



RIVERSIDE COUNTY PLANNING COMMISSION

RIVERSIDE COUNTY
PLANNING DEPARTMENT

**PLANNING
COMMISSIONERS
2015**

9:00 A.M.

JULY 15, 2015

1st District

Charissa Leach
Vice Chairman

2nd District

Aaron Hake

3rd District

Ruthanne Taylor
Berger

4th District

Bill Sanchez

5th District

Mickey Valdivia
Chairman

**Planning
Director**

Steve Weiss, AICP

Legal Counsel

Michelle Clack
Deputy
County Counsel

Phone

951 955-3200

Fax

951 955-1811

AGENDA

• REGULAR MEETING • RIVERSIDE COUNTY • RIVERSIDE COUNTY PLANNING COMMISSION

COUNTY ADMINISTRATIVE CENTER
FIRST FLOOR BOARD CHAMBERS
4080 LEMON STREET
RIVERSIDE, CA 92501

If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Hearing Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s).

Should an applicant or any interested party wish to present a PowerPoint presentation, or electronic or digital material, it must be provided by the Project Planner 48-hours in advance of the meeting.

In compliance with the Americans with Disabilities Act, if you require reasonable accommodations, please contact Mary Stark at (951) 955-7436 or e-mail at mcstark@rctlma.org. Requests should be made at least 72 hours in advance or as soon as possible prior to the scheduled meeting. Alternative formats are available upon request.

CALL TO ORDER - ROLL CALL SALUTE TO THE FLAG

1.0 CONSENT CALENDAR

1.1 **NONE**

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

2.1 **NONE**

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 77588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

3.0 PUBLIC HEARING – CONTINUED ITEMS: 9:00 a.m. or as soon as possible thereafter:

- 3.1 GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818** – Intent to Adopt a Negative Declaration – Applicant: Milan Chakrabarty – Third Supervisorial District – Location: Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. – **REQUEST:** The General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P). Project Planner: Matt Straite at (951) 955-8631 or email mstraite@rctlma.org.
- 3.2 PLOT PLAN NO. 14522, REVISED PERMIT NO. 1** – CEQA Exempt – Appellant: World’s Biggest Cabazon Dinosaurs – Applicant: World’s Biggest Cabazon Dinosaurs – Representative: Trip Hord – Fifth Supervisorial District – Zoning: Scenic Highway Commercial (C-P-S) – Location: Northwest corner of Seminole Drive and Deep Creek Road – **REQUEST:** An appeal by the applicant concerning the Planning Director’s denial of Plot Plan No. 14522, Revised Permit No. 1 on June 23, 2014, which proposes to add to the original approved project Plot Plan No. 14522, a 2,916 sq. ft. gift shop, a 1,060 sq. ft. caretaker unit, and 34,279 sq. ft. area of outdoor dinosaur exhibits and landscaping area on a total of 54.7 acres. Continued from August 20, 2014, September 17, 2014, March 18, 2015, and May 20, 2015. Project Planner: Peter Lange at (951) 955-1417 or email Plange@rctlma.org.
- 3.3 GENERAL PLAN AMENDMENT NO. 975** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Mary Etta Bollman – Engineer/Representative: David Jeffers Consulting, Inc. – Third Supervisorial District – Rancho California Area – Southwest Area Plan – Rural: Rural Residential (R:RR) (5 Acre Minimum) – Location: Northerly of Buena Ventura Road, southerly of Auld Road, easterly of Pourroy Road, and westerly of Borel Road – 73.65 acres – Zoning: Light Agriculture 5 Acre Minimum (A-1-5) – **REQUEST:** The applicant proposes to amend the General Plan Foundation Component and Land Use designations of the subject site from Rural: Rural Residential (R:RR) (5 Acre Minimum) to Community Development: Medium Density Residential (CD:MDR) (2-5 Dwelling Units Per Acre) on approximately 73.65 acres. Continued from April 15, 2015 and June 17, 2015. Project Planner: Larry Ross at (951) 955-9294 or email lross@rctlma.org.

4.0 PUBLIC HEARING - NEW ITEMS: 9:00 a.m. or as soon as possible thereafter:

4.1 **NONE**


5.0 WORKSHOPS:

5.1 **NONE**

6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**7.0 DIRECTOR’S REPORT****8.0 COMMISSIONERS’ COMMENTS**

Agenda Item No.: **3.1**
Area Plan: southwest
Zoning District: Rancho California Area
Supervisorial District: Third
Project Planner: Matt Straite
Planning Commission: July 15, 2015
Continued from: July 16, 2014

GENERAL PLAN AMENDMENT NO. 903
CHANGE OF ZONE NO. 7818
EA No. 41706
Applicant: Milan Chakrabarty
Engineer/Representative: Jim Morrissey



Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 903 proposes to amend the General Plan Foundation Component of the 3.5 acre site subject from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).

Change of Zone No. 7818 proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

The project is located in the Southwest Area Plan, more specifically it is northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.

FURTHER PLANNING CONSIDERATIONS:

May 27, 2015

The project was before the Commission on July 16, 2014. The night before the hearing Staff received a letter from Ray Johnson with several pages of attachments. Additionally, letters were received from the Endangered Habitats League (EHL) and the Eastern Municipal Water District (EMWD). All are attached.¹ In response to these letters the Environmental Assessment (EA) was revised and recirculated between January 23 and February 12, 2015. Staff received another letter from Ray Johnson during the public review of the recirculated EA dated February 13, 2015 (attached). The revised EA fully addressed all comments raised in Mr. Johnson's February 13th letter. A detailed response to his letter is attached.

Staff has prepared responses to all four letters (attached). With the comments addressed, the CEQA documentation is adequate, addresses all concerns, and is presented to the Commission for a formal recommendation to the Board of Supervisors.

The Background section and Potential Issues of Concern section below are unchanged from the July Staff Report.

BACKGROUND:

The proposed General Plan Amendment was before the Planning Commission on October 28, 2009 and

¹ Mr. Johnson's letter dated July 15, 2014 included several pages of attachments that were distributed to the Planning Commission on July 16th. These were not attached due to the size of the documents, however, the letter is attached.

GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 15, 2015

Page 2 of 8

before the Board of Supervisors on December 1, 2009 as part of the General Plan Initiation process (GPIP). The project was initiated by the Board. Staff recommended initiation.

The project is requesting a Foundation Level change. The application for the change was submitted during the permitted window in 2008 and is therefore consistent with the 'Certainty System' as outlined in the General Plan. The subject site is located in the "French Valley" community within the Southwest Area Plan. The site is also located within the City of Murrieta's Sphere of Influence and also falls within the General Plan's Highway 79 Policy Area. The site abuts Winchester Road which has been defined under the General Plan's Circulation Element as an expressway with a right-of-way that ranges between 184' and 220'. Many of the lots found to the south, east and southeast of the subject site, that abut Winchester Road as well are currently within the Community Development Foundation Component. This proposal would continue the existing Community Development land use pattern along Winchester Road and would be consistent with the "Land Use Concept" for the "Southwest" area plan which focuses urban development near the incorporated cities of Murrieta and Temecula and also in French Valley.

POTENTIAL ISSUES OF CONCERN:

SB-18 Tribal Consultation

The Pechanga Tribe, through State required SB-18 consultation, has requested that any implementing project within the project area contact the Pechanga Tribe while processing any required entitlements. They additionally request to participate in all future CEQA analysis. The new AB-52 Tribal Consultation bill would require consultation requests of the tribes as well; however, the CEQA notification predates the July 1st deadline for participation in the bill.

Appropriate for Commercial Activity

Because the site had such access challenges and based on the unique shape and configuration of the site (the site is a triangle) staff had concerns about the ability of the site to support an implementing commercial project. Staff requested that the applicant submit a project with the General Plan Amendment and Zone Change; however, the applicant did not desire to plan the site at this time. In order to fully understand the capacity of the site to support a commercial venture, Staff worked with the applicant to create a number of mock commercial projects on the site in order to ascertain the ability of the site to physically accommodate parking requirements, access, fire circulation and other requirements. These mock projects were circulated to all departments during the LDC review of the General Plan Amendment and Change of Zone (see attached). The project will not be required to adhere to any of the mock designs submitted; they were only meant to illustrate the ability of the site to accommodate the proposed use. Using these designs as a guide, all departments indicated support of the proposed change in Land Use.

