4. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.5. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.6. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.7. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.8. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
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 8.10. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.11. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.12. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.13. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.  
 8.14. NO SIGNS SHALL BE PERMITTED ON THE WALLS OF ANY BUILDING.

**EXTERIOR COLORS**

ROOFING	NO CHANGE
CLITTERS	NO CHANGE
COUSES	NO CHANGE
WINDOWS	NO CHANGE
WALL BODY	NO CHANGE
WALL BODY TRIM	NO CHANGE

**GRAPHIA**  
ARCHITECTURE  
ENGINEERING

100 EASTWAY DRIVE, SUITE 120  
LAKELAND, CA 92549  
PH: 951-209-8880  
www.graphia.com  
info@graphia.com

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PROJECT: 2020R0065

CLIENTS:  
NIBBLE THIS - LAKE ELSINORE, LLC  
MARKETING MANAGER  
LAKE ELSINORE, CA 92530  
EMAIL: info@nibblethis.com  
PHONE: 714-433-5049

NEW CONDITIONAL USE PERMIT FOR:  
**NIBBLE THIS - LAKE ELSINORE, LLC**  
(CANNABIS STOREFRONT RETAILER)  
1739 GRAND AVENUE  
LAKE ELSINORE, CA 92530

TITLE:  
PROPOSED LANDSCAPE PLAN



ARCHITECT'S APPROVAL:  
DATE: 08/11/2020  
PROJECT: 2020R0065

SHEET:  
**L2.11**

**KEYNOTES**

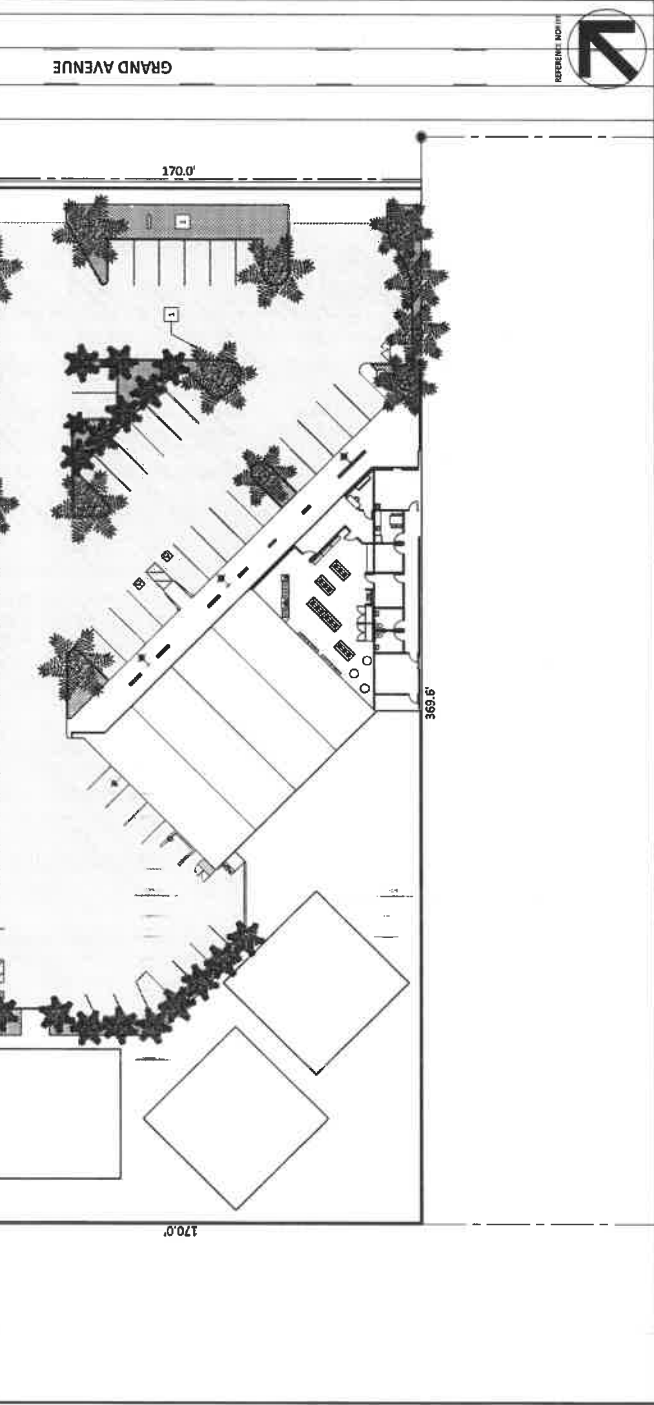
- EXISTING TREES - CALIFORNIA YAM PALM (WASHINGTONIA RUBRA) QUANTITIES:
- EXISTING PLANTER AREA.

**SHADING CALCULATIONS**

AREA OF PAVING INCLUDING PARKING SPALLS, DRIVEWAYS, MANEUVERING AREA & DRIVEWAYS: 26,244 SF  
 PERCENTAGE OF AREA REQUIRED TO BE SHADED: 40%  
 AREA REQUIRED TO BE SHADED: 10,498 SF

AREA OF SHADING		100%	75%	50%	25%
WASHINGTONIA RUBRA	0	186 SF	0	721 SF	0
SUB-TOTAL AREA	0 SF	186 SF	433 SF	741 SF	0 SF

TOTAL SHADING AREA PROVIDED: 24,533 SF  
 SHADE PROVIDED: 24,533 SF > SHADE REQUIRED: 10,498 SF



**PROPOSED LANDSCAPE PLAN**

SCALE: 1" = 20'

1

**GRAPHIA**  
ARCHITECTURAL  
ENGINEERING

200 SHERIDAN STREET, SUITE 1200  
LAKELAND, CA 92530  
(951) 228-1800  
www.graphia.com

These drawings are the intellectual property of Graphia Architectural Engineering. All design, construction, and installation of the project shall be in accordance with the specifications and standards of the applicable codes and regulations. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

PROJECT: 20190606LS

CLIENT: NIBBLE ORIGINAL MANUFACTURER 516 CALLE CORRAL SAN CLEMENTE, CA 92673 PHONE: 714-815-1049

NEW CONDITIONAL USE PERMIT FOR:  
**NIBBLE THIS - LAKE ELSINORE, LLC**  
(CANNABIS STOREFRONT RETAILER)  
17139 GRAND AVENUE  
LAKE ELSINORE, CA 92530

TITLES:  
PHOTO SHEET

ARCHITECT'S APPROVAL:

DAVID A. SMITH  
LICENSED PROFESSIONAL ENGINEER  
MECHANICAL  
STATE OF CALIFORNIA  
LICENSE NO. 44523

SHEET  
**A1.31**  
OF 1



VIEW-A



VIEW-B



VIEW-C



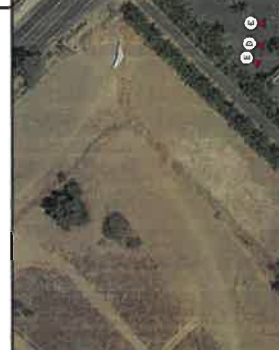
VIEW-D



VIEW-E



VIEW-F



VIEW-G



VIEW-H



VIEW-I



VIEW-J



VIEW-K



VIEW-L



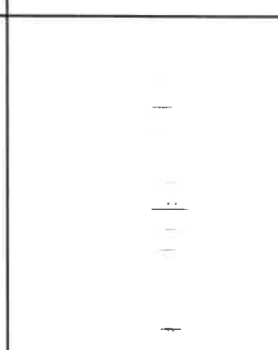
VIEW-M



VIEW-N



VIEW-O



VIEW-P



VIEW-Q



VIEW-R



VIEW-S



VIEW-T

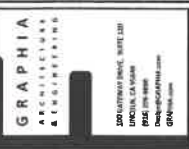
**PROPERTY PHOTO MAP INDEX**

• CAMERA PLACEMENT AND PHOTO REFERENCE

PHOTO SHEET

SCALE: 1" = 100'

1



200 HILTIWAY DRIVE, SUITE 120  
 LINDSEY, CA 92550  
 (951) 278-8888  
 www.graphia.com

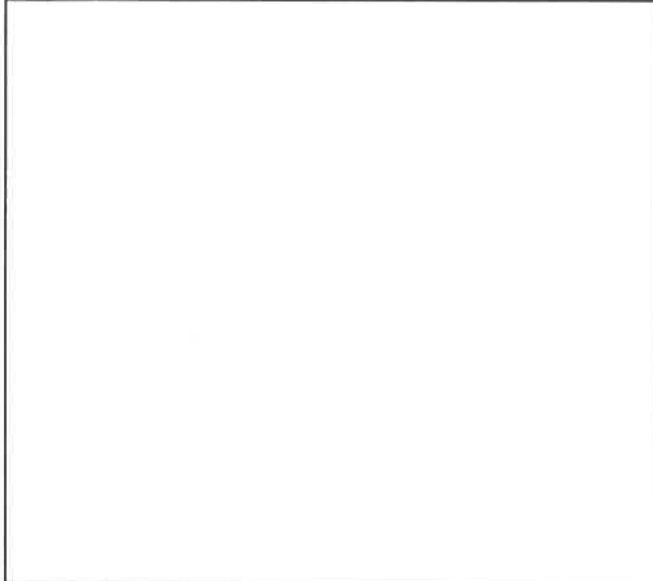
PROJECT: 20130906LS  
 PHONE: 714-612-0242  
 FAX: 714-612-0242  
 SALES: 714-612-0242  
 SALES: 714-612-0242  
 SALES: 714-612-0242

CLIENT:  
 FACILITY: ORTEL  
 ADDRESS: 17139 GRAND AVENUE  
 LAKE ELSINORE, CA 92530  
 (CANNABIS STOREFRONT RETAILER)  
 NIBBLE THIS - LAKE ELSINORE, LLC  
 NEW CONDITIONAL USE PERMIT FOR:

TITLES:  
 SITE SIGNAGE DETAILS



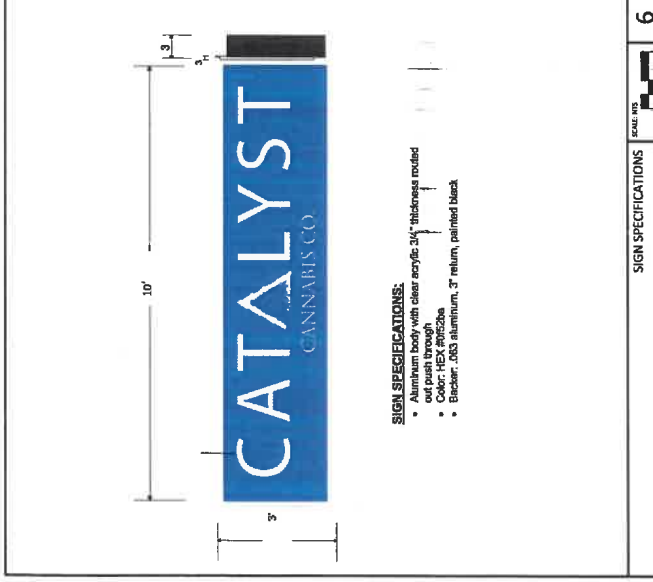
SHEET: A9.91 / 3



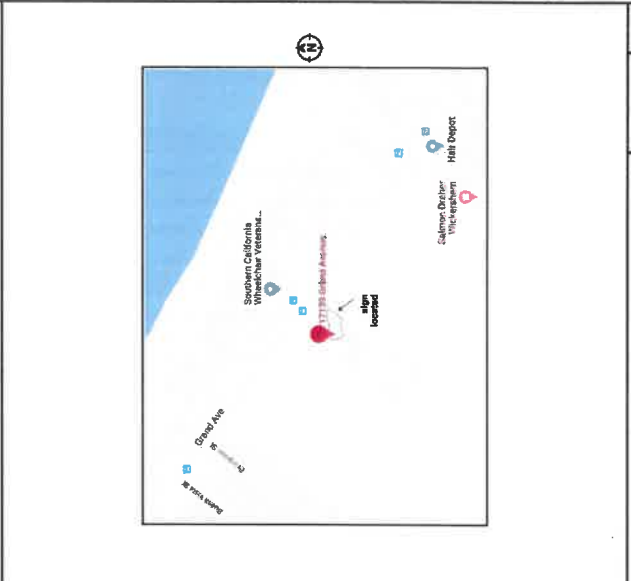
ROUTED-OUT PUSH-THROUGH SIGN SCALE: 1/8" = 1'-0"



ROUTED-OUT PUSH-THROUGH SIGN SCALE: 1/8" = 1'-0"



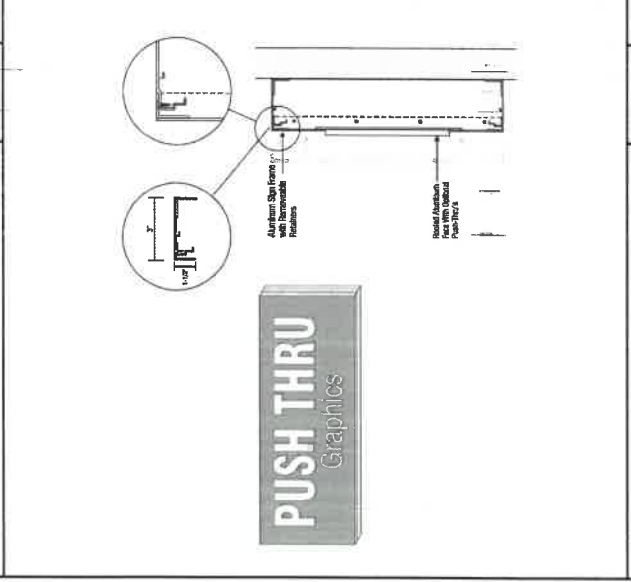
SIGN SPECIFICATIONS SCALE: 1/8" = 1'-0"



SITE LOCATION SCALE: 1/8" = 1'-0"



ROUTED-OUT PUSH-THROUGH SIGN SCALE: 1/8" = 1'-0"



FRAME DETAIL SCALE: 1/8" = 1'-0"

Plan: CUP190036

Parcel: 381273029

80. Prior To Building Permit Issuance

E Health

080 - E Health. 1                      Water/Sewer                      Not Satisfied

This project will use Elsinore Valley Municipal Water District for water and sewer. Prior to building permit issuance, documentation will be required for proof of water and sewer service.

Fire

080 - Fire. 1                      Prior to permit                      Not Satisfied

1. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C. and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 1/2" x 2 1/2") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3.)
2. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3)

080 - Fire. 2                      Prior to permit                      Not Satisfied

Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.

1. The Office of the Fire Marshal is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 to 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)

080 - Fire. 3                      Prior to permit                      Not Satisfied

1. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 75,000 lbs. GVW. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Office of the Fire Marshal. (CFC 501.4)

2. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Office of the Fire Marshal. (CFC 501.4)

3. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) as approved by the Office of the Fire Marshal and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1)

080 - Fire. 4                      Prior to permit                      Not Satisfied

Prior to building permit issuance, please provide a business plan with a complete scope of work. Indicate any storage, hazardous materials or manufacturing that may be conducted on this site. In addition, please note proposed business hours, the use of any delayed egress/ingress systems (limited access passages) and if open flame devices will be on site.

Plan: CUP190036

Parcel: 381273029

80. Prior To Building Permit Issuance

Fire

080 - Fire. 4                      Prior to permit (cont.)                      Not Satisfied

Planning

080 - Planning. 1                      Fee Status                      Not Satisfied

Prior to issuance of building permits for CUP190036, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

080 - Planning. 2                      Gen - Custom                      Not Satisfied

Prior to issuance of building permits for CUP190036, the baseline and community benefits fee shall be fully paid, pursuant to the amounts set forth in Development Agreement No. 1900024.

Waste Resources

080 - Waste Resources. 1                      Waste Recycling Plan                      Not Satisfied

Prior to issuance of a building permit, a Waste Recycling Plan (WRP) shall be submitted to the Riverside County Department of Waste Resources for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.

90. Prior to Building Final Inspection

E Health

090 - E Health. 1                      Hazmat BUS Plan                      Not Satisfied

The facility will require a business emergency plan for the storage of hazardous materials greater than 55-gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances.

Fire

090 - Fire. 1                      Prior to final                      Not Satisfied

Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches and remote actuating devices, for access by emergency personnel. (CFC 506.1)

Any limited access devices shall be reviewed and accepted by the fire department, prior to final approval.

Planning



Plan: CUP190036

Parcel: 381273029

90. Prior to Building Final Inspection

Planning

090 - Planning. 1                      Gen - Use Final Inspection                      Not Satisfied

Prior to final inspection, the developer/permit holder shall contact the Planning Department to conduct a final inspection. The Planning Department shall do the following:

- EV Parking spaces, ADA, Improved trash enclosure, all requirements of the Safety and Security Plan, and all signs.
- All Signs are provided for pursuant to approved CUP190036 Exhibit S
- All requirements of the Safety and Security Plan are in place pursuant to CUP190036 Exhibit Z

Waste Resources

090 - Waste Resources. 1            Waste - Mandatory Commercial Recycling and Organics Recy    Not Satisfied

Prior to final inspection, the applicant shall complete a Mandatory Commercial Recycling and Organics Recycling Compliance form (Form D). Form D requires applicants to identify programs or plans that address commercial and organics recycling, in compliance with State legislation/regulation. Once completed, Form D shall be submitted to the Recycling Section of the Department of Waste Resources for approval. For more information go to: [www.rcwaste.org/business/planning/applications](http://www.rcwaste.org/business/planning/applications). To obtain Form D, please contact the Recycling Section at 951-486-3200, or email to: [Waste-CompostingRecycling@rivco.org](mailto:Waste-CompostingRecycling@rivco.org).

090 - Waste Resources. 2            Waste Reporting Form and Receipts                      Not Satisfied

Prior to final building inspection, evidence (i.e., waste reporting form along with receipts or other types of verification) to demonstrate project compliance with the approved Waste Recycling Plan (WRP) shall be presented by the project proponent to the Planning Division of the Riverside County Department of Waste Resources. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled.



**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**

Charissa Leach, P.E.  
Assistant CEO/TLMA Director



05/13/21, 11:19 am

CUP190036

**ADVISORY NOTIFICATION DOCUMENT**

The following notifications are included as part of the recommendation of approval for CUP190036. They are intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property.

**Advisory Notification**

**Advisory Notification. 1            AND - Preamble**

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this Plan CUP190036 and is intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

**Advisory Notification. 2            AND - Project Description & Operational Limits**

Conditional Use Permit No. 190036 is a proposal to occupy an existing 3,313 square-foot building to be used as a retail cannabis storefront on a 1.34 acre lot with parking and landscaping.

**Advisory Notification. 3            AND - Exhibits**

The development of the premises shall conform substantially with that as shown on the following APPROVED EXHIBIT(S)

- Exhibit A (Site Plan), dated 8/6/20
- Exhibit B (Elevations), dated 8/6/20
- Exhibit C (Floor Plans), dated 8/6/20
- Exhibit E (Conceptual Landscaping and Irrigation Plans), dated 8/6/20
- Security Plan, dated 8/6/20

**Advisory Notification. 4            AND - Federal, State & Local Regulation Compliance**

1. Compliance with applicable Federal Regulations, including, but not limited to:
  - National Pollutant Discharge Elimination System (NPDES)
    - Clean Water Act
    - Migratory Bird Treaty Act (MBTA)
2. Compliance with applicable State Regulations, including, but not limited to:
  - The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional Water Quality Control Board (RWQCB.)
  - Government Code Section 66020 (90 Days to Protest)

# ADVISORY NOTIFICATION DOCUMENT

## Advisory Notification

### Advisory Notification. 4 AND - Federal, State & Local Regulation Compliance (cont.)

- Government Code Section 66499.37 (Hold Harmless)
  - State Subdivision Map Act
  - Native American Cultural Resources, and Human Remains (Inadvertent Find)
  - School District Impact Compliance
  - Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)
3. Compliance with applicable County Regulations, including, but not limited to:
- Ord. No. 348 (Land Use Planning and Zoning Regulations)
  - Ord. No. 413 (Regulating Vehicle Parking)
  - Ord. No. 457 (Building Requirements)
  - Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program)
  - Ord. No. 460 (Division of Land)
  - Ord. No. 461 (Road Improvement Standards)
  - Ord. No. 484 (Control of Blowing Sand)
  - Ord. No. 625 (Right to Farm)
  - Ord. No. 716 (Abandoned, Neglected or Cruelly Treated Animals)
  - Ord. No. 771 (Controlling Potentially Dangerous & Dangerous Animals)
  - Ord. No. 878 (Regarding Noisy Animals)
  - Ord. No. 671 (Consolidated Fees)
  - Ord. No. 679 (Directional Signs for Subdivisions)
  - Ord. No. 787 (Fire Code)
  - Ord. No. 847 (Regulating Noise)
  - Ord. No. 857 (Business Licensing)
  - Ord. No. 859 (Water Efficient Landscape Requirements)
  - Ord. No. 915 (Regulating Outdoor Lighting)
  - Ord. No. 916 (Cottage Food Operations)
  - Ord. No. 927 (Regulating Short Term Rentals)
4. Mitigation Fee Ordinances
- Ord. No. 659 Development Impact Fees (DIF)
  - Ord. No. 663 Stephens Kangaroo Rat Habitat Conservation Plan (SKR)
  - Ord. No. 810 Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP)
  - Ord. No. 824 Western Riverside County Transportation Uniform Mitigation Fee (WR TUMF)

## BS-Plan Check

### BS-Plan Check. 1 Gen - Custom

#### BUILDING AND SAFETY COMMENTS

To assist in providing an expeditious review, please cloud all corrections on revised exhibit. Items labeled as "Corrections" must be addressed prior to entitlement approval. Items labeled as "Notifications" are for your information only and are not required for entitlement approval. Include a comment response list addressing each correction on the comment list. Thank You.

Notification:

ACCESSIBLE PATH OF TRAVEL:

## ADVISORY NOTIFICATION DOCUMENT

### BS-Plan Check

#### BS-Plan Check. 1

#### Gen - Custom (cont.)

1- Please provide a revised site plan to indicate the required continuous accessible paved path of travel.

The accessible path of travel details shall include;

1. Accessible path construction type (Asphalt or concrete).
2. Accessible path width.
3. Accessible path directional slope % and cross slope %.
4. All accessible ramp and curb cut-out locations and details where applicable.

The Accessible path of travel shall:

1. Connect to the public R.O.W.
2. Connect to all building(s).
3. Connect to all accessible parking loading/unloading areas.
4. Connect to accessible sanitary facilities.
5. Connect to areas of public accommodation.

Please be aware that the approved site plan with accessibility requirements should be included with any building plan submittals. The plan review staff may have additional comments depending on the additional information or revisions provided during the plan review process. Additional accessible requirements within the structure shall be reviewed during the building plan review.

#### CODE/ORDINANCE REQUIREMENTS:

The applicant shall obtain the required building permit(s) from the building department prior to any construction on the property. All building plans and supporting documentation shall comply with current adopted California Building Codes, Riverside County Ordinances regulations in effect at the time of building plan submittal and fee payment to the Building Department. All Building Department plan submittal and fee requirements shall apply.

NOTE: The new updated 2019 California Building Codes will be in effect as of January 1st 2020, as mandated by the state of California. Any building plan and fee payment submitted to the building department on or after January 1st, 2020 will be subject to the new updated California Building Code(s).

#### CODE/ORDINANCE REQUIREMENTS:

The applicant shall obtain the required building permit(s) from the building department prior to any construction on the property. All building plans and supporting documentation shall comply with current adopted California Building Codes, Riverside County Ordinances regulations in effect at the time of building plan submittal and fee payment to the Building Department. All Building Department plan submittal and fee requirements shall apply.

NOTE: The new updated 2019 California Building Codes will be in effect as of January 1st 2020, as mandated by the state of California. Any building plan and fee payment submitted to the building department on or after January 1st, 2020 will be subject to the new updated California Building Code(s).

### E Health

#### E Health. 1

#### ECP COMMENTS

If contamination or the presence of a naturally occurring hazardous material is discovered at the site,

## ADVISORY NOTIFICATION DOCUMENT

### E Health

#### E Health. 1 ECP COMMENTS (cont.)

assessment, investigation, and/or cleanup may be required. Contact Riverside County Environmental Health - Environmental Cleanup Programs at (951) 955-8980, for further information.

\*\*Please note that if the footprint changes or new construction is proposed, further review of the proposal will be required.

### General

#### General. 1 General – Business Licensing

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department.

#### General. 2 General – Causes for Revocation

In the event the use hereby permitted under this permit is found:

- (a) to be in violation of the terms and conditions of this permit; and/or,
- (b) to have been obtained by fraud or perjured testimony; and/or,
- (c) to be detrimental to the public health, safety or general welfare, or is a public nuisance,

then this permit shall be subject to revocation procedures.

#### General. 3 General – Ceased Operations

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this Conditional Use Permit and accompanying Development Agreement approval shall become null and void.

#### General. 4 General – Hold Harmless

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees ("COUNTY") from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the project or its associated environmental documentation; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the project, including, but not limited to, decisions made in response to California Public Records Act requests; and

## ADVISORY NOTIFICATION DOCUMENT

### General

**General. 4** **General – Hold Harmless (cont.)**

(a) and (b) above are hereinafter collectively referred to as "LITIGATION."

The COUNTY shall promptly notify the applicant/permittee of any LITIGATION and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such LITIGATION or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such LITIGATION, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the Project, applicant/permittee shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Applicant/permittee shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs are not recoverable under the California Public Records Act from the records requestor, applicant/permittee agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, applicant/permittee shall make such additional deposits.

**General. 5** **General – Human Remains**

If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

**General. 6** **General – Review Fees**

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan, or mitigation and monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

**General. 7** **General – Unanticipated Resources**

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit.

## ADVISORY NOTIFICATION DOCUMENT

### General

#### General. 7

#### General – Unanticipated Resources (cont.)

If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

### Planning

#### Planning. 1

#### General - A. Application Requirements

At the time of filing the application for a Commercial Cannabis Activity on a form provided by the Planning Department, the applicant shall also provide the applicable fee for processing the land use permit application. All entitlement fees shall be paid in full, prior to operating the cannabis business:

#### Planning. 2

#### General - B. State License Required

Obtain and maintain during the life of the Commercial Cannabis Activity the applicable California license issued pursuant to California Business and Professions Code Sections 19300.7 or 26050(a) as may be amended from time to time.

#### Planning. 3

#### General - C. Suspension, Revocation, or Termination of State License

Suspension of a license issued by the State of California, or by any State licensing authority, shall immediately suspend the ability of a Commercial Cannabis Activity to operate within the County until the State, or its respective State licensing authority, reinstates or reissues the State license. Revocation or termination of a license by the State of California, or by any State licensing authority, will also be grounds to revoke or terminate any conditional use permit granted to a Commercial Cannabis Activity pursuant to this Article.

#### Planning. 4

#### General - D. Health and Safety

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### Planning. 4 General - D. Health and Safety (cont.)

Commercial Cannabis Activities shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public. Commercial Cannabis Activities shall not create a public nuisance or adversely affect the health or safety of the nearby residents, businesses or employees working at the Commercial Cannabis Activity by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, and runoff of water, pesticides or wastes.

#### Planning. 5 General - E. Development Agreement

No approval required by this ordinance shall be given for any permit for a Commercial Cannabis Activity unless the Board of Supervisors prior to or concurrently with approves a development agreement, pursuant to Section 18.26b of this ordinance, setting forth the terms and conditions under which the Commercial Cannabis Activity will operate in addition to the requirements of this ordinance, all other local ordinances and regulations, state law and such other terms and conditions that will protect and promote the public health, safety and welfare. No use or operation under any permit for a Commercial Cannabis Activity shall be allowed to begin until the development agreement is effective.

#### Planning. 6 General - F. Nuisance Odors

All Commercial Cannabis Activities shall be sited and operated in a manner that prevents Cannabis nuisance odors from being detected offsite. All Commercial Cannabis Activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Activity that is distinctive to its operation is not detected outside of the operation's facility, anywhere on adjacent lots or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Activity. In order to control nuisances such as odors, humidity and mold, Commercial Cannabis Activities shall install and maintain at the minimum, the following equipment, or any other equipment that can be proven to be an equally or more effective method or technology to control these nuisances:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
2. An air system that creates negative air pressure between the Commercial Cannabis Activities' interior and exterior, so that the odors generated by the Commercial Cannabis Activity are not detectable on the outside of the Commercial Cannabis Activity.

#### Planning. 7 General - G. Commercial Cannabis Activity Operator Qualifications

1. All operators and all employees of a Commercial Cannabis Activity must be 21 years of age or older.
2. Operators shall be subject to background checks.
3. Permits for Commercial Cannabis Activities shall not be granted for operators with felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of



## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 7**                      **General - G. Commercial Cannabis Activity Operator Qualifications (cont.)**  
the Penal Code.

4. Applicants providing false or misleading information in the permitting process will result in rejection of the application or nullification or revocation of any permit granted pursuant to this Article.

**Planning. 8**                      **General - H. Relocation of a Permitted Commercial Cannabis Activity**

In the event the permittee or successor in interest vacates and relocates the Commercial Cannabis Activity to a new location, a new conditional use permit will need to be granted by the County in accordance with this ordinance prior to commencing operations at the new location.

**Planning. 9**                      **General - I. Hours of Operation**

A Commercial Cannabis Activity operating as a Cannabis Retailer may be open to the public seven days a week only between the hours of 7:00 A.M. and 9:00 P.M. All other Commercial Cannabis Activities may operate only during the hours specified in the conditional use permit granted by the County.

**Planning. 10**                     **General - J. Inspections**

A Commercial Cannabis Activity shall be subject to inspections by appropriate local and State agencies, including, but not limited to, the Riverside County Departments of Code Enforcement, Planning, Fire, Public Health, Environmental Health, the Agricultural Commissioner's Office and the Sheriff's Department.

**Planning. 11**                     **General - K. Monitoring Program**

Permittees of a Commercial Cannabis Activity shall participate in the County's monitoring program to verify permit requirements such as, but not limited to, security measures, water use and State track-and-trace requirements.

**Planning. 12**                     **General - L. Restriction on Alcohol and Tobacco Sales or Consumption**

Commercial Cannabis Activities shall not allow the sale, dispensing, or consumption of alcoholic beverages or tobacco on the site of the Commercial Cannabis Activity.

**Planning. 13**                     **General - M. Restriction on Consumption**

Cannabis shall not be consumed or used on the lot of any Commercial Cannabis Activity.

**Planning. 14**                     **General - N. Security - Part 1**

A Commercial Cannabis Activity shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing Cannabis or Cannabis Products, to deter and prevent the theft of Cannabis or Cannabis Products at the Commercial Cannabis Activity and to ensure emergency access in accordance with applicable Fire Code standards. Guard dogs shall not be used at the Commercial Cannabis Activity as a security measure. Security measures shall include, but not be limited to, the following:

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### Planning. 14

#### General - N. Security - Part 1 (cont.)

1. A plan to prevent individuals from loitering on the lot if they are not engaging in activity expressly related to the Commercial Cannabis Activity.
2. 24 hour emergency contact information for the owner or an on-site employee which shall be provided to the County.
3. A professionally installed, maintained, and monitored alarm system.
4. 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.
5. 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.

#### Planning. 15

#### General - N. Security - Part 2

6. Sensors shall be installed to detect entry and exit from all secure areas.
7. Panic buttons shall be installed in all Commercial Cannabis Activities.
8. Any bars installed on the windows or the doors of a Commercial Cannabis Activity shall be installed only on the interior of the building.
9. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services. A security guard shall be present on-site 24 hours, 7 days a week.
10. 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.
11. 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.
12. The permittee for a Commercial Cannabis Activity shall notify the Riverside County Sheriff's Department immediately after discovering any of the following:

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 15**                                  **General - N. Security - Part 2 (cont.)**

- 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.
13. 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.
14. Cannabis or Cannabis Products shall not be stored outside at any time.

**Planning. 16**                                  **General - O. Permit and License Posting**

The permittee shall post or cause to be posted at the Commercial Cannabis Activity all required County and State permits and licenses to operate. Such posting shall be in a central location, visible to the patrons, and in all vehicles that deliver or transport Cannabis.

**Planning. 17**                                  **General - P. Signage**

Signage for a Commercial Cannabis Activity shall comply with the following:

- 1. In addition to the requirements set forth in this section and California Business and Professions Code section 26152 as may be amended, business identification signage for a Commercial Cannabis Activity shall comply with Section 19.4 of this ordinance.
- 2. No Commercial Cannabis Activity shall advertise by having a person or device holding a sign or an air dancer sign advertising the activity to passersby, whether such person, device or air dancer is on the lot of the Commercial Cannabis Activity or elsewhere including, but not limited to, the public right-of-way.
- 3. No Commercial Cannabis Activity shall publish or distribute advertising or marketing that is attractive to children.
- 4. No Commercial Cannabis shall advertise or market Cannabis or Cannabis Products on motor vehicles.
- 5. Except for advertising signs inside a licensed Premises and provided that such advertising signs do not advertise or market Cannabis or Cannabis Products in a manner intended to encourage persons under 21 years of age to consume Cannabis or Cannabis Products, no Commercial Cannabis Activity shall advertise or market Cannabis or Cannabis Products on an advertising sign within 1,000 feet of a Child Day Care Center, a K-12 school, a public park or a Youth Center.
- 6. No signs placed on the lot of a Commercial Cannabis Activity shall obstruct any entrance or exit to the

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### Planning. 17 General - P. Signage (cont.)

building or any window.

7. Each entrance to a Commercial Cannabis Activity shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming Cannabis on the lot of the Commercial Cannabis Activity is prohibited.

8. Signage shall not be directly illuminated, internally or externally.

9. No banners, flags, billboards, or other prohibited signs may be used at any time.

#### Planning. 18 General - Q. Records

1. Each owner and permittee of a Commercial Cannabis Activity shall maintain clear and adequate records and documentation demonstrating that all Cannabis or Cannabis Products have been obtained from and are provided to other permitted and licensed Cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon written request.

2. Each owner and permittee of a Commercial Cannabis Activity shall maintain a current register of the names and contact information, including name, address, and telephone number, of anyone owning or holding an ownership interest in the Commercial Cannabis Activity, and of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the Commercial Cannabis Activity. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

3. All Commercial Cannabis Activities shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all Cannabis and Cannabis Products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase by or distribution to a qualified patient, primary caregiver for medical purpose or an adult 21 years of age or older who qualifies to purchase adult-use Cannabis.

#### Planning. 19 General - R. Water

All Commercial Cannabis Activities shall obtain a 'Will Serve' letter from the applicable water purveyor, indicating agreement to supply water for the Commercial Cannabis Activity. The letter shall include the activity proposed and any improvements required for service. For Commercial Cannabis Activities where water service is not available, conditions from the Department of Environmental Health for a permitted onsite, in-ground well will be required for the conditional use permit. Irrigation and domestic water supplies shall not include water transported by vehicle from off-site sources.

#### Planning. 20 General - S. Waste Water

All Commercial Cannabis Activities shall obtain a 'Will Serve' letter from the applicable sanitary sewer purveyor, indicating agreement to supply sewer for the Commercial Cannabis Activity. The letter shall include the activity proposed and any improvements required for service. For Commercial Cannabis

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 20**                                                 **General - S. Waste Water (cont.)**

Activities where sewer service is not available, conditions from the Department of Environmental Health will be required for the conditional use permit. Where sanitary sewer is not available, the applicant shall obtain clearance from the appropriate regional water quality control board.

**Planning. 21**                                                 **General - T. Parking**

Parking shall be provided in accordance with Section 18.12 of this ordinance.

**Planning. 22**                                                 **General - U. Visibility**

In no case shall Live Cannabis Plants be visible from a public or private road, sidewalk, park or common public viewing area.

**Planning. 23**                                                 **General - V. Hazardous Materials**

All Commercial Cannabis Activities that utilize hazardous materials shall comply with applicable hazardous waste generator, Riverside County Ordinance No. 615, and hazardous materials handling, Riverside County Ordinance No. 651, requirements and maintain any applicable permits for these programs from the Riverside County Fire Department, the Riverside County Department of Environmental Health, the Riverside County Department of Waste Resources and the Agricultural Commissioner.

**Planning. 24**                                                 **General - W. Compliance with Local and State Laws and Regulations**

1. All Commercial Cannabis Activities shall comply with all applicable local and State laws, ordinances and regulations related to, but not limited to, the following: the California Environmental Quality Act, California Building Code, California Fire Code, Riverside County Ordinance No. 787, Riverside County Ordinance No. 457, Riverside County Ordinance No. 657, Riverside County Ordinance No. 745, Airport Land Use Compatibility Plans, weights and measures regulations, track and trace requirements, pesticide use, water quality, storm water discharge and the grading of land.

2. All buildings and structures, including greenhouse, hoop structures, or other similar structures shall comply with all applicable Building, Fire, and Safety laws and regulations. All buildings and structures shall be reviewed by the Riverside County Building and Safety Department in accordance with the California Building Code and Riverside County Ordinance No. 457 and by the Riverside County Fire Department in accordance with Riverside County Ordinance No. 787 and the California Fire Code.

**Planning. 25**                                                 **General - X. Material Alterations to Premises**

No physical change, alteration, or modification shall be made to a Premises without first obtaining the appropriate approvals from the County, including but not limited a substantial conformance or revised permit and all other necessary permits. Alterations or modifications requiring approval include, without limitation: (i) the removal, creation, or relocation of a common entryway, doorway, passage, or a means of public entry or exit, when such common entryway, doorway, or passage alters or changes limited-access areas within the Premises; (ii) the removal, creation, addition, or relocation of a Cultivation Area; (iii) or the addition or alteration of a water supply. The requirement of this Section is in addition to

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 25**                                      **General - X. Material Alterations to Premises (cont.)**

compliance with any other applicable State or local law or regulation pertaining to approval of building modifications, zoning, and land use requirements. In the event that the proposed modification requires a new or modified conditional use permit such permit must be obtained prior to issuance of building permits.

**Planning. 26**                                      **General - Y. Multiple Commercial Cannabis Activities**

Multiple Commercial Cannabis Activities may be allowed on the same lot provided the proposed activities are allowed in the zone classification and meet all requirements in this Article and State Law.

### Planning-All

**Planning-All. 1**                                      **Cannabis Retail Operations - 1**

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.

**Planning-All. 2**                                      **Cannabis Retail Operations - 10**

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.

**Planning-All. 3**                                      **Cannabis Retail Operations - 11**

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.

**Planning-All. 4**                                      **Cannabis Retail Operations - 12**

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.

**Planning-All. 5**                                      **Cannabis Retail Operations - 13**

Cannabis or Cannabis Products shall not be sold or delivered by any means or method to any person within a motor vehicle.

**Planning-All. 6**                                      **Cannabis Retail Operations - 14**

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.

**Planning-All. 7**                                      **Cannabis Retail Operations - 2**

## ADVISORY NOTIFICATION DOCUMENT

### Planning-All

#### **Planning-All. 7 Cannabis Retail Operations - 2 (cont.)**

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.

#### **Planning-All. 8 Cannabis Retail Operations - 3**

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.

#### **Planning-All. 9 Cannabis Retail Operations - 4**

A 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.

#### **Planning-All. 10 Cannabis Retail Operations - 5**

Display areas shall include the smallest amount of Cannabis and Cannabis Products reasonably anticipated to meet sales during operating hours.

#### **Planning-All. 11 Cannabis Retail Operations - 6**

Prior to final inspection, the developer/permit holder shall contact the Planning Department to conduct a final inspection. The Planning Department shall do the following:  
- EV Parking spaces, ADA, Improved trash enclosure, all requirements of the Safety and Security Plan, and all signs.

#### **Planning-All. 12 Cannabis Retail Operations - 7**

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.

#### **Planning-All. 13 Cannabis Retail Operations - 8**

Restroom facilities shall be locked and under the control of the Cannabis Retailer.

#### **Planning-All. 14 Cannabis Retail Operations - 9**

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.

#### **Planning-All. 15 Development Agreement Funding – 45 Days**

## ADVISORY NOTIFICATION DOCUMENT

### Planning-All

#### Planning-All. 15                      Development Agreement Funding – 45 Days (cont.)

The project developer has 45 days from the date of the Development Agreement adoption by the Board Supervisors, to fund the Development Agreement No. 1900024 (DA1900024). These funds are to be used by County staff for the ongoing maintenance and annual reporting process related to the project's associated Development Agreement, throughout the lifespan of the project. Please contact the Planning Department for further details.

Refer to DA1900024 for further details and the amount required to be paid.

### Planning-CUL

#### Planning-CUL. 1                      Human Remains

If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

#### Planning-CUL. 2                      Unanticipated Resources

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit.

If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis.

Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

### Transportation

#### Transportation. 1                      Trans General Conditions

##### General Conditions

1. With respect to the conditions of approval for the referenced tentative exhibit, it is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and



## ADVISORY NOTIFICATION DOCUMENT

### Transportation

#### Transportation. 1                      Trans General Conditions (cont.)

drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. The County of Riverside applicable ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

2. Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955-6527.

### Waste Resources

#### Waste Resources. 1                      Waste - General

Hazardous materials are not accepted at Riverside County landfills. In compliance with federal, state, and local regulations and ordinances, any hazardous waste generated in association with the project shall be disposed of at a permitted Hazardous Waste disposal facility. Hazardous waste materials include, but are not limited to, paint, batteries, oil, asbestos, and solvents. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Environmental Health, Environmental Protection and Oversight Division.

AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:

- Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
- Subscribe to a recycling service with their waste hauler.
- Provide recycling service to their tenants (if commercial or multi-family complex).
- Demonstrate compliance with the requirements of California Code of Regulations Title 14.

For more information, please visit:

[www.rivcowm.org/opencms/recycling/recycling\\_and\\_compost\\_business.html#mandatory](http://www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory)

Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended.

Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.

AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services. Those subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:

- Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
- Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler

## ADVISORY NOTIFICATION DOCUMENT

### Waste Resources

#### Waste Resources. 1

#### Waste - General (cont.)

to ensure the waste generated from those services meet the requirements of AB 1826.



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

## DEVELOPMENT ADVISORY COMMITTEE (“DAC”) INITIAL CASE TRANSMITTAL RIVERSIDE COUNTY PLANNING DEPARTMENT – RIVERSIDE PO Box 1409 Riverside, 92502-1409

DATE: November 8, 2019

**TO:**

Riv. Co. Transportation Dept.	Riv. Co. Building & Safety – Plan Check	Riv. Co. Airport Land Use Commission
Riv. Co. Environmental Health Dept.	Riv. Co. Trans. Dept. – Landscape Section	Board of Supervisors - Supervisor: 1 <sup>st</sup> District
Riv. Co. Public Health Dept.	Riv. Co. Sheriff's Dept.	Hemet Sphere of Influence
Riv. Co. Fire Department (Riv. Office)	Riv. Co. Waste Resources Management Dept.	Western Municipal Water District (WMWD)
Southern California Edison Co. (SCE)		
Southern California Gas Co.		

**CONDITIONAL USE PERMIT NO. 190036, DEVELOPMENT AGREEMENT NO. 1900024 – CEQ190119**  
– Applicant: Raquel Origel – First Supervisorial District – Lakeland Village District – Elsinore Area Plan: Mixed Used Area: (MUA) – Location: North of Akley Street, East of Evergreen Street, South of Grand Ave, and West of Adelfa Street – 1.34 Acres – Zoning: General Commercial (C-1/C-P) – **REQUEST:** Development Agreement No 1900024. would impose a lifespan on the proposed cannabis project and provide community benefits to the Elsinore Area. Conditional Use Permit No. 190036 proposes to renovate an existing building to establish a cannabis storefront – APN: 381-273-029 – **BBID: 665-428-471**

**DAC staff members and other listed Riverside County Agencies, Departments and Districts staff:**  
A Bluebeam invitation has been emailed to appropriate staff members so they can view and markup the map(s) and/or exhibit(s) for the above-described project. Please have your markups completed and draft conditions in the Public Land Use System (PLUS) on or before the indicated DAC date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the PLUS routing on or before the above date. This case is scheduled for a **DAC internal review on November 21, 2019**. Once the route is complete, and the approval screen is approved with or without corrections, the project can be scheduled for a public hearing.

Any questions regarding this project, should be directed to Mina Morgan, Project Planner at (951) 955-6035, or e-mail at mimorgan@rivco.org / MAILSTOP #: 1070

Public Hearing Path: Administrative Action:  DH:  PC:  BOS:

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

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

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

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



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

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

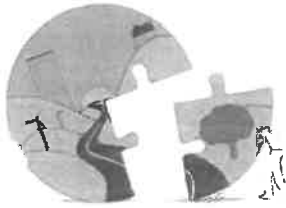
COMMENTS:

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

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

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

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



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN                       PUBLIC USE PERMIT                       VARIANCE  
 CONDITIONAL USE PERMIT                       TEMPORARY USE PERMIT
- REVISED PERMIT Original Case No. CUP 190036

*INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.*

### APPLICATION INFORMATION

Applicant Name: Nibble This - Lake Elsinore, LLC

Contact Person: Raquel Origel, Managing Member

E-Mail: rorigel@gmail.com

Mailing Address: 316 Calle Corral

*Street*

San Clemente, CA 92673

*City*

*State*

*ZIP*

Daytime Phone No: ( 714 ) 615-1049

Fax No: (     )     

Engineer/Representative Name: Graphia Architecture & Engineering

Contact Person: Sean Freitas, President & CEO

E-Mail: design@graphia.com

Mailing Address: 100 Gateway Drive, Suite 120

*Street*

Lincoln, CA 95648

*City*

*State*

*ZIP*

Daytime Phone No: ( 916 ) 209-9890

Fax No: (     )     

Property Owner Name: Clyde W. Brunner and Sharol Brunner, Trustees of the Brunner Family Trust dated March 3, 2007

Contact Person: Clyde W. Brunner, Co-Trustee

E-Mail: niguelhomecenter@gmail.com

Mailing Address: 171 Avenida Vaquero, Unit B

*Street*

San Clemente, CA 92672

*City*

*State*

*ZIP*

Daytime Phone No: ( 714 ) 345-4000

Fax No: (     )     

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

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

**APPLICATION FOR LAND USE AND DEVELOPMENT**

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the use permit type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

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

I certify that I am/we are the record owner(s) or authorized agent, and that the information filed is true and correct to the best of my knowledge, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(If an authorized agent signs, the agent must submit a letter signed by the owner(s) indicating authority to sign on the owner(s)'s behalf, and if this application is submitted electronically, the "wet-signed" signatures must be submitted to the Planning Department after submittal but before the use permit is ready for public hearing.)

Clyde W. Brunner, Co-Trustee

PRINTED NAME OF PROPERTY OWNER(S)

Sharol Brunner, Co-Trustee

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

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

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**

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

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 381-273-029

Approximate Gross Acreage: 1.34

General location (nearby or cross streets): North of Akley Street, South of Grand Avenue, East of Evergreen Street, West of Adelfa Street

**APPLICATION FOR LAND USE AND DEVELOPMENT**

**PROJECT PROPOSAL:**

Describe the proposed project.

The Applicant will renovate 3,313 square feet of 17139 Grand Avenue, Lake Elsinore, CA 92530, to establish a cannabis storefront retailer with delivery pursuant to

Cannabis RFP Response CAN190043.

Identify the applicable Ordinance No. 348 Section and Subsection reference(s) describing the proposed land use(s): Cannabis storefront retailer with delivery

Number of existing lots: 1

EXISTING Buildings/Structures: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>						
No.*	Square Feet	Height	Stories	Use/Function	To be Removed	Bldg. Permit No.
1	8,236	26' 6"	1	Retail strip center	<input type="checkbox"/>	BT1140097
2					<input type="checkbox"/>	
3					<input type="checkbox"/>	
4					<input type="checkbox"/>	
5					<input type="checkbox"/>	
6					<input type="checkbox"/>	
7					<input type="checkbox"/>	
8					<input type="checkbox"/>	
9					<input type="checkbox"/>	
10					<input type="checkbox"/>	

Place check in the applicable row, if building or structure is proposed to be removed.