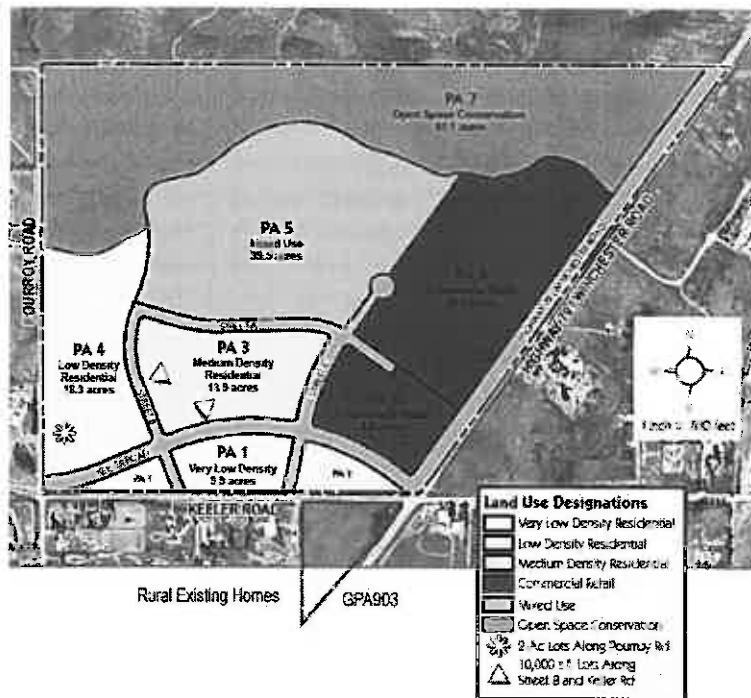
Highway 79 Policy Area

The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is changing away from residential to Commercial Retail, thus the policy does not apply. The policy only applies to residential changes in intensity.

GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 15, 2015

Page 3 of 8



The Keller Crossing Specific Plan

SP380, now approved, lies north of the site. To clarify, the Specific Plan is approved and not part of this project. The Specific Plan contains 37.8 acres of Commercial retail along Winchester and 39.5 acres of mixed use inside the project. The mixed use is intended to be either single family housing or a congregate care facility, not retail. Further, the project realigns Keller Road to meet Winchester Road at a 90 degree angle (it currently meets at a 45 degree angle). However, the Specific Plan accommodated access to the project site for GPA903. The access would require vehicles to pass in front of existing single family residences in a Rural General Plan Land Use designation. There is only one point of access to the project site. Approval of the project would increase the traffic on the access road (now called Old Keller Road) past the existing Rural Residential prop-

erty. This was studied in the CEQA document at a qualitative level as the CEQA is done on a programmatic basis. Actual traffic volume would depend on the implementing project, any project specific CEQA analysis at this stage would be speculative. The property bordering the access to GPA903, within the Specific Plan is also rural; however, these property areas are already intended to act as basins, as well as single family dwelling locations. Subsequent traffic analysis of an implementing project is forthcoming.

MSHCP Consistency

This project is located within Multi Species Habitat Conservation Plan Criteria Area Cell No. 5275. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.

Available Commercial Property

The site neighbors Rural Residential designations to the west of the site. A Commercial Retail designation exists just east of the subject site across Winchester Road in the Winchester 1800 Specific Plan (SP286). The majority of the commercial lots directly across Winchester Rd. are vacant with the exception of a lot that sits at the corner of Winchester and Keller Roads. A commercial center is also being proposed under Plot Plan No. 24054 (PP24054), to the south of the site at the southwest corner of Koon Street and Winchester Road (APN: 476-010-015). As a matter of background, PP24054 is currently at the Board stage but has been waiting for a number of years based on funding. General Plan Amendment No. 1050 and Change of Zone No. 7709 are being processed concurrently with PP24054 and were both recommended for approval to the Board of Supervisors by the Planning Commission on September 30, 2009. A market study was not required, despite the ample amount of commercial property along Highway 79 because the project site is small, and is therefore not considered a large change to the area.

General Plan Findings

In order to support the initiation of a proposed General Plan Amendment it must be established that the

GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 15, 2015

Page 4 of 8

proposal satisfies certain required findings. The Administration Element of the General Plan explains that there are four (4) categories of amendments: Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 903 falls into the Foundation Component-Regular category, because the request to change foundations was made during the permitted 5 year (now 8 year) General Plan Review Cycle as outlined in the General Plan.

The Administration Element of the General Plan explains that two findings must be made to justify a Foundation Component-Regular amendment. The two findings are:

- a. The proposed change does not involve a change in or conflict with:
 - (1) The Riverside County Vision;
 - (2) The change would not create an internal inconsistency among the elements of the General Plan.
- b. New conditions or circumstances disclosed during the review process justify modifying the General Plan.

Consideration Analysis:

The first finding per the General Plan administrative element explains that the proposed Amendment must not involve a change that would not create an internal inconsistency among the elements of the General Plan.

- A. The proposed change does not conflict with the Riverside County Vision, or create an inconsistency.

The original 2003 General Plan identified the subject property and other lands to the north and west as Rural Residential. Land immediately to the east, on the easterly side of Winchester Road was designated Commercial Retail. In addition, land adjoining the Commercial area to the east was designated Very High Density Residential (14-20 du/ac), with additional Medium Density Residential (2-5 du/ac) surrounding both land use designations.

Since adoption of the original General Plan a number of significant land use changes have occurred. Land north of the subject property, as part of SP380, has added Commercial Retail, Commercial Office, Mixed Use, and Low Density Residential Development. SP380 has also changed the alignment of Keller Road and established a roadway section with four (4) travel lanes within a 100-foot right of way.

Prior to the adoption of SP380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Rd. /Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of SP380, substantial urban development is now provided for on the west side of Winchester Rd. /Highway 79, immediately adjacent to and north of the subject property. In addition, SP380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan. Lastly, the subject property is immediately adjacent to Highway 79, a six (6) lane State Highway

extending from Beaumont to Temecula.

The proposed change in land use for the subject property would further the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.

B. New conditions or circumstances disclosed during the review process justify modifying the General Plan.

The new condition in the area has been outlined above. The approval of Specific Plan No. 380 has changed the land use patterns of the area. Additionally, Highway 79 has recently been widened which will result in increased traffic volume through the area. The rural residential density along the Highway no longer represents the highest and best use of the property based on the changes outlined above.

SUMMARY OF FINDINGS:

- | | |
|--|--|
| 1. Proposed General Plan Land Use (Ex. #6): | Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). |
| 2. Surrounding General Plan Land Use (Ex. #5): | Within SP380 to the north the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP380, Rural Residential (R-R) to the south, and west and within SP286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286. |
| 3. Existing Zoning (Ex. #2): | Rural Residential (R-R) |
| 4. Surrounding Zoning (Ex. #2): | Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west. |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Vacant and single family dwellings to the north, south, east and west. |
| 7. Project Data: | Total Acreage: 3.5 acres |
| 8. Environmental Concerns: | See attached environmental assessment |

RECOMMENDATION:

ADOPTION of the **PLANNING COMMISSION RESOLUTION NO. 2015-05** recommending adoption of General Plan Amendment No. 903 to the Riverside County Board of Supervisors;

PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS:

ADOPTION of a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41706**, based on the findings incorporated in the initial study, and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **GENERAL PLAN AMENDMENT NO. 903**, amending the Land Use Designation for the subject property from Rural-Rural Residential (R:RR) to Community Development-Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

APPROVAL of **CHANGE OF ZONE NO. 7818**, amending the zoning classification for the subject property from Rural Residential (RR) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the attached Environmental Assessment, which is incorporated herein by reference.

1. The project site is designated Rural: Rural Residential (R:RR) (5 acre minimum lot size) on the Southwest Area Plan, the proposed designation is Community Development: Commercial Retail (CD:CR).
2. The application was submitted during the permitted time period to request foundation changes in 2008.
3. The proposed commercial use is permitted in the Commercial Retail (CR) designation.
4. The adoption of SP380, the Keller Crossing Specific Plan, north of the subject property, has added commercial retail, commercial office, mixed use, and low density residential development.
5. Based on the adoption of SP380, the alignment of Keller Road has changed. The Road is now established with a roadway section with four (4) travel lanes within a 100-foot right of way.
6. Prior to the adoption of SP380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of SP380, substantial urban development is now provided for on the west side of Winchester Rd./Highway 79, immediately adjacent to and north of the subject property.
7. SP380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Rd./Highway 79 plan.

GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 15, 2015

Page 7 of 8

8. The subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula that has recently been widened to accommodate an increase in traffic.
9. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.
10. The change would not create an internal inconsistency among the elements of the General Plan. Based on Staff's review of the proposed change, the change would not create any inconsistencies among the elements of the General Plan.
11. The proposal to convert from Rural Residential to Commercial would contribute to the achievement of the General Plan because the parcel in question is better suited to a commercial use than a rural residential use. The General Plan encourages a mix of uses. The Rural Residential designation on a property this size located on a major Highway would likely not result in the development of that property as a residential use. Therefore, the parcel is no longer suitable as a Rural Residential property, and far better suited as a commercial use, thus helping to achieve the goal outlined in the General Plan of creating a mix of uses in the most appropriate locations.
12. The change would not create an internal inconsistency among the elements of the General Plan. Based on Staff's review of the proposed change, the change would not create any inconsistencies among the elements of the General Plan.
13. The project site is surrounded by properties which are designated, within SP380 to the north; the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP380, Rural Residential (R-R) to the south, and west; and within SP286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286.
14. The zoning for the subject site is Rural Residential (R-R).
15. The project site is surrounded by properties which are zoned Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west.
16. This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.
17. This project is within the City Sphere of Influence of the City of Murrieta.
18. Environmental Assessment No. 41706 identified that there were no potential impacts.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Retail (CD:CR) Land Use Designation, and with all other elements of the Riverside County General Plan.

GENERAL PLAN AMENDMENT NO. 903 AND CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 15, 2015

Page 8 of 8

2. The proposed project is consistent with the proposed zoning classification of General Commercial (C-1/C-P) according to Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.
4. The proposed project is consistent with the provisions of the Administration Element of the 2003 General Plan.
5. The proposed project is consistent with the provisions of Ordinance No. 348, Section 2.1 and 2.5 relating to Foundation Component Amendments-Regular.
6. The proposed project is consistent with the vision of the General Plan for the area and the proposed change would not create an internal inconsistency among the elements of the General Plan.
7. The surrounding changes in Land Use and circulation that have occurred after the 2003 General Plan was adopted and with the changes in land uses near the site justify the proposed amendment.
8. The SB-18 Tribal Consultation request for consultation was completed.
9. The public's health, safety, and general welfare are protected through project design.
10. The proposed project is compatible with the present and future logical development of the area.
11. The proposed project will not have a significant effect on the environment.
12. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A 100-year flood plain, an area drainage plan, or dam inundation area;
 - b. High fire area;
 - c. The Stephen's Kangaroo Rat Fee Area or Core Reserve Area; or,
 - d. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. The city of Murrieta sphere of influence;
 - b. An area of low liquefaction; and,
 - c. The Valley Wide Recreation and Parks District.
4. The project site is currently designated as Assessor's Parcel Number: 476-010-010.

INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement"), made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and the Milankumar S. Chakrabarty and Manjushree Chakrabarty Revocable Trust dated May 21, 2013 ("PROPERTY OWNER"), relating to the PROPERTY OWNER'S indemnification of the COUNTY under the terms set forth herein:

WITNESSETH:

WHEREAS, the PROPERTY OWNER has a legal interest in the certain real property described as APN 476-010-060 formerly known as APN 476-010-010 ("PROPERTY"); and,

WHEREAS, on January 15, 2008, PROPERTY OWNER filed an application for General Plan Amendment No. 903 and Change of Zone No. 7818 ("PROJECT"); and,

WHEREAS, judicial challenges of projects requiring discretionary approvals, including, but not limited to, California Environmental Quality Act determinations, are costly and time consuming. Additionally, project opponents often seek an award of attorneys' fees in such challenges; and,

WHEREAS, since property owners are the primary beneficiaries of such approvals, it is appropriate that such owners bear the expense of defending against any such judicial challenge, and bear the responsibility of any costs, attorneys' fees and damages which may be awarded to a successful challenger; and,

WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

WHEREAS, this Agreement is entered into by the COUNTY and PROPERTY OWNER to establish specific terms concerning PROPERTY OWNER'S indemnification obligation for the PROJECT.

NOW, THEREFORE, it is mutually agreed between COUNTY and PROPERTY OWNER as follows:

1. **Indemnification.** PROPERTY OWNER , at its own expense, shall defend, indemnify and hold harmless the COUNTY, its agents, officers, and employees from and against any claim, action or proceeding brought against the COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, and expenses including, but not limited to, costs associated with Public Records Act requests submitted to the COUNTY related to the PROJECT and an award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.")

2. **Defense Cooperation.** PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. **Representation and Payment for Legal Services Rendered.** COUNTY shall have the absolute right to approve any and all counsel retained to defend COUNTY in the LITIGATION. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by APPLICANT to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of APPLICANT's obligations under this Agreement.

4. **Payment for COUNTY's LITIGATION Costs.** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1. herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER 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. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. **Return of Deposit.** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. **Notices.** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:
Office of County Counsel
Attn: Melissa Cushman
3960 Orange Street, Suite 500
Riverside, CA 92501

PROPERTY OWNER :
Milan Chakrabarty
1003 East Florida Ave Suite 101
Hemet, CA 92543

7. **Default and Termination.** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. **COUNTY Review of the PROJECT.** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. **Complete Agreement/Governing Law.** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. **Successors and Assigns.** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. ***Amendment and Waiver.*** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

12. ***Severability.*** If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. ***Survival of Indemnification.*** The parties agree that this Agreement shall constitute a separate agreement from any PROJECT approval, and if the PROJECT, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

14. ***Interpretation.*** The parties have been advised by their respective attorneys, or if not represented by an attorney, represent that they had an opportunity to be so represented in the review of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. ***Captions and Headings.*** The captions and section headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

16. ***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 in the Courts of Riverside County, 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 or jurisdiction.

17. ***Counterparts; Facsimile & Electronic Execution.*** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. To facilitate execution of this Agreement, the parties may execute and exchange facsimile or electronic counterparts, and facsimile or electronic counterparts shall serve as originals.


18. ***Joint and Several Liability.*** In the event there is more than one PROPERTY OWNER, the liability of PROPERTY OWNER shall be joint and several, and PROPERTY OWNER each of them shall be jointly and severally liable

for performance of all of the obligations of PROPERTY OWNER under this Agreement.

19. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.


IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

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

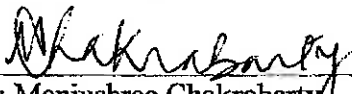
By: 
Name: Steven Weiss Title: Planning Director

Dated: 5/20/15

PROPERTY OWNER:
The Milankumar S. Chakrabarty and
Manjushree Chakrabarty Revocable Trust dated May 21, 2013

By: 
Name: Milankumar S. Chakrabarty,
Trustee of the Milankumar S. Chakrabarty and
Manjushree Chakrabarty Revocable Trust dated May 21, 2013

Dated: 5/5/15

By: 
Name: Manjushree Chakrabarty,
Trustee of the Milankumar S. Chakrabarty and
Manjushree Chakrabarty Revocable Trust dated May 21, 2013

Dated: 5/5/15

FORM APPROVED COUNTY COUNSEL
BY:  DATE 7/7/15
MICHELLE CLACK



Original July 16th Staff Report

Agenda Item No.: 3.1
Area Plan: Southwest
Zoning District: Rancho California Area
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: July 16, 2014

GENERAL PLAN AMENDMENT NO. 903
CHANGE OF ZONE NO. 7818
EA No. 41706
Applicant: Milan Chakrabarty
Engineer/Representative: Jim Morrissey

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 903 proposes to amend the General Plan Foundation Component of the 3.5 acre subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).

Change of Zone No. 7818 proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

The project is located in the Southwest Area Plan, more specifically it is northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.

BACKGROUND:

The proposed General Plan Amendment was before the Planning Commission on October 28, 2009 and before the Board of Supervisors on December 1, 2009 as part of the General Plan Initiation process (GPIP). The project was initiated by the Board. Staff recommended initiation.

The project is requesting a Foundation Level change. The application for the change was submitted during the permitted window in 2008 and is therefore consistent with the 'Certainty System' as outlined in the General Plan. The subject site is located in the "French Valley" community within the Southwest Area Plan. The site is also located within the City of Murrieta's Sphere of Influence and also falls within the General Plan's Highway 79 Policy Area. The site abuts Winchester Road which has been defined under the General Plan's Circulation Element as an expressway with a right-of-way that ranges between 184' and 220'. Many of the lots found to the south, east and southeast of the subject site, that abut Winchester Road as well are currently within the Community Development Foundation Component. This proposal would continue the existing Community Development land use pattern along Winchester Road and would be consistent with the "Land Use Concept" for the "Southwest" area plan which focuses urban development near the incorporated cities of Murrieta and Temecula and also in French Valley.