PROPOSED Buildings/Structures: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
No.*	Square Feet	Height	Stories	Use/Function
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

PROPOSED Outdoor Uses/Areas: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
No.*	Square Feet	Use/Function
1		
2		
3		
4		
5		

**APPLICATION FOR LAND USE AND DEVELOPMENT**

6		
7		
8		
9		
10		

\* Match to Buildings/Structures/Outdoor Uses/Areas identified on Exhibit "A".

Check this box if additional buildings/structures exist or are proposed, and attach additional page(s) to identify them.)

Related cases filed in conjunction with this application:

Cannabis RFP Response CAN190043 and an Application for Development Agreement

Are there previous development applications filed on the subject property: Yes  No

If yes, provide Application No(s). PUP00597R1 (Large Family Day Care); CUP02738 (Conditional Use Permit)  
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) \_\_\_\_\_ EIR No. (if applicable): \_\_\_\_\_

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes  No

If yes, indicate the type of report(s) and provide a signed copy(ies): Geological report

Is the project located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Government Code Section 65944? Yes  No

Is this an application for a development permit? Yes  No

If the project located within either the Santa-Ana River/San Jacinto Valley watershed, the Santa Margarita River watershed, or the Whitewater River watershed, check the appropriate checkbox below.

*If not known, please refer to Riverside County's Map My County website to determine if the property is located within any of these watersheds (search for the subject property's Assessor's Parcel Number, then select the "Geographic" Map Layer – then select the "Watershed" sub-layer)*

If any of the checkboxes are checked, click on the adjacent hyperlink to open the applicable Checklist Form. Complete the form and attach a copy as part of this application submittal package.

[Santa Ana River/San Jacinto Valley](#)

[Santa Margarita River](#)

[Whitewater River](#)



**APPLICATION FOR LAND USE AND DEVELOPMENT**

If the applicable Checklist has concluded that the application requires a preliminary project-specific Water Quality Management Plan (WQMP), such a plan shall be prepared and included with the submittal of this application.

**HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Address of site (street name and number if available, and ZIP Code): \_\_\_\_\_

Local Agency: County of Riverside

Assessor's Book Page, and Parcel Number: \_\_\_\_\_

Specify any list pursuant to Section 65962.5 of the Government Code: None

Regulatory Identification number: \_\_\_\_\_

Date of list: \_\_\_\_\_

Applicant: N/A Date \_\_\_\_\_

**HAZARDOUS MATERIALS DISCLOSURE STATEMENT**

Government Code Section 65850.2 requires the owner or authorized agent for any development project to disclose whether:

1. Compliance will be needed with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the County. Yes  No

2. The proposed project will have more than a threshold quantity of a regulated substance in a process or will contain a source or modified source of hazardous air emissions. Yes  No

I (we) certify that my (our) answers are true and correct.

Owner/Authorized Agent (1) [Signature] Clyde W. Brunner, Co-Trustee Date 10/9/2019

Owner/Authorized Agent (2) [Signature] Sharol Brunner, Co-Trustee Date 10/9/2019

## **APPLICATION FOR LAND USE AND DEVELOPMENT**

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**This completed application form, together with all of the listed requirements provided on the Land Use and Development Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.**

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\Land Use and Development Condensed application.docx  
Created: 04/29/2015 Revised: 08/03/2018



# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Charissa Leach, P.E.**  
Assistant TLMA Director

## APPLICATION FOR DEVELOPMENT AGREEMENT

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

### APPLICATION INFORMATION

Applicant Name: Nibble This - Lake Elsinore, LLC

Contact Person: Raquel Origel, Managing Member E-Mail: rorigel@gmail.com

Mailing Address: 316 Calle Corral Street

San Clemente, CA 92673 City State ZIP

Daytime Phone No: (714) 615-1049 Fax No: ( )

Engineer/Representative Name: Graphia Architecture & Engineering

Contact Person: Sean Freitas, President & CEO E-Mail: design@graphia.com

Mailing Address: 100 Gateway Drive, Suite 120 Street

Lincoln, CA 95648 City State ZIP

Daytime Phone No: (916) 209-9890 Fax No: ( )

Property Owner Name: Clyde W. Brunner and Sharol Brunner, Trustees of the Brunner Family Trust dated March 3, 2007

Contact Person: Clyde W. Brunner, Co-Trustee E-Mail: niguelfhomecenter@gmail.com

Mailing Address: 171 Avenida Vaquero, Unit B Street

San Clemente, CA 92672 City State ZIP

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

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

*"Planning Our Future Preserving Our Past"*

**APPLICATION FOR DEVELOPMENT AGREEMENT**

**DESCRIBE APPLICANT'S INTEREST IN THE PROPERTY:**

Per the attached LLC-12, an owner of the Applicant, Clyde Brunner, is also an owner of the property.

**\*NOTE:** ATTACH DOCUMENTATION VERIFYING THE APPLICANT'S INTEREST AND AUTHORIZATION TO APPLY ON BEHALF OF THE OWNER (See Section 104 of Exhibit "A" of Resolution No. 2012-047).

Nibble This - Lake Elsinore, LLC, by its Managing Member, Raquel Origel

PRINTED NAME OF APPLICANT



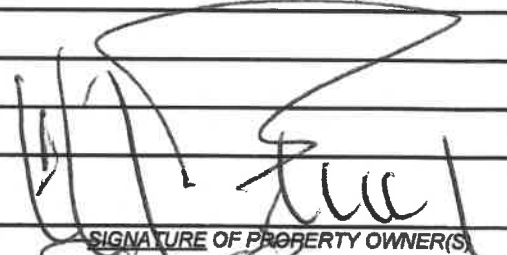
SIGNATURE OF APPLICANT

**DESCRIBE OWNER'S INTEREST IN THE PROPERTY:**

Clyde W. Brunner and Sharol Brunner, Trustees of the Brunner Family Trust dated March 3, 2007, are the fee simple owners of the property.

Clyde W. Brunner, Co-Trustee

PRINTED NAME OF PROPERTY OWNER(S)



SIGNATURE OF PROPERTY OWNER(S)

Sharol Brunner, Co-Trustee

PRINTED NAME OF PROPERTY OWNER(S)



SIGNATURE OF PROPERTY OWNER(S)

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the General Plan Amendment type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 381-273-029

Approximate Gross Acreage: 1.34

General location (nearby or cross streets): North of Akley Street, South of Grand Avenue, East of Evergreen Street, West of Adelfa Street

**This completed application form, together with all of the listed requirements provided on the Development Agreement Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.**

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1070 DA Condensed Application.docx  
Created: 07/06/2015 Revised: 07/30/2018



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E,  
Assistant TLMA Director

## INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any tentative map (tract or parcel), revised map, map minor change, reversion to acreage, conditional use permit, public use permit, surface mining permit, WECS permit, hazardous waste siting permit, temporary outdoor event permit, plot plan, substantial conformance, revised permit, variance, setback adjustment, general plan amendment, specific plan, specific plan amendment, specific plan substantial conformance, zoning amendments, and any associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

10/9/2019

Property Owner(s) Signature(s) and Date

Clyde W. Brunner, Co-Trustee

Printed Name of Owner

If the property is owned by multiple owners, the paragraph above must be signed by each owner. Attach additional sheets of this page, if necessary.

If the property owner is a corporate entity, Limited Liability Company, partnership or trust, the following documentation must also be submitted with this application:

- If the property owner is a limited partnership, provide a copy of the LP-1, LP-2 (if an amendment) filed with the California Secretary of State.
- If the property owner is a general partnership, provide a copy of the partnership agreement documenting who has authority to bind the general partnership and to sign on its behalf.
- If the property owner is a corporation, provide a copy of the Articles of Incorporation and/or a corporate resolution documenting which officers have authority to bind the corporation and to sign on its behalf. The corporation must also be in good standing with the California Secretary of State.
- If the property owner is a trust, provide a copy of the trust certificate.

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

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

"Planning Our Future... Preserving Our Past"

**INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS**

- *If the property owner is a Limited Liability Corporation, provide a copy of the operating agreement for the LLC documenting who has authority to bind the LLC and to sign on its behalf.*

*If the signing entity is also a corporate entity, Limited Liability Company, partnership or trust, the above documentation must also be submitted with this application. For any out of State legal entities, provide documentation showing registration with the California Secretary of State.*

*In addition to the above, provide a copy of a Preliminary Title Report for the property subject to this application. The Preliminary Title Report must be issued by a title company licensed to conduct business in the State of California and dated less than six months prior to the date of submittal of this application. The Assistant TLMA Director may waive the requirement for a Preliminary Title Report if it can be shown to the satisfaction of the Assistant TLMA Director that the property owner(s) has owned the property consistently for at least the last five years.*

*If the application is for a plot plan for a Wireless Communication Facility, the property owner(s) and the cellular service provider must sign the indemnification paragraph above. If the application is for a plot plan for a wireless communication co-location, only the co-locating service provider needs to sign the indemnification paragraph above.*



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.,  
Assistant TLMA Director

## INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any tentative map (tract or parcel), revised map, map minor change, reversion to acreage, conditional use permit, public use permit, surface mining permit, WECS permit, hazardous waste siting permit, temporary outdoor event permit, plot plan, substantial conformance, revised permit, variance, setback adjustment, general plan amendment, specific plan, specific plan amendment, specific plan substantial conformance, zoning amendments, and any associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

*Sharol Brunner*

10/9/2019

Property Owner(s) Signature(s) and Date

**Sharol Brunner, Co-Trustee**

Printed Name of Owner

*If the property is owned by multiple owners, the paragraph above must be signed by each owner. Attach additional sheets of this page, if necessary.*

*If the property owner is a corporate entity, Limited Liability Company, partnership or trust, the following documentation must also be submitted with this application:*

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- *If the property owner is a trust, provide a copy of the trust certificate.*

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P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 • Fax (951) 955-1811

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Palm Desert, California 92211  
(760) 863-8277 • Fax (760) 863-7040

**INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS**

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## NOTICE OF PUBLIC HEARING

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider a proposed project in the vicinity of your property, as described below:

**CONDITIONAL USE PERMIT NO. 190036 and DEVELOPMENT AGREEMENT NO. 1900024 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061 (b)(3) (Common Sense) – Applicant: Nibble This – Lake Elsinore, LLC – First Supervisorial District – Lakeland Village District – Elsinore Area Plan: Mixed Used Area: (MUA) – Location: Northerly of Akley Street, easterly of Evergreen Street, southerly of Grand Avenue, and westerly of Adelfa Street – 1.34 Acres – Zoning: General Commercial (C-1/C-P) – **REQUEST:** Development Agreement No. 1900024 has a term of 10 years and grants the applicant vesting rights to develop the Project, in accordance with the terms of Development Agreement No. 1900024 and conditional Use Permit No. 190036, which will provide community benefits to the Elsinore Area. Conditional Use Permit No. 190036 proposes to use an existing 3,313 sq. ft. building as a storefront cannabis retailer with delivery services on a 1.34-acre lot with parking and landscaping. APN: 381-273-029.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.  
DATE OF HEARING: **MAY 19, 2021**  
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER  
BOARD CHAMBERS, 1ST FLOOR  
4080 LEMON STREET, RIVERSIDE, CA 92501

Pursuant to 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 allowed but limited to comply with the Executive Order. Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>.

For further information regarding this project please contact the Project Planner Mina Morgan at (951) 955-6035 or email at [mimorgan@rivco.org](mailto:mimorgan@rivco.org), or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing. The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment on the proposed project may submit their comments in writing by mail or email, or by phone between the date of this notice and the public hearing; or, you may appear and be heard at the time and place noted above. You may participate remotely by registering with the Planning Department. All comments received prior to the public hearing will be submitted to the Planning Commission for consideration, in addition to any oral testimony, before making a decision on the proposed project. All correspondence received before and during the meeting will be distributed to the Planning Commission and retained for the official record.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:  
RIVERSIDE COUNTY PLANNING DEPARTMENT  
Attn: Mina Morgan  
P.O. Box 1409, Riverside, CA 92502-1409

**PROPERTY OWNERS CERTIFICATION FORM**

I, VINNIE NGUYEN certify that on January 14, 2021,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers CUP190036 / DA1900024 for

Company or Individual's Name RCIT - GIS,

Distance buffered 600'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

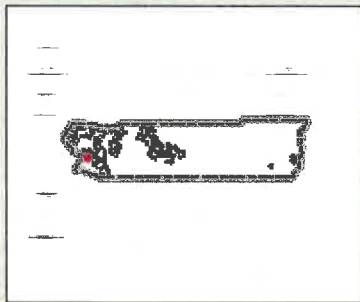
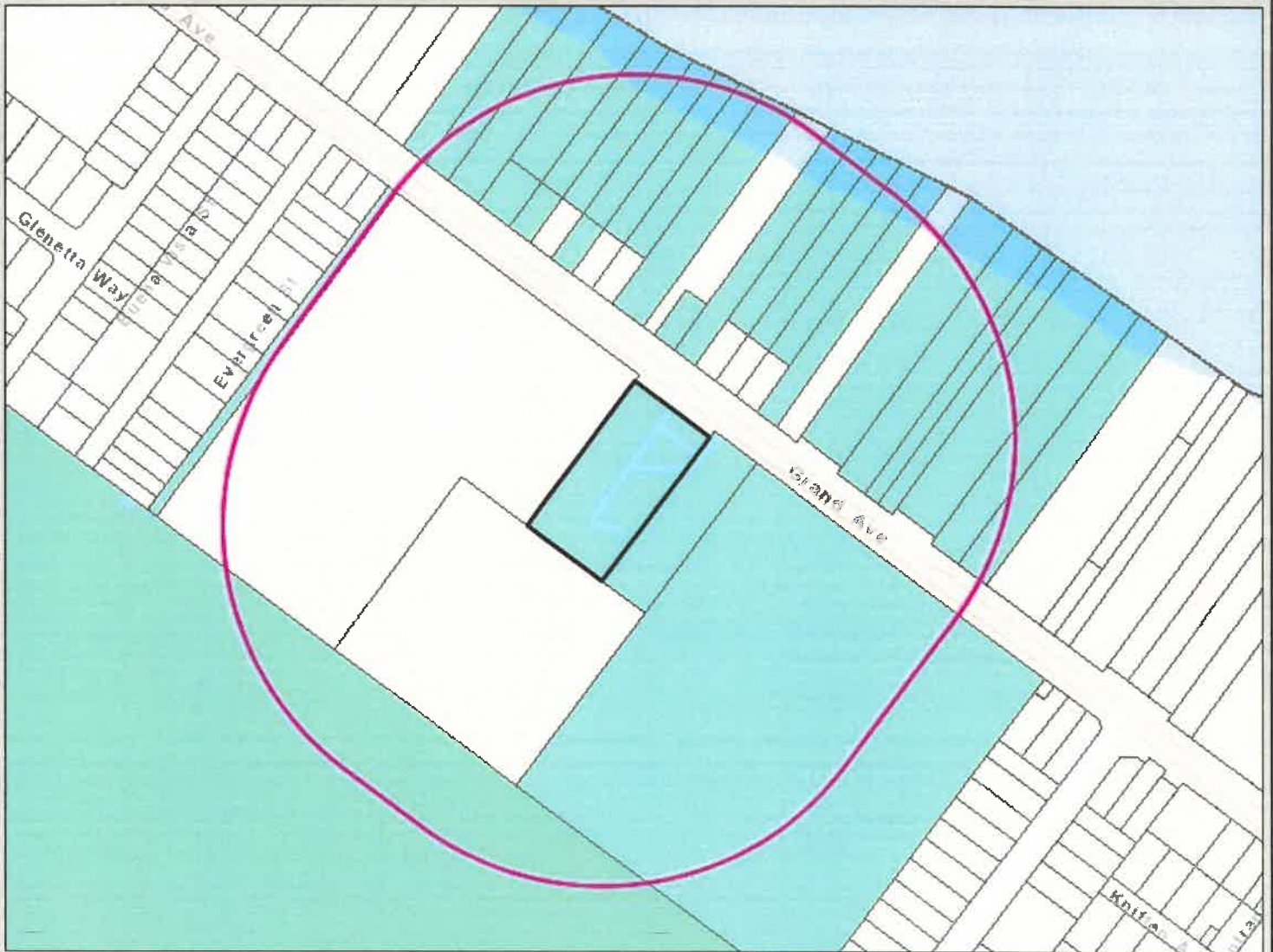
ADDRESS: 4080 Lemon Street 9<sup>TH</sup> Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

# Riverside County GIS Mailing Labels



CUP190036 / DA1900024 ( 600 feet buffer )



**Legend**

- County Boundary
- Cities
- Parcels
- World Street Map

**Notes**



0 376 752 Feet

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 1/15/2021 9:22:36 AM

© Riverside County RCIT

381273037  
CHENG NAN TAI  
12342 ROSE ST  
CERRITOS CA 90703

381120007  
FEINBERG MICHAEL S REVOCABLE TRUST  
16980 GRAND AVE  
LAKE ELSINORE CA 92530

381120019  
ROBERT H. NYMAN  
17150 GRAND AVE  
LAKE ELSINORE CA 92530

381120021  
ERIC J. CHINLUND  
P O BOX 141  
LAKE ELSINORE CA 92531

381120037  
ELSINORE VALLEY MUNICIPAL WATER DIST  
P O BOX 3000  
LAKE ELSINORE CA 92530

381120040  
EDWARD JONES TRUST CO  
P O BOX 66503  
ST LOUIS MO 63166

381273029  
CLYDE W. BRUNNER  
171 B AVENIDA VAQUERO  
SAN CLEMENTE CA 92672

386160004  
MORGAN PROP  
7004 BOULEVARD E NO 36E  
GUTTENBERG NJ 07093

381120011  
VIRGINIA F. OGRADY  
17078 GRAND AVE  
LAKE ELSINORE CA 92530

381120014  
BRET POLIZZI  
17092 GRAND AVE  
LAKE ELSINORE CA 92530

381120020  
MARVIN HARDLEY  
19423 CRAIG JON AVE  
CARSON CA 90746

381120035  
KEN L. WALLACE  
723 N ELM AVE  
JACKSON MI 49202

381120012  
STEVEN J. KINNEY  
17078 GRAND AVE  
LAKE ELSINORE CA 92530

381120013  
LEONA M. SPENCER  
64 LA VERNE AVE  
LONG BEACH CA 90803

381130004  
KIMBERLY DAWN SMITH  
17230 GRAND AVE  
LAKE ELSINORE CA 92530

381120006  
FRANCIS L. HENKEL  
P O BOX 1473  
WILDOMAR CA 92595

381120010  
ARTURO BARRAGAN RODRIGUEZ  
24447 THEDA ST  
PERRIS CA 92570

381130006  
CHARLES L. BLOCK  
17248 GRAND AVE  
LAKE ELSINORE CA 92530

381130007  
SCOTT C. HADLEY  
31902 AVENIDA EVITA  
SAN JUAN CAPO CA 92675

381273023  
TENACE DOMINIC TRUST DATED 05/23/1988  
19058 REINDEER DR  
LAKE ELSINORE CA 92530

381130014  
CANAAN RESORT INV  
15172 CANON LN  
CHINO HILLS CA 91709

381120030  
WILLIAM B. MILLER  
17140 GRAND AVE  
LAKE ELSINORE CA 92530

381120042  
ROGERS REVOCABLE LIVING TRUST DATED  
17130 GRAND AVE  
LAKE ELSINORE CA 92530

381130015  
KENNETH S. MCBRIDE  
45899 VIA TORNADO  
TEMECULA CA 92590

381261001  
CRISTINA M. DELROSARIO  
3628 FAIRESTA ST  
LA CRESCENTA CA 91214

381120008  
HARRY RYAN  
17000 GRAND AVE  
LAKE ELSINORE CA 92530

381120022  
JORGEN MOLLER  
P O BOX 385  
WILDOMAR CA 92595

381120038  
LLOYD D. SHOOK  
17030 GRAND AVE  
LAKE ELSINORE CA 92530

381120009  
SHOOK FAMILY TRUST  
17030 GRAND AVE  
LAKE ELSINORE CA 92530

381130003  
RICHARD BODEY  
17224 GRAND AVE  
LAKE ELSINORE CA 92530

381130002  
NELSON SIVERT T & APRIL J LIVING TRUST DTD  
17220 GRAND AVE  
LAKE ELSINORE CA 92530

**Applicant:**

Nibble This – Lake Elsinore, LLC  
316 Calle COR  
San Clemente CA, 92673  
Attn: Damian Martin

**Owner:**

Clyde Brunner  
171 B Avenida Vaquero  
San Clemente CA, 92672

**Engineer:**

Sean Freitas  
100 Gateway Dr #120  
Lincoln CA, 95648

City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92330

Kirkland West  
Habitat Defense Council  
PO Box 7821  
Laguna Niguel, Ca, 92607-7821

Western Municipal Water Dist.  
14205 Meridian Parkway  
Riverside, CA 92518

Richard Drury  
Komalpreet Toor  
Lozeau Drury, LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612

Southern California Edison  
2244 Walnut Grove Ave. Room 312  
P.O. Box 600  
Rosemead, CA 91770

Southern California Gas Company  
P.O. Box 1626  
Monterey Park, CA 91754





# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Charissa Leach, P.E.**  
**Assistant TLMA Director**

## NOTICE OF EXEMPTION

**TO:**  Office of Planning and Research (OPR) P.O. Box 3044 Sacramento, CA 95812-3044  
 County of Riverside County Clerk

**FROM:** Riverside County Planning Department  
 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409

38686 El Cerrito Road Palm Desert, CA 92201

**Project Title/Case No.:** Cannabis Retailer / Development Agreement No. 1900024, and Conditional Use Permit No. 190036

**Project Location:** 17139 Grand Avenue Lake Elsinore, CA 92530

**Project Description:** DEVELOPMENT AGREEMENT NO. 1900024, AND CONDITIONAL USE PERMIT NO. 190036 – Exempt from the California Environmental Quality Act (“CEQA”), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061 (b) (3) (Common Sense) – Applicant: Nibble This – Lake Elsinore, LLC – First Supervisorial District – Lakeland Village District – Elsinore Area Plan: Mixed Used Area: (MUA) – Location: North of Akley Street, East of Evergreen Street, South of Grand Ave, and West of Adelfa Street – 1.34 Acres – Zoning: General Commercial (C-1/C-P) – REQUEST: Development Agreement No. 1900024 has a term of 10 years and grants the applicant vesting rights to develop the Project, in accordance with the terms of Development Agreement No. 1900024 and Conditional Use Permit No. 190036, and will provide community benefits to the Elsinore Area. Conditional Use Permit No. 190036 proposes to use an existing 3,313 square-foot building as a storefront cannabis retailer with delivery services, on a 1.34 acre lot with parking, landscaping – APN: 381-273-029

**Name of Public Agency Approving Project:** Riverside County Planning Department

**Project Applicant & Address:** Derek Catalano – 4079 Shady Ridge CIR Corona, CA 92881

**Exempt Status: (Check one)**

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption 15301, 15303, and 15061 (b)(3)
- Statutory Exemption (\_\_\_\_\_)
- Other:

**Reasons why project is exempt:** The proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061 (b) (3) (Common Sense).

Mina Morqan (951) 955-6035  
County Contact Person Phone Number

\_\_\_\_\_  
Signature Title Date Project Planner May 10, 2021

Date Received for Filing and Posting at OPR: \_\_\_\_\_

Please charge deposit fee case#: ZEA No:42996 ZCFW No. 6364- County Clerk Posting Fee  
**FOR COUNTY CLERK'S USE ONLY**

# STAFF REPORT PACKAGE CHECKLIST

<b>Date:</b> 5/10/2021	<b>Date due to principal for review:</b> Completed
<b>Project Planner:</b> Mina Morgan	<b>Date due back to planner:</b> Completed
<b>Case Number(s):</b> CUP190036	<b>Date due to DH/PC Secretary:</b>
<b>Anticipated Hearing Date:</b> May 19, 2021	

STAFF REPORT PACKAGE CONTENT and ORDER			
1.	<input checked="" type="checkbox"/> Staff Report (New Template)	13.	<input type="checkbox"/> <del>GPIP Package</del> (If Applicable)
2.	<input type="checkbox"/> Resolution(s) (EIR, GPAs, SPs, and SPAe)	14.	<input checked="" type="checkbox"/> Application (First Few Pages and Change of App/Own/Eng)
3.	<input checked="" type="checkbox"/> Vicinity Map	15.	<input checked="" type="checkbox"/> Indemnification Agreement
4.	<input checked="" type="checkbox"/> GIS Exhibits	16.	<input type="checkbox"/> Hearing Notice (Provided by PC Secretary)
5.	<input checked="" type="checkbox"/> Applicant's Exhibits/Maps (If Applicable)	17.	<input checked="" type="checkbox"/> Labels Certification Form & Radius Map
6.	<input type="checkbox"/> <del>SP Exhibit(s) &amp; Summary</del> (If Applicable)	18.	<input checked="" type="checkbox"/> Surrounding Property Owner's Labels
7.	<input type="checkbox"/> <del>ND/MND Cover Form &amp; Initial Study</del> (If Applicable)	19.	<input checked="" type="checkbox"/> Non-County Agency Labels
8.	<input checked="" type="checkbox"/> Conditions of Approval	20.	<input checked="" type="checkbox"/> Applicant/Owner/Engineer Labels
9.	<input checked="" type="checkbox"/> Initial LDC/DRT Transmittal Letter (All Subsequent LDC/DRT Transmittal Letters)	21.	<input checked="" type="checkbox"/> Notice of Determination (NOD) Form or Notice of Exemption (NOE) Form
10.	<input checked="" type="checkbox"/> Agency Letters/Reports (City, ALUC, RCA, Water, etc...)	22.	<input type="checkbox"/> California Fish & Game (CFG) Receipt(s)
11.	<input type="checkbox"/> <del>SB 18 &amp; AB 52 Consultation Letters</del>	23.	<input type="checkbox"/> Power Point Presentation
12.	<input type="checkbox"/> <del>Any other Applicable Letters / Memos</del>	24.	<input type="checkbox"/> <del>Email DRAFT Staff Report to County Counsel</del>
LMS UPDATE REQUIREMENTS		ADVERTISEMENT PACK REQUIREMENTS (NOTE: all mailing address shall be on gummed labels)	
<input type="checkbox"/> Update Table Screen 2 Description Field (and/or Screen 11 – Description field)	<input checked="" type="checkbox"/> Scheduling Request Form		
<input type="checkbox"/> Verify complete Routing and Approval Screens (For all applicable applications)	<input checked="" type="checkbox"/> Labels Certification Form & Radius Map (Certified & non-expired)		
<input type="checkbox"/> Change LMS status to appropriate hearing	<input checked="" type="checkbox"/> Surrounding Property Owner Labels		
<input type="checkbox"/> Verify Appropriate Fee Balance (\$3,000.00 for each hearing including resolution review and adoptions; \$1,500 for Receive & File Items and Accessory Structure items at DH; and, \$1,000.00 for final documents. The total will vary and should not include the time to prepare the staff report package)	<input checked="" type="checkbox"/> Non-County Agency Labels		
	<input checked="" type="checkbox"/> Applicant/Owner/Engineer Labels (2 sets)		
<input type="checkbox"/> Verify Property Taxes current for property	<input type="checkbox"/> Notify Applicant of need to post signs (CZ/EIR/GPA)		
ITEMS DUE UPON SUBMITTAL TO PLANNING COMMISSION SECRETARY			
<input type="checkbox"/> Full Size Maps/Exhibits (One set for DH; Six sets for PC)	<input checked="" type="checkbox"/> Scheduling Request (See Ad Pack Requirements)		
<input type="checkbox"/> Verify LMS Requirements are satisfied	<input type="checkbox"/> Signed Staff Report (See Staff Report Contents)		

Comments:

**\*NOTE:** This form is to be included with the Staff Report package.




**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.:**

**4 . 4**

**Planning Commission Hearing: May 19, 2021**

**PROPOSED PROJECT**

<b>Case Number(s):</b>	GPA No. 190004	<b>Applicant(s):</b> County of Riverside
<b>CEQA Exempt</b>	Section 15061(b)(3)	
<b>Area Plan:</b>	Various	
<b>Zoning Area/District:</b>	Various	
<b>Supervisory District:</b>	Countywide	
<b>Project Planner:</b>	Robert Flores, Principal Planner Advance Planning	 John Hildebrand Planning Director
<b>Project APN(s):</b>	N/A	

**PROJECT DESCRIPTION AND LOCATION**

General Plan Amendment (GPA) No. 190004 proposes to amend the Healthy Communities Element and the Land Use Element to provide policies on how to address and promote environmental justice, pursuant to the requirements of Senate Bill (SB) 1000 (Leyva, 2016). Specifically, these elements will be amended as follows:

- ❖ Land Use Element – this element is proposed to include the framework for environmental justice in the General Plan. Additionally, the Land Use Element is proposed to include maps/figures that delineate the environmentally disadvantaged communities within the jurisdiction of the County of Riverside. These communities are known as “disadvantaged communities” in SB 1000 but will be known as Environmental Justice Communities (“EJ Communities”) in the County’s General Plan.
- ❖ Healthy Communities Element – this element will include a list of environmental justice policies that are categorized under Civic Engagement, Health Risk Reduction (Pollution Exposure, Food Access, Safe and Sanitary Homes and Physical Activity), and Public Facilities.

This amendment affects the unincorporated area of the County of Riverside within the proposed designated EJ Communities. EJ Communities are shown on proposed Land Use Element Figure 4.1a and 4.1b (Attachment B of this report).

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

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

**Continue** the public hearing for **General Plan Amendment No. 190004** to the **June 2, 2021** regularly scheduled Planning Commission meeting, to allow additional time for the public, public agencies and organizations, and the Planning Commission to consider the proposed amendment.

## PROJECT BACKGROUND AND ANALYSIS

### Background:

#### **Healthy Communities and Land Use Element**

Senate Bill (SB) 1000 was adopted in 2016 requiring local general plans to address environmental justice and include related policy, if a “disadvantaged community” is identified within the area covered by the general plan. In order to fully address environmental justice, the general plans must include new policy intended to (1) reduce unique or compounded health risks in disadvantaged communities, (2) promote civic engagement in the public decision-making process, and (3) prioritize improvements and programs that address the needs of disadvantaged communities (Gov. Code §65302). This requirement took effect in January 2018. Thereafter, general plans must address EJ once two or more elements are amended concurrently. The County has not amended two or more elements concurrently (at the same time) since January 2018. However, an effort to incorporate EJ into the County General plan commenced in 2018 as part of GPA No. 1226, which was later separated as its own project, now known as GPA No. 190004 (EJ).

Government Code Section 65302(h)(4)(A) defines a disadvantaged community as a “low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation” or a geographic area that is identified by the California Environmental Protection Agency (“Cal EPA”) based on the area’s socioeconomic, public health, and environmental hazard criteria.

In accordance with Senate Bill 1000, the Environmental Health Screening Tool version 3.0 (CES 3.0), also known as CalEnviroScreen 3.0, and the Cumulative Environmental Vulnerability Assessment (CEVA) mapping data were used to identify EJ Communities. Two independent data sets were used because CES 3.0 is a statewide analysis, and CEVA is a Riverside County analysis, this approach would ensure that environmental justice communities within unincorporated Riverside County were identified and mapped. The mapping data was sourced from the California Office of Environmental Health Hazard Assessment (OEHHA) and the California Institute for Rural Studies (CIRS).

### Mapping Methodology

- ❖ Unincorporated Riverside County EJ Communities in need of remediation were mapped by selecting only those census tracts identified by CES 3.0 and CEVA to have the highest environmental hazards and lowest social-economic indicators.
- ❖ According to the CES 3.0 methodology, the census tracts with the highest scores represent EJ communities/areas (a.k.a. “disadvantaged communities”) and have the greatest environmental issues and economic challenges. Therefore, only census tracts with a score that falls above the 75<sup>th</sup> percentile was selected for mapping of EJ Communities, which is consistent with CalEPA methodology. Since no census tract has a score of 0, the use of percentiles, instead of percentages, effectively allows for the selection of the top scoring tracts or communities of concern.
- ❖ CEVA, differed from CES 3.0 in scale and methodology, however as with CES 3.0 only census tracts identified as heavily impacted both by environmental hazards and by low social-economic indicators were selected for mapping.

- ❖ A single census tract mapping layer was created from CES 3.0 and CEVA data, with adjustments to fully capture EJ communities and to ensure mapping continuity to facilitate the identification of areas in which environmental remediation would be evaluated.
- ❖ Areas within census tract boundaries not within Riverside County jurisdiction, such as, national parks, cities, tribal lands were removed from the census tract layer.
- ❖ Specific Plans areas were also removed because, as planned new communities, these areas comply with SP policy and may address EJ separately.
- ❖ Municipal Advisory Council (MAC) and Community Council (CC) boundaries, established by the Board of Supervisors, were correlated with EJ community boundaries to identify potential venues for communication between constituents and new development.
- ❖ Any existing communities captured by CES 3.0 and CEVA but outside MAC and CC boundaries were identified and captured by using a predefined boundary such as a census block.
- ❖ The resulting final map layer contained areas identified by CES 3.0 and CEVA that are within MAC/CC boundaries and some areas outside of MAC and CC boundaries but adjacent to; the map layer excluded non-jurisdictional areas and specific plan areas.

### **Project Analysis:**

#### **GPA No. 190004**

Environmental justice goals and policies are currently addressed within existing General Plan policies that are part of the nine adopted elements comprising the General Plan. However, in an effort to collectively and comprehensively address environmental justice, a section is proposed to be added to the Healthy Communities Element with a list of environmental justice policies that are categorized under Civic Engagement, Health Risk Reduction (Pollution Exposure, Food Access, Safe and Sanitary Homes and Physical Activity), and Public Facilities. Additionally, the Land Use Element is proposed to include a section that will address the law and framework for enacting environmental justice policies in the Healthy Communities Element. Attachment A (*Draft LUE/HCE policy inserts*), provides all proposed policies and textual changes to the abovementioned General Plan elements.

#### **General Plan Consistency**

State law requires internal consistency of the County's General Plan, including consistency of policy within an element and consistency of policy with other elements.

The proposed *Environmental Justice* sections in the Healthy Communities and Land Use Element will add new policy to the General Plan focused on the subject matter to improve public health and the environment within EJ Communities. Many of the new policies were derived from existing policy and focus on environmental justice. However, there are also new policies created to fully meet state requirements and address community concerns as it relates to EJ. All derived and new environmental justice policies were analyzed and do not create conflict with existing Land Use or Healthy Communities Element Policies or with policies in the remaining elements of the General Plan.

#### **Senate Bill 18 and Assembly Bill 52**

State law requires that an opportunity for consultation to be made available to Native American tribes in the County when considering a general plan amendment and a CEQA project compliance document, pursuant to Senate Bill (SB) 18 and Assembly Bill (AB) 52, respectively. An SB 18 letter was sent to affected tribes on April 5, 2018. No notification was provided pursuant to AB 52 because the project is

exempt from CEQA and AB 52 consultation is only required when an environmental impact report, mitigated negative declaration or negative declaration is prepared for a project. As of July 4, 2018 (90-day review period), six (6) responses were received from Native American tribes, yielding no requests to consult on the project due to an absence of impacts on tribal resources.

### **Airport Land Use Commission (ALUC) Review**

The proposed project was submitted to the Riverside County Airport Land Use Commission (RCALUC), pursuant to Public Resource Code Section 21676, which requires a review of projects for consistency with the airport land use compatibility plan. On June 11, 2018, RCALUC determined that GPA No. 190004 (which was part of GPA No. 1226 at that time) is "Consistent with the 2004 Riverside County Airport Land Use Compatibility Plan...."

### **CEQA Compliance**

The proposed General Plan Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), "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."

GPA No. 190004 creates policy to address environmental justice in the unincorporated areas of the County, pursuant to state law. These policies promote the creation of safe and healthy communities with the goal of improving the living and physical environment. The proposed addition of new text and maps provides guidance on how to address EJ, and does not implement any specific project, action, or funding. Therefore, this it can be seen with certainty that there is no possibility that GPA No. 190004 may have a significant effect on the environment.

### **FINDINGS**

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

GPA No. 190004 is a General Plan Amendment that amends the Healthy Communities Element and the Land Use Element. Accordingly, the findings supporting this type of General Plan amendment, pursuant to Ordinance No. 348, Section 2.4.C.2. a. b. and d. or e., are as follows:

a. The proposed amendment does not involve a change in or conflict with: The Riverside County Vision, any General Plan Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.

1. The Riverside County Vision:

- a. GPA No. 190004 supports many of the fundamental values listed in the Riverside County Vision ("Vision") Chapter of the County's General Plan, including, but not limited to, the *Community, Health, Diversity, Equity, Varied Communities, Balance, Participation, Distinctiveness, Multi-Modal Transportation, Safety, Recreation, and Healthy Food.*

The new *Environmental Justice* Sections in the Healthy Communities and Land Use Elements will include new policy intended to (1) reduce unique or compounded health risks in

disadvantaged communities, (2) promote civic engagement in public decision-making process, and (3) prioritize improvements and programs that address the needs of disadvantaged communities, thereby supporting the values of the Vision listed above, especially Community, Health, Equity, Participation, Recreation, and Healthy Food.

- b. The *Health Community* section of the Vision states, “Our communities are built with the overall health and wellbeing of our residents in mind. The communities are sustainable and continue to thrive because the residents take advantage of the amenities and healthy choices provided by the built and natural environment. The residents are provided options to live close to work, health services, and child day care; to safely travel as they choose (by car, public transit, foot, bicycle or other nonmotorized form of travel); to have access to trails, parks and open-space; and to have the choice of accessible healthy food. Partnerships are formed between the public and private agencies, as well as the community members to help endow the residents a healthier lifestyle.” The proposed amendments to the Healthy Communities Element and the Land Use Element in furtherance of environmental justice achieves the above vision with new policies that reduce health risks, promote civic engagement, and prioritize improvements and programs in low-income areas that are disproportionately affected by environmental pollution and other hazards.

2. General Plan Principle:

- a. Community Development Principle I.C.1., *Maturing Communities*, states, “...every community in the County is maturing in its own way, at its own pace and within its own context. Policies and programs should be tailored to local needs in order to accommodate the particular level of anticipated maturation in any given community.” The proposed *Environmental Justice* section in the Healthy Communities Element creates policies tailored to address local health issues within EJ Communities.
- b. Transportation Principle III.E.1., *Pedestrian, Bicycle and Equestrian Friendly Communities*, states, “Bicycle and pedestrian paths should be conveniently located and linked to commercial, public, educational and institutional uses.” The proposed *Environmental Justice* section in the Healthy Communities Element creates policies that promote active and healthy lifestyles, including policies that encourage the development of infrastructure that link all areas and destinations within a community.
- c. Community Design Principle IV.F.1., *Parks and Recreation*, states, “An ample system of specialized open space and recreational facilities should be provided which are pedestrian, bicycle and equestrian oriented and accessible to persons of all ages, and whose frequent use is encouraged through placement and design.” The proposed *Environmental Justice* sections in the Healthy Communities Element and Land Use Element create policies that promote active and healthy lifestyles, including policies that promote the development of accessible open space (i.e. parks, greenbelts and spaces, natural environment, and trails, etc.) and recreational facilities.

3. Foundation Component:

The proposed amendment does not include a specific project that changes a property’s land use designation from one Foundation Component into another.

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

The purpose of the state's environmental justice requirement for general plans is to reduce health risks, promote civic engagement, and prioritize improvements and programs in low-income areas that are disproportionately affected by environmental pollution and other hazards, and the proposed *Environmental Justice* policies in the Healthy Communities Element and Land Use Element allow the County to improve living conditions in EJ Communities.

d: A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law:

SB 1000 requires local general plans to address environmental justice and include related policy, if a "disadvantaged community" is identified within the area covered by the general plan.

e: An Amendment is required to comply with an update of the Housing Element or change in State Housing Element law.

The County's Housing Element (HE) must be adopted by October 2021, which also necessitates the update of the County's Safety Element (SE), pursuant to State Planning law. The update of two or more elements concurrently, as will be done in October 2021 for the HE and SE updates, will trigger the requirement to adopt EJ policies, pursuant to SB 1000.

### **Conclusions**

Based on the above findings, the Project is in conformance with all elements and components of the Riverside County General Plan; protects the public's health, safety, and general welfare; and, will not have a significant effect on the environment.

## **PUBLIC OUTREACH AND HEARING NOTIFICATION**

### **Public (Community) Outreach and Engagement**

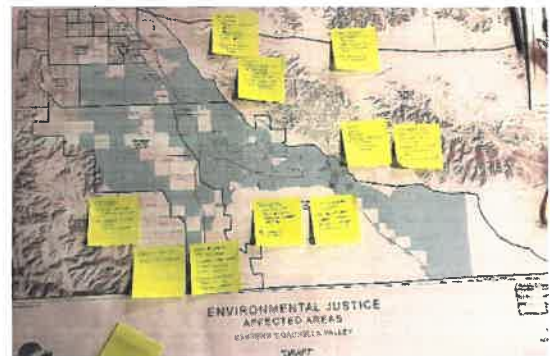
As described below, nine (9) different community engagement opportunities were hosted by the County at various stages of the planning process for GPA No. 190004 (EJ) to provide the communities (and residents/stakeholders) of the unincorporated County the opportunity to participate in the process.

Concurrent with preliminary policy drafting (pre-pandemic):

- ❖ Four (4) workshops at MACs/CCs (English presentation with translation)
- ❖ One (1) Planning Commission study session (English presentation)
- ❖ One (1) project-specific workshop (Spanish presentation with English translation)

After release of draft policies (during pandemic):

- ❖ One (1) virtual office hours event (speak to a planner Q/A session) to discuss policies (English and Spanish presentations)

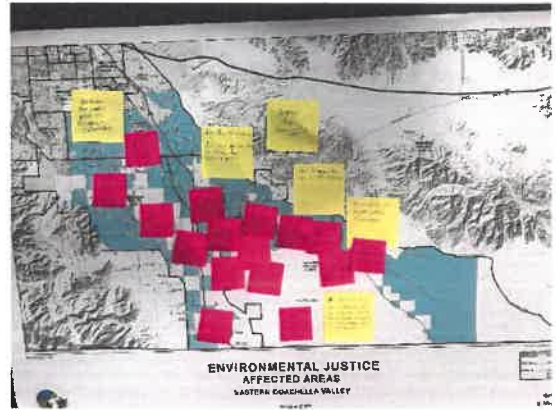




- ❖ Two (2) virtual policy charettes (English and Spanish presentations)

All events were published in the newspaper, website, and on social media. In addition, Staff relied on community partners to share the word via newsletters, word-of-mouth, etc. Staff presented information at all workshops and received comments.

Staff received similar comments at all community engagement opportunities, which included many questions about EJ and the goals, intent, and impacts. In addition to questions, staff received several comments about the lack of community engagement and involvement, affordable housing, and infrastructure/services within EJ Communities. Furthermore, other comments received include:



- ❖ Lack of healthcare facilities
- ❖ Poor access to food, especially affordable healthy options
- ❖ Poor air quality
- ❖ Lack of green areas
- ❖ Lack of commercial areas and jobs
- ❖ Lack of representation and collaboration
- ❖ Presence of dangerous and impactful situations because of adjacent uses
- ❖ Presence of gentrification

Comments received at all community engagement events, and comments received in writing, were reviewed and considered in the drafting of policies.

In addition to the above community input, the following tools were used to better engage the community:

- ❖ Dedicated webpage (available since 2018): <https://planning.rctlma.org/EJ>
- ❖ English and Spanish materials
- ❖ Social media posting of events and availability of information
- ❖ Community partnership

For the full description of outreach activities for EJ (GPA No. 190004), refer to the dedicated webpage for the project: [planning.rctlma.org/EJ](https://planning.rctlma.org/EJ).

### **Public Hearing Notification**

GPA No. 190004 was advertised in the Press Enterprise Newspaper/Desert Sun on May 9, 2021, pursuant to Section 1.6, 1.7, 1.8 of Riverside County Ordinance No. 348. The project is scheduled to be presented to the Planning Commission on May 19, 2021 as a public hearing item on the Agenda. Any communication from the public received pursuant to the hearing notification will be relayed to the Planning Commission. Any member of the public is welcome to provide comments or concerns during the Planning Commission public hearing.

Prior to the publishing of the public hearing notice and the preparation of this staff report, Planning staff has received three (6) comment letters. The letters are attached (Attachment C) to this staff report for

consideration.

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**REPORT:**

Prepared by Robert Flores  
Reviewed by Aaron Gettis  
Reviewed by Shellie Clack  
Approved by John Hildebrand

**ATTACHMENTS:**

Attachment A: Draft LUE/HCE Policy Inserts and Implementation Plan  
Attachment B: Proposed EJ Affected Areas (2 maps)  
Attachment C: Comment Letters Received

# ATTACHMENT A

## (Draft LUE/HCE Policy Inserts and Implementation Plan)

### Land Use Element (add)

*(Insert the following within the 4<sup>th</sup> section of this element – “Issues and Polices” – after “Policy Areas” that ends on page LU-74. The new subsection will be the fourth of the section). The policies after this section will have to be renumbered.*

## **Environmental Justice**

Environmental justice is “the fair treatment of people of all races, cultures, and incomes with respect to development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (Gov. Code §65040.12). To this end, the state legislature approved Senate Bill (SB) 1000 in 2016 that requires local general plans to address environmental justice and include related policy, if a “disadvantaged community” is identified within the area covered by the general plan. In order to fully address environmental justice, the general plans must include new or existing policy intended to (1) reduce unique or compounded health risks in disadvantaged communities, (2) promote civic engagement in public decision-making process, and (3) prioritize improvements and programs that address the needs of disadvantaged communities (Gov. Code §65302).

A disadvantaged community or **environmental justice community** (“EJ Community”) is defined as a “low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation” or a geographic area that is identified by the California Environmental Protection Agency (“Cal EPA”) based on the area’s socioeconomic, public health, and environmental hazard criteria (Gov. Code §65302). Using an environmental health screening tool, CalEnviroScreen 3.0, Cal EPA was able to identify and designate EJ Communities throughout the state that are burdened by multiple sources of pollution. There are a number of EJ Communities located within the unincorporated areas of the County, as shown on Figure LU - 4.1, entitled “Riverside County Environmental Justice Communities.” Additionally, the communities of Thermal and Oasis have been included in Figure LU - 4.1 as EJ Communities because the census tracts for these communities have been identified as having distinct environmental impact parameters. Figure LU – 4.1 may be updated as new information related to living or environmental conditions becomes available from either the State or the County, or the state updates CalEnviroScreen 3.0. The update comprising CalEnviroScreen 4.0 is in preparation. Figure LU 4.1a depicts the Area Plan boundaries as identified in the Land Use Element, overlain with the CalEnviroScreen EJ community boundaries thereby providing additional context for affected EJ areas.

Furtherance of policies to be addressed by government agencies and nNew land use development proposed within the EJ Communities will be evaluated for promoting consistency with the all environmental justice policies. The land use entitlement process provides a key opportunity to address environmental justice policies through the creation of safe, healthy, and environmentally sustainable communities.

Senate Bill (SB) 244 (2011), as discussed on page LU-24, covers policy related to disadvantaged unincorporated communities with its focus on socio-economic disadvantages, including specifically the availability of public services, facilities, and infrastructure serving households earning eighty percent (80%) or less than the median household income of the County. While there is some overlap between SB 244 and the EJ Communities defined by Cal EPA through CalEnviroScreen, the focus of the latter is on public health and factors affecting the physical environment, collectively constituting an EJ Community.

Nevertheless, there is substantial overlap between EJ communities and the fact that many households in such communities are socio-economically constrained. Updating SB 244 compliance is being undertaken in conjunction with the 6<sup>th</sup> Cycle Housing Element update and subsequently through future eight (8) year Housing Element cycle updates with the next cycle due to be prepared in 2029. At that time, any new legislation affecting compliance with SB 244 will also be addressed.

### Environmental Justice Policies

Environmental justice is addressed within the nine adopted elements of the County's General Plan. However, in an effort to collectively address environmental justice, the *Healthy Communities Element* includes a section entitled, "Environmental Justice" where focused policies are found, some of which are derived from other policies within the General Plan. The goal of the environmental Justice section in the Healthy Communities Element is to ensure the consideration of environmental justice policies, in order to improve public health and the environment within EJ Communities.

### Application of Environmental Justice Policies

Policies relevant to environmental justice apply particularly in the EJ Communities identified by the State of California. These communities are adapted from the state database and made part of the County's General Plan.

The General Plan represents the build-out vision of Riverside County. As such, it not only addresses what the County envisions to be achieved from new development, it also provides a framework for the collective living and working environment of its residents. Policies applicable to new development will be implemented by the County. Other policies to be implemented require cooperation with non-profits, community-based organizations, foundations, other government agencies, including those within county government, or entities outside of county government, as feasible.

To be clear, the General Plan is a document consisting of goals and policies. Such goals and policies are evaluated as a continuum of direction within broad interpretation parameters. They are not regulations in the manner that a zoning code consists of regulations with which compliance must be achieved. Goals and policies are interpreted and if the direction set by intent of the goal or policy is met, a level of compliance consistency is achieved such that the direction set by intent of the goal or policy is met within a continuum framework. EJ policies are evaluated in the same manner as all other General Plan goals and policies – subject to interpretation with appropriate determinations of compliance within a continuum framework findings of consistency as applicable pursuant to the EJ Implementation Plan.

In addition to General Plan Amendment noticing requirements, future amendments to the Land Use Element or Healthy Communities Element relative to EJ policies and the EJ Implementation Plan and the spatial definition of the EJ Communities which may result from state adoption of CalEnviroScreen 4.0 will be reviewed for comment and input with the affected EJ communities as depicted on Land Use Element Figure LU-4.1a and LU-4.1b as well as with the affected municipal advisory councils and community councils.

### EJ Implementation Plan

As noted, EJ policies are compiled in the Healthy Communities Element of the General Plan. The EJ implementation plan is provided as an appendix to the Healthy Communities Element (Appendix \_\_\_\_).

As such it is not part of this element and is not otherwise part of the General Plan. It is, therefore, an administrative document that can be modified as the County gains experience in interpreting and evaluating development and related activity for compliance with EJ policies without having to process a general plan amendment for any changes to the document.

DRAFT

## Healthy Communities Element

*(Insert after the 2<sup>nd</sup> section of this element – “Policies” – that ends on page HC-12; the EJ section will be a separate section of this element and the last section. No renumbering of other policies necessary)*

## Environmental Justice

The *Environmental Justice* section of the Healthy Communities Element identifies environmental justice policies that address quality of life and environmental safety. These environmental justice policies apply to the Environmental Justice Communities (“EJ Communities”) shown on Figure LU-4.1, entitled “Riverside County Environmental Justice Communities,” within the General Plan Land Use Element with specific policies located in the Healthy Communities Element. It is important to note that in addition to policies shown under the Environmental Justice Section, all other policies within the Healthy Communities Element also directly apply within EJ Communities; for example, policies HC 2.1, HC 11.1 and HC 11.2 above all encourage access to food, which is an issue within EJ Communities.

Environmental justice policies address five topics under the following categories:

**Civic Engagement:** this category includes policies that promote civic engagement in the decision-making process.

**Health Risk Reduction:** this category addresses pollution prevention in the day to day living environment that are grouped under the following headings:

- Pollution Exposure
- Food Access
- Safe and Sanitary Homes
- Physical Activity

**Public Facilities:** this category includes policies that prioritize improvements and programs for public facilities.

The objectives of these environmental justice policies are to increase civic engagement, reduce unique and compounded health risks, and prioritize improvements and programs for public facilities within EJ Communities. Meeting these objectives involves collaboration and coordination with the unincorporated communities and constituents, stakeholder groups, other government agencies, service districts, and the development community.

The environmental justice policies are provided below grouped under the headings discussed above.

### Civic Engagement

This category includes policies that promote civic engagement in the decision-making process.

#### Policies:

- HC 15.1 In coordination with community based organizations and community members, develop an outreach and engagement plan using multiple means for increasing public awareness and participation. Encourage civic engagement in the local planning process, in furtherance of environmental justice planning.

- HC 15.2 Encourage collaboration ~~as feasible,~~ between the county, community, and community-based organizations, as well as local stakeholders and environmental justice focus groups in promoting environmental justice.
- HC 15.3 ~~As feasible, partner~~ Work with local community-based organizations and environmental justice focus groups to promote civic engagement activities. In furtherance of environmental justice as set forth in the General Plan and related programs established within environmental justice communities.
- HC 15.4 Coordinate, with environmental groups, Native American tribal groups, the business community, special interests, county and non-county agencies and the general public in the development of programs that effectively reduce ~~airborne pollutants, greenhouse gas emissions and air pollution,~~ and as applicable pursuant to the Community Air Protection Program (AB617).
- HC 15.5 ~~Encourage public participation in the decision-making process~~ Develop a sustainability plan for siting hazardous waste and hazardous materials facilities, including solid waste and recycling facilities, through the County's local planning processes utilizing public outreach and engagement pursuant to policies HC 15.1, HC 15.2 and HC 15.3. The plan shall increase waste reduction measures, address illegal dumping, and increase access and affordability to composting and recycling facilities.
- HC 15.6 ~~Encourage the~~ Utilization of multilingual staff personnel to assist in evacuation and short-term recovery activities and meeting general community needs.
- HC 15.7 ~~Consider~~ Establishing a far-ranging, creative, forward-thinking public education and ~~outreach~~ community-oriented outreach campaign, to inform the environmental justice communities about the following in conjunction with implementation of policy HC15.1:
- a. Potential hazards.
  - b. The costs of not mitigating hazards and the health and environmental implications associated therewith
  - c. Facts about each hazard.
  - d. Methods to ameliorate health and environmental constraints.
  - e. Opportunities and constraints the County of Riverside has to address regarding environmental justice criteria.

### Health Risk Reduction

This category includes policies that work towards reducing unique and compounded health risks. The following policies address pollution exposure and access to food and encourages safe and sanitary homes and an environment conducive to engaging in physical activity.

#### Pollution Exposure Policies:

- HC 16.1 In cooperation with affected federal state, ~~and~~ local agencies, county departments, and impacted community residents, monitor changes to the Salton Sea and other bodies of water that impact air quality and water quality and seek and pursue opportunities to address impacts to the maximum extent possible, and make public the data and other



- ~~information related to the status of the effort, particularly as affecting the Eastern Coachella Valley unincorporated communities.~~
- HC 16.2 Pursue funding and other opportunities from state, federal, and local government and non-government sources and allocate county general funds to improve public health and limit pollution exposure and promote efforts to ameliorate environmental justice constraints in environmental justice communities. Assist communities, as feasible, in seeking funding for community-initiated clean air projects.
- HC 16.3 Assist communities in seeking funding for community initiated clean air projects including Encourage the installation of on-site air monitoring equipment in areas of high exposure to air contaminants.
- HC 16.4 Pursue funding to connect Assist low income residents and communities to municipal water and wastewater services, as feasible, in the interim, seeking financial assistance for septic system repair in order to limit groundwater contamination by poorly maintained septic systems or to provide for connections to wastewater systems as a viable alternative if such systems can be made readily available.
- HC 16.5\* Evaluate the compatibility of unhealthy and polluting land uses being located near sensitive receptors including possible impacts on ingress, egress, and access routes. Similarly, encourage sensitive receptors, such as housing, schools, hospitals, clinics, and child care facilities to be located away from uses that pose potential hazards to human health and safety, including landfills, farm fields, freight facilities, warehouses, freeways, major arterial roads as well as other potentially hazardous sites.
- ~~HC 16. Encourage developments that pose potential health and safety hazards to be located away from sensitive receptors.~~
- HC 16.6\* When developing and siting large scale logistics, warehouse and distribution projects, address the Good Neighbor Policy for Logistics and Warehouse/Distribution uses criteria adopted by the Board of Supervisors on November 19, 2019 and as may be subsequently amended.
- HC 16.67 Evaluate, as feasible, public and private facilities for health hazards or major sources of contamination and identify and implement alternatives for removal of contamination.
- HC 16.78 Evaluate Explore the potential for creating a cap or threshold on the number of pollution sources within EJ communities and make recommendations thereon.
- HC 16.89 Explore the feasibility of creating a partnership with the South Coast local Air Quality Management District (SCAQMD) to establish a mitigation program to reduce the impact of air pollution as well as assist with the implementation of air quality programs.
- HC 16.910\* Plan for Consider compact development projects in appropriate locations, including in existing communities and the clustering of affordable and mixed income housing therein, that make the most efficient use of land and concentrate complementary uses in close proximity to transit or non-transit mobility options and advocate for expanded transit and non-transit mobility options to serve such areas.

- HC 16.~~10~~11 Implement Encourage development of bicycle and pedestrian facilities to reduce dependency on fossil fuel based transportation and pursue funding to implement mobility plans and projects.
- HC 16.~~11~~12 Encourage the Planning and implement complete ~~of~~ streets which include sidewalks, greenbelts, and trails to facilitate use by pedestrians and bicyclists where such facilities are well separated from parallel or cross through traffic to ensure pedestrian and cyclist safety and rehabilitate/expand existing to achieve same or similar design features.
- HC 16.~~12~~13 Seek opportunities to Provide buffer spaces and vegetative barriers between high-volume roadways/ transportation and train track corridors and sensitive land uses.
- HC 16.~~13~~14\* Seek to Assure that sensitive receptors are separated and protected from polluting point sources, as feasible, including agricultural businesses that produce or use pesticides and chemical fertilizers.
- HC 16.~~14~~15\* Assure Encourage that site plan design protects people and land, particularly sensitive land uses such as housing and schools, ~~from air pollution and other externalities associated with industrial and warehouse development through the use of barriers, of distance, or similar solutions or measures~~ from emission sources when possible.
- HC 16.~~15~~16\* Apply Encourage the use of pollution control measures such as landscaping, vegetation, and green zones (in cooperation with the SCAQMD) and other materials, which trap particulate matter or control air pollution.
- HC 16.~~16~~17 Landscape by Encourage planting of ~~trees~~ on a community basis that removes pollutants from the air, provides shade and decreases the negative impacts of extreme heat on the community. air.
- HC 16.~~17~~18\* Promote Encourage new development that emphasizes job creation and reduction in vehicle miles traveled in job-poor areas and does not otherwise contribute to onsite emissions in order to improve air quality.
- HC 16.~~18~~19 Promote Work towards reduction of ~~ing~~ vehicle miles traveled (VMT) by encouraging expanded multi-modal facilities, linkages between such facilities, and services that provide transportation alternatives, such as transit, bicycle and pedestrian modes.
- HC 16.~~19~~20 Facilitate an increase in transit options. In particular, ~~coordinate with adjacent municipalities, transit providers and regional transportation planning agencies in the development of mutual policies and funding mechanisms to increase the use of alternative transportation modes.~~ All new development should contribute and invest in increasing access to public transit and multimodal active transportation infrastructure.
- HC 16.~~20~~21 Require Encourage the creation of programs that increase carpooling and public transit use, decrease trips and commute times, and increase use of alternative-fuel vehicles and facilities supporting the use of such vehicles including charging stations
- HC 16.~~21~~22\* Discourage industrial uses which use large quantities of water in manufacturing or cooling processes that result in subsequent effluent discharges, and encourage

agricultural businesses to limit and reduce the production and use of pesticides and chemical fertilizers to the maximum extent possible thereby minimizing contaminated infiltration and runoff, including runoff to the Salton Sea and other standing bodies of water.

HC 16.2223\* Discourage industrial and agricultural uses which produce significant quantities of toxic emissions into the air, soil, and groundwater to prevent the contamination of these physical environments.

HC 16.2324\* ~~Seek to~~ Ensure compatibility between industrial development and agricultural uses and adjacent land uses. To achieve compatibility, industrial development and agricultural uses ~~will may~~ be required to include criteria addressing noise, land, traffic and greenhouse gas emissions ~~mitigation measures~~ to avoid or minimize creating adverse conditions for impacts on adjacent communities.

HC 16.2425\* ~~Require~~ Encourage the conversion of mining operations into uses that are compatible with surrounding areas in accordance with the Surface Mining and Reclamation Act.

HC 16.2526 Enforce the land use policies and siting criteria related to hazardous materials and wastes through continued implementation of the programs identified in the County of Riverside Hazardous Waste Management Plan including the following:

- a. Ensure county businesses comply with federal, state and local laws pertaining to the management of hazardous wastes and materials including all Certified Unified Program Agency (CUPA) programs.
- b. ~~Require~~ Encourage and promote the programs, practices, and recommendations contained in the Riverside County Hazardous Waste Management Plan, giving the highest waste management priority to the reduction of hazardous waste at its source.

#### Food Access Policies:

HC 17.1 Cooperate with transit providers in the review of transit routes to provide service to jobs, shopping, schools, libraries, parks, healthcare facilities, grocery stores, markets, food distribution centers, and healthy restaurants that provide whole grain, low fat, low salt and fresh and cooked vegetable options. This policy must also coordinate with transit policies to ensure stronger connectivity and accessibility for residents.

HC 17.2\* ~~As feasible, Orient~~ buildings closer to streets or provide landscaped promenades that connect buildings to bus stops with routes that provide access to shopping centers, grocery stores, and areas where farmers markets are held.

HC 17.3\* Encourage site design for new development to accommodate interior spaces for recreational and other neighborhood uses, such as community gardens and farmer's markets in order to increase access to fresh and healthy foods; and to render such spaces convenient and available to neighboring streets, neighborhoods, and other nearby facilities to fill the void or lack of small grocery stores and increase access to fresh and healthy foods within EJ Communities.

- HC 17.4 Work with community organizations to develop ~~Consider the preparation of a~~ food recovery plan which minimizes wasting of edible food products prioritizing after school sites and other community centers as spaces to distribute recovered food.
- HC 17.5\* Encourage the development of diverse additional food establishments prioritizing mom and pop, especially healthy food establishments and community kitchens for homemade foods to be sold, in areas with a high concentration of fast food establishments, convenience stores and liquor stores.
- HC 17.6\* Work with local farmers and growers to develop a program to provide affordable access to fruits and vegetables grown in the area to the EJ communities. Identify and establish ~~Encourage~~ the location of grocery stores, healthy corner stores, farmers markets all which carry a complement of healthy foods to be located in close proximity to transit nodes and other active transportation system links.
- HC 17.7\* Promote edible landscaping and community gardens for suitable public and private land as well as for residential and mixed use projects.

**Safe and Sanitary Homes Policies:**

- HC 18.1 Promote ~~Encourage~~ code compliance inspections to also identify any observed pollution sources or safety hazards and establish rehabilitation and weatherization programs to assist various housing types.
- HC 18.2 ~~Seek to~~ identify funding sources for an education program for housing related hazards, such as lead, asbestos, mold and pests with guidance on how to upgrade these safely, including available assistance programs.
- HC 18.3 Assist and provide support to service agencies in their application for state and federal funding to upgrade water infrastructure, including wastewater and electric infrastructure giving priority to disadvantaged communities that have contaminated or vulnerable potable water sources.
- HC 18.4 In cooperation with service agencies, ensure that sources of potable water are protected from contamination. Codevelop plans for updating dated water infrastructure and have contingency plans for when contamination occurs under unforeseen circumstances. Develop and implement a water quality testing program applicable to small water systems and domestic wells.
- HC 18.5 In cooperation with service agencies, seek funding to develop the use of innovative potable water and waste-water systems in areas of diminished water quality.
- HC 18.6 In cooperation with service agencies, encourage the consolidation of public potable water systems or the extension of water service from existing systems, especially for communities that lack access to clean drinking water.
- HC 18.7\* Discourage industrial, ~~and~~ agricultural and other land uses that may pollute and cause health conflicts with residential land uses either directly or indirectly. Ensure that

community members are properly notified and involved in the decision-making process for new land use proposals.

HC 18.8\* Work with the development community including small property and mobile home park owners so new residential development, particularly for low income households, is designed to limit their exposure to ~~reduce~~ high noise levels, pesticide and ~~or~~ fertilizer exposure, dust pollution, and other potential impacts associated with adjacent industrial and agricultural uses.

HC 18.9\* Encourage the location and design of new developments to visually enhance and not degrade the character of the surrounding area through consideration of the following concepts.

- a. Using design standards of the appropriate Area Plan land use category.
- b. Construction of structures in accordance with the requirements of Riverside County's zoning, building, and other pertinent codes and regulations.
- c. Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.
- d. Use of drought tolerant landscaping that incorporates adequate drought-conscious irrigation systems.
- e. Application of energy efficiency through street configuration, building orientation, and landscaping to capitalize on shading and facilitate solar energy.
- f. Application of water conservation techniques, such as groundwater recharge basins, use of porous pavement, drought tolerant landscaping, and water recycling, as appropriate.
- g. Encourage innovative and creative design concepts.
- h. Encourage the provision of public art that enhances the community's identity, which may include elements of historical significance and creative use of children's art.
- i. Include consistent and well-designed signage that is integrated with the building's architectural character.
- j. Provide safe and convenient vehicular access and reciprocal access between adjacent commercial uses.
- k. Locate site entries and storage bays to minimize conflicts with adjacent residential neighborhoods.
- l. Mitigate noise, odor, lighting, pollution exposure and other impacts on surrounding properties.
- m. Provide and maintain landscaping in open spaces and parking lots.
- n. As feasible, maximize landscape coverage with emphasis on drought-tolerant landscaping.
- o. Preserve, as feasible, natural features, such as unique natural terrain, arroyos, canyons, and other drainage ways, and native vegetation, wherever possible, particularly where they provide continuity with more extensive regional systems.
- p. Require, as feasible, that new development be designed to provide adequate space for pedestrian connectivity and access, recreational trails, vehicular access and parking, supporting functions, open space, and other pertinent elements.

- q. Design parking lots and structures to be functionally and visually integrated and connected.
- r. As feasible, site building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity where such pass-through areas include wayfinding signage, street trees, grade and lateral separation from roads, all with consideration given to adequate safety lighting, and landscape screening.
- s. Encourage safe and frequent pedestrian crossings and ensure that sidewalks and other pedestrian walkways provide continuity between land uses essential to a functional lifestyle, and as needed such sidewalks and pedestrian walkways should provide sufficient lighting and signage to ensure public safety
- t. Encourage creation of a human-scale ground floor environment that includes public open areas that separate pedestrian space from auto traffic or where mixed, it does so with special regard to pedestrian safety.
- u. Recognize open space, including hillsides, arroyos, riparian areas, and other natural features as amenities that add community identity, beauty, recreational opportunities, and monetary value to adjacent developed areas.
- v. Manage wild land fire hazards in the design of development proposals located adjacent to natural open space.

HC 18.10 Work with local service and utility providers to to mMonitor and expand the capacities of infrastructure and services in coordination with service providers, utilities, and outside agencies and jurisdictions to ensure that growth does not exceed acceptable levels of service and that such capacity analysis also addresses the infrastructure and service needs of existing disadvantaged communities. Develop contingency plans for growing areas that are near or exceeding the current infrastructure capacity.

HC 18.11 In coordination with service agencies, limit or prohibit new development or activities in areas lacking water and access roads in the absence of a plan to address such deficiencies to meet the needs of both new development and within existing disadvantaged communities. Work with community partners and service agencies to establish future plans to meet needs for potential community growth in areas lacking water and road infrastructure.

HC 18.12\* Prioritize the Encourage development of safe and affordable housing in EJ Communities while at the same time minimizing the displacement of existing residents consistent with Housing Element, Goal 2, Action 2.1h and as may be amended by the 6<sup>th</sup> Cycle Housing Element.- Affordable housing projects should include various housing types that respond to community priorities and input.

HC 18.13 Plan for the removal or remediation of hazardous material from older homes and mobile homes including but not limited to asbestos and lead containing material.

**Physical Activity Policies:**

HC 19.1 Collaborate with the relevant agencies to pPromote opportunities to provide recreational facilities for residents, including the Salton Sea area, and other bodies of

water, as applicable, that are accessible via public transit and active transportation, including pedestrian friendly local roads with sidewalks and bikeways. Other projects and amenities should be developed as identified by community members.

- HC 19.2\* Encourage Development of high-quality parks, green space, hiking trails, recreational facilities and natural environments in areas where such facilities are lacking.
- HC 19.3 Promote pedestrian and bicycle access to parks and open space through infrastructure investments, education and improvements.
- HC 19.4 Promote the preparation of a pedestrian network plan that allows for safe travel between all areas and destinations of the community to include as feasible shade structures, street furniture, signage, and exercise areas such as par courses.
- HC 19.5 Paseos, pedestrian and bicycle paths should be provided between residential structures and nonresidential structures.
- HC 19.6\* Plan for a system of local trails that enhances recreational opportunities and connects with regional trails.
- HC 19.7\* Incorporate open space, community greenbelt separators, and recreational amenities into development areas in order to enhance recreational opportunities and community aesthetics, and aesthetics to improve the quality of life.
- HC 19.8 Paseos and pedestrian/bicycle connections should be provided between the highest density residential uses and those nonresidential uses so that the local population can safely connect transit with ease. Alternative transportation mode connections should also be provided explored to the public facilities in the vicinity, including schools, libraries, and community facilities.
- HC 19-9 Pursue joint use agreements with school districts for park and recreational facility use, especially when access to comparable public facilities is are not available.

### Public Facilities

This category includes policies that prioritize improvements and programs for public facilities.

#### Policies:

- HC 20.1\* New development should provide for not hinder provision of public services including but not limited to solar street lighting, shading structures at bus stops, other supporting infrastructure, and extension of trash and recyclables garbage pickup routes.
- HC 20.2\* New development should be designed, to the extent practical and appropriate to each use, in such a manner as to promote convenient internal pedestrian circulation among land uses (existing and proposed) within each neighborhood and connecting with existing adjacent developed areas, and as applicable consistent with the Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy, and amendments thereto.

- HC 20.3 Enhance the quality of existing residential neighborhoods by including adequate maintenance of public facilities in the County's capital improvement program and requiring residents and landlords to maintain their properties in good condition and seek opportunities, particularly funding, to enhance quality of life conditions in existing mobile home parks particularly those which are affected by deteriorating infrastructure and hardscape.
- HC 20.4\* New development and conservation land uses should not infringe upon existing essential public facilities and public utility corridors, which include county regional landfills, fee owned rights-of-way and permanent easements, whose true land use is that of public facilities.
- HC 20.5 In working with transit service providers and developers of residential projects, promote consider opportunities for better and safer connections between residential areas and services to include local and regional transportation hubs as well as ancillary components such as sidewalks and shade structures as being associated with these connections for better access to parks, schools, and employment areas.
- HC 20.6 With the availability of funding and pursuant to health and safety considerations, ensure that surface drainage is properly captured and disposed and does not mix or otherwise interface with septic systems.
- HC 20.7 Ensure that health and safety facilities such as fire stations and sheriff substations are adequately sited, improved and staffed to serve affected communities. Identify which communities need services to be built in close proximity to reduce the amount of time it takes to respond to an emergency.
- HC 20.8 Review the location and extent of community recreational facilities to ensure maximum use by children and adults and use that information to develop new recreational facilities and opportunities for the community, including indoor and outdoor facilities.
- HC 20.9 Ensure that safe and potable drinking and cooking water is available in the EJ communities.

#### **Health Care Facilities Policies**

This category encompasses the need for facilities to maintain community health.

- HC 21.1 Review and analyze the location of medical, dental and vision clinics and staffing to ensure that community health can be maintained for routine and complex health issues and ensure that facilities have cooperative agreements in place with similar facilities in the area. Locate interim facilities and mobile clinics until permanent facilities can be built.

#### **Other EJ Related Policies**

This category includes policies not directly related to the SB1000 categories but will help improve the quality of life in EJ communities.



HC 22.1 Increase coordination and collaboration with the implementation of existing climate action plans such as the county’s 2020 Climate Action Plan update, resilience action plans, mobility plans and AB 617 plans, as may be amended.

HC 22.2 Develop a stormwater capture system in areas that do not have the appropriate curb and gutter infrastructure.

HC 22.3 Work with community residents to identify a pathway for community solar projects and other renewable energy projects that do not harm the natural habitat, resources, and environment of the community.

HC 22.4 Utilizing public outreach and engagement pursuant to policies HC 15.1, HC 15.2 and HC 15.3, update community and area plans, and create new plans to be determined, located in the environmental justice communities adapting the polices contained herein to address local needs including in conjunction with the development of the county’s Unincorporated Communities Initiative.

HC 22.5 New specific plans or existing specific plans that includes a substantial revision that are within “disadvantaged communities,” as identified by CalEPA should address Environmental Justice goals and include appropriate policies similarly to this section.

## Environmental Justice (EJ) Implementation Plan (Appendix \_\_\_\_\_)

### Overview

EJ policies are compiled in the Healthy Communities Element of the General Plan. The EJ implementation plan is provided as an appendix to the Healthy Communities Element. As such it is not part of this Element and is not otherwise part of the General Plan. It is, therefore, an administrative process and procedure oriented document that can be modified as the County gains experience in interpreting and evaluating development and related activity for compliance with EJ policies without having to process a general plan amendment for any changes to this document or any other Element of the General Plan.

### Process and Procedure

EJ polices contained in the Healthy Communities Element are implemented on a parallel track – government and agency implementation, and development project implementation.

#### Government and Agency Implementation

EJ communities have evolved over decades of blending incompatible land uses, environmental degradation affecting public health and safety, generally including a socioeconomically disadvantaged population, and a lack of public investment for rehabilitation and remediation over the same periods, and a lack of investment in supportive infrastructure. The remedying of these conditions will take a major effort in leadership, collaboration, cooperation and a substantial investment of resources on the part of local government as well as regional, state and federal agencies, together with the EJ communities, consisting of its residents and community-based organizations to address these equity issues and over time create balanced, safe, and prosperous communities. The direction associated with those policies not related to development project implementation will take this level of effort to achieve.

#### Development Project Implementation

The EJ policies denoted with an asterisk (\*) apply to all new development within the EJ areas depicted on the environmental communities map on Figure LU 4-1 in the Land Use Element of the General Plan and includes all discretionary approvals for development projects consisting of housing, and nonresidential uses including but not limited to commercial, services, industrial, agricultural, and non-profits.

#### Evaluation of Development Related EJ Policies

As part of the application process the builder or developer is required to evaluate project compliance with the EJ policies. Each policy shall be listed with a concise narrative thereunder explaining how the project is proposed to comply with the policy. The concluding statement under the narrative should be one of the following, as proposed based on the narrative:

- Compliance via mitigation measure
- Compliance via project design feature
- Compliance via condition of approval
- Policy not applicable (no narrative needed in this case)
- Project cannot or does not comply

Environmental Justice Fees

Notwithstanding the compliance evaluation with EJ policies related to development project implementation, as discussed above, the following fees shall be collected at building permit issuance for each type of land use, as described below, which are located in EJ areas. Fees collected shall be reinvested in the community in which it was generated.

<u>Land Use Type</u>	<u>Multiplier</u>	<u>Environmental Justice Fee</u>
Single Family Residential	dwelling units	\$100 per du
Multi-Family Residential	dwelling units	\$200 per du
Commercial	square footage	\$1.00 per square foot
Service	square footage	\$1.00 per square foot
Industrial	square footage	\$2.00 per square foot
Non-Profit	N/A	\$0.00

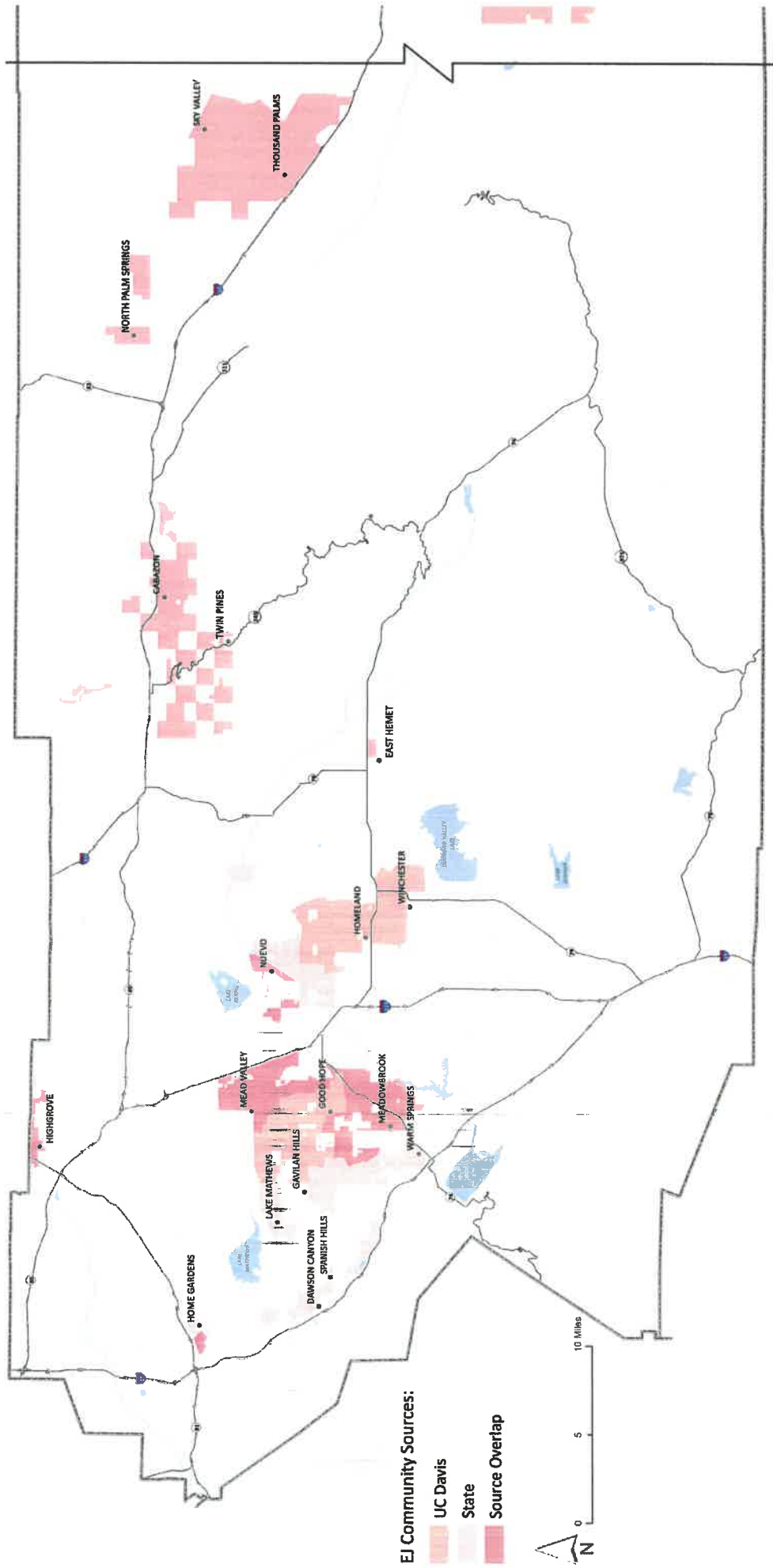
EJ Policy Implementation Monitoring/Annual Progress Report

Commencing in April 2023, concurrent with the General Plan’s Housing Element Annual Progress Report, the County shall prepare an annual progress report on the criteria achieved demonstrating quantitative or qualitative progress in moving forward with the direction set by the individual EJ policies. The County shall also review and evaluate the spatial definition of the EJ communities as conditions change in those communities and as a result of state changes to CalEnviroScreen boundary definitions.

Consistent with community engagement/outreach policies HC 15.1, HC 15.2, HC 15.3, HC 15.6 and HC 15.8 the draft report shall be made public for review and comment. Additionally, the report shall be presented for review and comment by the above referenced municipal advisory councils and community councils. The report shall then be presented to the Board of Supervisors for review, comment and direction before the preparation of subsequent reports commencing in April 2024.

**ATTACHMENT B**  
**(Proposed EJ Affected Areas)**

# ENVIRONMENTAL JUSTICE AFFECTED COMMUNITIES - WEST COUNTY



# ENVIRONMENTAL JUSTICE AFFECTED COMMUNITIES - EAST COUNTY



## ATTACHMENT C

(Comment Letters Received, sorted from latest date back)



**XAVIER BECERRA**  
**Attorney General**

*State of California*  
**DEPARTMENT OF JUSTICE**

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February 24, 2021

*Via E-mail*

Robert Flores  
Principal Planner  
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**RE: Riverside County General Plan Amendment No. 190004**

Dear Mr. Flores:

Thank you for the opportunity to comment on Riverside County's Revised Draft Environmental Justice Policies, which will be considered for approval under General Plan Amendment No. 190004 ("EJ Policies"). We appreciate the County's efforts to engage with community members to discuss the EJ Policies, as requested in our October 24, 2018 letter regarding the first public draft of the EJ Policies.<sup>1</sup> However, we believe the EJ Policies would be improved if they incorporated feedback the County has received from community members, included implementation measures, and addressed the requirements in Riverside County's Good Neighbor Policy for the logistics, warehouse, and distribution industries. Therefore, we respectfully request that Riverside County further revise its EJ Policies before they are brought to the Planning Commission for consideration.<sup>2</sup>

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<sup>1</sup> From May through October 2019, Riverside County Planning Staff held six workshops to discuss environmental justice and collect input from the public. These workshops were held in different areas throughout the County and were advertised via notices in English and Spanish. In January and February 2021, Riverside County Planning Staff provided three additional opportunities for the public to discuss the EJ Policies during online meetings. The County posted information about these workshops and meetings on its new environmental justice website and shared public notices directly with known stakeholders.

<sup>2</sup> The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of California. See Cal. Const., art. V, § 13; Gov. Code §§ 12511, 12600-12612; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 1415 (1974).



## **I. The EJ Policies Should Incorporate Community Feedback**

California law defines environmental justice to include “at a minimum, the meaningful consideration of recommendations from communities most impacted by pollution into environmental and land use decisions.” Gov. Code § 65040.12(e)(2). Riverside County Planning Staff has collected feedback on the EJ Policies from community members over the past two years, but the latest version of the EJ Policies is not substantially different from the original 2018 draft. For example, the revised EJ Policies do not have any new policies in several policy categories, including civic engagement, pollution exposure, and physical activity. Further, according to the January 26, 2021 letter from the Leadership Council for Justice and Accountability and five other community groups that engaged in Riverside County’s public workshops, “we have seen little to no changes made to the Environmental Justice policies based on the input provided by community residents or organizations since 2018.” Riverside County should summarize the feedback it has received from the public regarding its EJ Policies, explain how it has addressed these comments (or explain why it has not made certain revisions), and adjust its EJ Policies to reflect the important input it has received from community members. This process will promote transparency as the County develops its EJ Policies and ensure that the EJ Policies match the real, on-the-ground pollution burdens and unique needs of the disadvantaged communities in its jurisdiction.

## **II. The County Should Develop and Finalize the EJ Implementation Plan in Conjunction with the EJ Policies**

Senate Bill 1000 (“SB 1000”) requires local governments with disadvantaged communities to develop an environmental justice element or related goals, policies, and objectives (collectively, an “EJ element”) in its general plan that meet certain requirements. Gov. Code § 65302(h)(1). The EJ element must “reduce the unique or compounded health risks in disadvantaged communities” by reducing pollution exposure, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity. *Id.* § 65302(h)(1)(A). To meet these requirements, an EJ element should include specific and targeted measures that implement the policies in a local government’s EJ element. These implementation measures are essential for ensuring that a government’s environmental justice-related plans translate into actual improvements for disadvantaged communities.

Here, Riverside County’s EJ Policies states that the County will develop an “EJ Implementation Plan” at an unspecified later date. This Plan will be published as an Appendix to the General Plan, so “it is not part of [the Healthy Communities Element] and is not otherwise part of the General Plan.” Instead, the County views the future Plan as “an administrative document that can be modified as the County gains experience in interpreting and evaluating development and related activity for compliance with EJ policies without having to process a general plan amendment for any changes to the document.” Our October 24, 2018 letter to Riverside County requested that Riverside County present its Implementation Plan to the public as part of its General Plan Update for the EJ Policies, but Riverside County did not do so.

While we understand the desire to have an EJ Implementation Plan that can be improved as needed, we are concerned the County's approach will result in an unreasonably delayed Plan that is created without input from the communities most impacted by the EJ Policies. Public participation is a crucial step to developing effective and meaningful EJ policies and implementation measures. As such, the County should present its EJ Implementation Plan to the public now, when community members are already considering and commenting on the EJ Policies. The Implementation Plan should include target deadlines for the implementation measures and performance standards to encourage accountability. Moreover, Riverside County should include in its Policies a requirement to notify the public of any future revisions to the Implementation Plan and provide stakeholders with ample opportunities to provide comments. These changes to Riverside County's approach for its EJ Implementation Plan will ensure that the County does not delay creating the most impactful part of its EJ Policies – the Plan that is necessary for the County to realize its important EJ goals for disadvantaged communities – and will make the Plan stronger because it benefits from the public's input.

### **III. The EJ Policies Should Incorporate and Strengthen the Requirements from Riverside County's Good Neighbor Policy**

As a part of the SB 1000 compliance process, the Office of Planning and Research's ("OPR") General Plan Guidelines encourage local governments to review existing environmental justice policies, programs, and regulations to identify applicable regulations, evaluate consistency with the regulations, and determine where improvements may be needed for disadvantaged communities given their unique burdens and needs.<sup>3</sup> Riverside County's Good Neighbor Policy for Logistics and Warehouse/Distribution Uses ("Good Neighbor Policy"), which was approved by the Board of Supervisors on November 19, 2019, should be included in the analysis.<sup>4</sup> The Good Neighbor Policy was created to provide "a framework through which large-scale logistics and warehouse projects can be designed and operated in a way that lessens their impact on surrounding communities and the environment." This goal is achieved with a number of development and operational criteria to reduce the impacts from these developments on sensitive receptors, such as a 300-foot buffer zone between sensitive receptors and loading docks (Paragraph 3.1) the placement of truck driveways on streets that do not have sensitive receptors (Paragraph 3.3), and a requirement for specific truck routes that avoid traveling near sensitive receptors (Paragraph 4.6).

While the EJ Policies include some general measures that will overlap with these requirements, the EJ Policies do not incorporate or address any of the specific requirements from

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<sup>3</sup> OPR, General Plan Guidelines, Chapter 4: Required Elements, Section 4.8: Environmental Justice Element (June 2020), pg. 13, available at [https://opr.ca.gov/docs/20200706-GPG\\_Chapter\\_4\\_EJ.pdf](https://opr.ca.gov/docs/20200706-GPG_Chapter_4_EJ.pdf).

<sup>4</sup> See Riverside County, Board of Supervisors Policy F-3, available at <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf>.

the Good Neighbor Policy. For example, Policy HC 16 “encourage[s] developments that pose potential health and safety hazards to be located away from sensitive receptors,” but does not state which types of developments must comply with this policy, which hazards must be addressed, or specify the necessary distance for protecting sensitive receptors. The EJ Policies also do not include any guidelines or standards for truck routes or truck driveways. Riverside County should revise its EJ Policies to be consistent with and reflect the standards in its own Good Neighbor Policy. Further, the County should revise its EJ Policies to be more protective than the Good Neighbor Policy as necessary to address the unique pollution burdens and needs of the disadvantaged communities in its jurisdiction, especially since these communities are already severely and disproportionately impacted by pollution from the logistics, warehouse, and distribution industries.

**IV. Conclusion**

Thank you for considering our suggestions for stronger EJ Policies and the EJ Implementation Plan in Riverside County. Please do not hesitate to reach out to me if you have any questions throughout the remainder of your planning process or would like to discuss these issues further.

Sincerely,



ABIGAIL BLODGETT  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General



February 19, 2021



Robert Flores  
Riverside County Planning Department  
4080 Lemon Street  
Riverside, CA 92501

*Sent via Email*

**RE: SB 1000 Implementation in Riverside County’s General Plan**

Dear Mr. Hersh, Mr. Flores, and Mr. Villalpando,

Thank you for the opportunity to provide feedback on the Environmental Justice draft policies that you developed in response to SB 1000. We appreciate the time you have spent engaging with us on this issue. We would like to take the opportunity to share our concerns, comments, and suggestions on the Environmental Justice policies included in the Land Use and Healthy Communities Elements in the Riverside County General Plan.

We believe the General Plan serves as a guide that can transform Riverside County for the better. As stated in the California Government Code at 65040.12(e), “Environmental Justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation and enforcement of environmental laws, regulations, and policies. This includes the availability of a healthy environment for all people and the inclusion of and meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.<sup>1</sup>

<sup>1</sup> California Code, Government Code - GOV § 65040.12

## **1. Legal Requirements regarding General Plans and Environmental Justice**

The law calls for Riverside County to promote transparency and public engagement in local government planning and decision-making processes. In regards to the development of the environmental justice draft policies, it is our understanding that Riverside County lacked a meaningful and intentional outreach process to reach and include community residents, community-based organizations, and other significant community stakeholders in order to assist in the development of these draft policies. Moving forward, we expect the Planning Department to comply with intentional outreach meaningful engagement efforts, as required by law.

The responsible Riverside County departments, in collaboration with the County Executive Office and County Board of Supervisors must work together to allocate county funding to support the implementation of environmental justice county policies and programs. Such entities must make a diligent effort to keep up to date with the state budget and advocate for funding programs that will reduce pollution burdens like from the Greenhouse Gas Reduction Fund (GGRF).

## **2. Public Participation and Engagement**

As partners in the region, we believe that community members and their priorities should be at the forefront of planning for environmental justice, particularly those located within disadvantaged unincorporated communities, such as the communities of Mecca, North Shore, Oasis and Thermal. For this process, the County has not followed a meaningful community engagement process that provides time and diverse opportunities for residents to engage. There have been no direct updates to the community about the County's progress on SB 1000 since late 2019. Although we appreciate the county's recent efforts, the meetings held in January and February 2021 were during working hours with limited interpretation, no translation of materials, and limited outreach done to residents across the county. We encourage you to follow the guidance included in the CEJA SB 1000 Toolkit<sup>2</sup> to learn about best practices for community engagement and implementation of SB 1000. Prior to taking the updated environmental justice policies to the Board of Supervisors in 2021, the County must comply with the following engagement strategies:

- Hold a series of virtual community meetings that target residents from across the County to provide various opportunities for resident and stakeholder input.
- Share community meeting information two weeks in advance with local organizations and Riverside County departments such as the Public Health Department to share information and flyers with the community.

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<sup>2</sup> CEJA SB 1000 Toolkit: <https://caleja.org/2017/09/sb-1000-toolkit-release/>

- Develop infographics or factsheets that describe the purpose and intent of SB 1000 implementation. We recommend that the Planning Department plans and works closely with community-based organizations, including the undersigned organizations, and allow the opportunity to review fact sheets before they are final to ensure the language used is accessible to community members.
- Materials developed for SB 1000 should be provided in Spanish and other languages as requested, as well as providing adequate interpretation at office hours and community meetings.
- Provide specific guidance and timelines at the initial stages of the process for public comment and approval.
- Use alternative outreach methods in addition to social media and email to inform residents and stakeholders of the progress and events for the general plan update. These methods can include partnering with school districts to contact parents through phone or text alerts, flyer distribution at food and vaccination distribution sites, and conducting direct texting and phone banking to community residents and partnering with local broadcasters
- Proactively seek diverse geographic participation within the County.

### **3. Follow a Joint SB 1000 and Housing/Safety Element Update Process**

As mentioned in our January 26th letter regarding public participation, we request that the efforts to comply with SB 1000 and update the Housing and Safety Elements be done concurrently. There is a clear correlation and intersection between housing and environmental justice and in order to encourage community input, the best practice to follow would be to combine both processes and coordinate the engagement together in joint meetings. This is especially true now with the state Housing Element Law's requirement that 6th cycle housing elements include an Assessment of Fair Housing and policies and programs that affirmatively further fair housing that overcome segregation and disparities in access to opportunity. Gov. Code Sec. 8899.50(a); 65583(c)(5)&(10).

### **4. Key Recommendations to Advance Environmental Justice**

The following recommendations should be reflected throughout the updated environmental justice policies and the implementation plan in order to ensure that they directly help address institutional and systemic issues within environmental justice communities in Riverside County.

1. Maintain public health and racial equity, inclusion, and diversity at the forefront of all policies and programs to improve the quality of life in environmental justice communities. All programs and policies implemented through SB 1000 shall primarily help advance social, racial, and environmental justice and equity in

low-income communities and communities of color by understanding the needs of the community and providing direct investments to address those priorities. This requires a strong commitment to community outreach and engagement.

2. Prohibit polluting land uses and unwanted development near sensitive receptors. All new development should cause no further harm to public and environmental health, particularly in already overburdened and vulnerable communities. However, mitigation and adaptation measures should be developed to address existing polluting land uses.
3. Coordinate and collaborate with agencies and stakeholders to implement programs and policies that have already been identified by the community, including those in the general plan and other community-led plans (i.e. the Eastern Coachella Valley Climate Action Plan, the Regional and Neighborhood Mobility Plans for the Eastern Coachella Valley, and the AB 617 CERP/CAMP plans, among others).
4. Develop a sustainability plan that identifies and maps all contaminated and toxic hotspots in unincorporated communities, including tribal land, in order to develop prevention and mitigation efforts to protect vulnerable populations in close proximity. Prevention, mitigation, and adaptation efforts should enhance the capacity of unincorporated communities to be more resilient to the impacts of climate change.
5. Co-create chartered neighborhood councils in the Disadvantaged Unincorporated Communities as a pilot to achieve greater civic and public participation in underrepresented low-income communities.
  - a. We request the Riverside County Planning Department to replace the existing community councils of Thermal/Oasis and Mecca/North Shore with co-created chartered neighborhood councils in the disadvantaged unincorporated communities of Thermal, Oasis, Mecca, and North Shore each respectively, alongside community members to achieve greater and more meaningful civic and public participation in underrepresented low-income communities. Through the formation of these neighborhood councils, seats shall be elected by the broader community to promote more fair and democratic processes of government in community development. Additionally, it is crucial the planning department work with the community to create a guidance that promotes fair representation where council members do not advance their self-interest but rather centers the community members that elect them to represent their best interests.
  - b. The neighborhood councils would serve an important role to reject or recommend proposed development projects, advance community priorities, and ensure residents of all socio-economic segments of their community are informed and voices are heard. We recommend Riverside

County replace the existing community councils of Thermal/Oasis and Mecca/North Shore with neighborhood councils that will promote more democratic governance, community agency, and advance fair and equitable representation. Currently, the existing community councils are ineffective, lack guidance and a clear structure, and a fair process for electing council members. Council members are appointed rather than elected which is inherently problematic because it opens up the opportunity to advance self-interest and prioritize property owners rather than community members with less access to capital.

- c. Neighborhood councils must also function and make decisions based on the advancement of racial equity and public health and prevent gentrification and displacement.
6. Coordinate and collaborate with agencies like the South Coast AQMD, CVAG, SCAG, CNRA, CARB, SWRCB, DPR, and other utility and service providers to implement programs and policies that advance environmental justice across the County. Collaboration must also include community-based organizations and a tailored public participation process that's inclusive of the community.
7. Work with other Riverside County departments to develop a comprehensive "Unincorporated Communities Initiative." This should include a prioritized project list - informed by community members - for all unincorporated communities that will be used to apply for available grant funding on an annual basis. Additional small-scale projects shall also be implemented using the general fund and other funding available through inter-agency collaboration.
  - a. Utilize this new initiative to make targeted investments and commitments to mitigate pollution in environmental justice communities and advance environmental equity by making development criteria stricter in areas that need more protection from cumulative impacts to public health.
8. Prioritize and advance climate resilience and adaptation in environmental justice and unincorporated communities:
  - a. Planning for environmental justice and unincorporated communities must proactively help advance the development of community resource and amenities including crucial infrastructure like waste management programs, water and wastewater infrastructure, weatherization programs for mobile homes, community solar energy projects, parks, trails, stormwater capture systems, increased access to healthy food, urban greening projects, and emission reduction strategies.
  - b. Expand water, wastewater, electric, and other utilities to facilitate new construction of affordable and mixed income housing.
9. Ensure that future land development is more consistent with the existing land uses and environment, and as dictated by community residents. The County and local



jurisdictions shall minimize incompatible uses and provide an extensive notification mechanism to residents when new land uses are proposed.