POTENTIAL ISSUES OF CONCERN:

SB-18 Tribal Consultation

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

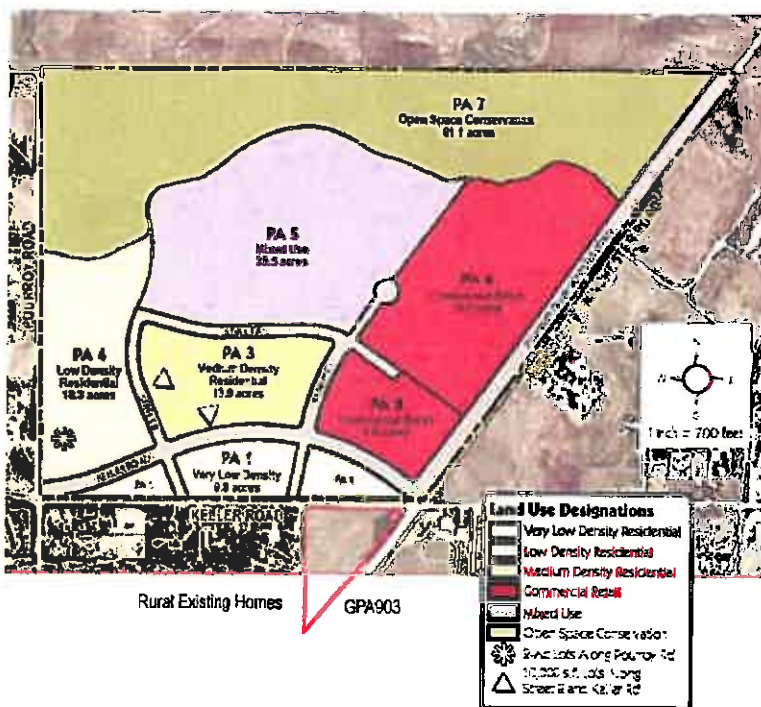
Appropriate for Commercial Activity

Because the site had such access challenges and based on the unique shape and configuration of the site (the site is a triangle) staff had concerns about the ability of the site to support an implementing

commercial project. Staff requested that the applicant submit a project with the General Plan Amendment and Zone Change; however the applicant did not desire to plan the site at this time. In order to fully understand the capacity of the site to support a commercial venture, Staff worked with the applicant to create a number of mock commercial projects on the site in order to ascertain the ability of the site to physically accommodate parking requirements, access, fire circulation and other requirements. These mock projects were circulated to all departments during the LDC review of the General Plan Amendment and Change of Zone (see attached). The project will not be required to adhere to any of the mock designs submitted, they were only meant to illustrate the ability of the site to accommodate the propose use. Using these designs as a guide, all departments indicated support of the proposed change in Land Use.

Highway 79 Policy Area

The current proposal is consistent with the General Plan’s Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is changing away from residential to Commercial Retail, thus the policy does not apply.



The Keller Crossing Specific Plan

SP380, now approved, lies north of the site. The Specific Plan contains 37.8 acres of Commercial retail along Winchester and 39.5 acres of mixed use inside the project. The Mixed use is intended to be either single family housing or a congregate care facility, not retail. Further, the project re-aligns Keller Road to meet Winchester Road at a 90 degree angle (it currently meets at a 45 degree angle). However, the Specific Plan accommodated access to the project site for GPA903. The access would require vehicles to pass in front of existing single family residences in a Rural General Plan land Use designation. There is only one point of access to the project site. Approval of the project would increase the traffic on the access road (now called Old Keller Road) past the existing Rural Residential property. This was studied in the CEQA document at a qualitative level as the CEQA

is done on a programmatic basis. Actual traffic volume would depend on the implementing project, any project specific CEQA analysis at this stage would be speculative. The property boarding the access to GPA903, within the Specific Plan is also rural; however, these properties areas are already intended to act as basins, not single family dwelling locations.

MSHCP Consistency

This project is located within Multi Species Habitat Conservation Plan Criteria Area Cell No. 5275. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.

Available Commercial Property

The site neighbors Rural Residential designations to the west of the site. A Commercial Retail designation exists just east of the subject site across Winchester Road in the Winchester 1800 Specific Plan (SP286). The majority of the commercial lots directly across Winchester Rd are vacant with the exception of a lot that sits at the corner of Winchester and Keller Road. A commercial center is also being proposed under Plot Plan No. 24054 (PP24054), to the south of the site at the southwest corner of Koon Street and Winchester Road (APN: 476-010-015). PP24054 is currently at the Board stage but has been waiting for a number of years based on funding. General Plan Amendment No. 1050 and Change of Zone No. 7709 are being processed concurrently with PP24054 and were both approved by the Planning Commission on September 30, 2009. A market study was not required, despite the ample amount of commercial property along Highway 79 because the project site is small, and is not considered a large change to the area.

General Plan Findings

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal satisfies certain required findings. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 930 falls into the Foundation Component- Regular category, because the request to change foundations was made during the permitted 5 year (now 7 year) General Plan Review Cycle as outlined the General Plan.

The Administration Element of the General Plan explains that two findings must be made to justify a Foundation Component- Regular amendment. The two findings are:

- a. The proposed change does not involve a change in or conflict with:
 - (1) The Riverside County Vision;
 - (2) And that the change would not create an internal inconsistency among the elements of the General Plan.
- b. New conditions or circumstances disclosed during the review process justify modifying the General Plan.

Consideration Analysis:

The first finding per the General Plan Administrative element explains that the proposed Amendment must not involve a change would not create an internal inconsistency among the elements of the General Plan.

- A. The proposed change does not conflict with the Riverside County Vision, or create an inconsistency.

The original 2003 General Plan identified the subject property and other lands to the north and west as Rural Residential. Land immediately to the east, on the easterly side of Winchester Road was designated Commercial Retail. In addition, land adjoining the Commercial area to the east was designated Very High Density Residential (14-20 du/ac), with additional Medium Density Residential (2-5 du/ac) surrounding both land use designations.

Since adoption of the original General Plan a number of significant land use changes have occurred. Land north of the subject property, as part of Specific Plan 380, has added 38 acres of commercial retail, 23.8 acres of commercial office, 42.4 acres of mixed use, and 15.6 acres of low density residential development. SP 380 has also changed the alignment of Keller Road and established a roadway section with four (4) travel lanes within a 100-foot right of way.

Prior to the adoption of SP 380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of Specific Plan 380, substantial urban development is now provided for on the west side of Winchester Road/Highway 79, immediately adjacent to and north of the subject property. In addition, SP 380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan. Lastly, the subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula.

The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.

B. New conditions or circumstances disclosed during the review process justify modifying the General Plan.

The new condition in the area has been outlined above. The approval of Specific Plan No. 380 has changed the land use patterns of the area. Additionally, Highway 79 has recently been widened which will result in increased traffic volume through the area. The rural residential density along the Highway no longer represents the highest and best use of the property based on the changes outlined above.

SUMMARY OF FINDINGS:

1. Proposed General Plan Land Use (Ex. #6): Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).
2. Surrounding General Plan Land Use (Ex. #5): Within Specific Plan No. 380 to the north the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP 380, Rural Residential (R-R) to the south, and west and within Specific Plan No. 286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286.
3. Existing Zoning (Ex. #2): Rural Residential (R-R)
4. Surrounding Zoning (Ex. #2): Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west.

- | | |
|-----------------------------------|--|
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Vacant and single family dwellings to the north, south, east and west. |
| 7. Project Data: | Total Acreage: 3.5 acres |
| 8. Environmental Concerns: | See attached environmental assessment |

RECOMMENDATION:

APPROVAL of the **PLANNING COMMISSION RESOLUTION NO. 2014-04** recommending adoption of General Plan Amendment No. 925 to the Riverside County Board of Supervisors;

PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS:

ADOPTION of a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41706**, based on the findings incorporated in the initial study, and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **GENERAL PLAN AMENDMENT NO. 903**, amending the Land Use Designation for the subject property from Rural- Rural Residential (RUR:RR) to Community Development-Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

APPROVAL of **CHANGE OF ZONE NO. 7818**, amending the zoning classification for the subject property from Rural Residential (RR) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Rural: Rural Residential (RUR:RR) (5 acre minimum lot size) on the Southwest Area Plan, the proposed designation is Community Development: Commercial Retail (CD:CR).
2. The application was submitted during the permitted time period to request foundation changes in 2008.
3. The proposed commercial use is permitted in the Commercial Retail (CR) designation.
4. The adoption of SP380, the Keller Crossing Specific Plan, north of the subject property, has added 38 acres of commercial retail, 23.8 acres of commercial office, 42.4 acres of mixed use, and 15.6 acres of low density residential development.

GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818

Planning Commission Staff Report: July 16, 2014

Page 6 of 7

5. Based on the adoption of SP 380, the alignment of Keller Road has changed. The Road is now established with a roadway section with four (4) travel lanes within a 100-foot right of way.
6. Prior to the adoption of SP 380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of Specific Plan 380, substantial urban development is now provided for on the west side of Winchester Road/Highway 79, immediately adjacent to and north of the subject property.
7. SP 380 represents the continued southerly expansion of the urbanized area originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan.
8. The subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula that has recently been widened to accommodate an increase in traffic.
9. The project site is surrounded by properties which are designated, within Specific Plan No. 380 to the north the uses are Commercial Retail (CR), Commercial Office (CO), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), and Open Space Conservation (OS-C) as reflected on the Land Use Plan for SP 380, Rural Residential (R-R) to the south, and west and within Specific Plan No. 286 to the east the designation is Commercial Retail (CR) as reflected on the Land Use Plan for SP286.
10. The zoning for the subject site is Rural Residential (R-R).
11. The project site is surrounded by properties which are zoned Specific Plan (SP) to the north, Rural Residential (RR) to the west and south, Specific Plan (SP) to the west.
12. This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The project has completed a Habitat Acquisition and Negotiation Strategy Review (HANS No. 2015, see attached). No conservation was required.
13. This project is within the City Sphere of Influence of the City of Murrieta.
14. Environmental Assessment No. 41706 identified that there were no potential impacts.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Retail (CD:CR) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the proposed zoning classification of General Commercial (C-1/C-P) according to Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.

3. The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.
4. The proposed project is consistent with the provisions of the Administration Element of the 2003 General Plan.
5. The proposed project is consistent with the provisions of Ordinance No. 348 Section 2.1 and 2.5 relating to Foundation Component Amendments- Regular.
6. The proposed project is consistent with the vision of the General Plan for the area and the proposed change would not create an internal inconsistency among the elements of the General Plan.
7. The surrounding changes in Land Use and circulation that have occurred after the 2003 General Plan was adopted and with the changes in land uses near the site justify the proposed amendment.
8. The SB-18 Tribal Consultation request for consultation was completed.
9. The public's health, safety, and general welfare are protected through project design.
10. The proposed project is compatible with the present and future logical development of the area.
11. The proposed project will not have a significant effect on the environment.
12. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

INFORMATIONAL ITEMS:

1. This project was filed with the Planning Department on January 15, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$3435.67.
3. The project site is currently designated as Assessor's Parcel Number: 476-010-010.

2
3 **RESOLUTION**
4 **RECOMMENDING ADOPTION OF**
5 **GENERAL PLAN AMENDMENT NO. 2015-005**
6

7 **WHEREAS**, pursuant to the provisions of Government Code Section(s) 65350/65450 et. seq.,
8 public hearings were held before the Riverside County Planning Commission in Riverside, California on
9 July 16, 2014, to consider the above-referenced matter; and,

10 **WHEREAS**, all the provisions of the California Environmental Quality Act (CEQA) and
11 Riverside County CEQA implementing procedures have been met and the environmental document
12 prepared or relied on is sufficiently detailed so that all the potentially significant effects of the project on
13 the environment and measures necessary to avoid or substantially lessen such effects have been evaluated
14 in accordance with the above-referenced Act and Procedures; and,

15
16 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the
17 public and affected government agencies; now, therefore,

18 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Planning
19 Commission of the County of Riverside, in regular session assembled on April 15, 2015, that it has
20 reviewed and considered the environmental document prepared or relied on and recommends the
21 following based on the staff report and the findings and conclusions stated therein:
22

23 **ADOPTION** of the Mitigated Negative Declaration environmental document, Environmental
24 Assessment No. 41706; and

25 **ADOPTION** of General Plan Amendment No. 930
26
27
28

RIVERSIDE COUNTY PLANNING DEPARTMENT
CZ07818 GPA00903
VICINITY/POLICY AREAS

Supervisor Stone
 District 3

Date Drawn: 03/19/2014
 Vicinity Map



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

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

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

RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07818 GPA00903

LAND USE

Supervisor Stone
District 3

Date Drawn: 03/19/2014

Exhibit 1



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

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



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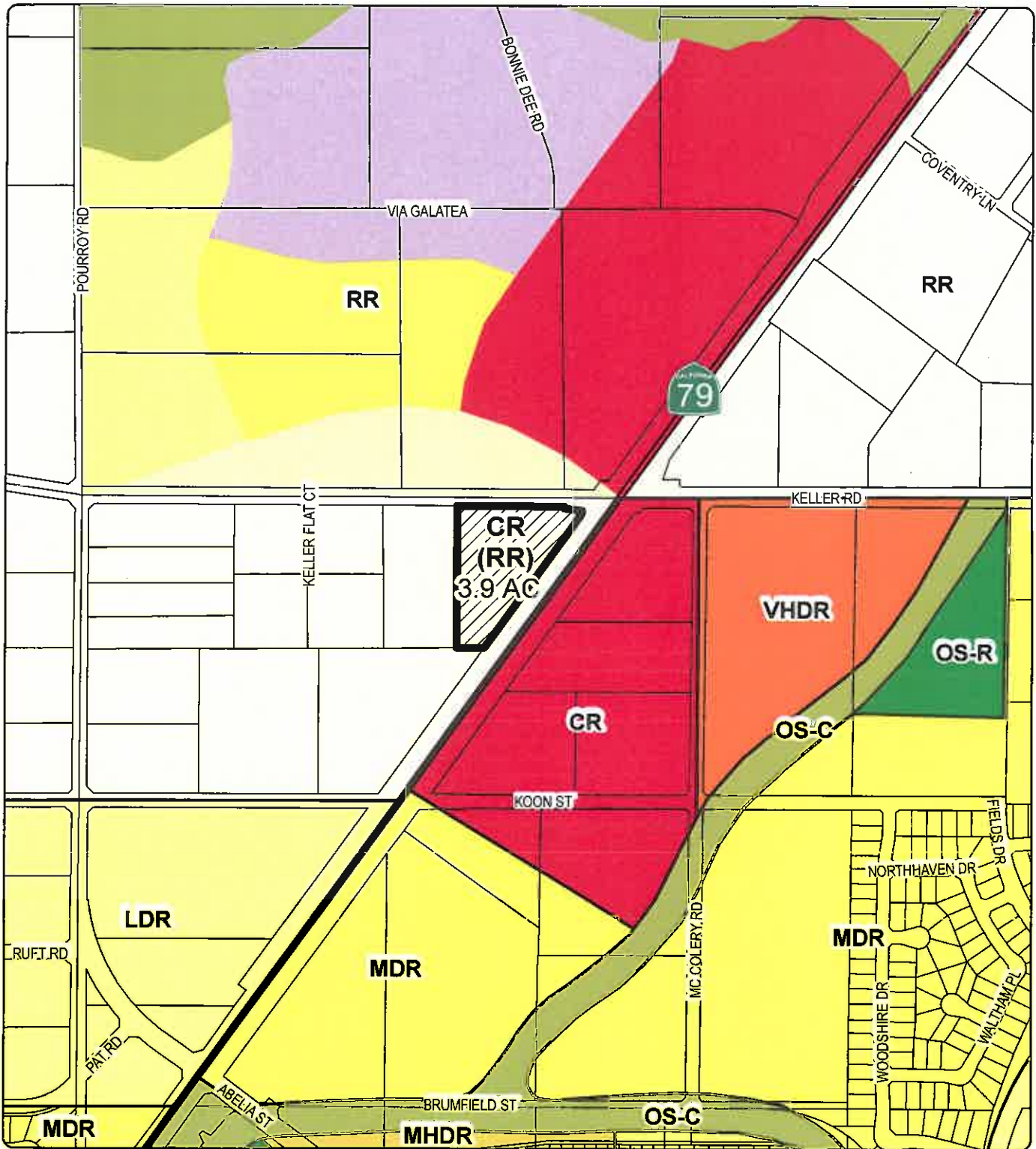
RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07818 GPA00903

PROPOSED GENERAL PLAN

Supervisor Stone
District: 3

Date Drawn: 03/19/2014
Exhibit 6



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

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



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RIVERSIDE COUNTY PLANNING DEPARTMENT