10. Establish an Office of Enforcement and Environmental Justice within the County's Planning Department that promotes environmental justice in air and water enforcement decisions, including creating meaningful opportunities for low-income, minority, or limited-English residents and community-based organizations to participate in environmental decision making.
  - a. This office shall be tasked with conducting continuous community outreach and engagement for all general plan activities, including updates, amendment cycles and implementation, that meaningfully incorporates community resident input and priorities from across disadvantaged unincorporated communities in Riverside County.
  - b. Provide regular updates to residents and stakeholders on the progress of SB 1000 implementation and outcomes on their recommendations and participation.

## **5. Recommended Language Modifications to the Updated Environmental Justice Policies**

### **a. Civic Engagement**

In accordance with SB 1000's requirement that the County "identify objectives and policies to promote civi[c] engagement in the public decision-making process", we hope that the following recommended modifications to the County's updated environmental justice policies on Civic Engagement help the County practice stronger and more effective public participation methods to inform the implementation of SB 1000.

*HC 15.1 In partnership with community-based organizations and community members, develop and implement an outreach and engagement plan with best practices for increasing public awareness and participation in the planning process and decision-making on environmental justice planning. This includes planning and decision-making processes which impact quality of life and access to opportunity for residents in disadvantaged unincorporated communities.*

- HC 15.1 shall be combined with HC 15.7 to establish a comprehensive, far-ranging, creative, forward-thinking public awareness and outreach community-oriented campaign, to inform the environmental justice communities about the following:
  - Existing and potential hazards and their effects on public health and the environment.
  - The costs of not mitigating hazards and the health and environmental implications associated therewith.
  - Environmental racism.

- *The planning process, land use, the general plan, and the benefits of being civically engaged.*
- *Methods to ameliorate health and environmental constraints.*
- *The County's role and responsibility in addressing environmental justice issues.*
- *SB 1000 implementation through the general plan.*
- *Using a variety of public communication methods within designated disadvantaged communities, the County shall continue to share public information across a variety of media, technological, and traditional platforms, and languages based on the demographics of the community. This includes translation of materials, providing interpretation at meetings (virtual and-in person), and conducting phone calls or other methods of outreach to invite community residents and stakeholders to meetings.*

**HC 15.2** *Develop community planning groups across the County to update community plans and increase stakeholder collaboration with a focus on environmental justice.*

**HC 15.3** *Work with local communities to revamp community groups like the ECV Environmental Justice Task Force to create more accessible opportunities to advance environmental justice and the implementation of the General Plan throughout the year.*

**HC 15.4** *Coordinate with environmental and advocacy groups, Tribal Governments and communities, businesses, agencies, and the general public in the development of programs that effectively reduce greenhouse gas emissions and air pollution. Initiate ongoing collaboration with the South Coast AQMD to support and coordinate the implementation of AB 617 plans within the County. Ensure that implementation efforts reflect input provided by communities targeted for emissions reductions under AB 617.*

**HC 15.5** *Develop a regional sustainability plan to inform the decision-making process for siting hazardous waste and hazardous materials facilities, including solid waste and recycling facilities through the County's local planning processes. This plan shall increase waste reduction measures, address illegal dumping, and increase access and affordability to composting and recycling facilities.*

- *As part of HC 15.5, develop a program for proper and sustainable disposal of leftover food from grocery stores and restaurants. Entities for direct donations shall also be co-identified with the community.*
- *Enhance the County's partnership with local Chambers of Commerce and other food businesses to contribute to sustainable food disposal.*
- *In accordance with HC 18.7, the County shall commit to prohibiting hazardous and polluting facilities and land uses to be sited near environmental justice communities as well as providing notice and engagement opportunities for community residents in siting requests.*

**b. Pollution Exposure**

The County’s environmental justice policies shall urgently work towards minimizing pollution exposure in overburdened communities, but it is equally important to prevent pollution and reduce emissions. The following policy modifications will help increase collaboration with different agencies and stakeholders and help advance innovative projects that also help create climate resiliency in the County’s most impacted communities.

Additionally, we request the County coordinate with AB 617 efforts to ensure mobile home parks and public roads are properly paved to reduce air pollution.

**HC 16.1** *In cooperation with federal, state, agencies, and impacted community residents, continue monitoring changes to the Salton Sea that impact air and water quality and make any changes or data publicly available. Actively pursue funding and other opportunities to improve public health and limit pollution exposure. This will include, at a minimum, developing and maintaining a list of available local funding and funding opportunities, deadlines and applying to at least one source of funding per year.*

- *The County shall collaborate with CNRA, SSA, Riverside County District 4, South Coast AQMD, Torres Martinez, IID, Imperial County, CARB, DPR, RWQCB, and local and statewide environmental and advocacy organizations in this effort. This work shall be directly connected and in support of the AB 617 Community Emission Reduction Program and the Community Air Monitoring Plan for the Eastern Coachella Valley.*
- *The responsible Riverside County departments, in collaboration with the County Executive Office and County Board of Supervisors must work together to allocate county funding to support the implementation of environmental justice county policies and programs. Such entities must make a diligent effort to keep up to date with the state budget and advocate for funding programs that will reduce pollution burdens like from the Greenhouse Gas Reduction Fund (GGRF).*

**HC 16.2 and 16.3** *In partnership with community residents and stakeholders, provide ongoing support to the South Coast AQMD to proactively utilize general funds, other-existing funding, and seek new funding to implement community plans and other prioritized projects that help reduce exposure to air pollution.*

**HC 16.4** *Actively pursue funding to connect low income residents and communities, like mobile homes and mobile home parks, to municipal water and wastewater service. Simultaneously advocate for the expansion of such infrastructure across environmental justice and unincorporated communities.*

**HC 16.5 and 16.6** *Revise the County's Zoning Ordinance to prohibit unhealthy and polluting land uses, including but not limited to warehouses, airports, racetracks, landfills, golf courses, railyards, freeways, and others, to be located near sensitive receptors. Ensure compliance with and enforce as needed permit conditions, Riverside County municipal code performance standards, and mitigation measures applicable to existing land uses that are near sensitive receptors. Evaluate public and private facilities for health hazards for major sources of contamination to identify mitigation strategies for implementation.*

**HC 16.7** *The County shall not approve new discretionary projects within or in the immediate vicinity of existing residential areas, especially designated disadvantaged communities, introducing a new incompatible land use that could have substantial adverse health impacts on an area's residents.*

- **HC 16.22** shall be combined and folded into HC 16.7.

**HC 16.8** *Create a partnership with South Coast AQMD to establish a County-wide mitigation program to reduce the impact of air pollution, as well as assist with the implementation of air quality programs.*

- *This policy will also require the County to be an active partner in implementing AB 617 plans within the County's jurisdiction.*

**HC 16.9** *Plan for compact development projects in appropriate locations, including in existing communities and the clustering of affordable and mixed-income housing therein, that make the most efficient use of land and concentrate complementary uses in close proximity to transit or non-transit mobility options. In unincorporated communities, the County will make equal effort to develop transit access to existing affordable housing clusters (like mobile home parks) and increase new routes to these communities.*

**HC 16.10** *Implement bicycle and pedestrian facilities, with a focus on expanding facilities serving disadvantaged communities, to reduce dependency on fossil fuel based transportation and actively pursue funding to implement mobility plans and projects.*

**HC 16.11** *Plan and implement complete streets which include sidewalks, bike lanes, greenbelts, and trails to facilitate use by pedestrians and bicyclists where such facilities are well separated from parallel or cross through traffic to ensure pedestrian and cyclist safety.*

- *As part of HC 16.11, develop a sustainable trail revitalization plan that expands and increases access to trails and recreational facilities in unincorporated communities.*

**HC 16.12** *Implement buffer spaces and vegetative barriers between and within a minimum of 1/2 mile between high-volume roadways, transportation and train track corridors, and sensitive land uses.*

- *Other sources include agricultural sites, airports, racetracks, etc.*
- *HC 16.12 shall also direct the County to develop a green zones map in partnership with South Coast AQMD to assist with the implementation of buffer spaces and vegetative barriers to increase urban greening and carbon capture in environmental justice communities.*
- *HC 16.12 shall be combined with HC 16.15 and HC 16.6 to include the planting of trees that removes pollutants from the air, provides shade and decreases the negative impacts of high temperatures.*

**HC 16.18 and 16.20** *Incentivize the creation of programs that increase carpooling and public transit use, decrease trips and commute times, and increase the use of zero-emission vehicles that include the necessary supporting infrastructure like accessible charging stations.*

- *As part of 16.18, work towards reducing vehicle miles traveled (VMT) by applying to all eligible cycles of funding programs. Such programs would help expand multi-modal facilities, connectivity, and services that provide transportation alternatives, such as transit, bicycle and pedestrian modes.*

**HC 16.19** *Facilitate an increase in transit options. In particular, coordinate with adjacent municipalities, transit providers and regional transportation planning agencies in the development of mutual policies and funding mechanisms to increase the use and availability of alternative transportation modes. All new development should contribute and invest in increasing access to public transit and multi-modal active transportation infrastructure.*

**HC 16.21** *As part of HC 16.21, build a partnership with the RWQCB to mitigate agricultural runoff into the Salton Sea and comply with the AB 617 Community Emission Reduction Plan.*

### **c. Food Access**

**HC 17.1** *Cooperate with transit providers in the review of transit routes to provide service to jobs, shopping, schools (K-12, Community Colleges, Universities and University Extensions), libraries, parks, healthcare facilities, dedicated grocery stores, food markets, food distribution centers, and healthy restaurants. This policy must also coordinate with transit policies to ensure stronger connectivity and accessibility for residents.*

- *This section should define what constitutes a healthy restaurant.*

**HC 17.4** *Work with community organizations to develop a food recovery plan which minimizes wasting of edible food products, prioritizing after school sites or community centers as spaces to distribute recovered food.*

- *This policy should be coordinated with HC 15.5 of the Civic Engagement section.*

**HC 17.5** *Encourage the development of diverse food establishments, prioritizing mom and pop*

healthy food establishments *and community kitchens for homemade foods to be sold* in areas with a high concentration of fast food establishments, convenience stores and liquor stores, *or overall limited access to food establishments.*

- This policy should incorporate a plan for concurrently developing facilities and community centers to house community kitchens, gardens, and other services.

**HC 17.6** Work with local farmers and growers to develop a program to provide affordable and access to local fruits and vegetables grown in the area to rural communities. *Identify and establish* the location of grocery stores, healthy corner stores, farmers markets all of which carry a complement of healthy foods to be located in close proximity to transit nodes and other active transportation system links.

- This policy should recognize that many disadvantaged unincorporated communities have very limited public transit and active transportation systems. These deficiencies should not deter the development of healthy and community supported food sources coming into the community.

**HC 17.7** Promote *the use of year round edible landscaping in public parks, schools, alongside residential projects* and community gardens for suitable public and private land as well as for residential and mixed use projects. Additionally, we request the County promote methods to reduce food waste.

#### **d. Safe and Sanitary Homes**

**HC 18.1** *Enforce* code compliance inspections to also identify any observed pollution sources or safety hazards *and establish rehabilitation and weatherization programs to assist various housing types.*

- Combine with HC 18.2: *Identify* funding sources for an education program for housing related hazards, such as lead, asbestos, mold and pests, *with guidance on how to remove or upgrade these safely, including available assistance programs.*

**HC 18.3** Assist and *provide support to* service agencies in their application *for state and federal funding to* upgrade water infrastructure, *including wastewater and electric infrastructure, prioritizing* disadvantaged communities that have contaminated *or vulnerable water sources.*

**HC 18.4** In cooperation with service agencies, ensure that sources of potable water are protected from contamination, *codevelop plans for updating dated water infrastructure and have contingency plans for when contamination occurs under unforeseen circumstances. Develop a regular water quality testing program that is applicable to small water systems and domestic wells.*

**HC 18.5** In cooperation with service agencies, *seek funding to develop the use of innovative potable water and wastewater systems in areas of diminished water quality. Identify ways of successfully securing funds for communities with low population density.*

**HC 18.6** In cooperation with service agencies, *establish the consolidation of public potable water systems and wastewater systems or the extension of water service from existing systems, especially for communities in rural areas that lack access to clean drinking water.*

**HC 18.7** Discourage industrial and agricultural, *water, air, and other harmful land uses that may pollute and cause health conflicts to nearby residential land uses either directly or indirectly. Ensure that community members are properly notified and involved in the decision-making process for new land use proposals.*

**HC 18.8** Work with *land developers, including small property and mobile home park owners, so that all new residential development, particularly for low income residents, is designed to limit their exposure to noise, light, air and water pollution. Establishing a minimum of 1000 ft distance between new residential housing and freeways, major roads and major intersections. Minimizing pesticide exposure by having new developments be away from wind currents that lift agricultural and dust pollutants associated with adjacent industrial and agricultural uses.*

**HC 18.10** *Work with local service and utility providers to develop a database that monitors the capacity of infrastructure and services to help identify opportunities for expanding infrastructure and develop contingency plans for growing areas that are near or exceeding the current infrastructure capacity. Such capacity analysis should also address the infrastructure and service needs of existing disadvantaged communities.*

**HC 18.11** In coordination with service agencies, *encourage the development of needed infrastructure in areas that are currently lacking water and access to paved roads while working with community partners and service agencies to establish future plans to meet needs for potential community growth in areas currently lacking water and road infrastructure.*

**HC 18.12** *Prioritize the development of safe and affordable housing in environmental justice communities while preventing the displacement of existing residents consistent with the Housing Element, Goal 2, Action 2.1h. Affordable housing projects should include various housing types that respond to community priorities and input.*

Additionally, for further community recommendation on housing opportunities please refer to the *Riverside County 6th Cycle Housing Element Update Policy and Program Recommendations* comment letter.

**e. Physical Activity**

**HC 19.1** *Collaborate with the relevant agencies to promote opportunities to provide recreational facilities for community members, including the Salton Sea area that are accessible via public transit and active transportation, including pedestrian friendly local roads with sidewalks and bikeways, and provide solar outdoor lighting. Other projects and amenities should also be developed as identified by community members.*

**HC 19.2** Advance the development of *accessible* high-quality parks, green space, *hiking trails*, recreational facilities and natural environments in areas where such facilities are lacking, *especially in low-income communities across Riverside County.*

- Provide support and identify funding sources that can help accomplish this policy.
- Combine with **HC 19.3** to promote pedestrian and bicycle access to parks and open space through infrastructure investments, *education* and improvements *by applying to state grants.*

#### **f. Public Facilities**

**HC 20.1** New development should not hinder provision of public services including, but not limited to, *solar* street lighting, shading *structures* at bus stops *and other supporting infrastructure*, and extension of garbage pickup routes

**HC 20.2** New development should *be designed in a manner that promotes* convenient internal pedestrian circulation among land uses (existing and proposed) within each neighborhood and connecting with existing adjacent developed areas.

- *This policy should coordinate with the existing transportation and mobility that exist within the region, including SCAG's RTP/SCS.*

**HC 20.3** Enhance the quality of existing residential neighborhoods by including adequate maintenance of public facilities in the County's capital improvement program and requiring residents and landlords to maintain their properties in good condition and seek opportunities, particularly funding, to enhance quality of life conditions in existing mobile home parks particularly those which are affected by deteriorating infrastructure and hardscape

**HC 20.4** New development and conservation land uses should not infringe upon existing essential public facilities and public utility corridors, which include county regional landfills, fee owned rights-of-way and permanent easements, whose true land use is that of public facilities.

**HC 20.5** In working with transit service providers and developers of residential projects, consider opportunities for better and safer connections between residential areas and services to include ancillary components such as sidewalks and shade structures as being associated with these connections for better access to parks, schools, and employment areas. *In*



*addition, explore local and regional transportation hubs in multiple locations across Riverside county.*

**HC 20.7** Ensure that health and safety facilities such as fire stations and sheriff substations are adequately sited, improved and staffed to serve affected communities. *Identify which communities need services to be built in closer proximity to reduce the amount of time it takes to respond to an emergency.*

- Combine this policy with **HC 21.1** to *identify what areas or communities lack direct access to medical, dental and vision facilities and develop programs to bring mobile clinics to these communities.*

**HC 20.8** Review the location and extent of community recreational facilities to ensure maximum use by children and adults, *and use that information to develop new recreational facilities and opportunities for the community, including indoor and outdoor facilities.*

**HC 20.9** *Initiate and continue the construction of water and sewer facilities within environmental justice communities by working with local agencies like water and other utility service providers.*

#### **g. Additional Recommended Policies**

- Increase coordination and collaboration with the implementation of existing climate action plans that include unincorporated communities.
  - In the ECV, this includes the Eastern Coachella Valley Climate Resilience Action Plan, Mobility Plans, and AB 617 Plans.
- Develop a county-wide stormwater capture system in areas that don't have the appropriate curb and gutter infrastructure. This shall be done in partnership with local water providers.
- Develop an annual progress report to present to the Board of Supervisors on the progress and implementation of SB 1000 and the environmental justice policies.
- Develop a plan to transition communities, mobile homes in particular, away from using propane.
- Work with community residents to identify a pathway for community solar projects and other renewable energy projects that don't harm the natural habitat, resources, and environment of the community.
- Coordinate with the ongoing development of the Unincorporated Communities Initiative Program to ensure meaningful and equitable investment across disadvantaged unincorporated communities in the County.
- Community of interest?

#### **6. Implementation Plan**

Policies and programs developed for environmental justice should also include direction and time commitments. The implementation plan must describe in detail how the County plans on implementing and following through with these policies and programs and have annual targets and milestones, as well as metrics for success. Once released, the implementation plan should also have an independent comment period of a minimum of 30 days. The plan should reflect the updated environmental justice policies and be adopted concurrently by the Board of Supervisors.

\* \* \* \* \*

We appreciate the opportunity to continue collaborating with you on SB 1000 implementation and other general plan work. We hope that our input and community perspective will help create and implement strong environmental justice policies and programs across Riverside County.

Sincerely,

Rebecca Zaragoza, Regional Policy Manager  
**Leadership Counsel for Justice and Accountability**

Lesly Figueroa, Policy Advocate  
**Leadership Counsel for Justice and Accountability**

Patricia Leal-Gutierrez , Program Manager  
**Alianza Coachella Valley**

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Sergio Carranza, Executive Director  
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Erika Ramírez-Mayoral, Program Manager  
**California Institute of Rural Studies**

Ivette Torres, Policy Coordinator  
**Center for Community Action and Environmental Justice (CCA EJ)**

Demi Espinoza, California Desert Program Manager  
**National Park Conservation Association**



January 26, 2021

Robert Flores  
Riverside County Planning Department  
4080 Lemon Street  
Riverside, CA 92501

*Sent via Email*

**Re: Riverside County 6th Cycle Housing Element Update Public Participation Requirement & Affirmatively Furthering Fair Housing in California // SB 1000 Implementation**

Dear Mr. Flores:

We are writing to provide feedback and recommendations on the development of the Riverside County 6th Cycle Housing Element in order for the County to adequately implement and comply with the public participation requirement and the federal rule to affirmatively further fair housing in California. We provide these comments in order to assist the County in developing a holistic and comprehensive update to the housing element and SB 1000 implementation in a manner that meaningfully engages low-income residents and residents of disadvantaged communities pursuant to the requirements of the state Housing Element Law, County's duty to affirmatively further fair housing, and meaningful implementation of SB 1000.

We ask these comments are taken into meaningful consideration to ensure greater public participation from historically underrepresented low-income and communities of color to be part of the planning process of creating a forward-thinking and aspirational planning guide for housing and land-use in our region.

**I. Housing Element Participation of All Economic Segments of the Community**

Thank you to the Riverside County Planning Department, Placeworks, and Michael Baker International, for your efforts to engage community residents throughout the County. Although we appreciate your

visits to the community councils across the County, we believe there should be more opportunities for residents to give input. Unfortunately, community resident attendance and participation at the Thermal/Oasis Community Council and Mecca/North Shore Community Council meetings in December of 2020 were not only poorly attended but it also did not represent all economic segments of the community. We are still in a worldwide pandemic and most public meetings have transitioned primarily to Zoom, which can serve both as an opportunity and challenge for different communities. The County must solicit participation from community members from all economic segments of the community to ensure the housing element acknowledges the needs and challenges of communities most impacted by the housing crisis. The lack of sufficient resident engagement to date highlights the need for the County to conduct additional, targeted outreach to ensure that the 6th Cycle Housing Element is informed by residents and that the County complies with its public engagement duties under state Housing Element Law.

We appreciate the County's efforts to date, which include conducting two public stakeholder meetings and meeting with community-based organizations in the region to take initial feedback on housing policies and programs, as well as suggestions to improve public participation from underrepresented low-income and communities of color. However, these stakeholder meetings were not advertised to community residents and were also held during "normal work hours" at 11am and 2pm respectively, times when most residents are working and would be unable to participate in County meetings. In addition, we appreciate the two additional virtual workshops the County is hosting for January 28th and January 30th to discuss the draft EJ element policies. As we have mentioned before, in order to achieve greater public participation from all segments of the community, it is critical to hold virtual meetings in the evenings in the languages most accessible to community members. This means conducting meetings or workshops in languages that community residents of the regions are most comfortable with such as English, Spanish, Purepecha, and with the appropriate translations for specific jargon used in planning documents.

As a reminder, Gov Code section 655583(c)(8) requires that each jurisdiction must make a diligent effort to achieve public participation of all economic segments of the community in developing its housing element. In addition, the housing element must now include an Assessment of Fair Housing which must be developed in accordance with the Federal Affirmatively Furthering Fair Housing Rule. That rule establishes robust community engagement requirements. Specifically, Section 5.158 of the Rule establishes the following public participation requirement:

*to ensure that the AFH is informed by meaningful community participation, program participants must give the public reasonable opportunities for involvement in the development of the AFH and in the incorporation of the AFH into the consolidated plan, PHA Plan, and other required planning documents....Program participants shall ensure that all aspects of community participation are conducted in accordance with fair housing and civil rights laws, including title VI of the Civil Rights Act of 1964 and the regulations at 24 CFR part 1; section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8.*

This presents the County with a greater opportunity and duty to meaningfully engage community members and ensure that the 6th Cycle Housing Element truly reflects the vision and priorities of residents for affordable and fair housing opportunities. The County to date has not engaged in discussions with the community on specific topics of fair housing, segregated living patterns, or identifying significant disparities in specific communities, to name a few. We ask the County to take meaningful action to comply with Gov. Code Sec. 8899.50 to affirmatively further fair housing in California as interpreted below:

*“Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development.*

We provide the following recommendations for further outreach by the County to ensure that it effectively engages Riverside County’s diverse communities in it’s housing element update and SB 1000 implementation:

- **Establish additional virtual workshops with ample outreach to all economic segments of the community**

We request that additional virtual workshops be conducted in multilingual formats and in accessible/non-technical language for community residents to truly engage and provide input on the material presented to them. This includes providing at least 2 additional virtual workshops before the release of the housing element draft in western Riverside County and eastern Riverside County. After the release of the draft we ask that the County conduct at least 2 additional workshops to solicit input and feedback on the draft. The County should provide enough time for residents to provide feedback and for the County to update the draft as necessary to meaningfully incorporate resident input received. Lastly, we request that the final update submitted to HCD and approved by the Riverside County Board of Supervisors be presented to the public with specific action steps to implement the housing policies and programs in the region, as required by the Housing Element Law. Gov. Code Sec. 65583(c).

- **Establish additional public outreach methods**

It is critical that every discussion moving forward for the housing element update must be held in conjunction with the implementation of SB 1000 as these topics are interconnected and impact one another. We are open to the possibility of co-hosting community planning meetings on the housing element and environmental justice policies in Western and Eastern Riverside County to ensure community members voices are heard and the County complies with its public participation requirements.

We believe it is important to ensure there is meaningful public participation and policies that will promote better representation and inclusion of Environmental Justice communities that have been historically marginalized in both the update to the housing element and the adoption of the environmental justice policies in Riverside County. Although a few organizations in the Eastern Coachella Valley co-hosted an event with the Planning Department in October of 2019 where community input was gathered, we have seen little to no changes made to the Environmental Justice policies based on the input provided by community residents or organizations since 2018. In order to ensure meaningful public participation and promote a transparent public process, we request the County to create and share a reasonable timeline and respectful process for engaging residents of the County on issues impacting their communities.

Additional public outreach methods include: online surveys, targeted social media posts, informational videos, and radio info sessions with public radio stations or public television. All public outreach methods must be in multilingual formats and in accessible/non-technical language for community residents. Through the use of these additional public outreach methods we ask that social media posts directly ask for input in the comment section and serve as another method to solicit input from the public on their housing needs.

- **Housing Element Advisory Committee**

It is critical the County establishes a housing element advisory committee that will include stakeholders, community-based organizations, and community members from disadvantaged unincorporated communities, farmworkers, low-income and communities of color, residents with disabilities, and other groups with special housing needs. This committee will serve to advise the County on developing and implementing the various housing element policies and programs that acknowledge environmental justice. Other cities and counties have effectively used such committees to enhance public awareness regarding the opportunities presented by the housing element update process and to ensure effective and appropriate implementation. The City of Arvin in the Central Valley, established the *Arvin Housing Element Advisory Committee* for the 2013 to 2023 Arvin Housing Element to inform and actively participate in the City's efforts, is one example.

In order to advance the County's efforts to create a comprehensive and holistic housing plan that meets the needs of the entire community, establishing a housing element advisory committee will serve to inform the process and solicit greater public participation from the broader community, especially members from all economic segments in the County.

We ask that these recommendations are taken into consideration to ensure greater public participation from the broader community.

\* \* \* \*

We hope that our input will assist Riverside County's efforts to develop the 6th Cycle Housing Element and implement SB 1000 that expands housing opportunity and promotes healthy land-use practices for all residents in compliance with applicable state and federal law. Additionally, we will be submitting detailed

policy and program requests and recommendations based on community priorities in a subsequent letter. Thank you for your efforts to date and we look forward to working together to create an equitable process that promotes forward-thinking planning in our region.

Sincerely,

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Policy Advocate  
Leadership Counsel for Justice and Accountability

Rebecca Zaragoza  
Senior Policy Advocate  
Leadership Counsel for Justice and Accountability

Erika Ramirez-Mayoral  
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November 22, 2019

Riverside County Planning Department  
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Riverside, CA 92502

**RE: Riverside County SB 1000 Policy Development and Community Engagement Process**

Dear Mr. Flores, Mr. Villalpando, Mr. Hersh, and Ms. Nanthavongdouangsy:

On behalf of Leadership Counsel for Justice and Accountability, Alianza Coachella Valley, and the California Institute for Rural Studies, we thank you for participating in a collaborative partnership with our respective organizations and the communities of the Eastern Coachella Valley (ECV) as part of the SB 1000 implementation process. As a follow up to the SB 1000 Workshop held in Mecca on October 29th, 2019, we submit the following requests detailing the next steps for SB 1000 implementation and community engagement as it pertains to the Eastern Coachella Valley:

**1. Public Review Process**

As detailed in your presentation on October 29th, your timeline includes a potential approval by the Planning Commission in December 2019 and potential approval by the Board of Supervisors in early 2020. While this is an ambitious goal, this short timeline does not allow for the appropriate or sufficient time for public review of the draft policies. We respectfully ask that this process be prolonged to allow a 60 day public comment period after the release of the draft policies. Sufficient notice from Riverside County should be provided to local non-profit organizations, agencies, community residents, and other stakeholders.

**2. Community Engagement**

With the extension of the approval and public review process, we also request that the County follow a robust community engagement process moving forward. Our co-hosted workshop on



October 29th was the first step in ensuring a strong, participatory process. To that end, we ask that the County take the lead in ensuring that community meetings be held continuously to co-develop policies and implementation actions with residents. An initial follow-up workshop should be held in the ECV to present the County's work thus far and how input has been considered and utilized. Upcoming meetings should also provide the opportunity to solicit further input, co-draft policies with residents, and provide more information on the implementation plan and process. The County should also provide a detailed timeline for the County's engagement plan and approval process. The next meeting or workshop should be scheduled prior to February 2020 in the ECV.

Again, we greatly appreciate your partnership on SB 1000 implementation and your efforts to meet the needs and priorities of the Eastern Coachella Valley. If you have any questions or concerns, please feel free to contact Rebecca Zaragoza at [rzaragoza@leadershipcounsel.org](mailto:rzaragoza@leadershipcounsel.org) or Sahara Huazano at [sahara@alianzacv.org](mailto:sahara@alianzacv.org).

Sincerely,

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Sahara Huazano, Director of Capacity Development  
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October 24, 2018

*Via First Class Mail and E-Mail*

Robert Flores  
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**RE: Riverside County General Plan Amendment No. 1226**

Dear Mr. Flores:

Thank you for the opportunity to comment on Riverside County's Draft General Plan Amendment Number 1226 ("General Plan Amendment"), which is scheduled to be considered by the Riverside County Board of Supervisors at their December 4, 2018 meeting. The Attorney General's Office appreciates the County's efforts to comply with Senate Bill 1000 ("SB 1000") through this General Plan Amendment. In particular, the General Plan Amendment includes a map that identifies disadvantaged communities in the County's jurisdiction and environmental justice policies that address SB 1000's minimum requirements. (*See* Gov. Code, § 65302, subd. (h)(1).) However, we are concerned about the County's efforts to reach out to disadvantaged communities and receive public input on the draft environmental justice policies in the General Plan Amendment, as discussed below. We provide this comment letter to recommend that the County set up a transparent process through which it can receive additional public input on the draft General Plan Amendment and any future implementation of the Amendment's policies.

A. Background on Environmental Justice and SB 1000

Low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks when compared to their more affluent neighbors. This inequity can be addressed through environmental justice, which is defined by California law as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12, subd. (e).) Environmental justice aims to correct the legacy of concentrating pollution and other hazards in or near low-income communities of color by

reducing these hazards and involving the impacted communities in any decisions that affect their environment or health.

In an effort to promote environmental justice through the local land use planning process, the California Legislature passed Senate Bill 1000 in 2016. SB 1000 ensures that local governments take into account pollution burdens and other hazards experienced by communities within their jurisdiction that are disproportionately exposed to such hazards. The purpose of SB 1000 is to make environmental justice a real and vital part of the planning process by promoting transparency and public engagement in local governments' planning and decision-making processes, reducing harmful pollutants and associated health risks in environmental justice communities, and encouraging equitable access to health-inducing benefits, such as healthy food options, housing, and recreation.

As you are aware, if a city or county adopts or updates two or more elements of its general plan after January 1, 2018, SB 1000 requires the local government to identify any "disadvantaged communities" in its jurisdiction. (Gov. Code, § 65302, subd. (h)(1)-(2).) SB 1000 defines "disadvantaged communities" as either: (1) "an area identified by the California Environmental Protection Agency (CalEPA) pursuant to Section 39711 of the Health and Safety Code";<sup>1</sup> or (2) "an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation."<sup>2</sup> (*Id.* at (h)(4)(A).) Therefore, local governments have some discretion to choose the appropriate method or methods to identify disadvantaged communities.

Once a local government identifies one or more disadvantaged communities in its jurisdiction, it must include either an "environmental justice element" or "related goals, policies, and objectives integrated in other elements" (collectively, "EJ policies") in its general plan update. (Gov. Code, § 65302, subd. (h)(1).) A general plan's EJ policies must "reduce the unique or compounded health risks in disadvantaged communities" by doing at least the following:

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<sup>1</sup> CalEPA designates an area as a disadvantaged community if a census tract scores at or above 75 percent on the agency's CalEnviroScreen screening tool. See CalEPA and Office of Health Hazard Assessment, CalEnviroScreen 3.0, *available at* <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.

<sup>2</sup> SB 1000 defines a "low-income area" as "an area with household incomes at or below 80 percent of the statewide median income" or (2) an area with "household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's (HCD) list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code." (Gov. Code, § 65302, subd. (h)(4)(C).) After identifying low-income areas, a government must evaluate if those areas are disproportionately affected by environmental pollution or other hazards that can lead to negative health impacts. (*Id.* at (h)(4)(A).) There are various data sets that can be used for the second part of this analysis, including CalEnviroScreen, which contains specific information regarding pollution sources.

- 1) reduce pollution exposure;
- 2) improve air quality;
- 3) promote public facilities;<sup>3</sup>
- 4) promote food access;
- 5) promote safe and sanitary homes; and
- 6) promote physical activity.

(*Id.* at (h)(1)(A).) SB 1000 also requires EJ policies that “promote civil engagement in the public decisionmaking process” and “prioritize improvements and programs that address the needs of disadvantaged communities.” (*Id.* at (h)(1)(B)-(C).)

B. Riverside County’s Public Engagement Process for the General Plan Amendment

The public has received limited notice and opportunities to provide comments and feedback on the proposed General Plan Amendment. It appears that Riverside County relied on its July 8, 2018 newspaper publication to notify residents that it was proposing to undertake this General Plan Amendment. The text of the proposed Amendment itself is buried in staff reports and related documents for one Planning Commission and one Board of Supervisors meeting, and it is otherwise not available on the County’s website for public review.<sup>4</sup> It is also our understanding that no public workshops shared information with or sought input from the public on the subject of environmental justice or on the proposed General Plan Amendment, other than the formal hearings held by the Planning Commission and Board of Supervisors.

Due to the limited opportunities for the public to participate in the development of the General Plan Amendment, the Amendment lacks the benefit of input from the residents of Riverside County’s disadvantaged communities. As a result, the draft EJ policies may not address the most pressing environmental and health issues faced by each disadvantaged community in Riverside County, or the unique and diverse needs of those communities. This is contrary to the intent of SB-1000, which has at its core a requirement that EJ policies promote public engagement in the decisions that affect environmental justice communities.

As required by SB 1000, the proposed General Plan Amendment includes seven policies to promote “civic engagement” in decision-making processes. (HC 15.1 – HC 15.7.) Nevertheless, Riverside County has not followed these policies during its development of the

<sup>3</sup> SB 1000 defines “public facilities” as facilities that include “public improvements, public services, and community amenities.” (Gov. Code, § 65302(h)(4)(B).)

<sup>4</sup> Since Riverside County is claiming that the General Plan Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3), the public did not receive any additional notice of the proposed Amendment or formal opportunities to comment pursuant to CEQA’s requirements. (*See, e.g.*, Pub. Resources Code, §§ 21091-21092.)

Amendment itself. For example, HC 15.2 states that the County will “encourage collaboration, as feasible, between the County, community, and community-based organizations, as well as local stakeholders in promoting environmental justice.” Further, HC 15.3 says that the County will, “as feasible, partner with local community-based organizations to promote civic engagement activities.” However, we are not aware of any efforts by the County to “collaborate” or “partner” with local residents or community organizations.<sup>5</sup> Instead, the County has provided the minimum notice and public comment opportunities for the General Plan Amendment, such as publishing the proposed Amendment in meeting agendas prior to hearings and allowing the public to provide comments during Planning Commission and Board of Supervisors hearings. Riverside County should develop the General Plan Amendment in a way that complies with its own proposed civic engagement policies.

In addition, during our discussion of the General Plan Amendment, Riverside County’s planning staff expressed an aspiration to create a robust implementation plan for its EJ policies after the Board of Supervisors adopts the Amendment. The County stated its intent to include extensive public outreach opportunities through this implementation plan. However, the specifics of that plan are not articulated in the General Plan Amendment. In fact, the implementation plan is not mentioned in the proposed General Plan Amendment or any public documents prepared for the Amendment process. If Riverside County intends to develop a plan to implement its EJ policies, this plan should be included as a part of the General Plan Amendment, including a detailed description of the planned implementation activities and timeline that is available for public review and comment. This will ensure that the General Plan Amendment is developed and implemented through a transparent process that reflects community input and includes written standards.

We recommend that Riverside County consider the following actions to ensure that residents, including those located in disadvantaged communities, have adequate notice of the General Plan Amendment and sufficient opportunities to engage in an open dialogue with the County about the Amendment:

- 1) Make the proposed General Plan Amendment, any supporting documents, and all subsequent drafts easily accessible on Riverside County’s website, including information about how and when community members can raise concerns or comments.
- 2) Hold a public workshop or meeting to discuss the General Plan Amendment and EJ policies with interested community members. Riverside County should ensure that this meeting or meetings are held at convenient places and times for community

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<sup>5</sup> Despite the limited opportunities to participate in Riverside County’s General Plan Amendment, several community groups sent letters commenting on the Amendment, including the Building Healthy Communities Collaborative Coachella Valley/Alianza Coachella Valley Collaborative, Center for Community Action and Environmental Justice, and Leadership Council for Justice and Accountability. These letters raised similar concerns regarding the County’s engagement with disadvantaged communities throughout its development of the Amendment.

members located in disadvantaged communities. The County should partner with local community groups to advertise these meetings.

- 3) Offer information about the General Plan Amendment, including information prepared for meetings to discuss the Amendment, in English and Spanish through appropriate interpretation or translation services.
- 4) Provide public responses to the comments and concerns raised by community members throughout the public input process, including those concerns raised in comment letters and during any future public meetings. Revise the General Plan Amendment as necessary to address community concerns.

There are several resources available to assist as Riverside County continues to engage with the public to develop its General Plan Amendment. The Office of Planning and Research's ("OPR") 2017 General Plan Guidelines includes several chapters that discuss public engagement techniques, including Chapters 3 (Community Engagement and Outreach) and 4 (Required Elements – Environmental Justice).<sup>6</sup> In addition, the California Environmental Justice Alliance's ("CEJA") SB 1000 Toolkit describes options for promoting community engagement and lists resources and examples for engagement activities.<sup>7</sup> Riverside County can also consult other jurisdictions that have engaged with disadvantaged communities to adopt EJ policies, such as National City and Jurupa Valley.<sup>8</sup> Sacramento County is another jurisdiction that had a robust public engagement process to develop and adopt Phase One of its Environmental Justice Element.<sup>9</sup>

#### C. Additional Comments on the General Plan Amendment

As mentioned above, Riverside County received several comment letters from community groups regarding the draft General Plan Amendment, including letters from the Building Healthy Communities Collaborative Coachella Valley/Alianza Coachella Valley Collaborative, Center for Community Action and Environmental Justice, and Leadership Council for Justice and Accountability. These letters suggest ways to strengthen the draft EJ policies and increase the General Plan Amendment's positive impact on disadvantaged communities in the County. Specifically, the community groups ask Riverside County to: 1) list all disadvantaged communities in the County's jurisdiction; 2) describe the unique health risks and pollution

<sup>6</sup> See OPR, 2017 General Plan Guidelines, pgs. 26-38, 164-194, available at <http://www.opr.ca.gov/planning/general-plan/guidelines.html>.

<sup>7</sup> See CEJA, SB 1000 Toolkit: Planning for Healthy Communities, pgs. 36-64, 108-126, available at <https://caleja.org/2017/09/sb-1000-toolkit-release/>.

<sup>8</sup> See National City General Plan, Health and Environmental Justice, available at <http://www.nationalcityca.gov/Home/ShowDocument?id=5019>; Jurupa Valley General Plan, Environmental Justice Element, available at <http://civicsolutions.com/wordpress/wp-content/uploads/Oct-2014-Jurupa-Valley-Environmental-Justice-Element.pdf>.

<sup>9</sup> See Sacramento County Environmental Justice Element, Phase One, available at <http://www.per.saccounty.net/PlansandProjectsIn-Progress/Pages/Environmental-Justice-Element.aspx>.

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burdens faced by each disadvantaged community; 3) address environmental justice in other elements of the general plan; and 4) strengthen the draft EJ policies with concrete and regional-focused language. We encourage the County to consider revising the Amendment to address the concerns raised by community members.

Thank you for considering our suggestions for increasing public participation in Riverside County's draft General Plan Amendment and EJ policies. Please let me know if I can provide any assistance to you during your planning process. I look forward to continuing our conversation about civic engagement and Riverside County's General Plan Amendment.

Sincerely,



ABIGAIL BLODGETT  
Deputy Attorney General  
Bureau of Environmental Justice

For XAVIER BECERRA  
Attorney General



October 8, 2018

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**RE: Riverside County SB 1000 Environmental Justice Element/Policies in General Plan**

Dear Mr. Hersh, Mr. Flores, and Mr. Villalpando,

Thank you for the opportunity to provide feedback on the Environmental Justice draft policies that you developed in response to SB 1000. We appreciate the time you have spent engaging with us on this issue. Leadership Counsel for Justice and Accountability is a community-based, social and environmental justice organization that works closely with community residents in the Eastern Coachella Valley including Thermal, Oasis, Mecca, North Shore, and the City of Coachella. Although the comment period has closed on the most updated draft, we would like to take the opportunity to share our concerns, comments, and suggestions on the Environmental Justice policies included in the Land Use and Healthy Communities Elements in the Riverside County General Plan.

**1. Legal Requirements regarding General Plans and Environmental Justice**

It is our concern that while Riverside County provides a map outlining the different Environmental Justice communities within its jurisdiction, it does not clearly state each community outside of Figure LU-4.1 - Riverside County Environmental Justice Communities. The identification of the EJ communities is crucial in adequately addressing the unique and compounded health risks experienced throughout these communities and surrounding areas. In addition to Figure LU-4.1, we ask that a list be provided to clearly state which EJ communities have been identified and the methodology the County used to identify each community.

The law calls to promote transparency and public engagement in local government planning and decision-making processes. In terms of the development of the environmental justice draft policies, it is our understanding that Riverside County lacked a meaningful outreach process to reach and include community residents, community-based organizations, and other significant



community stakeholders to assist in the development of these policies. Moving forward, we expect the Planning Department to comply with outreach efforts as required by law.

Furthermore, the amendment does not identify nor address the specific pollution burdens and health risks that EJ communities experience throughout the County. This information is crucial to state in order to be able to address the diverse pollution sources and health risks in the proposed Environmental Justice policies for Riverside County.

The proposed policies do not include concrete implementation measures in the general plan to reduce the unique or compounded health risks in disadvantaged communities impacted by pollution burdens. We understand that the Planning Department recommended developing an implementation plan separately, however, we believe that including implementation measures within the draft EJ policies would create a stronger amendment to the General Plan and create stronger avenues to address environmental justice issues in the identified communities.

## **2. Community Engagement in the Planning Process**

It is critical to have community residents of impacted environmental justice communities be part of the planning process and creation of an environmental justice element or policies for the Riverside County General Plan. From reviewing the public events that were held, we believe there was no meaningful outreach done to community residents or community-based organizations regarding this planning process. We strongly suggest that Riverside County commit to enhancing their outreach and engagement efforts to meaningfully include community voices into this process as required under SB 1000; to meaningfully engage Environmental Justice communities in the creation and adoption of an Environmental Justice element or incorporation of EJ policies. While it's understandable the amount of responsibility the County has, this should not be dealt with at the expense of the health and safety of disadvantaged communities that are already more than vulnerable.

In order to achieve real environmental justice measures, community residents, Native-American Tribes, community-based organizations, and other stakeholders should be actively engaged throughout the development and implementation process of these EJ policies. We recommend connecting with local organizations who have direct and constant contact with community residents and providing all necessary knowledge and materials with language justice in mind. We find that community meetings are most accessible to the public. These should be held at times and locations convenient for residents, translation and food should be provided, and overall they should allow for residents to safely and comfortably voice their concerns, provide feedback, and make demands.

### **3. Methodology**

#### **A. Include Brief Analysis of Each Environmental Justice Community**

The Planning Department has expressed their use of CalEnviroScreen 3.0 to identify EJ communities. While this tool is critical in identifying certain EJ communities across the state, it is also very limited and inaccurate when it comes identifying all EJ communities in California. We strongly encourage the use of the *SB 1000 Implementation Toolkit: Planning for Healthy Communities*<sup>1</sup> developed by the California Environmental Justice Alliance, to be able to properly address all statutes under SB 1000, but to also identify other ways to strengthen an EJ element or integrated policies. Chapter 3, Identifying Disadvantaged Communities, outlines four different methods to use and adjust CalEnviroScreen for contextual need. These are very important steps to take as it will lead to the identification of environmental justice communities that do not score high enough on CalEnviroScreen to be considered as such. An example is the exclusion of Thermal and Oasis, two unincorporated communities in the ECV. These two communities have been historically marginalized and disqualified for several statewide climate investments because of its CalEnviroScreen score. As a result, we urge the County to use innovative methods when it comes to identifying disadvantaged and environmental justice communities. We are grateful that the updated map now includes the communities of Thermal and Oasis.

#### **B. Eastern Coachella Valley: Rural and Agricultural**

One of the regions and communities that merits analysis and unique interventions is the Eastern Coachella Valley, given the distinct obstacles to health, safety, and environmental justice that the region faces. For example, pollutants such as pesticides and others emitted from the Salton Sea make this regions' needs unique. Additionally, the ECV has faced historic marginalization due to methodologies that categorically focus on more densely populated areas and industrial pollution factors rather than including agricultural factors as well. As a related matter, we've noted throughout the need to include considerations of impacts from agricultural land uses and practices and ask that language be revised to address agricultural area concerns.

#### **C. Current Draft Policies: Not Specific or Time-bound**

Many of the policies included in the draft are vague and do not necessarily follow the Environmental Justice principles set by SB 1000 to adequately support disadvantaged

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<sup>1</sup> California Environmental Justice Alliance. *SB 1000 Implementation Toolkit: Planning for Healthy Communities*. [caleja.org/2017/09/sb-1000-toolkit-release/](http://caleja.org/2017/09/sb-1000-toolkit-release/).

communities. The policies do not propose how collaboration, facilitation, or partnerships will occur and at what magnitude. There is no standard to how meaningful the actions with communities or agencies the County will commit to and as a result, we ask that the policies be revised and modified to include implementation measures and adopted concurrently into the General Plan.

In addition, the food access policies are unclear, meager, and out of context to what they should be. For instance, the policies read more land-use related rather than detailing how land-use and food access intersect and what can be done to improve existing conditions. These conditions are unique to different unincorporated communities such as those in the ECV which is farther from commercial nodes than most urban areas. In addition, the language does not have a concentrated focus on climate change such as including climate resilience strategies to Environmental Justice communities in the General Plan amendment.

**D. Implementation Plan for EJ Policies**

We are aware of the Planning Department’s goal to develop an implementation plan for the draft EJ policies, however, there is no commitment or certainty that there will be an implementation plan to go along with the EJ policies as its adoption is dependant on the Board of Supervisors approval. This is concerning because the current draft of the aforementioned policies are unclear, vague, and set no reasonable timelines. The creation and adoption of an implementation plan will allow for more measurable and precise guidelines, but we ask that said implementation plan be integrated within the General Plan concurrently with the draft policies.

**E. Addressing Conditional Language with Concrete and Measurable Policies**

In our revision and analysis of the draft, we believe that the integrated policies would be much stronger and beneficial to environmental justice communities if the language was revised in a way that demonstrates actionable change. The policies include various words and phrases such as “*as feasible*”, “*will consider*”, “*suggest*”, and “*encourage*” that demonstrate weak and loose commitment to the policies and feasibility of implementation. This perpetuates a lack of accountability with the majority of the policies. By eliminating conditional language, the policies can be strengthened to demonstrate the County’s commitment to address the needs of EJ communities.

## **F. Consider Alterations to the Draft EJ Policies**

We ask that you all consider the recommendations we are providing. We believe it is critical to comply with the law but also create meaningful and effective Environmental Justice policies that are not rushed and include community members in the decision-making process.

We strongly recommend that Riverside County do the following:

1. Revise the draft to change vague and unclear language in the proposed policies
2. Extend timeline to create language that is supportive of EJ communities and to conduct meaningful and accessible community engagement opportunities
3. Include stronger language and policies that address the specific EJ concerns in the Eastern Coachella Valley
4. Include a complete implementation plan or measures *with* the General Plan updates
5. Provide a list of the Riverside County identified EJ communities
6. Include region-specific pollution burdens with supporting implementation plan/measures

## **4. Specific Language Changes on General Plan Amendment No. 1226**

### **A. Civic Engagement**

**HC 15.1-15.7, 16.2-16.3, 16.5-16.11, 16.13-16.17, 16.20, 16.25 (b.), 17.2-18.1, 18.6, 18.9, 19.2-19.3** One of our main concerns is the use of certain vague and aspirational language throughout the draft policies, rendering them weak and unmeasurable. In the policies listed here, words and phrases such as, “consider”, “encourage”, “explore the potential”, “as feasible” shall be replaced with words and language that demonstrate a commitment toward meeting environmental justice and civic engagement goals. We recommend words such as ensure, establish, and facilitate and allow objective evaluation of civic engagement efforts, all of which will allow for measurable implementation

**HC 15.7** Although we believe this is a well-intentioned plan, the existing language is unclear and inappropriate. We recommend the following language revision:

- In subsection (a.) we suggest writing “The hazards faced in Environmental Justice communities.”
- In subsection (b.) we suggest writing “The health and environmental implications of inaction.”
- We recommend adding a section or amending section (e) to reflect the County’s commitment to working with community residents and community-based organizations

to address community concerns, and outline the County's plan to provide concrete solutions for mitigation.

- Subsections (d.), (f.), and (g.) should be eliminated as they reflect poorly on the County of Riverside and eliminate any sense of accountability.

## **B. Health Risk Reduction: Pollution Exposures**

**HC 16.1** We appreciate policy HC 16.1 as currently stated, but ask that language explicitly addresses the impacts faced in the Eastern Coachella Valley from Salton Sea contamination.

**HC 16.4** Change "homeowners" to "residents" to be more inclusive of non-homeowners; include other inadequate onsite wastewater treatment systems; include funding for connections to municipal wastewater service providers

**HC 16.5** We believe this policy could have great potential with a few adjustments. When talking about sensitive receptors and potentially hazardous sites, it is imperative to look at both the existing sensitive receptors but more specifically on future land use projects and how they their implementation may impact nearby communities and sensitive receptors. .

**HC 16.7** Rather than "explore," we believe the County should enforce the creation of a cap or threshold on *all* pollution sources within its jurisdiction.

**HC 16.8** A relationship and partnership between the County and local air district should be established and strengthened. This will better assist the development and establishment of a mitigation program to reduce the impact of air pollution as currently stated in the policy.

~~HC 16.9~~ We support the policy intention of promoting compact development and suggest further language in this policy promoting compact development in existing communities instead of promoting new towns, new neighborhoods and sprawl development. We further recommend that this policy include assurances of affordable housing in compact development projects. -

~~HC 16.13~~ This policy is unclear as to how it will affect the North Shore school set to be built near agriculture and the Salton Sea.

**HC 16.16** Include "community-appropriate trees" and remove "encourage"

**HC 16.17** Change "job-poor" to 'higher lower job opportunity'. Additionally, any development strategies should ensure that development does not increase pollution sources in disadvantaged communities.

**HC 16.21** Include language to also reflect impacts of agricultural discharges in this policy or add an additional policy to address agricultural discharges.

**HC 16.22** This policy should be more protective of air quality, and should instead state: Restrict development or expansion of uses that contribute toxic emissions into the air including both industrial and agricultural uses; reduce toxic emissions from existing uses including both industrial and agricultural uses.

### **C. Health Risk Reduction: Food Access Policies**

**HC 17.1-17.3** These three policies are meant to directly address food access. Cooperating with transit providers to review routes and encouraging development planning to utilize better land use strategies is helpful, but currently, these policies are not stated in a way that relate directly for food access. Our suggestions are as follows:

- Include other amenities such as grocery stores, markets, and food distribution centers, as well as healthy restaurants.

Include language that requires better connectivity between residential areas and public transit, including safe and healthy options, like sidewalks and shade structures in areas with higher temperatures. Transportation connectivity and access can also function as its own policy to better address transportation issues outside of food access.

### **D. Health Risk Reduction: Safe and Sanitary Homes Policies**

**HC 18.2** Remove 'to identify'.

**HC.18.3-18.4, 18.6** Add "assist and" prior to "provide" and replace "support" with "technical assistance." This past legislative season, Governor Brown passes AB 2501 (Chu) which will expand access to municipal drinking water service in some of the most vulnerable communities in California. We recommend the County utilize this new opportunity to leverage state and federal funding for projects specifically in disadvantaged communities with unsafe drinking water.

Similar to other policies, HC 18.3 and 18.4 should also include implementation measures to outline how service agencies will prioritize disadvantaged communities, such as mobile home parks and unincorporated communities, and include language to describe the potential partnership with the local water districts and agencies.

**HC 18.5** Related to HC 18.3 and 18.4, this policy can also leverage the recent passage of AB 2510 but also SB 1215 (Hertzberg), which will expand access to wastewater services for neighborhoods that currently rely on failing septic systems and cesspools in disadvantaged communities.

**HC 18.7** Replace “discourage” with “restrict” and replace “may conflict” with “are not compatible.”

**HC 18.8** In addition to the current language, the policy should clearly state that it will be focused on the vulnerable communities in the county and prioritize affordable housing opportunities under “residential development.”

**HC 18.9** It is unclear how design-centered policies included in 18.9 is relevant to environmental justice or environmental justice policies from either a procedural or substantive perspective.

**HC 18.10** We recommend that this policy be clarified to further environmental justice goals. Accordingly, add the following language following “levels of service”: that growth is not prioritized over providing service and infrastructure to existing disadvantaged communities or low income households, and that services and infrastructure services are targeted to existing neighborhoods and communities that lack adequate services rather than to new communities and new growth.

**HC 18.11** We recommend that this policy be clarified to further environmental justice goals. Accordingly, add the following language after “such deficiencies”: “and prioritize the provision of water, roads, and other basic services to existing neighborhoods and communities that lack adequate services rather than to new communities.

**E. Physical Activity Policies**

**HC 19.1** Include language clarifying that this policy is designed to provide services to adjacent Salton Sea communities rather than catering to tourism, the public health and safety of residents that live near the Salton Sea should be prioritized..

**HC 19.2-19.3** These two are similar policies and could perhaps be combined.

**19.4-19.9** These policies do not respond to environmental justice needs, whereas the focus is on aesthetic, urban design, and improvements that do not address environmental justice community concerns.

## **F. Public Facilities Policies**

**HC 20.1** This policy should state what is considered a public facility. In addition, we suggest adding “in existing, disadvantaged and lower-income communities and neighborhoods” directly after “public services.”

**HC 20.2** It is unclear how this policy applies to rural and agricultural communities. New development in these areas should be eliminating the infrastructure gaps. For example, the paving of mobile home parks, water and wastewater infrastructure, affordable housing, community amenities such as parks and recreational spaces, as well as transportation infrastructure.

**HC 20.3** We understand the County’s intent to require “residents and landlords to maintain their properties in good condition,” but it’s important to be cognizant of the financial capabilities of both residents and landlords. In the ECV, one of the main sources of affordable housing are mobile homes and mobile home parks. The majority of these homes are in substandard conditions and placed in mobile home parks that lack the appropriate opportunities both maintain and improve the conditions of the park. This policy should address the urgency to provide public assistance to low-income communities, whether it comes from the local, County, or State funding sources. It’s important to at least connect communities to these resources and opportunities.

## **5. Existing Examples for Reference**

The County’s currently proposed EJ policies do not satisfy a standard that is adequate and reflective of what SB 1000 requires. To better address these deficiencies, we urge you to utilize CEJA’s SB 1000 Implementation Toolkit in partnership with various community organizations.

Other implementation examples include the City of Jurupa, who have developed an EJ Element with language that is more reflective of EJ principles and agricultural and rural communities similar to the Eastern Coachella Valley.

Additionally, the City of Jurupa has included an introduction, background history, and specific communities in their General Plan. We believe it is important to include a similar section into the Riverside County General Plan, one with a more robust introduction with a vision for the county as it relates to Environmental Justice. The inclusion of background history on the various EJ communities is helpful to document existing health and environmental data from the EJ communities and demonstrate the progress or state of the communities as policies will be



outlined in the element to address the issues in those communities. Doing so will also inform the specific goals, policies and programs that are most relevant to each of the unique communities and regions. Lastly, including specific demographics and information on each community will not only be helpful but it will acknowledge the diversity of the communities and their role in Riverside County's present and future.

## 6. Conclusion

The above recommendations would help create a substantial EJ amendment to the County's General Plan. They will allow for better representation and inclusion of EJ communities that, like the ECV, have been historically marginalized.

Thank you in advance for your time and consideration of our recommendations. We look forward to our collaboration and partnership in implementing SB 1000 in Riverside County. Please feel free to contact Rebecca Zaragoza at [rzaragoza@leadershipcounsel.org](mailto:rzaragoza@leadershipcounsel.org) or call (760) 774-3528 to further discuss how to include and truly reflect the needs of Environmental Justice Communities.

Sincerely,

Rebecca Zaragoza, Policy Advocate  
Lesly Figueroa, Policy Advocate  
Leadership Counsel for Justice and Accountability



October 4, 2018

Riverside County Planning Department  
77588 El Duna Ct Suite H,  
Palm Desert, CA 92211  
4080 Lemon Street 12<sup>th</sup> Floor  
Riverside, CA 92502

RE: Riverside County Environmental Justice Element in General Plan

To Whom it may Concern,

As the Alianza Coachella Valley collaborative<sup>1</sup>, we would like to take the opportunity to give feed back to the recent updates to the Land Use Element (LUE) and the Healthy Communities Element (HCE) related to inclusion of an Environmental Justice (EJ) Element.

We applaud the effort you have made to include Environmental Justice as a planning element as required by the State of California. We also thank you for including most of our suggestions submitted in our letter from September 2018. The inclusion of the communities of Thermal and Oasis along with the associated communities in the Eastern Coachella Valley was very important to us. However, it is important for the County to include a list of all DACs in the General Plan. While the map is important and valuable, a list of communities is also essential.

We thank you for addressing our methodological concerns in defining DACs in Riverside County. Lack of data is no reason for exclusion and we appreciate your willingness to accept the CEVA from UC Davis.

We had hoped that the County would incorporate Environmental Justice concepts in every aspect of the County General Plan. We note that this is not required by SB1000 and that the County has abided by the letter of the law, if not the intent. While we applaud the creation of the policies you have written on Environmental Justice, we still have some concerns. All of these were outlined in our original letter and we hope you will address them before you move toward adoption of your policies.

SB 1000 states: Gov. Code. § 65302, subd. (h)(1)(A). Additionally, the stand-alone EJ element or through integrated EJ goals must **promote public engagement in the decision making process** and prioritize improvements or programs to address the needs of the disadvantaged communities. Gov. Code. § 65302, subd. (h)(1)(B)-(C).

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<sup>1</sup> Formerly Building Healthy Communities Coachella Valley

**Civic Engagement** is mentioned in your policies, as required by law. However, there has been little civic engagement within local disadvantaged communities around the current process of developing the EJ element. It is essential to begin engagement at the outset of this entire process. Civic engagement in local planning processes and the collaboration of the County, the community, community-based organizations, and local stakeholders should be a requirement **throughout** the planning process as we stated in our original letter. And while the County has written this language in, it has too many qualifiers.

The language used in the policies written are not conducive to change.

To state, for example,

IN HC 15.1 THAT THE COUNTY WILL "ENCOURAGE" CIVIC ENGAGEMENT. This is not a policy, this is a hope. IN HC 15.2 THE COUNTY STATES THAT IT WILL WORK "AS FEASIBLE" TO "ENCOURAGE" COLLABORATION. Again, this is not a policy.

This use of conditional language is unacceptable. Policies are concrete, not aspirational. By couching the language in the conditional, the County is allowing itself an option to not follow through on EJ policies or to simply "check off" on community engagement without engaging in a meaningful way. And this option has been exercised in the development of the document you have created.

**Health Risk Reduction** policies outlined in your most recent document are, again, conditional. In addition to identifying and listing the DACs in Riverside County, the County must also identify the unique and geographically specific pollution burdens for each of these communities/regions.

We appreciate the fact that you included agricultural toxins in your consideration in this version of the plan. However, there are many other pollution burdens that are not included that are impacting Riverside County communities. By explaining the different types of pollution burdens and inequities that exist in the identified areas you would be able to set goals and clarify objectives for real justice. By acknowledging the sources of pollution, we can more accurately design frameworks to mitigate them.

In the Eastern Coachella Valley there are exposures to toxins from waste and recycling facilities that impact air quality as well as the impacts from the ever-shrinking Salton Sea. Communities throughout the County are impacted by freight facilities and diesel pollution that may have a source in other DACs. The policies in the GP must acknowledge warehouses that attract diesel trucks into and out of their facilities as a pollution burden, consistently throughout the GP.

The movement of goods is a leading source of impact for DAC's, even in the Eastern Coachella Valley. The logistics industry must be addressed intentionally as a pollution burden as it encompasses the freeways, railyards and truck routes that expose DAC's to harmful toxins and contribute to negative regional air quality. So while each EJ community has unique and specific toxin burdens, they also share many of the same sources and burdens.

Our stance remains that the Health Risk Reduction section should include addressing the lack of potable water for EJ communities, especially in rural regions of the County. According to our State, clean drinking water is a human right. The County can make policies to support the policies enacted at the State level and ensure that residents have access to potable water without financial burden. While you have addressed this issue under Safe and Sanitary Homes, it should also be included under the Health Risk policies since many rural residents have water contaminated by toxins such as arsenic and chromium 6.

The **Food Access** Policies as updated are still lacking actions and rules that are enforceable. There needs to be investment in small grocery stores and farmers markets to increase access to fresh fruits and vegetables in all EJ communities. Many Counties have embarked on "corner store conversions" but in some cases, even corner stores do not exist. While we applaud the steps forward in this section, again the language used suggests a lack of commitment.

In the **Safe and Sanitary Homes** Policy there needs to be a stated commitment to build safe, affordable housing in rural EJ communities and there needs to be a statement about providing safe homes for EJ communities that exist in regions of the County that will be severely impacted by climate change. In the policy below, you have begun to address the need for safe, affordable housing. However, again, you have used language that is less than committed.

HC 18.12 ENCOURAGE DEVELOPMENT OF AFFORDABLE AND SAFE HOUSING IN EJ COMMUNITIES WHILE AT THE SAME TIME MINIMIZING THE DISPLACEMENT OF EXISTING RESIDENTS CONSISTENT WITH HOUSING ELEMENT, GOAL 2, ACTION 2.1H.

Land use and development need to focus on improving the living conditions in disadvantaged rural communities. We believe that the County has made strides forward in addressing these issues in the most recent version of your document. However, there remains a lack of commitment to environmental justice indicated in the use of conditional, aspirational language.

Through partners, we have become aware of the Planning Department's wish to develop an implementation plan for the newly developed EJ Policies. It is essential that this implementation plan be developed, with community engagement, in tandem with the policies and based on the enumeration of communities, pollution burdens and other risks and vulnerabilities we discuss above. To create policies with no plan to implement them is what has led to a lack of clarity and commitment in the current draft.

We, Alianza Coachella Valley, are open to conversations regarding our recommendations. We appreciate your efforts to date and hope to be able to continue working together to better serve environmental injustice communities.

Sincerely,

Alianza Collaborative



October 2, 2018

Riverside County Planning Department  
4080 Lemon St.  
Riverside, CA 92501



**Re: 7661 TRANSPORTATION AND LAND MANAGEMENT  
AGENCY/PLANNING: PUBLIC HEARING FOR GENERAL PLAN  
AMENDMENT NO. 1226 (ENTITLEMENT/POLICY AMENDMENT)**

Dear Planning Department,

Thank you for the opportunity to engage with the County of Riverside. On behalf of the Center for Community Action and Environmental Justice (CCA EJ), please accept these comments in response to Riverside County's General Plan (GP) update. CCA EJ is a community based Environmental Justice organization with over 40 years of experience working with and representing communities throughout the Inland Valley region. We submit these comments because we are particularly concerned with the impact that the General Plan update will have on the Environmental Justice (EJ) communities of Riverside county, specifically the communities that are impacted by freight and the goods movement.

#### **I. THE GENERAL PLAN MUST MEET THE SB1000 REQUIREMENTS**

SB1000 requires a local government to prepare an EJ element or integrate EJ-related policies into other elements when both of the following conditions apply: the concurrent adoption or next revision of two or more other GP elements on or after January 1, 2018 **AND** when a local jurisdiction identifies one or more disadvantaged communities (DACs) within its GP planning area.

SB1000 allows a local jurisdiction to adopt either (1) a stand-alone EJ Element or (2) a set of EJ-related policies integrated throughout other elements of the GP. Gov. Code §63502, subd. (h).

#### **Identifying Disadvantaged Communities**

DACs should be identified at the beginning of the EJ and GP process since all other parts of the process rely on this basic building block.

A Disadvantaged Community (DAC) is defined as (1) an area identified by the CalEPA pursuant to Section 39711 of the Health and Safety Code (those identified by CalEPA which are top 25 percent of highest scoring census tracts in CalEPA's CalEnviroScreen) **or** (2) an area that is low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation. Gov. Code, § 65302, subd. (h)(4)(A).

If the local government uses the second definition of DAC, it would have to first determine whether "low-income areas" exist. (State of California Department of Justice, *SB1000 Fontana General Plan*

*Update Letter*, at p. 2 (August 20, 2018)). A low-income area is an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code. Gov. Code, § 65302, subd. (h)(4)(C).

Once it identifies low-income areas using this definition, the local government would then evaluate if these areas are disproportionately affected by environmental pollution that can lead to negative health effects. Gov. Code, § 65302, subd. (h)(4)(A).

In regards to the second part of the analysis, SB1000 does not specify a clear method or threshold for identifying areas "disproportionately affected by environmental pollution and other hazards." (State of California Department of Justice, *SB1000 Fontana General Plan Update Letter*, at p. 2 (August 20, 2018)).

If the local government identifies one or more disadvantaged communities in its jurisdiction, it must include either an environmental justice element or EJ related goals, policies, and objectives integrated in other elements in its general plan update. Gov. Code, § 65302, subd. (h)(1).

### **EJ Goals, Objectives, and Policies**

SB1000 requires than an EJ Element or integrated EJ-related policies target eight goals and objectives to reduce the unique and compounded health risks in Disadvantaged Communities (DACs).

SB1000 requires eight areas that **must** be integrated into the stand-alone EJ Element or through integrated EJ goals that:

1. Reduce the unique and compounded health risks in DACs.
2. Reduce pollution exposure and improve air quality.
3. Promote public facilities: public improvements, public services and community amenities in accordance with Government Code Section 66000.
4. Promote food access.
5. Promote safe and sanitary homes.
6. Promote physical activity.

(Gov. Code. § 65302, subd. (h)(1)(A).) Additionally, the stand-alone EJ element or through integrated EJ goals **must promote public engagement** the decision making process and **prioritize improvements or programs** to address the needs of the disadvantaged communities. Gov. Code. § 65302, subd. (h)(1)(B)-(C).

## II. POLICIES RECOMMENDATIONS

### **Lack of Community Engagement**

The intent of SB1000 is to broaden civic engagement and participation equitably for the purpose of assessing and improving the County's DAC's. SB1000 lays out a template for their prioritization, inclusion and meaningful engagement in the drafting process so they can accurately inform the goals, policies and objectives that directly impact them. Due to the lack of meaningful community engagement there was minimal public participation from the DAC's therefore leaving a gap in the policies that address their specific lived experiences.

We believe that the EJ element should go further than just *encourage* civic engagement in their policies but should *require* it. Additionally, collaboration among local stakeholders, community members and community-based organizations with the County and government agencies cannot be conducted *when feasible* but instead should be *required*. As this is the only way to plan for changes that address and improve EJ issues. Lastly, DAC's should be considered a unique stakeholder group that is addressed specifically in each policy. Similar to how community-based organizations, local business, etc are all addressed in the policies.

### **Identification of Pollution Burdens**

Relatedly, the GP update does not identify what pollution burdens and health risks the DAC's in Riverside County are experiencing. As a result it is difficult to determine how existing policies will address the unique pollution burdens and health risks that those communities face. It would be helpful if there was a section in the EJ element dedicated to explaining the different types of pollution burdens and inequities that exist in the identified areas. This would help inform the *objectives* in the GP and set a foundation for where *goals* and *policies* stem from. By acknowledging the sources of pollution, we can more accurately design frameworks that aim in ameliorating them. Specifically, for the communities impacted by freight facilities and diesel pollution, the policies in the GP must acknowledge industrial projects, such as warehouses that attract diesel trucks into and out of their facility as a pollution burden, consistently throughout the GP. We also view the goods movement as a leading source of impact for DAC's. The logistics industry must be addressed intentionally as a pollution burden as it encompasses the freeways, railyards and truck routes that expose DAC's to harmful toxins and contribute to negative regional air quality.

### **Region-Specific Environmental Justice Policies**

We compliment the efforts that have been made on the existing policies and recommend strengthening some of the language and word choices. With regard to specific talking points and language, we have listed on the next page, section by section suggestions under the appendix.

We also want to strongly advocate that specific EJ policies, such as those that follow, be included in the draft General Plan update. We include these in the hopes that more regional-specific policies can be developed jointly.

1. Ensure that Disadvantaged Communities (DAC's) residents' can live and prosper in communities that are a safe distance from harmful land uses such as refineries, warehouses, freeways, agriculture, etc.
2. Protect residents from toxic land uses, by creating a plan, timeline and funding proposals that mitigates existing impacts.
3. Ensure that DAC's impacted by the logistics and agricultural industry do not get additionally burdened by projects that increase contamination by creating a cap or threshold on the number of pollution sources within EJ communities.
4. Require community-based agreements with all new warehouses to ensure that restricted truck routes are created near homes and schools and the cleanest equipment and transportation technology is being used at the facility.
5. Conduct a ground level toxics emissions study focusing on black carbon emissions for all projects along primary freight corridor-level analysis for proposed projects adjacent to or within the boundaries of a DAC.
6. Recognize the cumulative air quality impact that DAC's are faced with and create a plan and financing strategy that results in time bound enforceable measures that provide direct emissions reductions.
7. In cooperation with regional and state air quality agencies, pursue zero-emission funding and prioritize DAC's implementation.
8. Provide infrastructure for electric vehicles (passenger, medium and heavy-duty) in disadvantaged communities along heavily traveled corridors.
9. Fund mitigation measures (e.g. air filters in homes and schools) to improve air quality in neighboring homes, schools and other sensitive receptors.
10. Reduce car and bus idling through direct enforcement and fining.
11. Ensure all bus fleets are compliant with most recent Clean Fleet rules from the California Air Resources Board
12. Prioritize investments in local roadways and sidewalks in compliance with the California Complete Streets Act of 2008 (Assemblyman Mark Leno)

We appreciate the time taken to review our feedback. We are hopeful that the policies considered will provide the greatest protection possible for EJ communities and lays out a framework for implementation. We recommend the planning department take into consideration our requests to take a stronger approach at community engagement, to strengthen the language of the existing policies and include region-specific EJ policies. Thank you for considering these changes and for understanding our concerns.

Sincerely,

**Andrea Vidaurre**  
Community Organizer

**Anna Sanchez**  
Law Intern



## Appendix

HC 15.1 ~~Require~~ **Encourage** civic engagement ~~from the DAC's~~ in the local planning process, in furtherance of environmental justice planning

HC 15.2 ~~Require~~ **Encourage** collaboration, ~~as feasible~~, between the County, community, and community based organizations, as well as local stakeholders in promoting environmental justice.

HC 15.3 ~~As feasible~~, partner with local community-based organizations to promote civic engagement activities.

HC 15.4 Coordinate, ~~as feasible~~, with environmental groups, the business community, special interests, DAC's and the general public in the development of programs that effectively reduce airborne pollutants.

HC 15.7 ~~Consider~~ establishing a far-ranging, creative, forward-thinking public education and outreach campaign, to inform the community about the following:

- a. Potential hazards
- b. The costs of not mitigating the hazards.
- c. Facts about each hazard.
- d. Why jurisdictions don't have all the answers.
- e. Mitigation incentives.
- f. What the County of Riverside does for them.
- g. What the County of Riverside cannot be expected to do for them.

HC 16.2 Assist communities, ~~as feasible~~, in seeking funding for community initiated clean air projects.

HC 16.3 ~~Encourage~~ **Create a plan for** the installation of on-site air monitoring equipment in areas of high exposure to air contaminants.

HC 16.4 Assist low-income homeowners, ~~as feasible~~, in seeking financial assistance for septic system repair in order to limit groundwater contamination by poorly maintained septic systems.

~~HC 16.5 Encourage sensitive receptors, such as schools and hospitals, to be located away from uses that pose potential hazards to human health and safety, including landfills, farm fields, **freight facilities, warehouses** and other potentially hazardous sites.~~

HC 16.6 Evaluate, ~~as feasible~~, public facilities for health hazards or major sources of contamination.

HC 16.7 ~~Explore the potential~~ **Create a plan for** creating a cap or threshold on the number of pollution sources within EJ communities

HC 16.8 ~~Explore the feasibility of~~ creating a partnership with the local air quality management district to establish a mitigation program to reduce the impact of air pollution.

HC 16.12 ~~Seek opportunities~~ to provide buffer spaces between high-volume roadways/ transportation corridors and sensitive land uses.

HC 16.13 Seek to assure that sensitive receptors are separated and protected from pollution point sources, including agricultural businesses that produce or use pesticides and chemical fertilizers, ~~as feasible~~.

HC 16.14 ~~Require~~ **Encourage** that site plan design protects people and land use from air pollution through the use of barriers or distance from emission sources when possible.

HC 16.17 Encourage new development that emphasizes job creation, ~~and~~ reduction in vehicle miles traveled in job-poor areas **and does not contribute to on-site emissions** to improve air quality.

HC 16.20 Encourage the creation of programs that increase carpooling and public transit use, decrease trips and commute times, and increase use of alternative-fuel vehicles **and electric vehicles**.

HC 16.22 ~~Limit~~ **Discourage** industrial and agricultural uses which produce significant quantities of toxic emissions into the air.

HC 16.23 Seek to ensure compatibility between industrial development and agricultural uses and adjacent land uses. To achieve compatibility, industrial development projects and agricultural uses may be required to include noise, **air, land, traffic, greenhouse gas emissions** mitigation measures to avoid or minimize impacts on adjacent communities.

HC 17.2 ~~As feasible~~, orient buildings closer to streets or provide landscaped promenades that connect buildings to bus stops with routes that provide access to shopping centers, grocery stores, and areas where farmers markets are held.

HC 18.7 Discourage **and limit** industrial and agricultural uses that may conflict with residential land uses either directly or indirectly.

HC 19.2 Encourage development of high-quality parks, green space, recreational facilities and natural environments for traditionally ~~underserved communities~~ **and DAC's**.

## NOTICE OF PUBLIC HEARING

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider a proposed project in the vicinity of your property, as described below:

**GENERAL PLAN AMENDMENT NO. 190004 (GPA190004) – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15061 (b)(3) – Applicant: County of Riverside – Countywide – Location: Unincorporated County within Environmental Justice communities/areas – **REQUEST:** Conduct a public hearing for GPA190004, and continue the public hearing to the Planning Commission scheduled on Wednesday, June 2, 2021. GPA190004 proposes to Amend the General Plan Land Use Element and Healthy Communities Element for Compliance with Senate Bill (SB) 1000 (Environmental Justice General Plan Components) to incorporate Environmental Justice provisions into the General Plan. The purpose of SB1000 is to require the preparation of remediation policies, through a robust outreach process, which are applicable to Environmental Justice Communities defined as “low-income area[s] that [are] disproportionately affected by environmental pollution”. The Land Use Element amendment is proposed to include the spatial definition of environmental justice communities/areas, along with the legal requirements and framework for compliance with SB1000. The Healthy Communities Element is proposed to include the remediation polices. Additionally, an Environmental Justice Implementation Plan is also being proposed.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.  
DATE OF HEARING: **MAY 19, 2021**  
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER  
BOARD CHAMBERS, 1ST FLOOR  
4080 LEMON STREET, RIVERSIDE, CA 92501

Pursuant to 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 allowed but limited to comply with the Executive Order. Information on how to participate in the hearing is available on the Planning Department website at: <https://planning.rctlma.org/>.

For further information regarding this project please contact the Project Planner Peter Hersh at (951) 955- 8514 or email at [phersh@rivco.org](mailto:phersh@rivco.org), or go to the County Planning Department’s Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing. The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment on the proposed project may submit their comments in writing by mail or email, or by phone between the date of this notice and the public hearing; or, you may appear and be heard at the time and place noted above. You may participate remotely by registering with the Planning Department. All comments received prior to the public hearing will be submitted to the Planning Commission for consideration, in addition to any oral testimony, before making a decision on the proposed project. All correspondence received before and during the meeting will be distributed to the Planning Commission and retained for the official record.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:  
RIVERSIDE COUNTY PLANNING DEPARTMENT  
Attn: Peter Hersh  
P.O. Box 1409, Riverside, CA 92502-1409



**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.**

**4 . 5**

**Planning Commission Hearing: May 19, 2021**

**PROPOSED PROJECT**

**Case Number(s):** CUP180010  
**CEQA Exempt** Section 15301 and 15303  
**Area Plan:** The Pass  
**Zoning Area/District:** Beaumont-Banning District  
**Supervisory District:** Fifth District  
**Project Planner:** Rob Gonzalez  
**Project APN(s):** 544-260-007

**Applicant(s):**

Delphi RE Holdings

**Representative(s):**

Alicen Wong

  
 John Hildebrand  
 Planning Director

**PROJECT DESCRIPTION AND LOCATION**

**CONDITIONAL USE PERMIT NO. 180010 (CUP180010)** proposes establishing an existing state-licensed sixteen (16) bed Alcohol and Drug Abuse Treatment Facility operating within an existing 6,280 square foot single-family residential building. The Alcohol and Drug Abuse Treatment Facility will have amenities for 16 residents and includes 24-hour care from therapists, nurses, and physicians.

The project site is located South of Del Rita Road, East of Highland Springs Avenue, West of Roadrunner Trail, within The Pass Area Plan.

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

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

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

**FIND** that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) based on the findings and conclusions in the staff report; and,

**APPROVE CONDITIONAL USE PERMIT NO. 180010 (CUP180010)**, 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:	Agriculture
Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Agriculture (AG)
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Agriculture (AG)
East:	Agriculture (AG)
South:	City of Beaumont
West:	City of Beaumont
Existing Zoning Classification:	Controlled Development Areas (W-2)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Light Agriculture 10 Acre Minimum (A-1-10)
East:	Light Agriculture 10 Acre Minimum (A-1-10)
South:	City of Beaumont
West:	City of Beaumont
Existing Use:	Residence
Surrounding Uses	
North:	Vacant Land
South:	Vacant Land
East:	Ranch Resort
West:	Vacant Land

**Project Details:**

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	32.59	N/A
Existing Building Area (SQFT):	7,968	N/A
Floor Area Ratio:	0.075	N/A
Building Height (FT):	23'-7"	50'

**Parking:**

<i>Type of Use</i>	<i>Building Area (in SF)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Nursing homes or similar institutions:	N/A	8 Employees (1 space/ 3 employees)	3	4
	N/A	16 Beds (1 space/ 3 beds)	6	7
	N/A	1 space/ vehicle owned and operated by the institution	1	1
<b>TOTAL:</b>			<b>10</b>	<b>12</b>

**Located Within:**

City's Sphere of Influence:	No
Community Service Area ("CSA"):	Yes – CSA 152
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	No
Subsidence Area:	No
Fault Zone:	No
Fire Zone:	Yes – Yes, Very High
Mount Palomar Observatory Lighting Zone:	Yes – Zone B
WRCMSHCP Criteria Cell:	Yes – 1609 Cell Number
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	No
Airport Influence Area ("AIA"):	No

**PROJECT LOCATION MAP**



Figure 1: Project Location Map

## PROJECT BACKGROUND AND ANALYSIS

### Background:

The Applicant is requesting a Conditional Use Permit to increase the number of patients for the existing California Highlands Addiction Treatment facility. The parcel has no prior approvals from the County of Riverside, however, the sixteen (16) bed Drug and Alcohol Treatment Facility has operated at the site for two (2) years and is recognized as being licensed by the California Department of Health of Care Services (License and Certification Number: 330135AP) and the National Association of Addiction Treatment Providers as a licensed alcohol and drug rehabilitation program for adult men and women. The facility occupies the southern portion of the site and is operated from two (2) existing buildings consisting of one 6,280 square-foot housing building, and an existing 1,688 square-foot garage and housing building. Although the existing structures will remain in their current location, and no expansion is proposed, additional landscaping, and parking will be provided to ensure compliance with the requirements established in Riverside County Ordinance No. 348.

The facility is licensed to offer clinically managed low- and high-intensity residential services. As defined by that ASAM continuum of care, Clinically Managed Low Intensity Residential Services consists of a 24-hour living support and structure with available trained personnel, at 5 hours of clinical service a week. Clinically Managed High-Intensity Residential Services provides 24-hours care with trained counselors to establish and prepare for outpatient treatment and are staffed by designated addiction treatment, mental health, and general medical personnel. The facility primarily offers residential treatment programs and that focus on medical detoxification and inpatient treatment services. Medical detoxification services consist of 24-hour supportive care that is provided through medical staff in a clinical setting. Detoxification services are also provided to promote sobriety, and consist of: (1) group therapy, (2) individual therapy, (3) cognitive-behavioral therapy dialectical behavioral therapy,(4) motivational interviewing, (5) family therapy, and (6) aftercare planning. Most guests receiving treatment spend just over a month at the facility.

The 32.59-acre is surrounded by large vacant lots in an open space mountainous area. While the facility occupies the southern portion of the site, the northern and eastern portions of the site consist of hillsides dominated by mountainous areas and vegetation. The site is surrounded by undeveloped land to the north, south, and west, and an existing agricultural facility is located to the east. Access to the site is provided via Highland Springs Avenue. The existing access road is contained within a 40-foot wide road easement located on government lands. A grant of easement for access to the project site was executed in 2000. Also, a Certificate of Compliance No. 06188 for the access easement was recorded by Riverside County in 2005. No improvements to the existing access road are proposed. Further, no secondary access road or other offsite improvements are proposed.

Ordinance No. 348, Article XIXe (Community Care Facilities), Section 19.101.D establishes land use and development standard requirements for Alcohol or Drug Abuse Treatment Facilities. Under this section, Alcohol or Drug Abuse Treatment Facilities that serve seven or more persons are allowed within the W-2 zone with an approved conditional use permit under section 18.28. Further analysis of the project's compliance to land use and development standards is provided in later sections of the report.

CUP180010 was submitted to the County of Riverside on March 9, 2018.

## ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

This project is exempt from California Environmental Quality Act (CEQA) review pursuant to Article 19 - Categorical Exemptions, Section 15301 (Existing Facilities), which states: Class I consists of the 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. The key consideration is whether the project involves negligible or no expansion of an existing use. The existing site has already been utilized for a Drug and Alcohol Treatment Facility within a residential setting for over the last two years. The project does not involve the interior or exterior alterations which would not significantly expand the capability of the site or substantively increase the proposed use of the site beyond what already occurs. In this case, the proposed project would not expand the existing structures and has not proposed any significant construction or improvements for the project site. Therefore, the project as proposed, would not expand upon the existing permitted buildings, would not expand the use of the site beyond those uses that already occur, and therefore complies with the guidelines of the California Environmental Quality Act (CEQA), (Article 19, Section 15301 Class 1, Existing Facilities).

Furthermore, this project is exempt from California Environmental Quality Act (CEQA) review pursuant to Article 19 - Categorical Exemptions, Section 15303 (New Construction or Conversion of Small Structures). This section specifically exempts construction and location of new, small facilities or structures; and the conversion of existing small structures for one use or another where only minor modifications are made in the exterior of the structure. The Project does not include the construction of any new structures, would only propose minor modifications such as paint and signage, and would only entitle the existing Drug and Alcohol Treatment Facility. Therefore, the project as proposed, complies with the guidelines of the California Environmental Quality Act (CEQA), (Article 19, Section 15303 (New Construction or Conversion of Small Structures)).

None of the exceptions pursuant to State CEQA Guidelines section 15300.2 would occur. 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.

**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 project site has a General Plan Land Use Designation of Agriculture: Agriculture (AG) (10-Acre Minimum) in the Riverside County General Plan. The Project is consistent with the Agriculture: Agriculture (AG: AG) land use designation and other aspects of the General Plan, including The Pass Area Plan since the Project, proposes a use within a predominantly rural character of this area. The project proposes a drug and alcohol treatment center that incorporates the natural open space character that are anticipated uses within the Agriculture land use designation of the General Plan.
2. The project site has a Zoning Classification of Controlled Development Areas (W-2), which is consistent with the Riverside County General Plan.



3. The proposed use, an Alcohol or Drug Abuse Treatment Facility that serves seven (7) or more persons is allowed within the W-2 Zone with an approved conditional use permit in accordance with section 18.28 of this ordinance pursuant to Section 19.101.D.5 (Group Facilities). Specific findings relating to the proposed uses, including findings relating to the applicable development standards, are in the following separate sections below.

**Entitlement Findings:**

The following findings are required to approve the Conditional Use Permit, pursuant to the provisions of Ordinance No. 348:

**Conditional Use Permit Findings:**

4. The approval of the existing use will not be detrimental to the health, safety, or general welfare of the community since the project has been reviewed by County departments specifically for these concerns and has received departmental approvals, and has been designed and conditioned to protect the health, safety, and general welfare of the community. Based on the findings included in this staff report, advisory notification document, and conditions of approval, the proposed project will not be detrimental to the health safety or general welfare of the community is subject to those conditions necessary to protect the health, safety, and general welfare of the community. If the project is found to not comply with these standards, the Conditional Use Permit may be revoked.
5. 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 surrounded by properties that are designated Agricultural which allows for One single-family residence allowed per 10 acres except as otherwise specified by a policy or an overlay. The Alcohol and Drug treatment facility provides services in a residential setting and has been operating at the site for two (2) years. Additionally, the project conforms to the logical development of the land and
6. 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 that prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded per Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel. The existing buildings are on a single parcel, so the situation noted in this section does not exist for this project.

**Alcohol or Drug Abuse Treatment Facilities:**

Pursuant with Section 19.101. (Group Facilities), An Alcohol or Drug Abuse Treatment Facility that serves seven or more persons shall comply with the following:

7. Conform to the development standards for the zoning classification in which it is located. As noted in early parts of the report the project meets the development standards established by the W-2 Zone.

8. Be separated from another licensed Alcohol or Drug Abuse Treatment Facility by a minimum of three hundred feet (300') measured lot line to lot line. The project is located on a 32.59-acre lot and is surrounded by vacant lots. The closest licensed Alcohol and Drug Abuse Treatment Facility is located 2 miles (10,560 ft) away from the project.
9. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859. The project includes a conceptual landscaping plan that describes the existing landscaping improvements on site. The conceptual landscaping plan has been approved by the Development Advisory Committee. The landscaping plan meets the requirements established in Ordinance No. 859 as it provides sufficient trees, shrubs, and groundcover for the site. The landscaping includes Existing Palms and drought resistant shrubs such as Prostrate Acaci, Coral Aloe, Purple Trailing Lantana, Texas Ranges, Pink Muhly, Mexican Bush Sage, and Blue Chalksticks.
10. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655. The project is within Zone B of the Mount Palomar Observatory Lighting Zone; therefore, the project is within an area with added sensitivity to lighting. The project has been conditioned to comply with the requirements of Ordinance No. 915, and Ordinance No. 655 and is compatible with outdoor lighting requirements that address the adequate shielding of lights, glare, light sources, light trespass, luminaires, outdoor luminaires
11. Conduct indoor and outdoor activities in compliance with Ordinance No. 847. The project has been conditioned to meet the requirements of Ordinance No. 847, which is the County ordinance that governs the regulations of noise.
12. All applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations, including but not limited to, Fire and Building Code regulations. The project has been reviewed by the Development Advisory Committee and has received clearances, conditions of approval, and an advisory notification document that ensures compatibility with all applicable Federal, State, and local laws and all applicable Federal, State, and local health and safety regulations.

**Development Standards Findings:**

Section 15.2 (W-2 Development Standards) provides the following development standards for the W-2 zone:

13. There are height limits for family residences not to 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 unless a variance is approved. The project meets this provision as all buildings do not exceed forty (40-feet) in height. The existing housing building is 18'-7" feet in height. The existing garage building is twenty-four (24-feet) in height.
14. Lot size shall not be less than 20,000 square feet, with a minimum average lot width of 100 feet and a minimum average lot depth of 150 feet, unless larger minimum lot area and dimensions are specified for a particular area or use. The project meets this provision as the property is 32.59

acres in size. The property has an average width of 1,290.42 feet and an average depth of 1,063 feet.

15. Animals are not permitted on existing substandard lots that are less than 20,000 square feet in size. The property meets this provision since the property is 32.59 acres in size. However, the proposal does not propose the keeping of animals on the site.
16. Automobile storage space shall be provided as required by Section 18.12. of this ordinance. The project meets this provision. The basis of the parking review is the parking criteria for medical uses, home for the aged, sanitariums, convalescent homes, children's homes, asylums, and nursing homes or similar institutions which is required to provide parking at 1 space per 3 employees, 1 space per 3 beds, and 1 space per vehicle owned and operated by the institution. The proposed provides a total of twelve (12) parking locations consisting of nine (9) standard spaces, one (1) facility van, and two (2) accessible parking locations.

**Other Findings:**

17. The project site is located within Criteria Cell 1609 of the Western Riverside County Multiple Species Habitat Conservation Plan. The project has completed the Joint Project Review for HAN case No. 180021. The project will contribute 21.40 acres for conservation and has met all requirements for Western Riverside Multiple Species Habitat Conservation Plan Consistency.
18. The project is not located within a City Sphere of influence; however, the plans were provided to the City of Banning due to its proximity. No comments have been received by the City of Banning as of this date of the report being prepared.
19. 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.
20. 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.
21. The project site is not located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan ("SKRHCP").

**Fire Findings:**

22. 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. Riverside County Code Section 8.32.050 (C) (2) 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.
- 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 by road standards for fire equipment access of a width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. – The project incorporates a private road maintenance condition to ensure access to the site.

**Conclusion:**

For the reasons discussed above, 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 Desert Sun Newspaper. Additionally, public hearing notices were mailed to property owners within 2,400 feet of the project site. As of the writing of this report, Planning Staff has not received written communication or phone calls indicating support or opposition to the proposed project.

**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, within 10 days after the mailing of the Planning Commission’s decision.