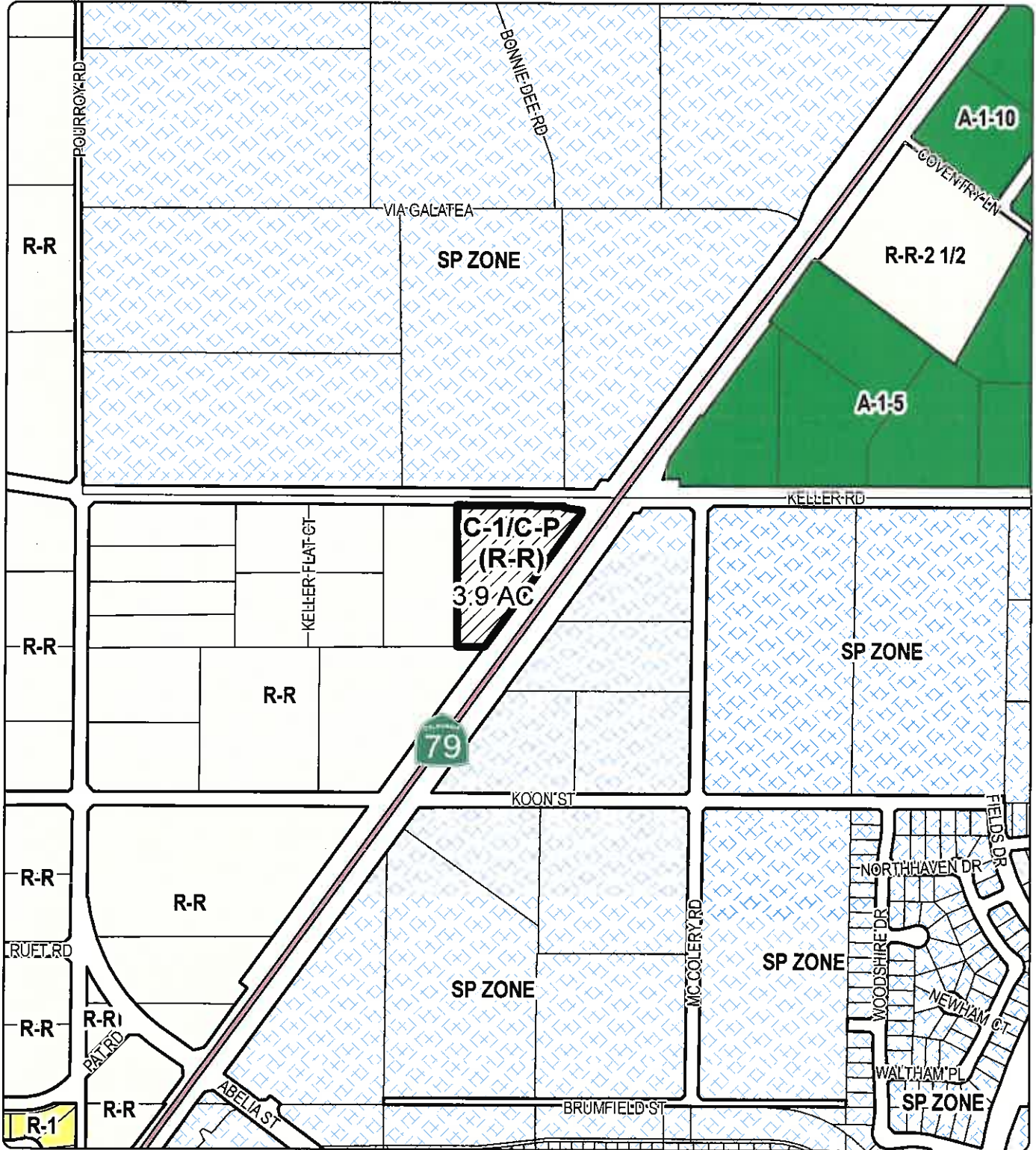
CZ07818 GPA00903

PROPOSED ZONING

Supervisor Stone
District 3

Date Drawn: 03/19/2014

Exhibit 3

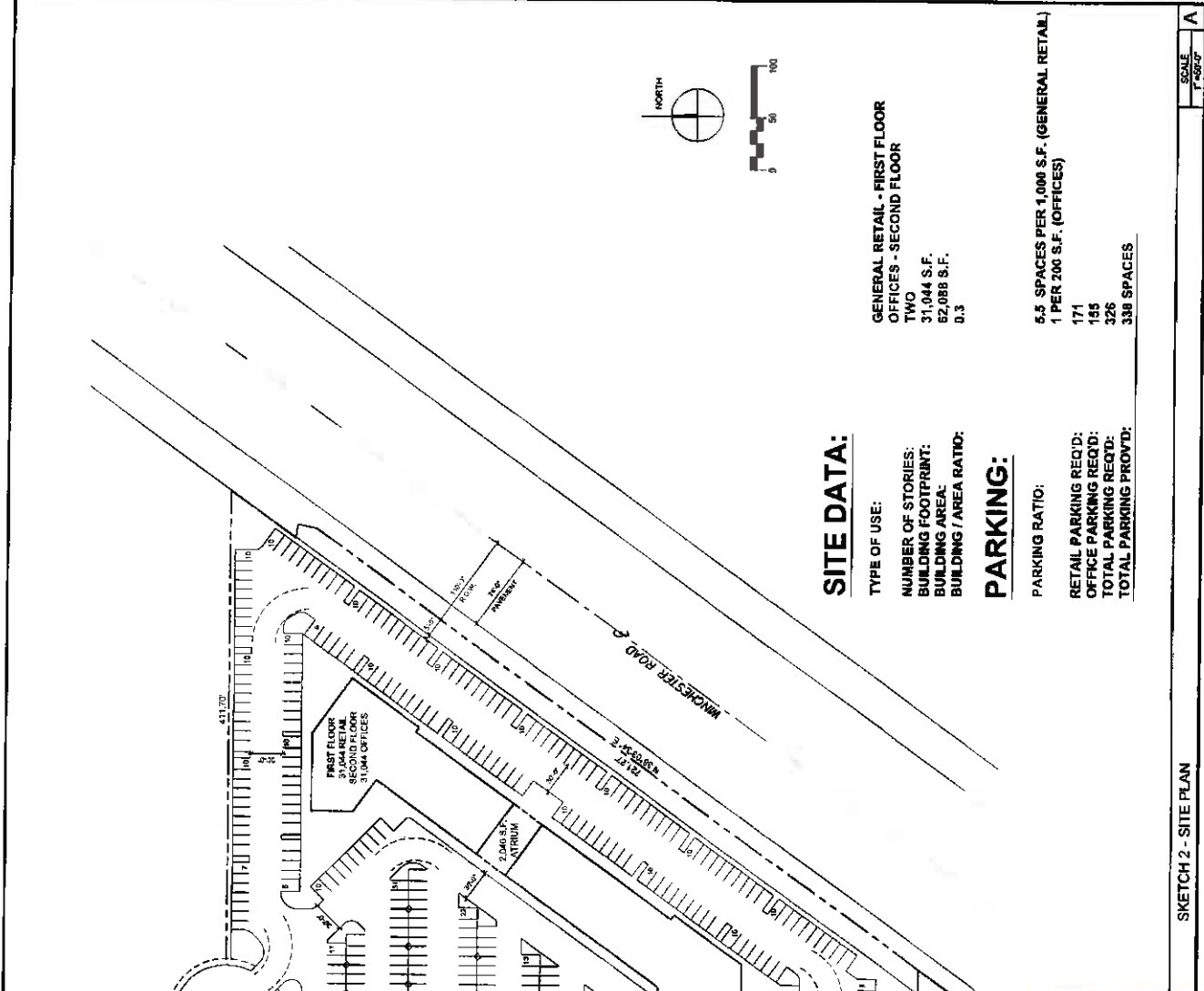


Zoning Area: Rancho California
Township/Range: T6SR2W
Section: 28

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



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



SITE DATA:

TYPE OF USE:
 GENERAL RETAIL - FIRST FLOOR
 OFFICES - SECOND FLOOR

NUMBER OF STORIES:
 TWO

BUILDING FOOTPRINT:
 31,044 S.F.

BUILDING AREA:
 52,088 S.F.