**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
**CUP180010**  
**VICINITY/POLICY AREAS**

Supervisor: Hewitt  
District 5

Date Drawn: 02/11/2021  
Vicinity Map



Zoning Dist: Beaumont-Banning

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan. This plan provides for the use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department at (951) 948-8277 (Beaumont County) or Website: <http://www.riversideca.gov>

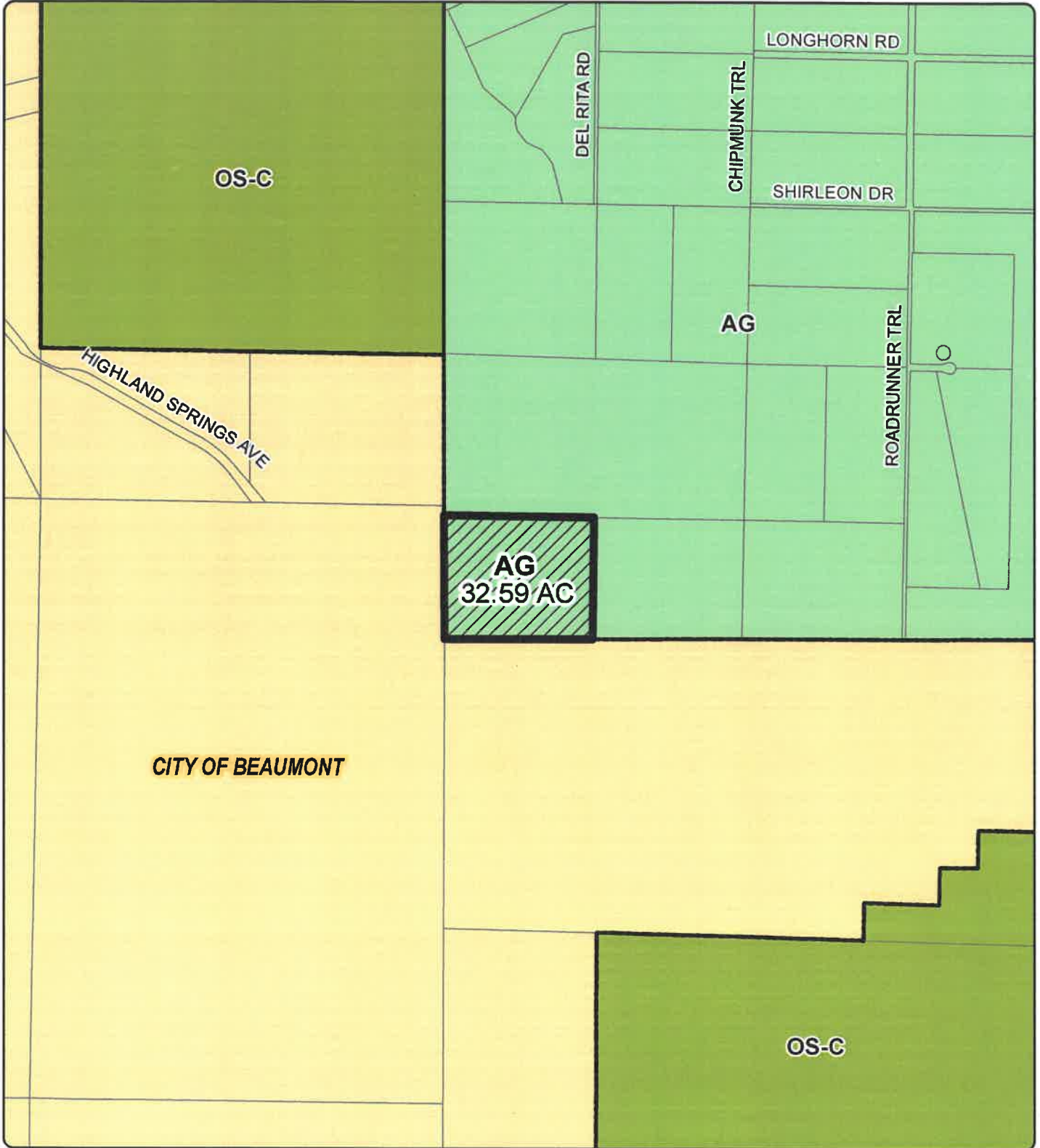
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP180010

EXISTING GENERAL PLAN

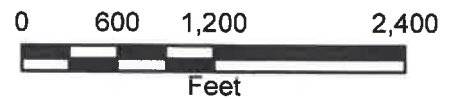
Supervisor: Hewitt  
District 5

Date Drawn: 02/11/2021  
Exhibit 5



Zoning Dist: Beaumont-Banning

Author: Vinnie Nguyen



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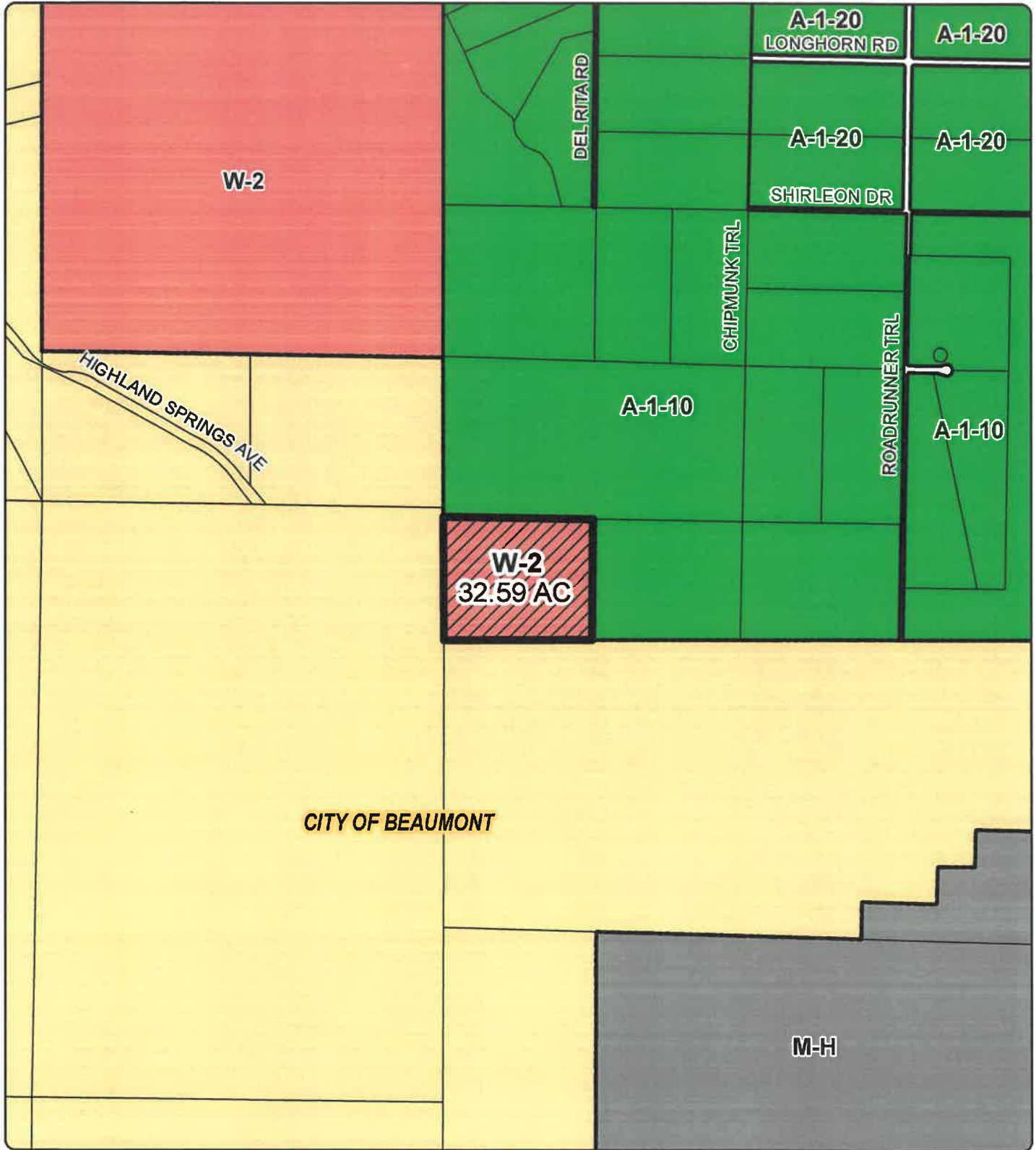
# RIVERSIDE COUNTY PLANNING DEPARTMENT

## CUP180010

### EXISTING ZONING

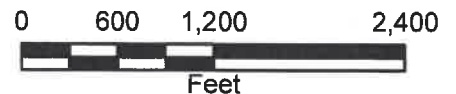
Supervisor: Hewitt  
District 5

Date Drawn: 02/11/2021  
Exhibit 2



Zoning Dist: Beaumont-Banning

Author: Vinnie Nguyen



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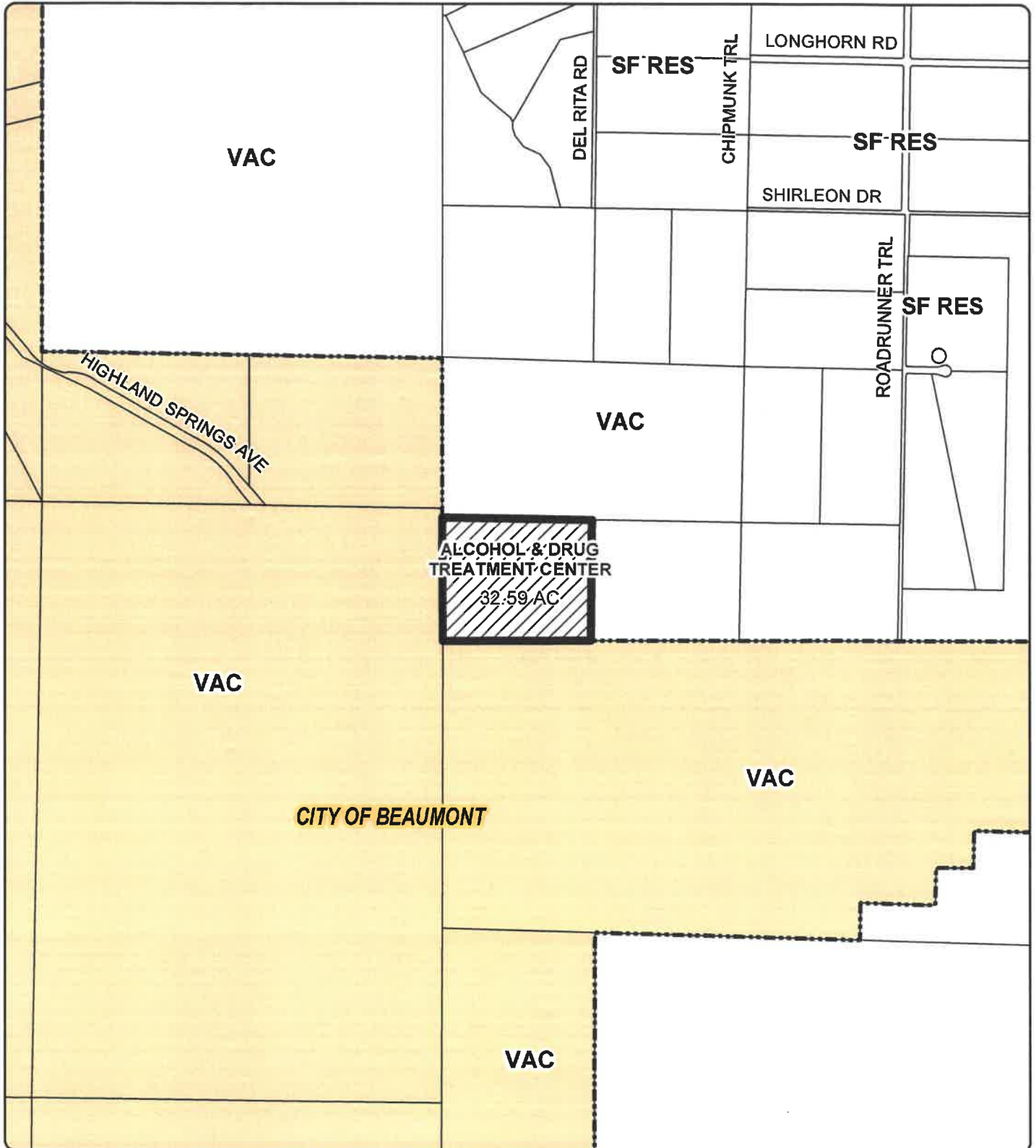
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP180010

LAND USE

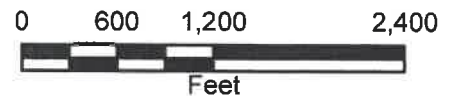
Supervisor: Hewitt  
District 5

Date Drawn: 02/11/2021  
Exhibit 1



Zoning Dist: Beaumont-Banning

Author: Vinnie Nguyen



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**CONDITIONAL USE PERMIT**

**CALIFORNIA HIGHLANDS VILLAGES**  
 A HOMEOWNERS ASSOCIATION

Multiple residences affected with safety and impact.

**DIRECTORY**

OWNER: CALIFORNIA HIGHLANDS VILLAGES HOMEOWNERS ASSOCIATION  
 10000 CALIFORNIA HIGHLANDS VILLAGES DRIVE  
 SUITE 100  
 CALIFORNIA, CA 92506

**PROJECT SUMMARY**

CONVERT A REMAINS INTO RESIDENTIAL ADAPTATION TREATMENT PLANT AND CONDUIT TO TREAT WASTEWATER TO COMPLY WITH THE CITY OF CALIFORNIA'S WASTEWATER TREATMENT PLANT PROGRAM (COMPOSITION OF 2 EXISTING BUILDINGS) 1.778 S.F. TOTAL

**SHEET INDEX**

ARCHITECTURAL SHEETS: SEE TITLE SHEET  
 A-100 BUILDING SITE PLAN  
 A-101 CONSTRUCTION DETAILS  
 A-102 CONCRETE AND MASONRY  
 A-103 MECHANICAL  
 A-104 ELECTRICAL  
 A-105 PLUMBING  
 A-106 PAINT  
 A-107 FLOORING  
 A-108 EXTERIOR  
 A-109 INTERIOR  
 A-110 SECTION AND HOUSE CODE

**PROJECT DATA**

PROJECT NO.	17-00000000
DATE	08/15/2017
PROJECT NAME	CONVERT A REMAINS INTO RESIDENTIAL ADAPTATION TREATMENT PLANT AND CONDUIT TO TREAT WASTEWATER TO COMPLY WITH THE CITY OF CALIFORNIA'S WASTEWATER TREATMENT PLANT PROGRAM (COMPOSITION OF 2 EXISTING BUILDINGS) 1.778 S.F. TOTAL
PROJECT LOCATION	10000 CALIFORNIA HIGHLANDS VILLAGES DRIVE SUITE 100 CALIFORNIA, CA 92506
PROJECT TYPE	RESIDENTIAL ADAPTATION TREATMENT PLANT AND CONDUIT TO TREAT WASTEWATER TO COMPLY WITH THE CITY OF CALIFORNIA'S WASTEWATER TREATMENT PLANT PROGRAM (COMPOSITION OF 2 EXISTING BUILDINGS) 1.778 S.F. TOTAL
PROJECT STATUS	PERMITTING
PROJECT PHASE	CONSTRUCTION
PROJECT DESCRIPTION	CONVERT A REMAINS INTO RESIDENTIAL ADAPTATION TREATMENT PLANT AND CONDUIT TO TREAT WASTEWATER TO COMPLY WITH THE CITY OF CALIFORNIA'S WASTEWATER TREATMENT PLANT PROGRAM (COMPOSITION OF 2 EXISTING BUILDINGS) 1.778 S.F. TOTAL
PROJECT AREA	1.778 S.F. TOTAL
PROJECT PERMITS	CONSTRUCTION PERMIT, PLUMBING PERMIT, ELECTRICAL PERMIT, MECHANICAL PERMIT, PAINT PERMIT, FLOORING PERMIT, EXTERIOR PERMIT, INTERIOR PERMIT, SECTION AND HOUSE CODE

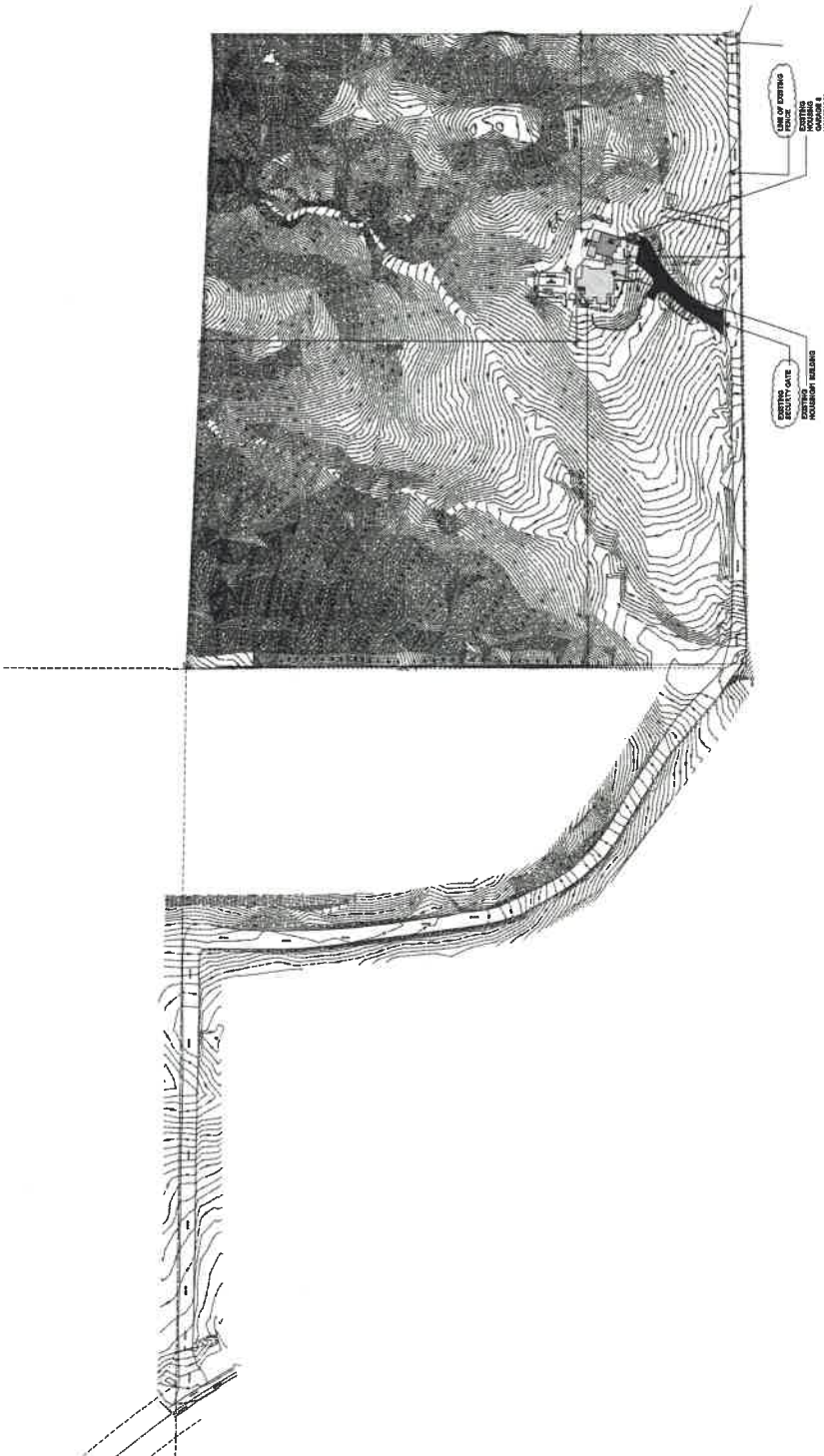
**VICINITY MAP**

**LEGAL DESCRIPTION**

LOT 11, 11.9 ACRES +/-  
 SECTION 17, T17N, R17E, S17E

**GOVERNING CODES**

ALL CONSTRUCTION SHALL COMPLY WITH:  
 2018 CALIFORNIA BUILDING CODE  
 2018 CALIFORNIA ELECTRICAL CODE  
 2018 CALIFORNIA PLUMBING CODE  
 2018 CALIFORNIA FIRE CODE



**FULL SITE PLAN**

**REVISIONS**

NO.	DATE	REVISION

**OWNER**  
 CALIFORNIA HIGHLANDS VILLAGES HOMEOWNERS ASSOCIATION  
 10000 CALIFORNIA HIGHLANDS VILLAGES DRIVE SUITE 100 CALIFORNIA, CA 92506

**DESIGNED BY**  
 J. WILKES

**CHECKED BY**  
 J. WILKES

**DATE**  
 08/15/2017

**PROJECT NO.**  
 17-00000000

**SHEET TITLE**  
 A101

**CREATIVE**

10000 CALIFORNIA HIGHLANDS VILLAGES DRIVE SUITE 100 CALIFORNIA, CA 92506

TEL: 951-261-1111

WWW.CREATIVEDESIGN.COM

*[Signature]*  
**MICHAEL WILKINS**  
 DESIGNER

REVISIONS  
 NO. DATE REVISIONS

OWNER  
 PROJECT TITLE  
 REMODEL / ADDITION

JOB ADDRESS  
 LEGAL DESCRIPTION

APPLICANT  
 DATE  
 SHEET TITLE

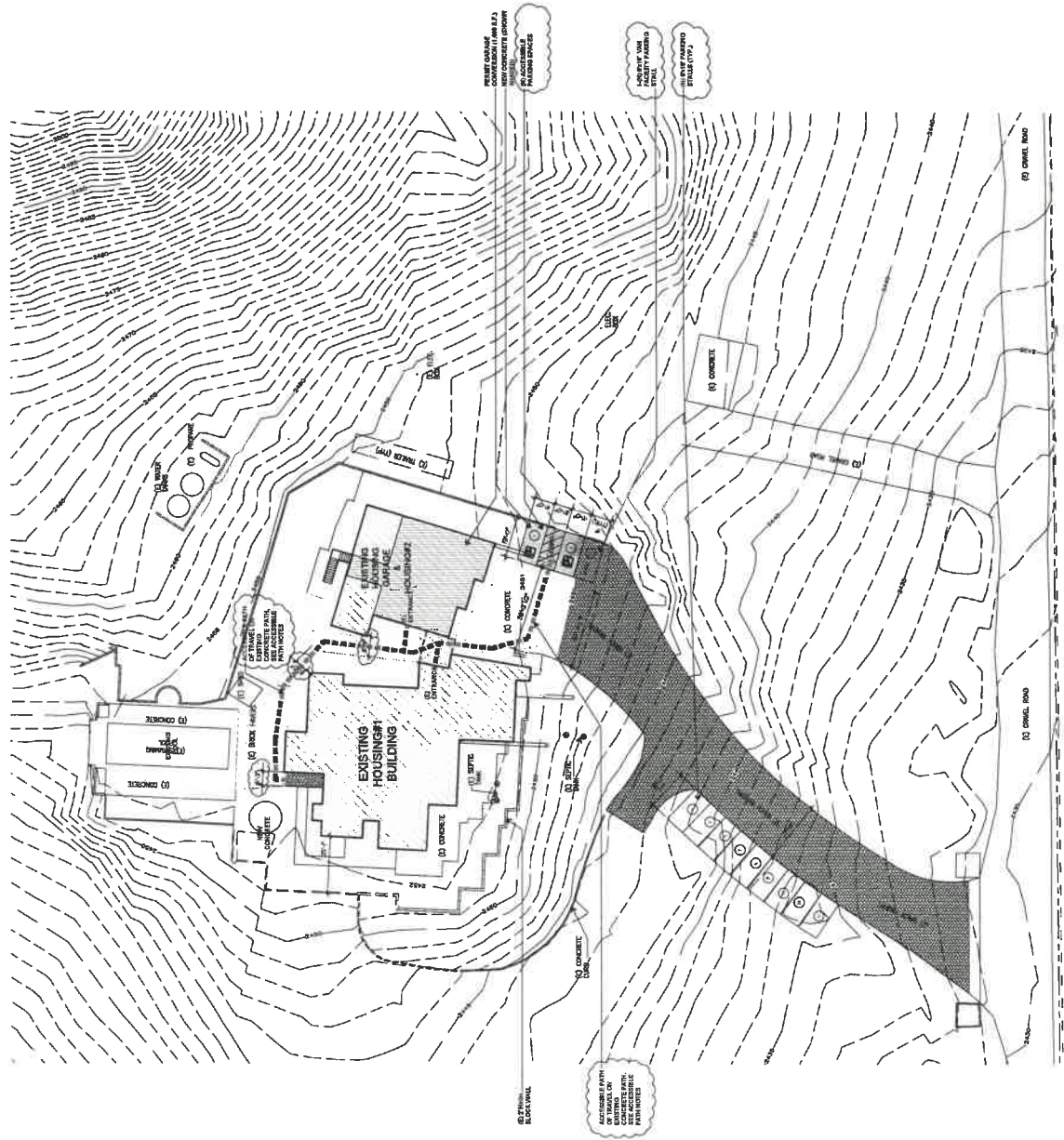
OWNER  
 PROJECT TITLE  
 SHEET TITLE

DATE  
 SCALE  
 SHEET NO.  
 TOTAL SHEETS

**A102**

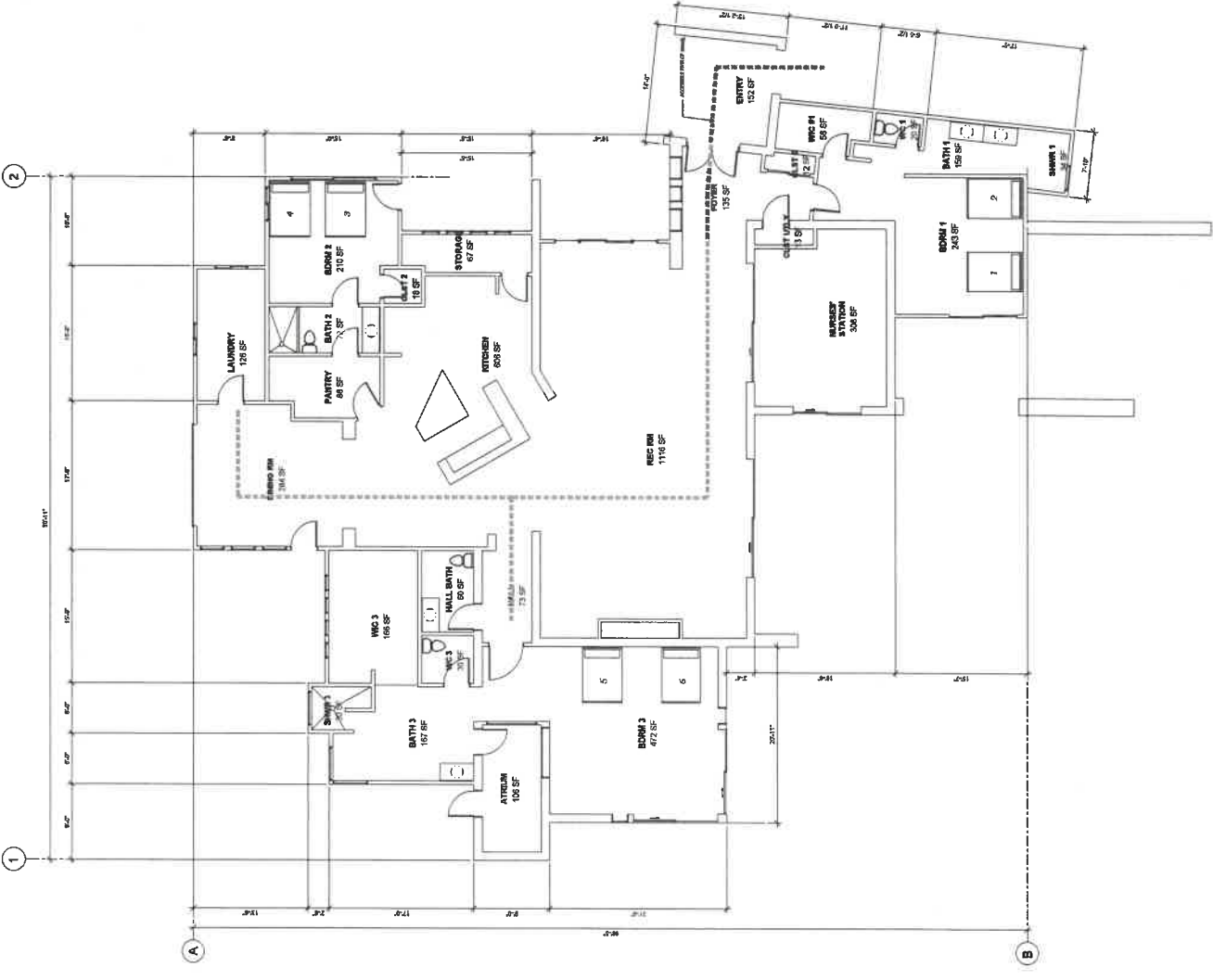
**ACCESSIBLE ROUTE NOTES**

- Notes of Special Detail apply to the following:
1. EXISTING ACCESSIBLE ROUTE FROM EXISTING DRIVE TO EXISTING BUILDING
  2. NEW ACCESSIBLE ROUTE FROM EXISTING DRIVE TO EXISTING BUILDING
  3. EXISTING ACCESSIBLE ROUTE FROM EXISTING DRIVE TO EXISTING BUILDING
  4. NEW ACCESSIBLE ROUTE FROM EXISTING DRIVE TO EXISTING BUILDING
  5. EXISTING ACCESSIBLE ROUTE FROM EXISTING DRIVE TO EXISTING BUILDING



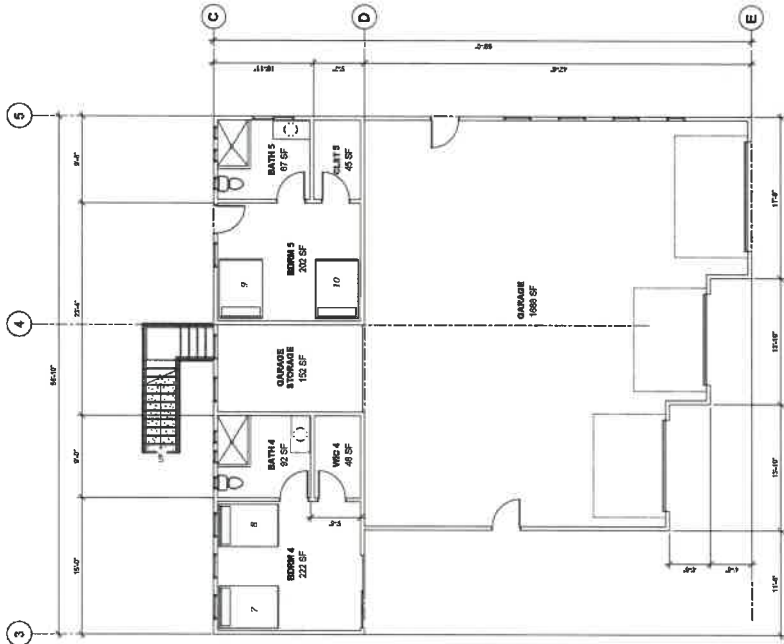
**FULL SITE PLAN**



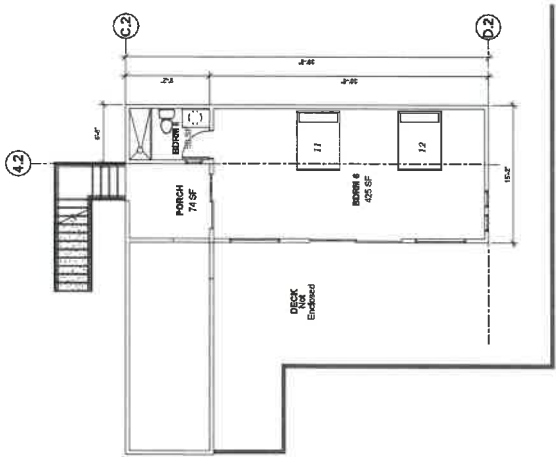


EXISTING MAIN BUILDING FLOOR PLAN

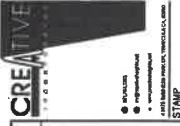
1/8" = 1'-0"



EXISTING GARAGE FIRST FLOOR PLAN  
1/8" = 1'-0"



EXISTING GARAGE SECOND FLOOR PLAN  
1/8" = 1'-0"



MOISS VILLEGAS  
 ARCHITECT  
 10000 WILSON AVENUE  
 SUITE 100  
 BELLFLOWER, CA 91710  
 TEL: (714) 801-1111  
 FAX: (714) 801-1112  
 WWW.MVDESIGN.COM

MOISS VILLEGAS  
 ARCHITECT  
 DESIGNER

REVISIONS  
 NO. DATE REVISIONS

PROJECT TITLE  
 REMODEL  
 /ADDITION

JOB ADDRESS  
 10000 WILSON AVENUE  
 BELLFLOWER, CA 91710

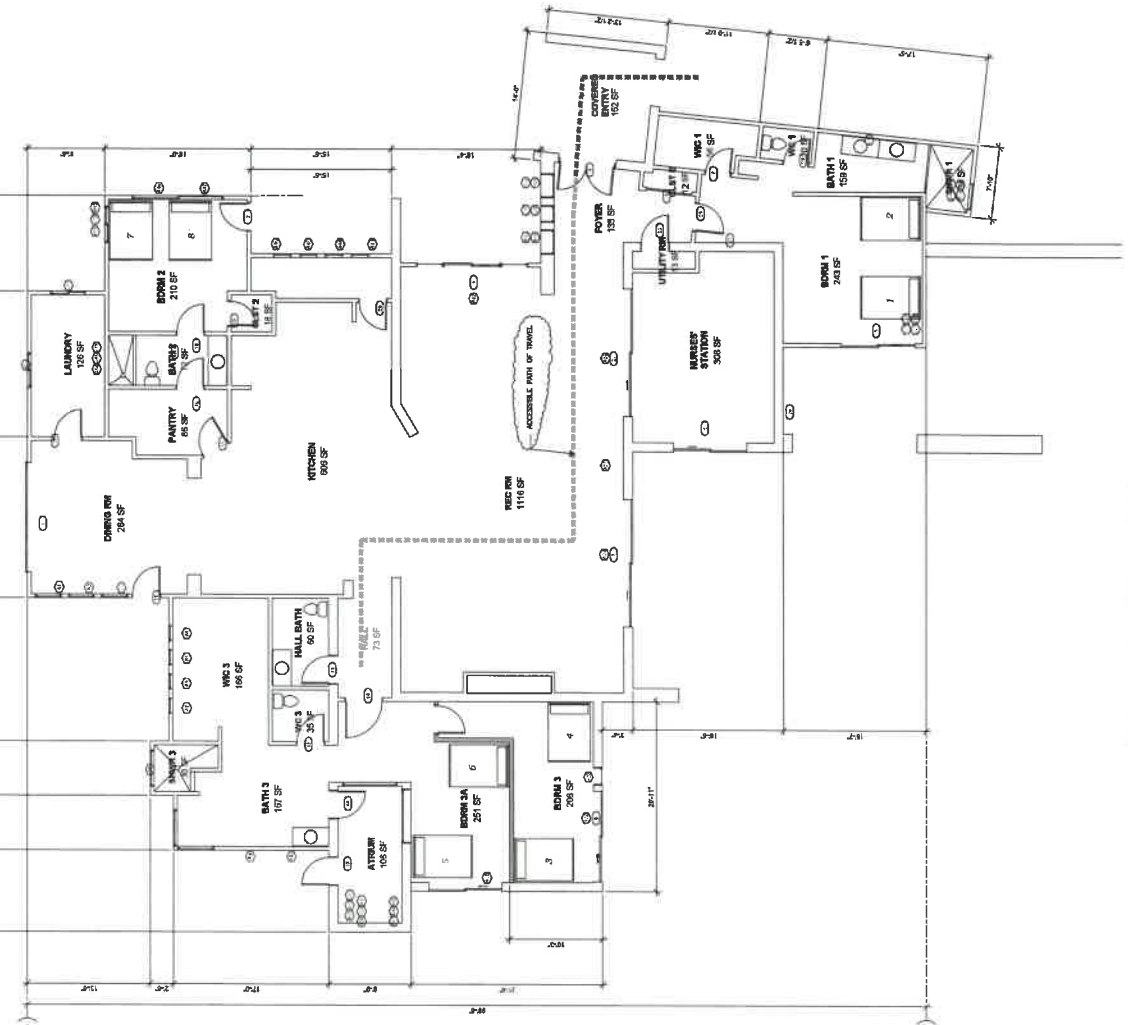
LEGAL DESCRIPTION  
 APN: 564000407  
 TRACT: 33.20 ACRES IN PAR  
 SEC 17 T10E 11E

SHEET TITLE  
 A200

OWNER  
 PINE HOLLOWES LLC  
 10000 WILSON AVENUE  
 SUITE 100  
 BELLFLOWER, CA 91710

JOB NO.:  
 DRAWN BY:  
 CHECKED BY:  
 DATE:

**WALL LEGEND**  
 DOTTED LINE WALL TO REMAIN  
 DOTTED AND SHAD WALL TO BE CIRCLED  
 DOTTED AND HATCHED WALL TO BE EXTERIOR

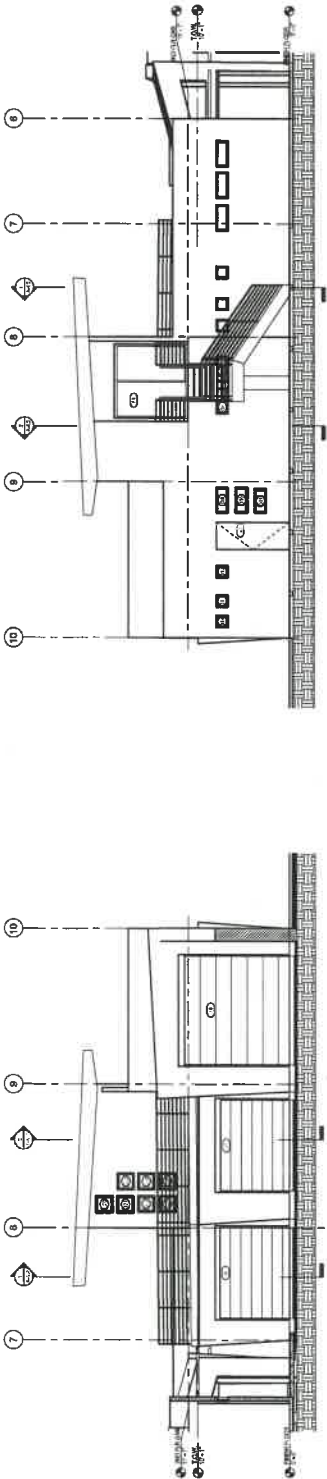


PROPOSED MAIN BUILDING FLOOR PLAN

A200

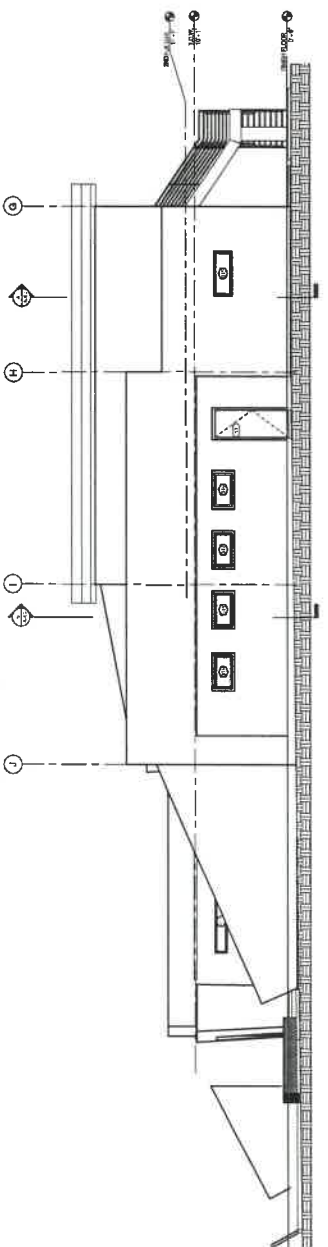




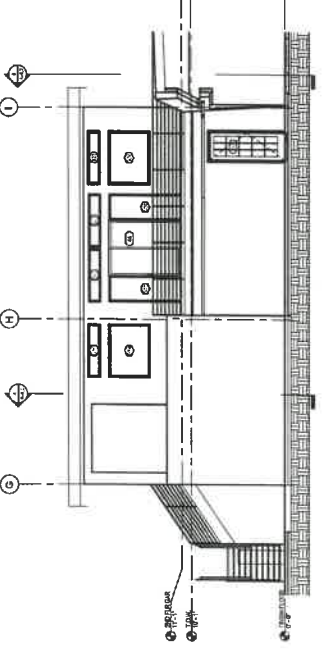


SOUTH ELEVATION - GARAGE

NORTH ELEVATION - GARAGE

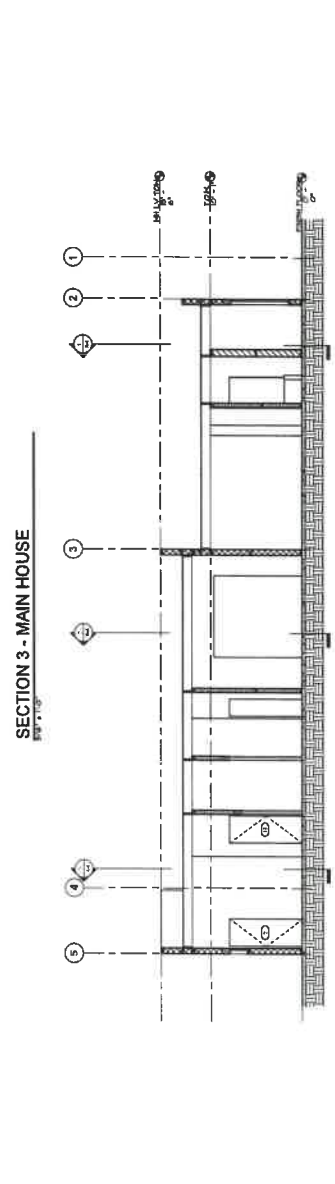
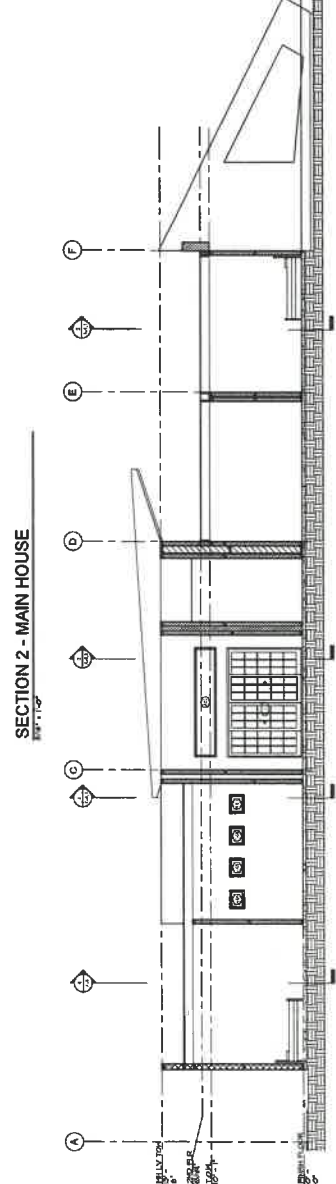
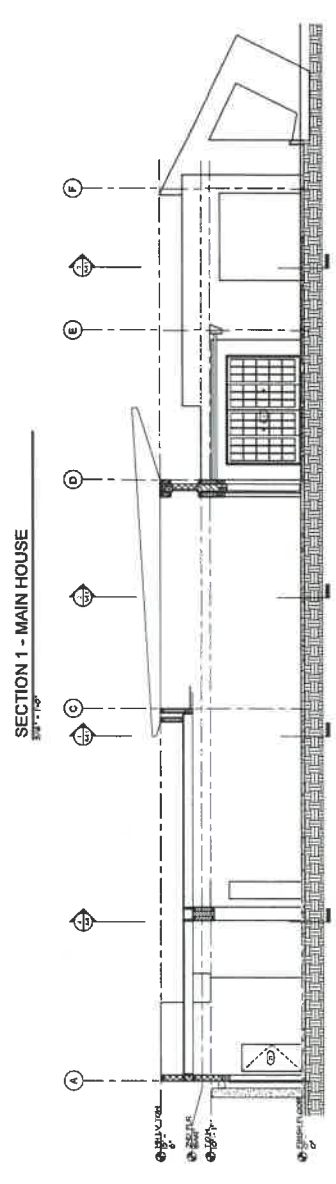
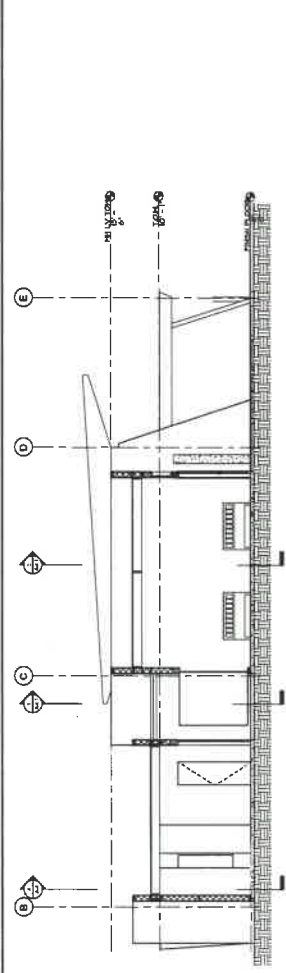


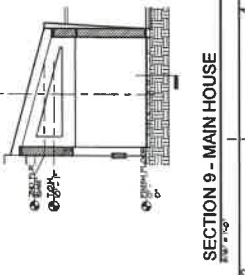
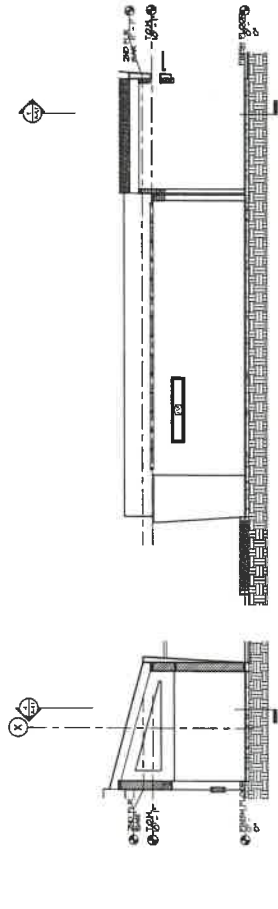
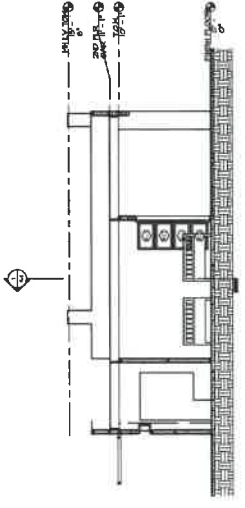
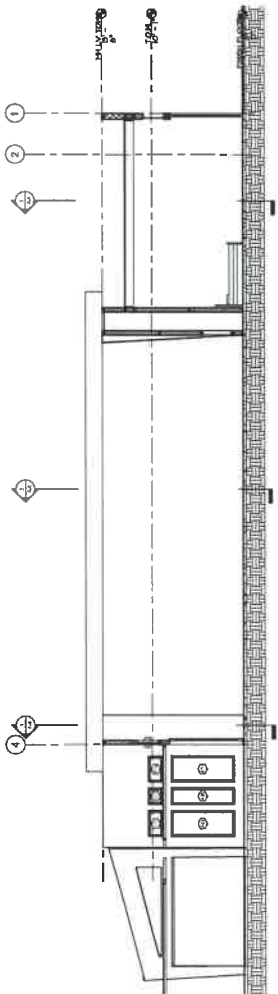
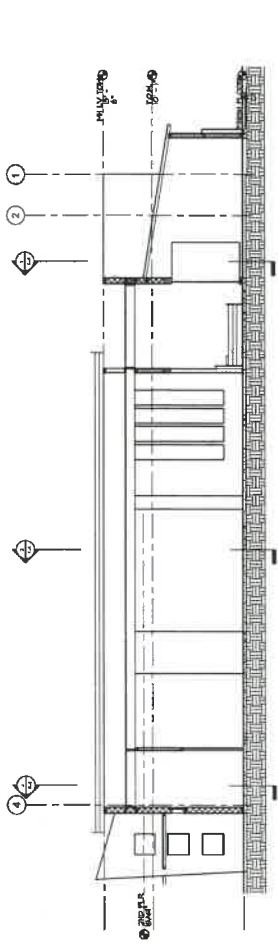
EAST ELEVATION - GARAGE



WEST ELEVATION - GARAGE







  
**JAMES VILLALOBOS**  
 ARCHITECT

PROJECT NO. \_\_\_\_\_  
 DATE \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_

PROJECT NO. \_\_\_\_\_  
 DATE \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_

JOB ADDRESS  
 10000 WOODBRIDGE AVE  
 WOODBRIDGE, NJ 07095

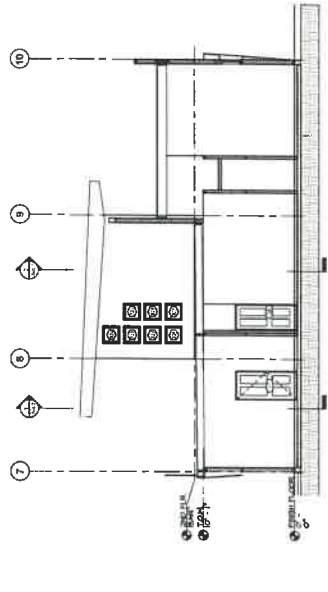
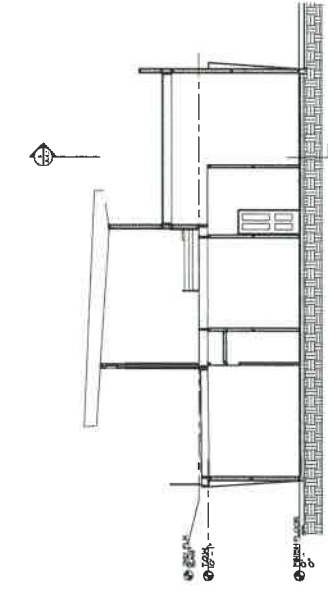
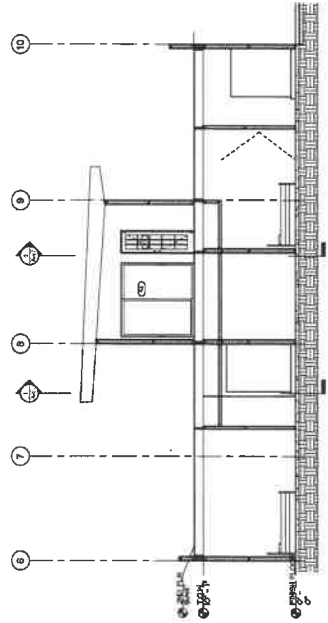
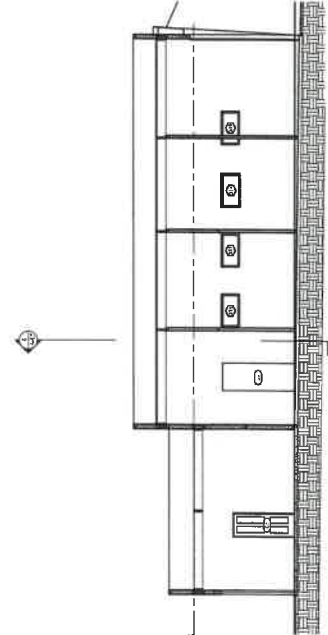
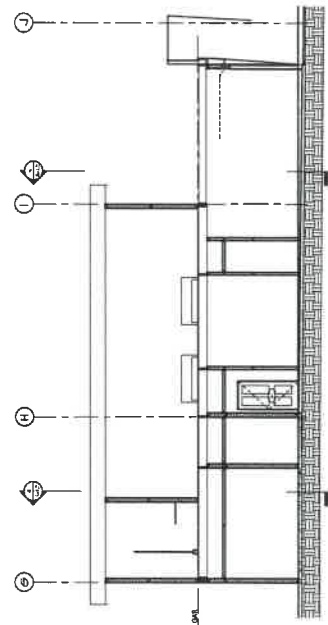
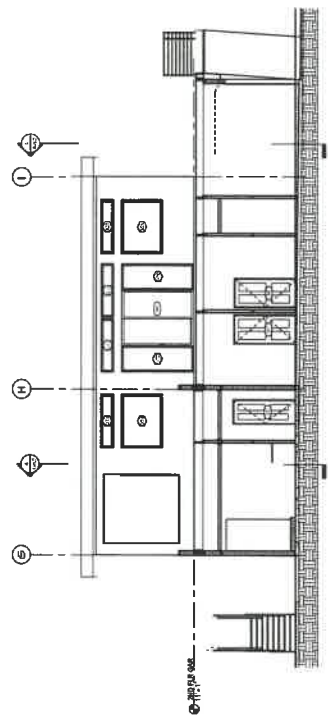
LEGAL DESCRIPTION  
 LOT 11  
 114-04-008-001  
 SEC 19 TWP 04E

SHEET TITLE  
 \_\_\_\_\_

OWNER  
 DEPTA LLC  
 1000 WOODBRIDGE AVE  
 WOODBRIDGE, NJ 07095

DRAWN BY \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_  
 DATE \_\_\_\_\_

**A403**



PLAN CHECK OVERSIGHT LTA / CD	DATE SIGNED	REGISTRATION NUMBER	PLANNING DEPARTMENT ONLY - ON-SITE
PLANNING DEPARTMENT ONLY - OFF-SITE			

**CASE:** CUP190010  
**EXHIBIT:** Conceptual L  
**DATE:** 9/22/2020  
**PLANNER:** rgonzalez

REVERSE COUNTY MAP REPORT SHOWS THIS SITE IS WITHIN THE VANDERBILT INVESTMENT INVESTMENT COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN AREA. ALL PROPOSED LANDSCAPE REMEDIATION ARE PROPOSED TO OCCUR WITHIN COSTS DEVELOPED AS PART OF THE REVERSE COUNTY MAP REPORT SHOWS THIS SITE IS THE HAZARD CATEGORIZATION IS "VERY HIGH" FIRE RESPONSIBILITY AREA IS "LAK".

- REVERSE COUNTY PLANNING NOTES:**
- Provide 1" layer of crushed rock in trench beds and unimproved areas; 2" layer of crushed rock in paved areas; 3" layer of crushed rock in parking lots for stormwater infiltration.
  - Trees shall be planted with 2:3 slope and three feet per County standard.
  - Grading shall comply with 7:1 minimum slope in high wind areas.
  - County standard details. Road border shall not encroach the tree rootball but shall be located at edge of hardscape and retained beyond center of tree a minimum of 5' in each direction.
  - Trees shall have branch-free limbs per County standard.
  - Concrete bases adjacent to parking spaces shall have 12" wide concrete curbs and be placed on the side of the road.
  - The 6" wide curb.

- REVERSE COUNTY EXECUTION NOTES:**
- The following items will be incorporated into the final irrigation design plans and specifications:
- Irrigation system shall be installed with an ET Gage with access to read flow ET (minimum controller rating shall be 1/2" minimum).
  - Backflow Preventer and Flow Sensor (except for private residential lots).
  - Non-sensing device.
  - Pressure regulator (if needed).
  - Hydrometers will be properly designated.
  - No overhead irrigation within 7' of non-permeable surfaces. (No risers).
  - All irrigation lines shall be properly protected.
  - Subsurface or low-spray irrigation will be used for irregular shaped areas, or areas less than 8 feet in width.

**Note:**  
 Prior to project construction, I agree to submit a complete Landscape Construction Document Package that complies with the requirements of the Reverse County Ordinance 14.04.010 and the project Conditions of Approval; and is in substantial conformance with the approved Landscape Concept Plan. Should the ordinance be revised, plans may be subject to change.

### PLANTING LEGEND

TREES	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	QUANTITY	HEIGHT X WIDTH	WUCOLS
	<b>WARREN BUCKINGHAM</b>		15 gal	11	30' x 30'	Low
	<b>EXISTING PALM - WASHINGTON BILBO</b>					
	<b>EXISTING TREE - FICUS</b>	<i>Ficus elastica, Ficus macleodii</i>				



SHRUBS AND GROUNDCOVERS	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	QUANTITY	HEIGHT X WIDTH	WUCOLS
	<b>AGAVE</b>		5 gal	37	12' x 10'	Low
	<b>AGAVE</b>		5 gal	39	12' x 23'	Low
	<b>AGAVE</b>		5 gal	41	12' x 18-10'	Low
	<b>AGAVE</b>		5 gal	18	5-8' x 4-6'	Low
	<b>AGAVE</b>		5 gal	35	2-3' x 3'	Low
	<b>AGAVE</b>		5 gal	30	2-4' x 2-4'	Low
	<b>AGAVE</b>		1 gal	120	12' x 12'	Low

**PLANTING SPECIFICATIONS:**  
 Plants shall be healthy, sturdy stock, including the root ball and soil system. All plants must meet the current American Standard for Nursery Stock (ANSI Z60.1-2006). The Landscape Architect shall specify the minimum root ball size for all plants. Plants shall be installed in a timely manner. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape.

**IRRIGATION SYSTEMS:**  
 The irrigation system shall be designed to provide adequate water to all plants. The system shall be installed in a timely manner. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape.

**SOIL MANAGEMENT:**  
 When most growing, complete, landscape contractor shall submit a soil test report to the Landscape Architect. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape.

**ROOT BALLS:**  
 Root balls shall be protected with a layer of mulch. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape. The Landscape Architect shall provide a list of plants to be used in the landscape.

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### SHADING LEGEND

**SHADING SUMMARY**

**TOTAL PARKING: 22 SPACES / 1,247 SF.**  
**TOTAL REQUIRED SHADING AREA: 30% / 1,157 SF.**  
**TOTAL PROVIDED SHADING AREA: 54% / 1,312 SF.**

TREES SHOWN AS 15 YEARS MATURITY

**PREPARED BY:**  
 LANDSCAPE DYNAMICS  
 3015 MAIN STREET, SUITE 103  
 RIVERSIDE, CA 92501  
 PHONE: (951) 510-8888  
 CERT. #1533004 - EXP. 04/2022 DATE: 08/28/2020

**BENCHMARKS:**  
 COUNTY OF RIVERSIDE  
 CALIFORNIA HIGHWAYS AND FUNCTIONAL TREATMENT  
 15000 S. HIGHWAY SPRINGS AVENUE, BRAWLEY, CA  
 CONCEPTUAL LANDSCAPE PLAN



**SCALE:** 1" = 20'

**NOTICE:** THE DESIGN SHOWN AND DESCRIBED HERE INCLUDING ALL TECHNICAL DRAWINGS, GRAPHICS AND LABELS ARE PROPRIETARY AND CANNOT BE COPIED, DUPLICATED OR COMMERCIALLY EXPLOITED, IN WHOLE OR IN PART, WITHOUT THE EXPRESS WRITTEN PERMISSION OF LANDSCAPE DYNAMICS.

APPROVED AS TO CONFORMANCE WITH APPLICABLE COUNTY STANDARDS AND PRACTICES (PLANNING DEPARTMENT ONLY - ON-SITE)

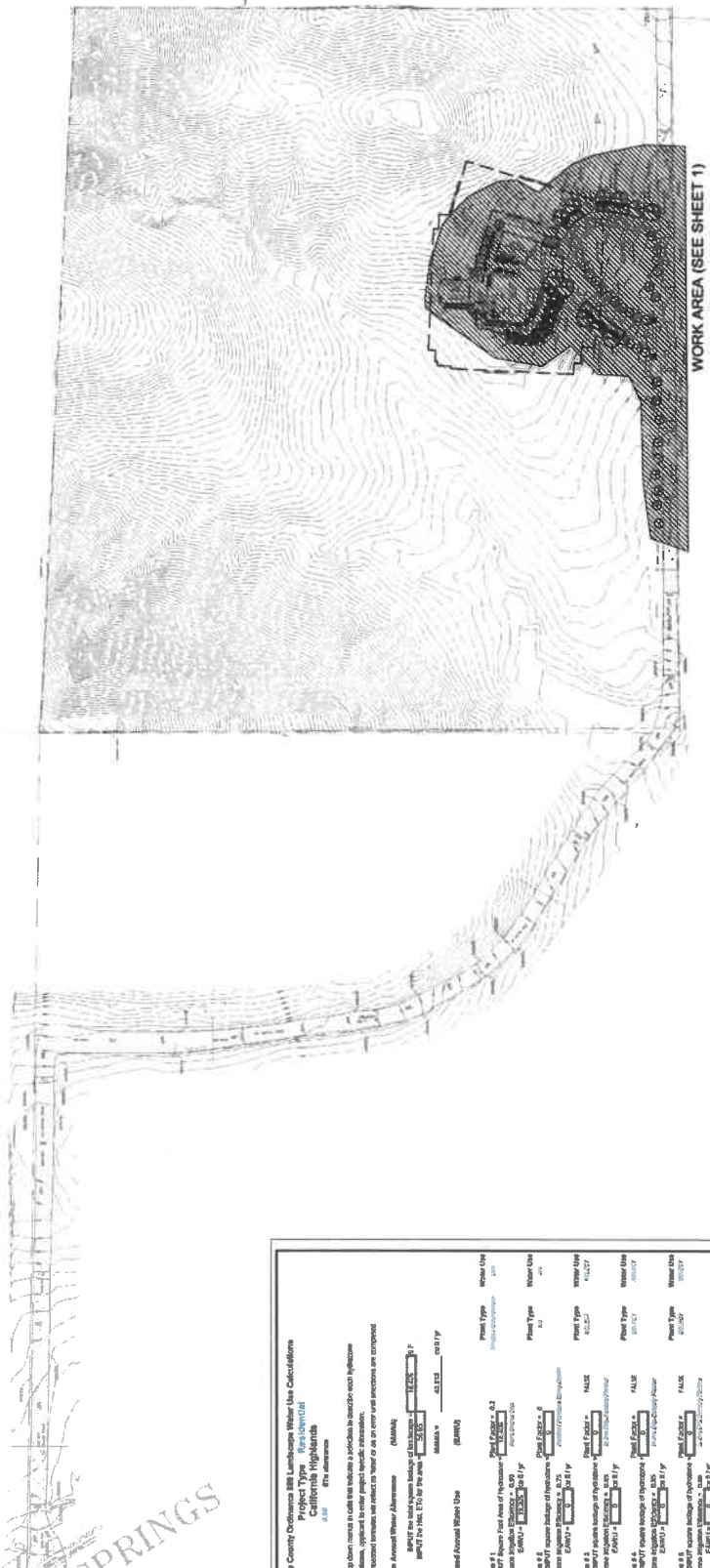
PLANNING DEPARTMENT ONLY - ON-SITE

APPROVED AS TO CONFORMANCE WITH APPLICABLE COUNTY STANDARDS AND PRACTICES (TRANSPORTATION DEPARTMENT ONLY - ROW / OFFSITE)

TRANSPORTATION DEPARTMENT ONLY - ROW / OFFSITE

PLAN CHECK OVERSIGHT ENGINEER	REGISTRATION NUMBER	DATE SIGNED	ORD. 859 VERSION
PLAN CHECK OVERSIGHT ENGINEER	REGISTRATION NUMBER	DATE SIGNED	TENTATIVE APP P#

THLAND SPRINGS



Riverside County Ordinance 988 Landscape Water Use Calculations

Project Type: **Riverside**  
City: **California Highlands**

Apply to the map shown means in each area to include a particular in location each landscape water "type" in shown, applicant to enter project specific information. Please read the attached forms to select a "type" or an area sections are completed.

1. Maximum Annual Water Allowance

2. Estimated Annual Water Use

Hydrozone #	Hydrozone Name	Plant Type	Water Use
Hydrozone # 1	Hydrozone 1.1	Plant Type 1.1	Water Use 1.1
Hydrozone # 2	Hydrozone 2.1	Plant Type 2.1	Water Use 2.1
Hydrozone # 3	Hydrozone 3.1	Plant Type 3.1	Water Use 3.1
Hydrozone # 4	Hydrozone 4.1	Plant Type 4.1	Water Use 4.1
Hydrozone # 5	Hydrozone 5.1	Plant Type 5.1	Water Use 5.1
Hydrozone # 6	Hydrozone 6.1	Plant Type 6.1	Water Use 6.1
Hydrozone # 7	Hydrozone 7.1	Plant Type 7.1	Water Use 7.1
Hydrozone # 8	Hydrozone 8.1	Plant Type 8.1	Water Use 8.1
Hydrozone # 9	Hydrozone 9.1	Plant Type 9.1	Water Use 9.1
Hydrozone # 10	Hydrozone 10.1	Plant Type 10.1	Water Use 10.1
Hydrozone # 11	Hydrozone 11.1	Plant Type 11.1	Water Use 11.1
Hydrozone # 12	Hydrozone 12.1	Plant Type 12.1	Water Use 12.1
Hydrozone # 13	Hydrozone 13.1	Plant Type 13.1	Water Use 13.1
Hydrozone # 14	Hydrozone 14.1	Plant Type 14.1	Water Use 14.1
Hydrozone # 15	Hydrozone 15.1	Plant Type 15.1	Water Use 15.1
Hydrozone # 16	Hydrozone 16.1	Plant Type 16.1	Water Use 16.1
Hydrozone # 17	Hydrozone 17.1	Plant Type 17.1	Water Use 17.1
Hydrozone # 18	Hydrozone 18.1	Plant Type 18.1	Water Use 18.1
Hydrozone # 19	Hydrozone 19.1	Plant Type 19.1	Water Use 19.1
Hydrozone # 20	Hydrozone 20.1	Plant Type 20.1	Water Use 20.1
Hydrozone # 21	Hydrozone 21.1	Plant Type 21.1	Water Use 21.1
Hydrozone # 22	Hydrozone 22.1	Plant Type 22.1	Water Use 22.1
Hydrozone # 23	Hydrozone 23.1	Plant Type 23.1	Water Use 23.1
Hydrozone # 24	Hydrozone 24.1	Plant Type 24.1	Water Use 24.1
Hydrozone # 25	Hydrozone 25.1	Plant Type 25.1	Water Use 25.1
Hydrozone # 26	Hydrozone 26.1	Plant Type 26.1	Water Use 26.1
Hydrozone # 27	Hydrozone 27.1	Plant Type 27.1	Water Use 27.1
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Hydrozone # 33	Hydrozone 33.1	Plant Type 33.1	Water Use 33.1
Hydrozone # 34	Hydrozone 34.1	Plant Type 34.1	Water Use 34.1
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Hydrozone # 37	Hydrozone 37.1	Plant Type 37.1	Water Use 37.1
Hydrozone # 38	Hydrozone 38.1	Plant Type 38.1	Water Use 38.1
Hydrozone # 39	Hydrozone 39.1	Plant Type 39.1	Water Use 39.1
Hydrozone # 40	Hydrozone 40.1	Plant Type 40.1	Water Use 40.1
Hydrozone # 41	Hydrozone 41.1	Plant Type 41.1	Water Use 41.1
Hydrozone # 42	Hydrozone 42.1	Plant Type 42.1	Water Use 42.1
Hydrozone # 43	Hydrozone 43.1	Plant Type 43.1	Water Use 43.1
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Hydrozone # 77	Hydrozone 77.1	Plant Type 77.1	Water Use 77.1
Hydrozone # 78	Hydrozone 78.1	Plant Type 78.1	Water Use 78.1
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Hydrozone # 84	Hydrozone 84.1	Plant Type 84.1	Water Use 84.1
Hydrozone # 85	Hydrozone 85.1	Plant Type 85.1	Water Use 85.1
Hydrozone # 86	Hydrozone 86.1	Plant Type 86.1	Water Use 86.1
Hydrozone # 87	Hydrozone 87.1	Plant Type 87.1	Water Use 87.1
Hydrozone # 88	Hydrozone 88.1	Plant Type 88.1	Water Use 88.1
Hydrozone # 89	Hydrozone 89.1	Plant Type 89.1	Water Use 89.1
Hydrozone # 90	Hydrozone 90.1	Plant Type 90.1	Water Use 90.1
Hydrozone # 91	Hydrozone 91.1	Plant Type 91.1	Water Use 91.1
Hydrozone # 92	Hydrozone 92.1	Plant Type 92.1	Water Use 92.1
Hydrozone # 93	Hydrozone 93.1	Plant Type 93.1	Water Use 93.1
Hydrozone # 94	Hydrozone 94.1	Plant Type 94.1	Water Use 94.1
Hydrozone # 95	Hydrozone 95.1	Plant Type 95.1	Water Use 95.1
Hydrozone # 96	Hydrozone 96.1	Plant Type 96.1	Water Use 96.1
Hydrozone # 97	Hydrozone 97.1	Plant Type 97.1	Water Use 97.1
Hydrozone # 98	Hydrozone 98.1	Plant Type 98.1	Water Use 98.1
Hydrozone # 99	Hydrozone 99.1	Plant Type 99.1	Water Use 99.1
Hydrozone # 100	Hydrozone 100.1	Plant Type 100.1	Water Use 100.1

PERCENTAGE OF WATER SAVED RELATIVE TO MAX ALLOWED = 40%

\* These are not required to be based on a separate hydrozone calculation or shown on any area of an equal or higher plant factor, and they are as already included in calculations.

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DATE: 08/26/2020

SCALE: REF PLAN

COUNTY: RIVERSIDE

SHEET NO: 3 OF 2 SHEETS

PROJECT: CALIFORNIA HIGHLANDS ADDITIONAL TREATMENT 15988 S. HIGHLAND SPRINGS AVENUE BANNING CA CONCEPTUAL LANDSCAPE PLAN

PREPARED BY: LANDSCAPE DYNAMICS 3615 MAIN STREET, STE 103 RIVERSIDE, CA 92501 PHONE: 951-515-8539 CERT: 100-33304-EXP 04/2022 DATE: 08/26/2020

PROJECT: CALIFORNIA HIGHLANDS ADDITIONAL TREATMENT 15988 S. HIGHLAND SPRINGS AVENUE BANNING CA CONCEPTUAL LANDSCAPE PLAN

APPROVED AS TO CONFORMANCE WITH APPLICABLE COUNTY STANDARDS AND PRACTICES (TRANSPORTATION DEPARTMENT ONLY - ROW / OFFSITE)

TRANSPORTATION DEPARTMENT ONLY - ROW / OFFSITE



**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**

Juan C. Perez  
Agency Director



05/05/21, 10:11 am

CUP180010

**ADVISORY NOTIFICATION DOCUMENT**

The following notifications are included as part of the recommendation of approval for CUP180010. They are intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property.

**Advisory Notification**

**Advisory Notification. 1                    AND - Preamble**

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this Plan CUP180010 and is intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

**Advisory Notification. 2                    AND - Project Description & Operational Limits**

CONDITIONAL USE PERMIT NO. 180010 (CUP180010) approves the legalization of an existing state licensed sixteen (16) bed Alcohol and Drug Abuse Treatment Facility operating within an existing 6,280 square foot single-family residential building. The Alcohol and Drug Abuse Treatment Facility will have amenities for 16 residents and includes 24-hour care from therapist, nurses, and physicians.

**Advisory Notification. 3                    AND - Design Guidelines**

Compliance with applicable Design Guidelines:

- |                                                    |   |   |
|----------------------------------------------------|---|---|
| 1. 2nd District Design Guidelines                  | — | — |
| 2. 3rd & 5th District Design Guidelines            |   |   |
| 3. County Wide Design Guidelines and Standards     |   |   |
| — 4. County Design Guidelines                      | — | — |
| —     • Bermuda Dunes (Adopted 5/13/2008)          | — | — |
| • Desert Edge (Adopted 12/23/2008)                 |   |   |
| • Lakeview Nuevo (Adopted 8/1/2006)                |   | — |
| • Mecca (Adopted 7/21/2009)                        | — | — |
| • Temecula Valley Wine Country (Adopted 3/11/2014) |   |   |
| • Temescal Valley (Adopted 3/20/2007)              |   |   |
| • Thermal (Adopted 7/21/2009)                      |   |   |
| • Vista Santa Rosa (Adopted 9/28/2004)             |   |   |

**Advisory Notification. 4                    AND - Exhibits**

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT(S):

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

#### Advisory Notification. 4            AND - Exhibits (cont.)

Exhibit A (Site Plan), Sheet A101, A102, dated 12/07/2020.

Exhibit B (Elevations), Sheet A302, A301, A401, A402, A403, dated 12/07/2020.

Exhibit C (Floor Plans), Sheet A200 Sheet 1-4, dated 12/07/2020.

Exhibit L (Conceptual Landscaping and Irrigation Plans), Sheet 1 - 2, dated 08/26/2020.

#### Advisory Notification. 5            AND - Federal, State & Local Regulation Compliance

1. Compliance with applicable Federal Regulations, including, but not limited to:

- National Pollutant Discharge Elimination System (NPDES)
  - Clean Water Act
  - Migratory Bird Treaty Act (MBTA)

2. Compliance with applicable State Regulations, including, but not limited to:

• The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional Water Quality Control Board (RWQCB.)

- Government Code Section 66020 (90 Days to Protest)
- Government Code Section 66499.37 (Hold Harmless)
- State Subdivision Map Act
- Native American Cultural Resources, and Human Remains (Inadvertent Find)
- School District Impact Compliance
- Civil Code Section 815.3 & Government Code Sections 65040.2 et al - SB 18 (Tribal Intergovernmental Consultation) {for GPAs, SPs, & SPAs
  - Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)}{for all projects with EIR, ND or MND determinations}

3. Compliance with applicable County Regulations, including, but not limited to:

- Ord. No. 348 (Land Use Planning and Zoning Regulations) {Land Use Entitlements}
- Ord. No. 413 (Regulating Vehicle Parking) {Land Use Entitlements}
- Ord. No. 421 (Excavation Covering & Swimming Pool Safety) {Land Use Entitlements}
- Ord. No. 457 (Building Requirements) {Land Use Entitlements}
- Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program) {Geographically based}
  - Ord. No. 460 (Division of Land) {for TTMs and TPMS}
  - Ord. No. 461 (Road Improvement Standards) {for TTMs and TPMS}
  - Ord. No. 484 (Control of Blowing Sand) {Geographically based-on soil type}
  - Ord. No. 555 (Surface Mining and Reclamation) {for SMPs}
  - Ord. No. 625 (Right to Farm) {Geographically based}
  - Ord. No. 630 (Regulating Dogs and Cats) {For kennels and catteries}
  - Ord. No. 716 (Abandoned, Neglected or Cruelly Treated Animals)
  - Ord. No. 771 (Controlling Potentially Dangerous & Dangerous Animals)
  - Ord. No. 878 (Regarding Noisy Animals)
  - Ord. No. 655 (Regulating Light Pollution) {Geographically based}
  - Ord. No. 671 (Consolidated Fees) {All case types}
  - Ord. No. 679 (Directional Signs for Subdivisions) {for TTMs and TPMS}

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

#### Advisory Notification. 5                    AND - Federal, State & Local Regulation Compliance (cont.)

- Ord. No. 742 (Fugitive Dust/PM10 Emissions in Coachella Valley) {Geographically based}
  - Ord. No. 787 (Fire Code)
  - Ord. No. 847 (Regulating Noise) {Land Use Entitlements}
  - Ord. No. 857 (Business Licensing) {Land Use Entitlements}
  - Ord. No. 859 (Water Efficient Landscape Requirements) {Land Use Entitlements, and for TTMs and TPMS}
  - Ord. No. 915 (Regulating Outdoor Lighting) {Geographically based}
  - Ord. No. 916 (Cottage Food Operations)
  - Ord. No. 925 (Prohibiting Marijuana Cultivating)
  - Ord. No. 927 (Regulating Short Term Rentals)
  - Ord. No. 928 (Clarifying County Prohibition on Mobile Marijuana Dispensaries and Deliveries)
4. Mitigation Fee Ordinances
- Ord. No. 659 Development Impact Fees (DIF)
  - Ord. No. 663 Stephens Kangaroo Rat Habitat Conservation Plan (SKR)
  - Ord. No. 673 Coachella Valley Transportation Uniform Mitigation Fee (CV TUMF)
  - Ord. No. 810 Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP)
  - Ord. No. 824 Western Riverside County Transportation Uniform Mitigation Fee (WR TUMF)
  - Ord. No. 875 Coachella Valley Multiple Species Habitat Conservation Plan (CV MSHCP)

### BS-Plan Check

#### BS-Plan Check. 1                    Gen - Custom

##### BUILDING AND SAFETY COMMENTS

To assist in providing an expeditious review, please cloud all corrections on revised exhibit. Items labeled as "Corrections" must be addressed prior to entitlement approval. Items labeled as "Notifications" are for your information only and are not required for entitlement approval. Include a comment response list addressing each correction on the comment list. Thank You.

##### CORRECTIONS:

##### 1- ACCESSIBLE PATH OF TRAVEL:

Please provide a revised site plan to indicate the required continuous accessible paved path of travel. The accessible path of travel details shall include;

1. Accessible path construction type (Asphalt or concrete).
2. Accessible path width.
3. Accessible path directional slope % and cross slope %.
4. All accessible ramp and curb cut-out locations and details where applicable.

The Accessible path of travel shall meet the following where applicable:

1. Connect to the public R.O.W.
2. Connect to all building(s).
3. Connect to all accessible parking loading/unloading areas.
4. Connect to accessible sanitary facilities.
5. Connect to areas of public accommodation.

Please be aware that the approved site plan with accessibility requirements should be included with any



## ADVISORY NOTIFICATION DOCUMENT

### BS-Plan Check

#### BS-Plan Check. 1

#### Gen - Custom (cont.)

building plan submittals. The plan review staff may have additional comments depending on the additional information or revisions provided during the plan review process. Additional accessible requirements within the structure shall be reviewed during the building plan review.

2- Please clarify if existing housing#1 and the existing housing#2 are two separate buildings? Specify the area of each building. Clarify the usage of existing housing#2 (if the bedrooms upstairs are for treatment facility?)

3- The existing residential 6280 sf building shall be converted to group I2 occupancy for detoxification facility. Please clarify if any emergency treatment and/or surgery shall be done in this facility?

4- Please clarify on the site plan if the facility shall be enclosed with gates? If applicable, show clearly the fence/wall parameter, the exit gates locations and the secured yard details.

#### NOTIFICATIONS:

1- Please be informed that Per CBC table 1604.5 group I2 occupancy maybe classified as risk category III or IV based on the occupant load and the answer for question # 3 above. The existing building code section 407.4 when the change of occupancy results in a structure begin classified to higher risk category seismic upgrade shall be required. See exceptions.

2- Fire sprinkler and fire alarm shall be required.

3- Secured yard must meet all the requirements of CBC 407.9. Check the required 50' distance from any building and the sizing.

4- This project is located in very high fire zone area. Chapter 7A shall apply for all the buildings located at this property.

#### CODE/ORDINANCE REQUIREMENTS:

The applicant shall obtain the required building permit(s) from the building department prior to any construction on the property. All building plans and supporting documentation shall comply with current adopted California Building Codes, Riverside County Ordinances regulations in effect at the time of building plan submittal and fee payment to the Building Department. All Building Department plan submittal and fee requirements shall apply.

NOTE: The new updated 2019 California Building Codes will be in effect as of January 1st 2020, as mandated by the state of California. Any building plan and fee payment submitted to the building department on or after January 1st, 2020 will be subject to the new updated California Building Code(s).

#### PERMITTED BUILDINGS:

Where existing structures are identified on the site plan, revise site plan to include the building permit number for each applicable structure shown. You may contact the Building & Safety Records Department @ (951) 955-2017 for assistance with building permit number retrieval.

#### CWP:

Where any building, structure, equipment, alteration, use, change of use, or utility has been fully or partially constructed, placed or installed on a property without permit, the applicant shall comply with current Building Department policies and procedures with regards to construction without permit (CWP).

The applicant may obtain a demolition permit to remove the CWP item from the property, or may begin the process to obtain the required building permit(s). Due to public safety concerns, time frames have been reduced to ensure that all minimum code and safety requirements per all applicable departments have been satisfied. Building plans and supporting documents and required verification documents shall be submitted to the building department with fee payment for review prior to any approval of the current

## ADVISORY NOTIFICATION DOCUMENT

### BS-Plan Check

#### BS-Plan Check. 1

#### Gen - Custom (cont.)

planning case.

NOTE: Where a building and/or structure has been constructed, altered, or placed on the property without permit, the applicable building/structure shall not be occupied or in use until a final approved building inspection has been received. If the non-permitted/non-approved use and/or occupancy persists without full approval from applicable county departments, the applicant/owner is doing so at their own risk.

#### PERMIT ISSUANCE:

Per section 105.1 (2016 California Building Code, CBC): Where any owner or authorized agent intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the regulation of which is governed by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The applicant shall obtain the required building permit(s) from the building department prior to any construction or placement of any building, structure or equipment on the property.

The applicant shall obtain an approved final building inspection and certificate of occupancy from the building department prior to any use or occupancy of the building, or structure.

At no time shall the approval of the planning case exhibit allow for the construction or use of any building, structure, or equipment. In residential applications, each separate structure will require a separate building permit.

### E Health

#### E Health. 1

#### E Health-Population Restrictions

This project will be served potable water from an on site, individual well. Total population (staff and residents) must not exceed 24 persons.

#### E Health. 2

#### - ECP COMMENTS

If contamination or the presence of a naturally occurring hazardous material is discovered at the site, assessment, investigation, and/or cleanup may be required. Contact Riverside County Environmental Health - Environmental Cleanup Programs at (951) 955-8980, for further information.

### Planning

#### Planning. 1

#### 0010-Planning-GEN - IF HUMAN REMAINS FOUND

The developer/permit holder or any successor in interest shall comply with the following codes for the life of this project:

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 1** **0010-Planning-GEN - IF HUMAN REMAINS FOUND (cont.)**

findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law. Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant." The Most Likely Descendant shall then make recommendations and engage in consultation with the County and the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the County Planning /Director.

**Planning. 2** **0010-Planning-USE - BASIS FOR PARKING**

Parking for this project was determined primarily on the basis of County Ordinance No. 348, Section 18.12. a.(2).b, Medical Uses (home for the aged, sanitariums, convalescent homes, children's homes, asylums, and nursing homes or similar institutions: 1 space/3 employees, 1 space/3 beds, AND 1 space/vehicle owned and operated by the institution. This conditional use permit is for a facility that houses rehabilitation persons. One space for every three staff members is provided based on 18.12, and adequate parking for visitors is provided for a total of 12 parking spaces.

**Planning. 3** **0010-Planning-USE - BUSINESS LICENSING**

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at [www.rctlma.org.buslic](http://www.rctlma.org.buslic).

**Planning. 4** **0010-Planning-USE - CAUSES FOR REVOCATION**

In the event the use hereby permitted under this permit,  
a) is found to be in violation of the terms and conditions

## ADVISORY NOTIFICATION DOCUMENT

### Planning

**Planning. 4** **0010-Planning-USE - CAUSES FOR REVOCATION (cont.)**

of this permit,  
b) is found to have been obtained by fraud or perjured testimony, or  
c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

**Planning. 5** **0010-Planning-USE - CEASED OPERATIONS**

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

**Planning. 6** **0010-Planning-USE - COMPLY WITH ORD./CODES**

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

**Planning. 7** **0010-Planning-USE - EXTERIOR NOISE LEVELS**

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 45 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 65 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities. The permit holder shall comply with the applicable standards of Ordinance No. 847.

**Planning. 8** **0010-Planning-USE - FEES FOR REVIEW**

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal,





# ADVISORY NOTIFICATION DOCUMENT

## Planning

### **Planning. 16**                      **0010-Planning-USE - RIGHT TO FARM (cont.)**

public, due to any changed condition in or about the locality, after the same has been in operation for more than three (3) years, if it wasn't a nuisance at the time it began. The term "agricultural activity, operation or facility, or appurtenances thereof" includes, but is not limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any apiculture, or horticulture, the raising of livestock, fur bearing animals, fish or poultry, and any practices performed by a farmer or on a farm as incident to, or in conjunction with, such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

### **Planning. 17**                      **0020-Planning-USE - EXISTING STRUCTURE CHECK**

WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permittee or the permittee's successors-in-interest shall apply to the Building and Safety Department for all necessary permits, including the submission of all required documents and fees for any plan check review as determined by the Director of the Department of Building and Safety, to ensure that all existing buildings, structures and uses are in compliance with Ordinance No. 348 and Ordinance No. 457 and the conditions of approval of this permit.

### **Planning. 18**                      **0020-Planning-USE - TRASH ENCLOSURES**

Within 24 months of project approval the applicant shall construct a trash enclosure which is adequate to enclose a minimum of two (2) bins as shown on the APPROVED EXHIBIT A. The enclosure shall be a minimum of six (6) feet in height and shall be made with masonry block or wood and a solid gate which screens the bins from external view. Additional enclosed area for collection of recyclable materials shall be located within, near or adjacent to each trash and rubbish disposal area. The recycling collection area shall be a minimum of fifty percent (50%) of the area provided for the trash/rubbish enclosures or as approved by the Riverside County Waste Management Department. All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin.

**ADVISORY NOTIFICATION DOCUMENT**

**Planning**

**Planning. 19**                                    **15 - PLANNING - Landscape Requirement (cont.)**

**Planning. 19**                                    **15 - PLANNING - Landscape Requirement**

Landscape Requirement

This condition applies to both onsite and offsite (ROW) landscaping:

The developer/ permit holder shall:

- 1) Ensure all landscape and irrigation plans are in conformance with the APPROVED EXHIBITS;
- 2) Ensure all landscaping is provided with California Friendly landscaping and a weather-based irrigation controller(s) as defined by County Ordinance No. 859;
- 3) Ensure that irrigation plans which may use reclaimed water conform with the requirements of the local water purveyor; and,
- 4) Be responsible for maintenance, viability and upkeep of all slopes, landscaped areas, and irrigation systems until the successful completion of the twelve (12) month inspection or those operations become the responsibility of the individual property owner(s), a property owner's association, or any other successor-in-interest, whichever occurs later.

To ensure ongoing maintenance, the developer/ permit holder or any successor-in-interest shall:

- 1) Connect to a reclaimed water supply for landscape irrigation purposes when reclaimed water is made available.
- 2) Ensure that landscaping, irrigation and maintenance systems comply with the Riverside County Guide to California Friendly Landscaping, and Ordinance No. 859.
- 3) Ensure that all landscaping is healthy, free of weeds, disease and pests.

**Planning. 20**                                    **6 mos. for Easement Documentation**

Within 6 months from the issuance of the approval of CUP180010, the applicant shall provide documentation demonstrating that the CA Department of Fish and Wildlife to grant an easement for the project site.

**Planning-All**

**Planning-All. 1**                                    **0010-Planning-All-USE - 90 DAYS TO PROTEST**

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

**Planning-All. 2**                                    **0010-Planning-All-USE - HOLD HARMLESS**

The applicant/permittee or any successor-in-interest shall



## ADVISORY NOTIFICATION DOCUMENT

### Planning-All

#### Planning-All. 2

#### 0010-Planning-All-USE - HOLD HARMLESS (cont.)

defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the CONDITIONAL USE PERMIT; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the CONDITIONAL USE PERMIT, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

#### Planning-All. 3

#### 0010-Planning-All-USE - PROJECT DESCRIPTION

The use hereby permitted is for Alcohol and Drug Abuse Treatment facility; more specifically California Highlands Addiction Treatment facility dedicated to providing specialized treatment to assist individuals with their substance abuse and mental health issues. Our use of empirically sound treatment modalities, along with compassionate, dedicated and highly educated and experienced staff can best contribute to lasting recovery. The purpose of California Highlands Addiction Treatment is to put the client's recovery first, making it a unique and lasting experience. Our program is built on a curriculum

## ADVISORY NOTIFICATION DOCUMENT

### Planning-All

#### Planning-All. 3

#### 0010-Planning-All-USE - PROJECT DESCRIPTION (cont.)

that allows for clients to get 30 days sober, and unearth core issues and teach lasting coping tools to intervene upon addictive and maladaptive behaviors.

California Highlands Addiction Treatment is licensed substance abuse treatment facility by the California Department of Health Care Services (DHCS) and is Joint Commission Accredited (highest level of accreditation for a behavioral health facility) which treats people with addiction and mental health issues.

Our program includes 24-hour care by licensed therapists, nurses and physicians; total fulltime staff 8 employees. California Highlands enlists the expertise of licensed staff members. Our clinicians are adaptive and have a breadth of treatment modalities to effectively treat the needs of each individual client. Our curriculum includes Mindfulness, Cognitive Behavioral Therapy, Motivational Interviewing, and Dialectical Behavioral Therapy. These types of therapy are supported by research as being effective in treating addiction and mental health issues. Additionally, clients are seen weekly by an addiction certified and board-certified psychiatrist.

Clients are observed at all times while in our care. Our program includes individual therapy, group therapy, and family therapy (when applicable). Individual therapy will be held on weekly basis. Group therapy multiple times on a daily basis, including process groups, educational groups, coping skills groups, etc. Our clients are required to give a urine drug screen (UDS) upon admission, 3 times a week for the first week, and upon suspicion thereafter. Our clients will attend outside 12 step meetings, along with exercise classes, other support groups, and sober activities throughout the community while in treatment.

### Planning-CUL

#### Planning-CUL. 1

#### If Human Remains Found

If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

#### Planning-CUL. 2

#### PDA06087 accepted

County Archaeological Report (PDA) No. 6087 submitted for this project (CUP180010) was prepared by Brian F. Smith and Associates and is entitled: "A Phase I Cultural Resources Assessment for the South Pointe Banning Project", dated September 24, 2018.

PDA06087 concludes: The cultural resources survey for the South Pointe Banning Project did not identify the presence of any cultural resources. The record search indicated that seven resources have been recorded within one mile of the APE and that approximately 75 percent of the subject property had been

## ADVISORY NOTIFICATION DOCUMENT

### Planning-CUL

#### Planning-CUL. 2

#### PDA06087 accepted (cont.)

previously surveyed (Goldberg et al. 1991; Tang et al. 2011). In addition, the coverage of previous surveys conducted within one mile of the project has included most of the area surrounding the project. As a result, only a small number of prehistoric and historic resources, which can mostly be classified as temporary camps or resource extraction sites, have been identified within a mile, all over a half mile, of the current project. Although the project parcel contains bedrock outcrops and seasonal drainages, of the outcroppings present within the APE all

were eroded and friable with no signs of prehistoric use. Further, Google Earth aerial photos indicate that the development of the CHAT facility within the subject property in 2006 disturbed the areas that are to be impacted by the current project. Therefore, based on the results of the records search and field survey, it is unlikely that any cultural resources exist on the property. Given that no archaeological sites, features, or artifacts were identified during the field reconnaissance, no potential impacts to cultural resources are associated with the proposed project.

The archaeological study was completed in accordance with County of Riverside report guidelines and CEQA significance evaluation criteria. Based upon the absence of any cultural resources on the property, site-specific mitigation measures will not be required for this project. Further, as a result of previous disturbances to the project parcel and the absence of recorded cultural resources within the project boundaries, there is little potential for cultural resources to be present or disturbed by the proposed project. Monitoring of grading by archaeologists and Native American representatives will not be recommended as a Condition of Approval. No further archaeological investigations are recommended for project approval based upon the records search and the results of the field survey.

These documents are herein incorporated as a part of the record for project.

#### Planning-CUL. 3

#### Unanticipated Resources

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit.

If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis.

Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

## ADVISORY NOTIFICATION DOCUMENT

### Transportation

#### Transportation. 1                      RCTD-USE - General Conditions

1. With respect to the conditions of approval for the referenced tentative exhibit, it is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.
2. Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955 6527.

### Waste Resources

#### Waste Resources. 1                      Waste General

- Hazardous materials are not accepted at Riverside County landfills. In compliance with federal, state, and local regulations and ordinances, any hazardous waste generated in association with the project shall be disposed of at a permitted Hazardous Waste disposal facility. Hazardous waste materials include, but are not limited to, paint, batteries, oil, asbestos, and solvents. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Environmental Health, Environmental Protection and Oversight Division.
- AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
  - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
  - Subscribe to a recycling service with their waste hauler.
  - Provide recycling service to their tenants (if commercial or multi-family complex).
  - Demonstrate compliance with the requirements of California Code of Regulations Title For more information, please visit: [www.rivcowm.org/opencms/recycling/recycling\\_and\\_compost\\_business.html#mandatory](http://www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory)
- Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

Plan: CUP180010

Parcel: 544260007

60. Prior To Grading Permit Issuance

BS-Grade

060 - BS-Grade. 1                      EASEMENTS/PERMISSION                      Not Satisfied

Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed.

A notarized letter of permission and/or recorded easement from the affected property owners or easement holders shall be provided in instances where off site grading is proposed as part of the grading plan.

In instances where the grading plan proposes drainage facilities on adjacent off site property, the owner/ applicant shall provide a copy of the recorded drainage easement or copy of Final Map.

060 - BS-Grade. 2                      IF WQMP IS REQUIRED                      Not Satisfied

If a Water Quality Management Plan (WQMP) is required, the owner / applicant shall submit to the Building & Safety Department, the Final Water Quality Management Plan (WQMP) site plan for comparison to the grading plan.

060 - BS-Grade. 3                      IMPROVEMENT SECURITIES                      Not Satisfied

Prior to issuance of a Grading Permit, the applicant may be required to post a Grading and/or Erosion Control Security. Please contact the Riverside County Transportation Department for additional information and requirements.

Planning

060 - Planning. 1                      0060-Planning-USE - FEE STATUS                      Not Satisfied

Prior to the issuance of grading permits for CUP180010, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

Planning-EPD

060 - Planning-EPD. 1                      0060-EPD-30-Day Burrowing Owl Preconstruction Survey                      Not Satisfied

Pursuant to Objectives 6 & 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHGP), within 30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist who holds a Memorandum of Understanding with the County. The survey results shall be provided in writing to the Environmental Programs Division (EPD) of the Planning Department. If the grading permit is not obtained within 30 days of the survey, a new survey shall be required.

If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act.

Burrowing Owl relocation shall only be allowed to take place outside of the burrowing owl nesting season (nesting season is March 1 through August 31) and is required to be performed by a qualified biologist familiar with relocation methods. The County Environmental Programs Department shall be consulted to determine appropriate type of relocation (active or passive) and potential translocation sites. Burrowing Owl Protection and Relocation Plans and Biological Monitoring Plans are required to be reviewed and approved by the California Department of Fish and Wildlife.



Plan: CUP180010

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60. Prior To Grading Permit Issuance

Planning-PAL

060 - Planning-PAL. 1 PALEO PRIMP/MONITOR (cont.) Not Satisfied

operations monitoring.

4. Identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens.

5. Direction for any fossil discoveries to be immediately reported to the property owner who in turn will immediately notify the County Geologist of the discovery.

6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils as they are unearthed to avoid construction delays.

7. Sampling of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.

8. Procedures and protocol for collecting and processing of samples and specimens.

9. Fossil identification and curation procedures to be employed.

10. Identification of the permanent repository to receive any recovered fossil material. \*Pursuant the County "SABER Policy", paleontological fossils found in the County should, by preference, be directed to the Western Science Center in the City of Hemet. A written agreement between the property owner/developer and the repository must be in place prior to site grading.

11. All pertinent exhibits, maps and references.

12. Procedures for reporting of findings.

13. Identification and acknowledgement of the developer for the content of the PRIMP as well as acceptance of financial responsibility for monitoring, reporting and curation fees. The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution.

All reports shall be signed by the project paleontologist and all other professionals responsible for the report's content (eg. PG), as appropriate. One original signed copy of the report(s) shall be submitted to the County Geologist along with a copy of this condition and the grading plan for appropriate case processing and tracking. These documents should not be submitted to the project Planner, Plan Check staff, Land Use Counter or any other County office. In addition, the applicant shall submit proof of hiring (i.e. copy of executed contract, retainer agreement, etc.) a project paleontologist for the in-grading implementation of the PRIMP.

Safeguard Artifacts Being Excavated in Riverside County (SABER)

Transportation

060 - Transportation. 1 RCTD-MAP-WQ - Santa Ana Region - FINAL WQMP REQUIII Not Satisfied

The project is located in the Santa Ana watershed. An approved Water Quality Management Plan (WQMP) is required prior to recordation of a final map or issuance of a grading permit. The project shall submit a single PDF on two CD/DVD copies, in accordance with the latest version of the WQMP manual, found at <https://rctima.org/trans/Land-Development/WQMP>. In addition, the project proponent shall ensure that the effects of increased peak flowrate for the 1, 3, 6, 24-hour storm events for the 2, 5, and 10-year return periods from the project are mitigated. All details necessary to build BMPs per the WQMP shall be included on the grading plans.

80. Prior To Building Permit Issuance

BS-Grade

080 - BS-Grade. 1 NO BUILDING PERMIT W/O GRADING PERMIT Not Satisfied

Prior to the issuance of any building permit, the property owner shall obtain a grading permit and/or

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80. Prior To Building Permit Issuance

BS-Grade

080 - BS-Grade. 1                      NO BUILDING PERMIT W/O GRADING PERMIT (cont.)                      Not Satisfied  
approval to construct from the Building and Safety Department.

080 - BS-Grade. 2                      ROUGH GRADE APPROVAL                      Not Satisfied

Prior to the issuance of any building permit, the applicant shall obtain rough grade approval and/or approval to construct from the Building and Safety Department. The Building and Safety Department must approve the completed grading of your project before a building permit can be issued. Rough Grade approval can be accomplished by complying with the following:

1. Submitting a "Wet Signed" copy of the Grading Report containing substantiating data from the Soils Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for his/her certification of the project.
2. Submitting a "Wet Signed" copy of the Rough Grade certification from a Registered Civil Engineer certifying that the grading was completed in conformance with the approved grading plan.
3. Requesting a Rough Grade Inspection and obtaining rough grade approval from a Riverside County inspector.
4. Rough Grade Only Permits: In addition to obtaining all required inspections and approval of all final reports, all sites permitted for rough grade only shall provide 100 percent vegetative coverage to stabilize the site prior to receiving a rough grade permit final.

Prior to release for building permit, the applicant shall have met all rough grade requirements to obtain Building and Safety Department clearance.

E Health

080 - E Health. 1                      OWTS Plans                      Not Satisfied

A set of two detailed plans drawn to a proper scale of the proposed subsurface sewage disposal system. To include a floor plan/plumbing schedule to ensure proper septic tank sizing.

080 - E Health. 2                      Percolation Report                      Not Satisfied

A soil percolation report consistent with the Department's technical guidance manual is required.

Planning

080 - Planning. 1                      0080-Planning-USE - FEE STATUS                      Not Satisfied

Prior to issuance of building permits for CUP180010, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

080 - Planning. 2                      0080-Planning-USE - LIGHTING PLANS                      Not Satisfied

All parking lot lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.



Plan: CUP180010

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80. Prior To Building Permit Issuance

Planning

080 - Planning. 2                    0080-Planning-USE - LIGHTING PLANS (cont.)                    Not Satisfied

080 - Planning. 3                    Easement to Property                    Not Satisfied

Prior to the issuance of a building permit, the applicant shall provide documentation demonstrating that the CA Department of Fish and Wildlife has finalized and granted an easement for the project site.

Transportation

080 - Transportation. 1            80 - TRANSPORTATION - Landscape Inspection Deposit Re    Not Satisfied  
Landscape Inspection Deposit Required

This condition applies to both onsite and offsite (ROW) landscaping:

The developer/ permit holder shall:

Prior to building permit issuance, the developer/permit holder shall verify all plan check fees have been paid and deposit sufficient funds to cover the costs of the required landscape inspections associated with the approved landscape plans. The deposit required for landscape inspections shall be determined by the Transportation Department, Landscape Section. The Transportation Department, Landscape Section shall clear this condition upon determination of compliance.

080 - Transportation. 2            80 - TRANSPORTATION - Landscape Plot Plan/Permit Requ    Not Satisfied  
Landscape Plot Plan/Permit Required

This condition applies to both onsite and offsite (ROW) landscaping:

The developer/ permit holder shall:

Prior to issuance of building permits, the developer/permit holder shall apply for a Plot Plan (Administrative/PPA) Landscape Permit (LSP) or Landscape Plot Plan (LPP) from TLMA Land Use along with applicable deposit (plan check and inspection are DBF fees).

Provide construction level landscape plans in PDF (all sheets compiled in 1 PDF file), along with an electronic transmittal memo in PDF (include Owner contact, Developer, if not the same as the owner, Project manager, person or persons most likely to inquire about the status of the plans, Landscape Architect, Principal or LA signing the plans, Landscape Architect, Project Manager, person responsible for making the corrections, if different from above), and a current set of grading plans in PDF, and submit all three PDF files on a CD (compact Disc) with application. The landscape plans shall be prepared in a professional manner by a California Licensed/Registered Landscape Architect and signed/stamped by such.

Drawings shall be completed on County standard Transportation Department title block, plan sheet format (24 inch x 36 inch), 1:20 scale, north arrow, limit of work lines, hardscape features, graphic scale, and street names, etc. The landscaping plans shall be in conformance with the APPROVED EXHIBITS; in compliance with Ordinance No. 348, Section 18.12; Ordinance No. 859; and; be prepared consistent with the County of Riverside Guide to California Friendly Landscaping. At minimum, plans shall include the following components:

- 1) Landscape and irrigation working drawings (stamped) by a California certified/registered landscape architect;
- 2) Weather-based controllers and necessary components to eliminate water waste;

Plan: CUP180010

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80. Prior To Building Permit Issuance

Transportation

- 080 - Transportation. 2            80 - TRANSPORTATION - Landscape Plot Plan/Permit Requ    Not Satisfied
  - 3) A copy of the (stamped) approved grading plans; and,
  - 4) Emphasis on native and drought tolerant species.

When applicable, plans shall include the following components:

- 1) Identification of all common/open space areas;
- 2) Natural open space areas and those regulated/conserved by the prevailing MSHCP and or ALUC;
- 3) Shading plans for projects that include parking lots/areas;
- 4) The use of canopy trees (24 inch box or greater) within the parking areas;
- 5) Landscaping plans for slopes exceeding 3 feet in height;
- 6) Landscaping and irrigation plans associated with entry monuments. All monument locations shall be located outside of the ROW and dimensions shall be provided on the plan; and/or,
- 7) If this is a phased development, then a copy of the approved phasing plan shall be submitted for reference.

Please reference Landscape Plan Checklists available online at RCTLMA.org.

NOTE: When the Landscaping Plot Plan is located within a special district such as LMD/CSA/CFD or Valleywide, the developer/permit holder shall submit plans for review to the appropriate special district for simultaneous review. The permit holder shall show evidence to the Transportation Department, Landscape Section that the subject district has approved said plans. Water Districts such as CVWD, TVWD, and EMWD may be required to approve plans prior to County approval.

Upon verification of compliance with this condition and the APPROVED EXHIBITS, the Transportation Department, Landscape Section shall clear this condition.

- 080 - Transportation. 3            RCTD-ESTABLISH WQMP MAINT ENTITY            Not Satisfied
 

A maintenance plan and signed WQMP/BMP maintenance agreement shall be submitted to the Transportation Department shall be approved and recorded against the property. A maintenance organization will be established with a funding source for the permanent maintenance.

- 080 - Transportation. 4            RCTD-MAP-WQ - IMPLEMENT WQMP            Not Satisfied
 

The Project shall construct BMP facilities described in the approved Final County WQMP prior to the issuance of a building permit to the satisfaction of County Grading Inspection Section. The Project is responsible for performing all activities described in the County WQMP and that copies of the approved Final County WQMP are provided to future owners/occupants.

- 080 - Transportation. 5            RCTD-USE - Utility Plan            Not Satisfied
 

Proposed electrical power lines below 33.6 Kv within public right of way for this cell tower site shall be designed to be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. The applicant is responsible for coordinating the work with the serving utility company. A disposition note describing the above shall be reflected on the site plan. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes.

Waste Resources

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80. Prior To Building Permit Issuance

Waste Resources

080 - Waste Resources. 1      Recyclables Collection and Loading Area      Not Satisfied

If a recycling/trash enclosure is proposed, prior to issuance of a building permit, the applicant shall submit one electronic (1) copy of a Recyclables Collection and Loading Area plot plan to the Riverside County Department of Waste Resources for review and approval to WastePlanning@rivco.org. The plot plan shall conform to Design Guidelines for Recyclables Collection and Loading Areas, provided by the Department of Waste Resources (found at <http://www.rcwaste.org/business/planning/design>) and shall show the location of and access to the collection area for recyclable materials, shall demonstrate space allocation for trash and recyclable materials and have the adequate signage indicating the location of each bin in the trash enclosure.

The project applicant is advised that clearance of the Recyclables Collection and Loading Area plot plan only satisfies the Waste Resources' conditions for Recyclables Collection and Loading Areas space allocation and other Recyclables Collection and Loading Area Guideline items. Detailed drawings of the Trash Enclosure and its particular construction details, e.g., building materials, location, construction methods etc., should be included as part of the Project plan submittal to the Riverside County Department of Building and Safety.

080 - Waste Resources. 2      Waste Recycling Plan      Not Satisfied

Prior to issuance of a building permit, a Waste Recycling Plan (WRP) shall be submitted to the Riverside County Department of Waste Resources for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.

90. Prior to Building Final Inspection

BS-Grade

090 - BS-Grade. 1      PRECISE GRADE APPROVAL      Not Satisfied

Prior to final building inspection, the applicant shall obtain precise grade approval and/or clearance from the Building and Safety Department. The Building and Safety Department must approve the precise grading of your project before a building final can be obtained. Precise Grade approval can be accomplished by complying with the following:

1. Requesting and obtaining approval of all required grading inspections.
2. Submitting a "Wet Signed" copy of the Soils Compaction Report from the Soils Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for the sub-grade and base of all paved areas.
3. Submitting a "Wet Signed" copy of the Sub-grade (rough) Certification from a Registered Civil Engineer certifying that the sub-grade was completed in conformance with the approved grading plan.
4. Submitting a "Wet Signed" copy of the Precise (Final) Grade Certification for the entire site from a Registered Civil Engineer certifying that the precise grading was completed in conformance with the approved grading plan.

Prior to release for building final, the applicant shall have met all precise grade requirements to obtain Building and Safety Department clearance.

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90. Prior to Building Final Inspection

BS-Grade

090 - BS-Grade. 1                      PRECISE GRADE APPROVAL (cont.)                      Not Satisfied

E Health

090 - E Health. 1                      E Health Clearance                      Not Satisfied

Prior to building permit final, clearance must be obtained from the Department of Environmental Health.

Planning

090 - Planning. 1                      0090-Planning-USE - ORD NO. 659 (DIF)                      Not Satisfied

Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and installation of facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development projects described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The amount of the fee for commercial or industrial development shall be calculated on the basis of the "Project Area," as defined in the Ordinance, which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development. The project area for CUP180010 is 0.18 acres or 8,072 square feet.

In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

090 - Planning. 2                      0090-Planning-USE - CONDITION COMPLIANCE                      Not Satisfied

The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

090 - Planning. 3                      0090-Planning-USE - EXISTING STRUCTURES                      Not Satisfied

All existing buildings, structures and uses on the entire property shall conform to all the applicable requirements

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90. Prior to Building Final Inspection

Planning

090 - Planning. 3                      0090-Planning-USE - EXISTING STRUCTURES (cont.)                      Not Satisfied  
of Ordinance No. 348 and Ordinance No. 457, and the  
conditions of this permit.

090 - Planning. 4                      0090-Planning-USE - ORD 810 O S FEE (2)                      Not Satisfied

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection prior to use or occupancy for cases without final inspection or certificate of occupancy (such as an SMP), whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 810, which requires the payment of the appropriate fee set forth in the Ordinance. The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval. In the event Riverside County Ordinance No. 810 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 810 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

090 - Planning. 5                      0090-Planning-USE - PARKING PAVING MATERIAL                      Not Satisfied

A minimum of twelve (12) parking spaces shall be provided as shown on the APPROVED EXHIBIT A, unless otherwise approved by the Planning Department. The parking area shall be surfaced with decomposed granite to current standards as approved by the Department of Building and Safety.

090 - Planning. 6                      0090-Planning-USE - SKR FEE CONDITION                      Not Satisfied

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection, whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance.

The amount of the fee required to be paid may vary, depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development in accordance with APPROVED EXHIBIT A. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However,

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90. Prior to Building Final Inspection

Planning

090 - Planning. 6                      0090-Planning-USE - SKR FEE CONDITION (cont.)                      Not Satisfied  
should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

Planning-EPD

090 - Planning-EPD. 1                      0090 – EPD - RCA Conveyance at Final Inspection                      Not Satisfied  
Prior to approval of Final Inspection the Project Applicant shall provide the Regional Conservation Authority (RCA) via either fee conveyance or conservation easement for long-term conservation and management of the 21.4-acre MSHCP Proposed Conservation Areas designated by EPD as illustrated on the EPD map for HAN180021 and JPR 21-01-22-01 maps, and labeled as “MSHCP Conservation Area” on the site plan exhibit Figure 6 in document GENERAL BIOLOGICAL ASSESSMENT AND WESTERN RIVERSIDE COUNTY MSHCP CONSISTENCY ANALYSIS FOR CALIFORNIA HIGHLANDS APN 544-260-007 COUNTY OF RIVERSIDE, CALIFORNIA. OR the applicant shall provide EPD with proof of an executed donation agreement WITH the RCA that has been reviewed and approved by the RCA prior to Final Inspection. The area designated for conservation shall be accessible for the RCA, via easement or public road access, or as stipulated by the RCA in the donation agreement.

Transportation

090 - Transportation. 1                      90 - TRANSPORTATION - Landscape Inspection and Drought                      Not Satisfied  
Landscape Inspection and Drought Compliance

This condition applies to both onsite and offsite (ROW) landscaping:

The developer/ permit holder shall:

The developer/permit holder shall coordinate with their designated landscape representative and the Transportation Department landscape inspector to ensure all landscape planting and irrigation systems have been installed in accordance with APPROVED EXHIBITS, landscaping, irrigation, and shading plans. The Transportation Department will ensure that all landscaping is healthy, free of weeds, disease and pests; and, irrigation systems are properly constructed and determined to be in good working order. The developer/permit holder's designated landscape representative and the Transportation Department landscape inspector shall determine compliance with this condition and execute a Landscape Certificate of Completion. All landscape inspection deposits and plan check fees shall be paid.

Upon determination of compliance, the Transportation Department, Landscape Section shall clear this condition.

090 - Transportation. 2                      RCTD-MAP-WQ - WQMP COMPLETION                      Not Satisfied

Prior to Building Final Inspection, the Project is required to furnish educational materials regarding water quality to future owners/occupants, provide an engineered WQMP certification, inspection of BMPs, GPS location of BMPs, ensure that the requirements for inspection and cleaning the BMPs are established, and for businesses registering BMPs with the Transportation Department Business Storm Water Compliance Program Section.

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90. Prior to Building Final Inspection

Transportation

090 - Transportation. 2 RCTD-MAP-WQ - WQMP COMPLETION (cont.) Not Satisfied

090 - Transportation. 3 RCTD-USE - Utility Install Not Satisfied

Proposed electrical power lines below 33.6 Kv within public right of way for this cell tower site shall be underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.

090 - Transportation. 4 RCTD-USE - WRCOG TUMF Not Satisfied

Prior to the issuance of an occupancy permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 824.

Waste Resources

090 - Waste Resources. 1 Waste Reporting Form and Receipts Not Satisfied

Prior to final building inspection, evidence (i.e., waste reporting form along with receipts or other types of verification) to demonstrate project compliance with the approved Waste Recycling Plan (WRP) shall be presented by the project proponent to the Planning Division of the Riverside County Department of Waste Resources. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled.

090 - Waste Resources. 2 Waste-Recyclables Collection and Loading Area Inspection Not Satisfied

Prior to final building inspection, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and verified through an on-site inspection by the Riverside County Department of Waste Resources.

090 - Waste Resources. 3 Waste-Recycling and Organics Compliance Not Satisfied

Prior to final inspection, the applicant shall complete a Mandatory Commercial Recycling and Organics Recycling Compliance form (Form D). Form D requires applicants to identify programs or plans that address commercial and organics recycling, in compliance with State legislation/regulation. Once completed, Form D shall be submitted to the Recycling Section of the Department of Waste Resources for approval. For more information go to: [www.rcwaste.org/business/planning/applications](http://www.rcwaste.org/business/planning/applications). To obtain Form D, please contact the Recycling Section at 951-486-3200, or email to: [Waste-CompostingRecycling@rivco.org](mailto:Waste-CompostingRecycling@rivco.org).



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

## DEVELOPMENT ADVISORY COMMITTEE (“DAC”) INITIAL CASE TRANSMITTAL RIVERSIDE COUNTY PLANNING DEPARTMENT – RIVERSIDE PO Box 1409 Riverside, 92502-1409

DATE: June 28, 2018

**TO:**

Riv. Co. Transportation Dept.  
Riv. Co. Environmental Health Dept.  
Riv. Co. Public Health Dept.  
Riv. Co. Fire Department (Riv. Office)  
Riv. Co. Building & Safety – Grading

Riv. Co. Building & Safety – Plan Check  
P.D. Environmental Programs Division  
P.D. Geology Section  
Riv. Co. Trans. Dept. – Landscape Section  
P.D. Archaeology Section

Board of Supervisors - Supervisor: 5th District-  
Ashley

**Conditional Use Permit No. 1800010 (CUP180010)** – Applicant: Delphi RE Holdings LLC – Fifth Supervisorial District – Engineer/Representative – Wilfredo Ventura, P.E., Q.S.D/P – Area Plan: The Pass – Zoning Area/District: Beaumont-Banning District – General Plan: Agriculture – Location: South of Sun Lakes Blvd., North of Wolfskill Truck Road, West of Portero Road – 32.59 Gross Acres – Zoning: Controlled Development – W-2 – **Project Description:** A Conditional Use Permit application to allow the operation of a state licensed Alcohol or Drug Abuse Treatment Facility. The proposed Alcohol and Drug Abuse Treatment Facility is proposed to occupy an existing 6,280 square foot single-family residential building and construct a new 5,032 square foot residential building with a total of 42 beds. In addition, the project proposes the construction of a 2,228 square foot recreation building that include common recreational areas as well as staff office space. The Alcohol and Drug Abuse Treatment Facility would have a 40 member staff including 24-hour care by licensed therapist, nurses, and physicians. APN: 544-260-007. **BBID: 387-232-826**

**DAC staff members and other listed Riverside County Agencies, Departments and Districts staff:** A Bluebeam invitation has been emailed to appropriate staff members so they can view and markup the map(s) and/or exhibit(s) for the above-described project. Please have your markups completed and draft conditions in the Public Land Use System (PLUS) on or before the indicated DAC date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the PLUS routing on or before the above date. This case is scheduled for a **DAC internal review on July 5, 2018.** Once the route is complete, and the approval screen is approved with or without corrections, the project can be scheduled for a public hearing.

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

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

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

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





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

*Charissa Leach, P.E.*  
*Assistant TLMA Director*

Any questions regarding this project, should be directed to Jason Killebrew, Project Planner at (951) 955-0314, or e-mail at [jkillebr@rivco.org](mailto:jkillebr@rivco.org) / MAILSTOP #: 1070

Public Hearing Path:    Administrative Action:     DH:     PC:     BOS:

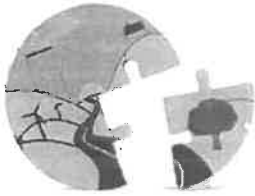
COMMENTS:

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

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

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

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



**Steve Weiss, AICP**  
**Planning Director**

Set ID LCC07810  
 CUP 18000  
 CEA 80048  
 CFM 180042

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

**APPLICATION FOR LAND USE AND DEVELOPMENT**

CHECK ONE AS APPROPRIATE:

- PLOT PLAN       PUBLIC USE PERMIT       VARIANCE  
 CONDITIONAL USE PERMIT       TEMPORARY USE PERMIT  
 REVISED PERMIT      Original Case No. \_\_\_\_\_

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

**APPLICATION INFORMATION**

Applicant Name: Delphi RE Holdings LLC

Contact Person: Moises Villegas      E-Mail: mv@creativeheights.net

Mailing Address: 43475 Business Park Drive

Temecula      Street CA      92590  
City      State      ZIP

Daytime Phone No: ( 951 ) 764-1385      Fax No: (      ) \_\_\_\_\_

Engineer/Representative Name: Wilfredo (Willy) Ventura, P.E., Q.S.D/P

Contact Person: Wilfredo (Willy) Ventura      E-Mail: wilfredo@venturaengineeringinl

Mailing Address: 27393 Ynez Rd., Suite 159

Temecula      Street CA      92591  
City      State      ZIP

Daytime Phone No: ( 877 ) 723-4224      Fax No: (      ) \_\_\_\_\_

Property Owner Name: Delphi RE Holdings LLC

Contact Person: Paul Del Vacchio      E-Mail: pdelvacchio@californiahighlands.co

Mailing Address: 300 S. Highland Springs Avenue; Suite 6c185

Banning      Street CA      92220  
City      State      ZIP

Daytime Phone No: ( 951 ) 972-2023      Fax No: (      ) \_\_\_\_\_

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

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

*"Planning Our Future... Preserving Our Past"*

**APPLICATION FOR LAND USE AND DEVELOPMENT**

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the use permit type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

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

I certify that I am/we are the record owner(s) or authorized agent, and that the information filed is true and correct to the best of my knowledge, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(If an authorized agent signs, the agent must submit a letter signed by the owner(s) indicating authority to sign on the owner(s)'s behalf, and if this application is submitted electronically, the "wet-signed" signatures must be submitted to the Planning Department after submittal but before the use permit is ready for public hearing.)

Michael Barkowski  
PRINTED NAME OF PROPERTY OWNER(S)

[Signature]  
SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

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

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**

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

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): 544-260-007

Approximate Gross Acreage: 32.59

General location (nearby or cross streets): North of Wolfskill Truck Rd, South of Sun Lakes Blvd, East of Old Idylwild Rd., West of Portero Rd.

**APPLICATION FOR LAND USE AND DEVELOPMENT**

**PROJECT PROPOSAL:**

Describe the proposed project.

Residential Treatment Facility composed of 2 existing buildings ( 6,280 s.f. total)  
and 2 new proposed buildings (Housing building and a recreation building)

Identify the applicable Ordinance No. 348 Section and Subsection reference(s) describing the proposed land use(s): ORDINANCE NO. 348.4840

Number of existing lots: 1

EXISTING Buildings/Structures: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>						
No.*	Square Feet	Height	Stories	Use/Function	To be Removed	Bldg. Permit No.
1	5420	16'	1	Housing/office/rec	<input type="checkbox"/>	
2	853	16'	1	Housing	<input type="checkbox"/>	
3	1792	16'	1	Garage	<input type="checkbox"/>	
4					<input type="checkbox"/>	
5					<input type="checkbox"/>	
6					<input type="checkbox"/>	
7					<input type="checkbox"/>	
8					<input type="checkbox"/>	
9					<input type="checkbox"/>	
10					<input type="checkbox"/>	

*Place check in the applicable row, if building or structure is proposed to be removed.*

PROPOSED Buildings/Structures: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
No.*	Square Feet	Height	Stories	Use/Function
1	5032	16'	1	Housing
2	3198	25'	1	Recroom/Kitchen/Offices/Utility
3				
4				
5				
6				
7				
8				
9				
10				

PROPOSED Outdoor Uses/Areas: Yes <input type="checkbox"/> No <input type="checkbox"/>		
No.*	Square Feet	Use/Function
1		
2		
3		
4		
5		

**APPLICATION FOR LAND USE AND DEVELOPMENT**

6		
7		
8		
9		
10		

\* Match to Buildings/Structures/Outdoor Uses/Areas identified on Exhibit "A".

Check this box if additional buildings/structures exist or are proposed, and attach additional page(s) to identify them.)

Related cases filed in conjunction with this application:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are there previous development applications filed on the subject property: Yes  No

If yes, provide Application No(s). \_\_\_\_\_  
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) \_\_\_\_\_ EIR No. (if applicable): \_\_\_\_\_

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes  No

If yes, indicate the type of report(s) and provide a signed copy(ies): \_\_\_\_\_

Is the project located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Government Code Section 65944? Yes  No

Is this an application for a development permit? Yes  No

If the project located within either the Santa Ana River/San Jacinto Valley watershed, the Santa Margarita River watershed, or the Whitewater River watershed, check the appropriate checkbox below.

*If not known, please refer to [Riverside County's Map My County website](#) to determine if the property is located within any of these watersheds (search for the subject property's Assessor's Parcel Number, then select the "Geographic" Map Layer – then select the "Watershed" sub-layer)*

If any of the checkboxes are checked, click on the adjacent hyperlink to open the applicable Checklist Form. Complete the form and attach a copy as part of this application submittal package.

[Santa Ana River/San Jacinto Valley](#)

[Santa Margarita River](#)

[Whitewater River](#)

**APPLICATION FOR LAND USE AND DEVELOPMENT**

If the applicable Checklist has concluded that the application requires a preliminary project-specific Water Quality Management Plan (WQMP), such a plan shall be prepared and included with the submittal of this application.

**HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of Applicant: Delphi RE Holdings LLC/Paul Del Vacchio

Address: 300 S. Highland Springs Avenue; Suite 6c185, Banning, CA 92220

Phone number: 951-972-2023

Address of site (street name and number if available, and ZIP Code): 15986 S. Highland Springs Avenue

Local Agency: County of Riverside

Assessor's Book Page, and Parcel Number: 544-260-007

Specify any list pursuant to Section 65962.5 of the Government Code: n/a

Regulatory Identification number: n/a

Date of list: n/a

Applicant: \_\_\_\_\_ Date \_\_\_\_\_

**HAZARDOUS MATERIALS DISCLOSURE STATEMENT**

Government Code Section 65850.2 requires the owner or authorized agent for any development project to disclose whether:

1. Compliance will be needed with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the County. Yes  No
2. The proposed project will have more than a threshold quantity of a regulated substance in a process or will contain a source or modified source of hazardous air emissions. Yes  No

I (we) certify that my (our) answers are true and correct.

Owner/Authorized Agent (1)  Date 4/4/18

Owner/Authorized Agent (2) \_\_\_\_\_ Date \_\_\_\_\_

## **APPLICATION FOR LAND USE AND DEVELOPMENT**

---

**This completed application form, together with all of the listed requirements provided on the Land Use and Development Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.**

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1010 Land Use and Development Condensed Application.docx  
Created: 04/29/2015 Revised: 06/06/2016



**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**



**Juan C. Perez**  
Director of Transportation and Land Management Agency

Patricia Romo  
Assistant Director,  
Transportation Department

Steven A. Weiss  
Planning Director,  
Planning Department

Mike Lara  
Building Official,  
Building & Safety Department

Greg Flannery  
Code Enforcement Official,  
Code Enforcement Department

**LAND USE and PERMIT APPLICATION PROCESSING AGREEMENT**  
Agreement for Payment of Costs of Application Processing

**TO BE COMPLETED BY APPLICANT:**

This agreement is by and between the County of Riverside, hereafter "County of Riverside",  
and Delphi RE Holdings LLC hereafter "Applicant" and Delphi RE Holdings LLC "Property Owner".

**Description of application/permit use:**

Residential Treatment Facility composed of 2 existing buildings ( 6,280 s.f. total)  
and 2 new proposed buildings (Housing building and a recreation building)

If your application is subject to Deposit-based Fee, the following applies

**Section 1. Deposit-based Fees**

**Purpose:** The Riverside County Board of Supervisors has adopted ordinances to collect "Deposit-based Fees" for the costs of reviewing certain applications for land use review and permits. The Applicant is required to deposit funds to initiate staff review of an application. The initial deposit may be supplemented by additional fees, based upon actual and projected labor costs for the permit. County departments draw against these deposited funds at the staff hourly rates adopted by the Board of Supervisors. The Applicant and Property Owner are responsible for any supplemental fees necessary to cover any costs which were not covered by the initial deposit.

**Section 2. Applicant and Property Owner Responsibilities for Deposit-based Fee Applications**

- A. Applicant agrees to make an initial deposit in the amount as indicated by County ordinance, at the time this Agreement is signed and submitted with a complete application to the County of Riverside. Applicant acknowledges that this is an initial deposit and additional funds may be needed to complete their case. The County of Riverside will not pay interest on deposits. Applicant understands that any delays in making a subsequent deposit from the date of written notice requesting such additional deposit by County of Riverside, may result in the stoppage of work.
- B. Within 15 days of the service by mail of the County of Riverside's written notice that the application permit deposit has been reduced to a balance of less than 20% of the initial deposit or that the deposit is otherwise insufficient to cover the expected costs to completion, the Applicant agrees to make an additional payment of an amount as determined by the County of Riverside to replenish the deposit. Please note that the processing of the application or permit may stop if the amount on deposit has been expended. The Applicant agrees to continue making such payments until the County of Riverside is reimbursed for all costs related to this application or permit. The County of Riverside is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts that would have been drawn on the deposit were it not depleted.
- C. The Property Owner acknowledges that the Applicant is authorized to submit this agreement and related application(s) for land use review or permit on this property. The Property Owner also acknowledges that should the Applicant not reimburse the County of Riverside for all costs related to this application or permit, the Property Owner shall become immediately liable for these costs which shall be paid within 15 days of the service by mail of notice to said property Owner by the County.



- D. This Agreement shall only be executed by an authorized representative of the Applicant and the Property Owner. The person(s) executing this Agreement represents that he/she has the express authority to enter into this agreement on behalf of the Applicant and/or Property Owner.
- E. This Agreement is not assignable without written consent by the County of Riverside. The County of Riverside will not consent to assignment of this Agreement until all outstanding costs have been paid by Applicant.
- F. Deposit statements, requests for deposits or refunds shall be directed to Applicant at the address identified in Section 4.

**Section 3. To ensure quality service, Applicant is responsible to provide one-week written notice to the County of Riverside Transportation and Land Management Agency (TLMA) Permit Assistance Centers if any of the information below changes.**

**Section 4. Applicant and Owner Information**

**1. PROPERTY INFORMATION:**

Assessors Parcel Number(s): 544-260-007

Property Location or Address:  
15986 S. Highland Springs Avenue, Banning, CA 92220

**2. PROPERTY OWNER INFORMATION:**

Property Owner Name: Delphi RE Holdings LLC Phone No.: 951-972-2023  
 Firm Name: Delphi RE Holdings LLC Email: pdelvacchio@californiahighlands.com  
 Address: 300 S. Highland Springs Avenue  
Banning, CA 92220

**3. APPLICANT INFORMATION:**

Applicant Name: Delphi RE Holdings LLC Phone No.: 951-972-2023  
 Firm Name: Delphi RE Holdings LLC Email: pdelvacchio@californiahighlands.com  
 Address (if different from property owner)  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. SIGNATURES:**

Signature of Applicant: *[Signature]* Date: 4/4/18  
 Print Name and Title: Michael Bekowski, Managing Member

Signature of Property Owner: *[Signature]* Date: 4/4/18  
 Print Name and Title: Michael Bekowski, Managing Member

Signature of the County of Riverside, by \_\_\_\_\_ Date: \_\_\_\_\_  
 Print Name and Title: \_\_\_\_\_

<b>FOR COUNTY OF RIVERSIDE USE ONLY</b>	
Application or Permit (s)#: _____	
Set #: _____	Application Date: _____



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## INDEMNIFICATION AGREEMENT REQUIRED FOR ALL PROJECTS

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any tentative map (tract or parcel), revised map, map minor change, reversion to acreage, conditional use permit, public use permit, surface mining permit, WECS permit, hazardous waste siting permit, temporary outdoor event permit, plot plan, substantial conformance, revised permit, variance, setback adjustment, general plan amendment, specific plan, specific plan amendment, specific plan substantial conformance, zoning amendments, and any associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

*Michael Borkowski*

2/8/2021

Property Owner(s) Signature(s) and Date

Michael Borkowski, Managing Member of Delphi RE Holdings LLC

PRINTED NAME of Property Owner(s)

**If the property is owned by multiple owners, the paragraph above must be signed by each owner. Attach additional sheets, if necessary.**

*If the property owner is a corporate entity, Limited Liability Company, partnership or trust, the following documentation must also be submitted with this application:*

- *If the property owner is a limited partnership, provide a copy of the LP-1, LP-2 (if an amendment) filed with the California Secretary of State.*
- *If the property owner is a general partnership, provide a copy of the partnership agreement documenting who has authority to bind the general partnership and to sign on its behalf.*
- *If the property owner is a corporation, provide a copy of the Articles of Incorporation and/or a corporate resolution documenting which officers have authority to bind the corporation and to sign on its behalf. The corporation must also be in good standing with the California Secretary of State.*
- *If the property owner is a trust, provide a copy of the trust certificate.*

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

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

"Planning Our Future... Preserving Our Past"

## **INDEMNIFICATION AGREEMENT PROPERTY OWNER INFORMATION**

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- *If the property owner is a Limited Liability Corporation, provide a copy of the operating agreement for the LLC documenting who has authority to bind the LLC and to sign on its behalf.*

*If the signing entity is also a corporate entity, Limited Liability Company, partnership or trust, the above documentation must also be submitted with this application. For any out of State legal entities, provide documentation showing registration with the California Secretary of State.*

*In addition to the above, provide a copy of a Preliminary Title Report for the property subject to this application. The Preliminary Title Report must be issued by a title company licensed to conduct business in the State of California and dated less than six months prior to the date of submittal of this application. The Assistant TLMA Director may waive the requirement for a Preliminary Title Report if it can be shown to the satisfaction of the Assistant TLMA Director that the property owner(s) has owned the property consistently for at least the last five years.*

### **ONLY FOR WIRELESS PROJECTS (SEE BELOW)**

*If the application is for a plot plan for a Wireless Communication Facility, the property owner(s) and the cellular service provider must sign the indemnification paragraph above. If the application is for a plot plan for a wireless communication co-location, only the co-locating service provider needs to sign the indemnification paragraph above.*

## NOTICE OF PUBLIC HEARING

A PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider a proposed project in the vicinity of your property, as described below:

**CONDITIONAL USE PERMIT NO. 180010 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) – Applicant: Delphi RE Holdings, LLC – Fifth Supervisorial District – Engineer/Representative – Wilfredo Ventura, P.E., Q.S.D/P – Area Plan: The Pass – Zoning Area/District: Beaumont-Banning District – General Plan: Agriculture – Location: Southerly of Sun Lakes Boulevard, northerly of Wolfskill Truck Road, and westerly of Portero Road – 32.59 Gross Acres – Zoning: Controlled Development Areas Zone – W-2 – **REQUEST:** A Conditional Use Permit application to allow the operation of a state licensed Alcohol or Drug Abuse Treatment Facility. The proposed facility will be within an existing 6,280 sq. ft. single-family residential building. Services include detoxification, incidental medical services, and recovery and treatment services for a total of 16 beds. The facility would have staff which includes 24-hour care by licensed therapist, nurses, and physicians. APN: 544-260-007.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.  
DATE OF HEARING: **MAY 19, 2021**  
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER  
BOARD CHAMBERS, 1ST FLOOR  
4080 LEMON STREET, RIVERSIDE, CA 92501

Pursuant to 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 allowed but limited to comply with the Executive Order. Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>.

For further information regarding this project please contact the Project Planner Rob Gonzalez at (951) 955-9549 or email at [rgonzalez@rivco.org](mailto:rgonzalez@rivco.org), or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing. The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment on the proposed project may submit their comments in writing by mail or email, or by phone between the date of this notice and the public hearing; or, you may appear and be heard at the time and place noted above. You may participate remotely by registering with the Planning Department. All comments received prior to the public hearing will be submitted to the Planning Commission for consideration, in addition to any oral testimony, before making a decision on the proposed project. All correspondence received before and during the meeting will be distributed to the Planning Commission and retained for the official record.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:  
RIVERSIDE COUNTY PLANNING DEPARTMENT  
Attn: Rob Gonzalez  
P.O. Box 1409, Riverside, CA 92502-1409

## PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on February 17, 2021,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers CUP180010 for

Company or Individual's Name RCIT - GIS,

Distance buffered 2400'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

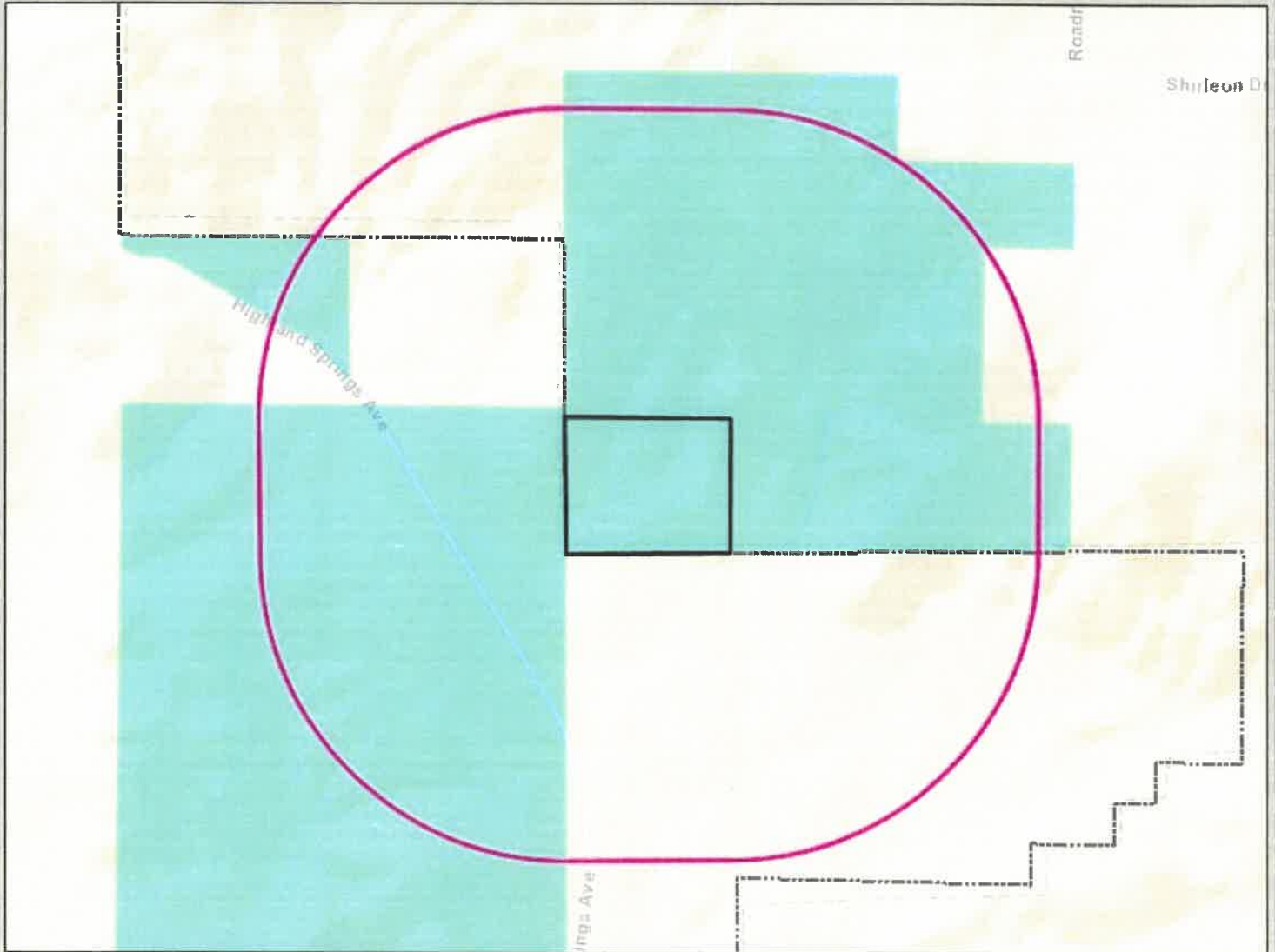
ADDRESS: 4080 Lemon Street 9<sup>TH</sup> Floor

Riverside, Ca. 92502




TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

# Riverside County GIS Mailing Labels

CUP180010 ( 2400 feet buffer )



### Legend

-  County Boundary
-  Cities
-  World Street Map

### Notes



0 1,505 3,009 Feet

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...2/17/2021 10:58:46 AM

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544260025  
DAVID W. VOGEL  
P O BOX 7874  
REDLANDS CA 92374

544260017  
RICHARD ACHATZ  
P O BOX 1123  
MANHATTAN BEACH CA 90267

544260024  
DANIEL L. THOMAS  
9683 MOUNTAIN VIEW AVE  
CHERRY VALLEY CA 92223

544260035  
JEFFREY SWENDLER  
P O BOX 672  
BEAUMONT CA 92223

544260001  
CHARLENE E. NINNESS  
42215 SHIRLEON DR  
BANNING CA 92220

544260004  
CHERYL GERMAIN  
15601 ROADRUNNER TR  
BANNING CA 92220

544260026  
DAVID W. VOGEL  
P O BOX 7874  
REDLANDS CA 92375

424160014  
MWD  
P O BOX 54153  
LOS ANGELES CA 90054

424160024  
DEPT OF FISH & GAME WILDLIFE CONSERV  
1807 13TH ST STE 103  
SACRAMENTO CA 95814

544260007  
BANNING REAL ESTATE  
1901 W CYPRESS CREEK RD # 6TH FLOOR  
FORT LAUDERDALE FL 33309

544260002  
BILL CORNISH  
42385 SHIRLEON DR  
BANNING CA 92220

Richard Drury  
Komalpreet Toor  
Lozeau Drury, LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612

Kirkland West  
Habitat Defense Council  
PO Box 7821  
Laguna Niguel, Ca, 92607-7821

Owner (CUP180010)  
Delphi RE Holdings, LLC.  
43475 Business Park Dr.  
Temecula, CA 92590

Engineer (CUP180010)  
Ventura Engineering Inland  
27393 Ynez Road  
Temecula, CA 92591

Representative (CUP180010)  
Stream Kim Hicks Wrage & Alfaro, PC  
C/O Alicen Wong  
3403 Tenth Street, Suite 700  
Riverside CA, 92501





# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Charissa Leach, P.E.**  
*Assistant TLMA Director*

## NOTICE OF EXEMPTION

TO:  Office of Planning and Research (OPR) FROM: Riverside County Planning Department  
 P.O. Box 3044 4080 Lemon Street, 12th Floor  38686 El Cerrito Road  
 Sacramento, CA 95812-3044  
 County of Riverside County Clerk P. O. Box 1409 Palm Desert, CA 92201  
 Riverside, CA 92502-1409

**Project Title/Case No.:** Conditional Use Permit No. 180010 (CUP180010)

**Project Location:** South of Sun Lakes Blvd., North of Wolfskill Truck Road, and West of Portero Road

**Project Description:** CONDITIONAL USE PERMIT NO. 180010 (CUP180010) proposes the legalization of an existing state licensed sixteen (16) bed Alcohol and Drug Abuse Treatment Facility operating within an existing 6,280 square foot single-family residential building. The Alcohol and Drug Abuse Treatment Facility will have amenities for 16 residents and includes 24-hour care from therapist, nurses, and physicians.

**Name of Public Agency Approving Project:** Riverside County Planning Department

**Project Applicant & Address:** WST Group USA Inc , 46950 Avenida Tierra, Temecula CA 92590

**Exempt Status: (Check one)**

- Ministerial (Sec. 21080(b)(1); 15268)  Categorical Exemption (Sec. 15061)  
 Declared Emergency (Sec. 21080(b)(3); 15269(a))  Statutory Exemption (\_\_\_\_\_)  
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))  Other: \_\_\_\_\_

**Reasons why project is exempt:** The proposed Project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301. The key consideration is whether the project involves negligible or no expansion of an existing use. The existing site has already been utilized for a Drug and Alcohol Treatment Facility within a residential setting for over the last two years. The project does not involve the interior or exterior alterations which would not significantly expand the capability of the site or substantively increase the proposed use of the site beyond what already occurs. Furthermore, this project is exempt from California Environmental Quality Act (CEQA) review pursuant to Article 19 - Categorical Exemptions, Section 15303 (New Construction or Conversion of Small Structures). This section specifically exempts construction and location of new, small facilities or structures; and the conversion of existing small structures for one use or another where only minor modifications are made in the exterior of the structure. The Project does not include the construction of any new structures, would only propose minor modifications such as paint and signage, and would only entitle the existing Drug and Alcohol Treatment Facility.

Rob Gonzalez (951) 955-9549  
County Contact Person Phone Number

\_\_\_\_\_  
Signature Title Date  
Urban Regional Planner 2/5/2021

Received for Filing and Posting at OPR: \_\_\_\_\_  
Please charge deposit fee case#: ZCFW No. - County Clerk Posting Fee

FOR COUNTY CLERK'S USE ONLY





# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Charissa Leach, P.E.*  
TLMA Agency Assistant Director

## MSHCP COMPLIANCE REVIEW WORKSHEET January 7, 2021(revised 02012021)

Project Number: CUP180010	HANS Number: HAN 180021
Property Owner: Delph RE Holdings LLC	Supervisory District: 5
Street Address: 15986 Highland Springs Ave	EPD Biologist: Don Copeland
City/State/Zip: Banning, CA 92220 Phone: 954-675-6898	Biologist E-Mail Address: dcopelan@rivco.org
Owner E-Mail Address: michael@delphihealthgroup.com	Biologist Phone: (951) 955-6441
Applicant: Delphi RE Holdings LLC	Applicant Email: michael@delphihealthgroup.com
Applicant Address: 15986 Highland Springs Ave, Banning, CA 92220	
Applicant Phone: 954-675-6898	Acreage: 31.29
Acreage Proposed for MSHCP Conservation: 21.4 acres	100% Conservation? No

### CRITERIA CONSISTENCY REVIEW

APN	Cell	Cell Group	Acres	Area Plan	Sub Unit
544-260-007	1609	A	29.96	Pass	SU1 – Potrero/Badlands
544-260-007	1710	A	1.33	Pass	SU1 – Potrero/Badlands

#### I. MSHCP Cell/Cell Group Information:

##### Cells 1809 & 1710

Conservation within this Cell Group will contribute to assembly of Proposed Core 3 and Existing Core K. Conservation within this Cell Group will focus on chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub and water. Areas conserved within this Cell Group will be connected to uplands and water proposed for conservation in Cell Group B to the west. Conservation within this Cell Group will range from 40%-50% focusing on the northern and southern portions of the Cell Group.

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P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

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Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

**A. Applicable Core or Linkage (provide description):**

Proposed Core 3 (Badlands/Potrero) is located in the northeast region of the Plan Area. This Core consists mainly of private lands but also contains a few Public/Quasi-Public parcels including De Anza Cycle Park. The Core is connected to Proposed Linkage 12 (north San Timoteo Creek), Proposed Linkage 4 (Reche Canyon), Proposed Constrained Linkage 22 (east San Timoteo Creek), Existing Core H (Lake Perris), Existing Core K (San Jacinto Mountains), Proposed Linkage 11 (Soboba/Gilman Springs), and Proposed Constrained Linkage 21. The Core also functions as a Linkage, connecting the San Bernardino National Forest to the southwest with San Bernardino County and other conserved areas to the north of the Core. With a total acreage of approximately 24,920 acres, Proposed Core 3 is one of the largest MSHCP Core Areas. In addition, the Core is contiguous with Existing Core H (Lake Perris/Mystic Lake) and Existing Core K (San Jacinto Mountains), thus greatly enlarging the functional area of the Core. The Core has both a large proportion of its area unaffected by edge (approximately 23,420 acres of the total 24,940 acres) and is only partially constrained by existing agricultural use. Within the Core, important Live-In and movement Habitat is provided for Bell's sage sparrow, loggerhead shrike, cactus wren, Stephens' kangaroo rat, southern California rufous-crowned sparrow, and mountain lion, which have key populations in the Badlands. Management of edge conditions will be necessary in the Badlands to maintain high quality Habitat for these species in areas which may be affected by covered facilities including Lambs Canyon Road, San Timoteo Canyon Road, and Gilman Springs Road. Guidelines Pertaining to Urban/Wildlands Interface for the management of edge factors such as lighting, urban runoff, toxics, and domestic predators are presented in Section 6.1 of this document.

Existing Core K is comprised of the San Bernardino National Forest and the Potrero Area of Critical Environmental Concern. It provides nesting, breeding, foraging and Live-In Habitat for a number of species, supports several Narrow Endemic Plant Species and connects to the eastern portions of Riverside County. Planning Species for which Habitat is provided within this Core include peninsular spine flower, San Bernardino kangaroo rat, slender-horned spine flower, graceful tarplant, mountain lion, California spotted owl, granite spiny lizard, Johnston's rock cress, western pond turtle and Stephens' kangaroo rat. Maintenance of habitat quality and maintenance of existing large intact habitat blocks are important for these species. This Core likely provides for Live-In Habitat for common mammals, including bobcat, and larger mammals such as mountain lion moving through the Core Area to other Core Areas in Wilson Valley and Cactus Valley. In addition to indirect effects associated with Adjacent Proposed General Plan Land Use designation described in Section 6.1.4 of this document, other activities such as off-road vehicle use, recreation and hunting may result in adverse effects. Management entities in this existing Core include the U.S. Forest Service and Bureau of Land Management.

- B. Acreage already impacted or not to be conserved is 9.89 acres of the parcel, with 21.40 acres identified as conservation land.**

See attached General Biological Assessment and Western Riverside County MSHCP Consistency Analysis for California Highlands, APN 544-260-007, County of Riverside, CA, prepared by Hernandez Environmental Services. Dated September, 2018 (Revised December, 2020)

II. **Initial Review MSHCP Consistency Determination:**

- The property is not needed for inclusion in the MSHCP Conservation Area.
- A portion of the property is needed for inclusion in the MSHCP Conservation Area.
- The entire property is needed for inclusion in the MSHCP Conservation Area.

**Is the project determined to be in compliance with the MSHCP conservation criteria?** (Cases appearing to deviate from the criteria described need to include a detailed analysis of how we are meeting the criteria in other ways, or on other surrounding projects).

Yes  No

**OTHER PLAN REQUIREMENTS**

**Section 6.1.2.**

**Does the project area contain Riparian/Riverine Areas or Vernal Pools?**  Yes  No

The project site contains approximately 1.77 acre of State jurisdictional streambed and approximately 0.87 acre of Waters of the United States. No new construction or site improvements are proposed; therefore, the proposed project is not expected to result in impacts to any State jurisdictional waters or Waters of the United States. Urban/Wildlands Interface Guidelines (Section 6.14 of the MSHCP) shall be incorporated into the project to reduce potential impacts to the avoided drainage and downstream waters.

Long-term conservation and sustainability of the onsite 21.40-acre conservation area will be ensured by either donating the land to the RCA or placing a Conservation Easement over the area. The County will place a Condition on the project to secure this action.

See attached General Biological Assessment and Western Riverside County MSHCP Consistency Analysis for California Highlands, APN 544-260-007, County of Riverside, CA, prepared by Hernandez Environmental Services. Dated September, 2018 (Revised December, 2020)

**Section 6.1.3.**

**Is the project area within the Narrow Endemic Plant Species Survey Area?**  Yes  No

The project site is not located within the Western Riverside County MSHCP Narrow Endemic Plant Species Survey Area (NEPSSA) pursuant to Section 6.1.3 of the MSHCP, therefore, NEPSSA plant surveys are not required.

**Section 6.1.4. Guidelines Pertaining to Urban/Wildlands Interface**

The project is within close proximity to MSHCP conservation areas.

The project site is located within or adjacent to a Western Riverside County MSHCP Conservation Area; therefore, the project site is required to address Section 6.1.4 of the Western Riverside County MSHCP.

**Section 6.3.2. Additional Survey Needs and Procedures:**

Is the project area within Additional Survey Needs and Procedures Survey Area?  Yes  No

Project area is located within the required burrowing owl habitat assessment area. Protocol Burrowing Owl surveys were conducted, burrowing owl were not found in the study area. No CASSA plant surveys are required.

See attached General Biological Assessment and Western Riverside County MSHCP Consistency Analysis for California Highlands, APN 544-260-007, County of Riverside, CA, prepared by Hernandez Environmental Services. Dated September, 2018 (Revised December, 2020)

The project site is not located within an amphibian or mammal survey area.