BUILDING / AREA RATIO:
 0.3

PARKING:

PARKING RATIO:
 5.5 SPACES PER 1,000 S.F. (GENERAL RETAIL)
 1 PER 200 S.F. (OFFICES)

RETAIL PARKING REQ'D:
 171

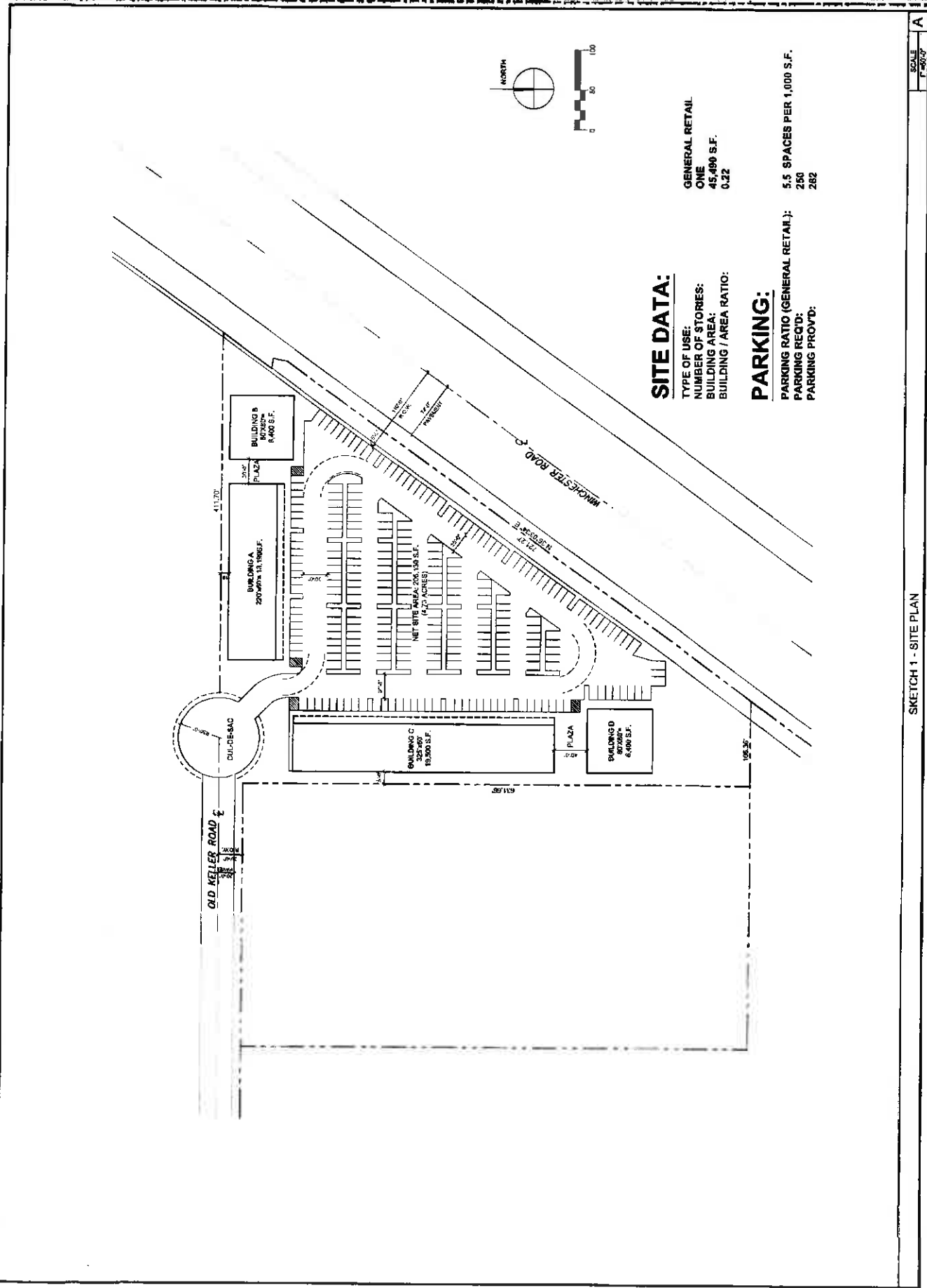
OFFICE PARKING REQ'D:
 155

TOTAL PARKING REQ'D:
 326

TOTAL PARKING PROVIDED:
 338 SPACES

SKETCH 2 - SITE PLAN

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

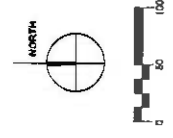


SITE DATA:

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

PARKING:

PARKING RATIO (GENERAL RETAIL): 5.5 SPACES PER 1,000 S.F.
 PARKING REQ'D: 250
 PARKING PROVIDED: 282

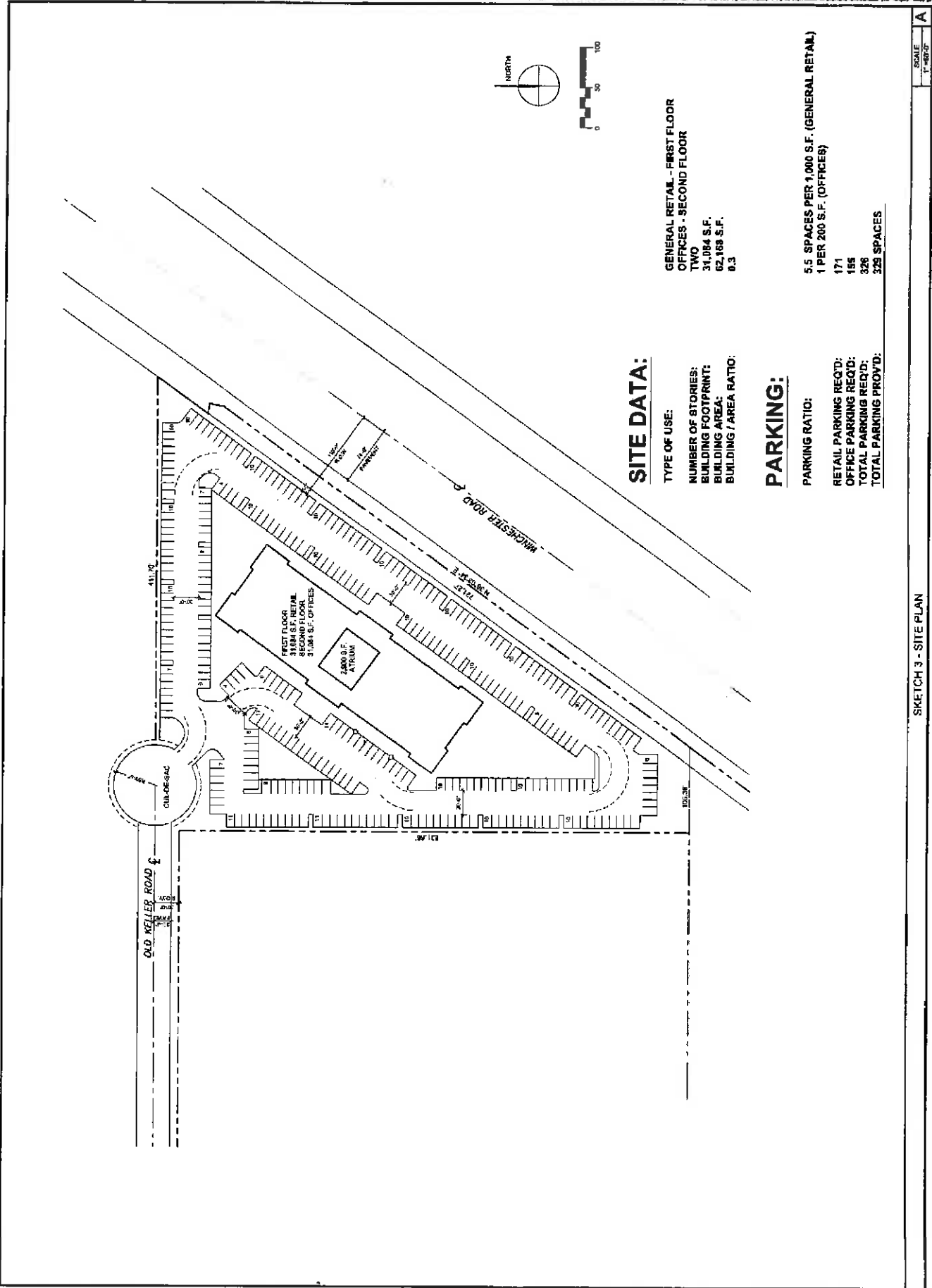


SKETCH 1 - SITE PLAN

SCALE: 1"=50'-0"

A-1.0

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SITE DATA:

TYPE OF USE: GENERAL RETAIL - FIRST FLOOR
 OFFICES - SECOND FLOOR
 NUMBER OF STORIES: TWO
 BUILDING FOOTPRINT: 31,084 S.F.
 BUILDING AREA: 62,168 S.F.
 BUILDING / AREA RATIO: 0.3

PARKING:

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

RANCHO CALIFORNIA AREA

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

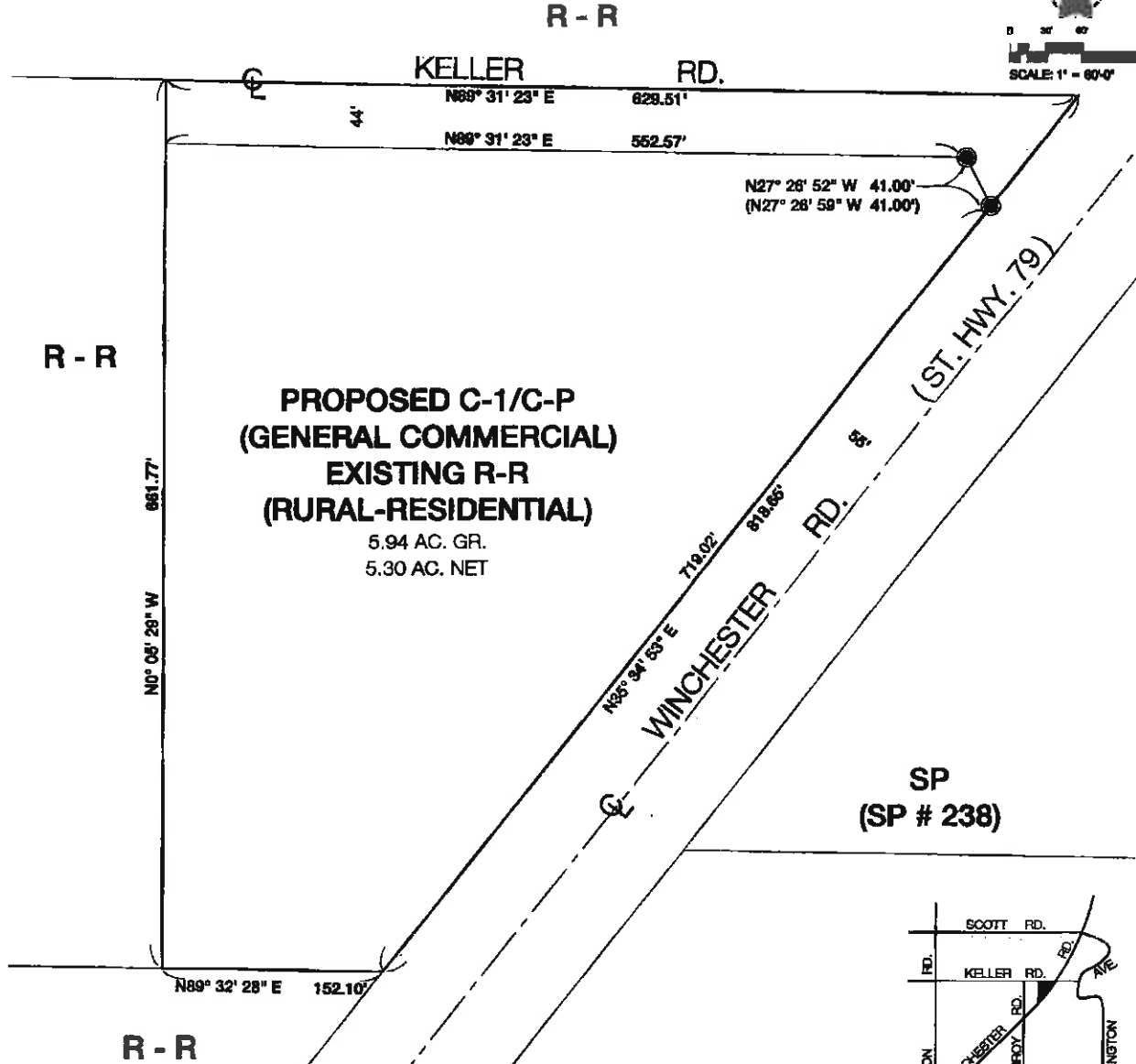
APPLICANT
 BEACH DESIGN INC
 DONALD L RICHART
 45138 E. FLORIDA AVE.
 HEMET, CA 92544
 (951) 927-8083

EXHIBIT PREPARER
 BEACH DESIGN INC
 DONALD L RICHART
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 HEMET, CA 92544
 (951) 927-8083

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



0 30 60 120
 SCALE: 1" = 60'-0"



LEGAL DESCRIPTION

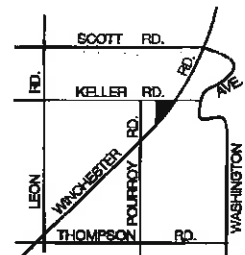
PARCEL 4 OF PARCEL MAP 13130 AS SHOWN BY MAP ON FILE IN BOOK 70, PAGE 63 OF PARCEL MAPS, RIVERSIDE COUNTY RECORDS, STATE OF CALIFORNIA

UTILITY PURVEYORS

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

AREA CALCULATION

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



VICINITY MAP

NOT TO SCALE
 THOMAS BROTHERS MAPS 2007 EDITION OF THE RIVERSIDE & ORANGE COUNTY
 PAGE 899, GRID E-3

LEGEND

SP ZONE	SPECIFIC PLAN (SP #288) WINCHESTER 1800
A-1-5	LIGHT AGRICULTURE 1 TO 5 ACRES LOT AREA
R-R	RURAL RESIDENTIAL
C-1/C-P	GENERAL COMMERCIAL

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



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Memo Distributed to the Planning Commission July 16, 2014



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

Memorandum

To: Planning Commission

From: Matt Straite

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

Additional Information

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

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

Staff Report Edits

The following are edits or clarifications to the staff report.

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

Additional Findings

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

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

a. The proposed change does not involve a change in or conflict with:

- (1) The Riverside County Vision.
- (2) Any General Plan Principal.

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

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

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

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

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

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

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

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

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



July 10, 2014

VIA ELECTRONIC MAIL

Riverside County Planning Commission
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

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

Dear Chair and Commission Members:

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

Item 3.1, GPA 903

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

Item 3.4, GPA 945D

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

Item 3.5 GPA 925 - *OPPOSITION*

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

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

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

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

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

Thank you for your consideration.

Yours truly,



Dan Silver, MD
Executive Director



June 4, 2014

Board of Directors

President

Philip E. Paule

Vice President

Randy A. Record

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

General Manager

Paul D. Jones II, P.E.

Treasurer

Joseph J. Kuebler, CPA

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

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

Legal Counsel
Lemieux & O'Neill

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

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

Dear Mr. Matt Straite

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

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

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

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

This meeting will offer you the following benefits:

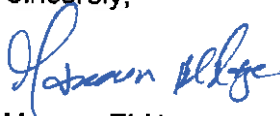
1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

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

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

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

Sincerely,



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

Johnson & Sedlack

ATTORNEYS at LAW

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Carl T. Sedlack, Esq. Retired
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Kimberly Foy, Esq.
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Kendall.JSLaw@gmail.com
Telephone: (951) 506-9925
Facsimile: (951) 506-9725

July 15, 2014

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

VIA US MAIL AND EMAIL

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

Dear Riverside County Planning Commissioners:

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

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

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

GENERAL COMMENTS

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

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

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

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

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

FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

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

POTENTIAL SIGNIFICANT IMPACTS

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

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

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

Aesthetics

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

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

Air Quality

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

The types of use permitted in General Commercial (C-1/C-P) zones include automobile repair garages, blueprint and duplicating services, cleaning and dyeing shops, gasoline service stations, and furniture repair. These uses are associated with air pollutants of concern including metals, solvents, perchloroethylene, benzene, and methylene chloride. *See* South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 2-10, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Other key air pollutants associated with commercial land uses are volatile organic compounds (VOCs) and toxic air contaminants (TACs), including diesel particulate matter (PM), nitrous oxide (NO_x), carbon monoxide (CO), and sulfur oxide (SO_x). *See* Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, Appendix A, <<http://www.arb.ca.gov/ch/handbook.pdf>>.

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

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

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

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

Greenhouse Gas Emissions

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

Land Use/Planning

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

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

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

Noise

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

The Initial Study also fails to analyze noise impacts from the Project's increased intensity of use. The reasonably foreseeable development of a commercial center on the Project site would result in both short-term and long-term noise impacts. Short-term impacts would result from any required grading and the construction of office, commercial, or retail buildings. Construction activities associated with future development may result in noise levels that range from 74 to 101 dBA at 50 feet. *See* Federal Highway Administration, *Construction Noise Handbook*, Table 9.9 FTA Construction Equipment Noise Emissions Levels, <http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm>. The significance threshold for noise impacts in Rural Residential zones is 45 DB Lmax. *See* Riverside County Ordinance No. 847 Regulating Noise. Thus, construction alone would exceed noise thresholds and result in significant noise impacts. Long-term noise impacts from commercial centers include noise from increased vehicle travel to/from the facility, as well as deliveries and operations that could result in increased noise levels. *See* attachments and Federal Highway Administration, Traffic Noise Model (FHWA TNM®), Version 1.0 - Technical Manual, Appendix A Vehicle Noise Emissions, <http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm>. Based on the mock projects there could be approximately 1,800,000 weekday vehicle trips generated by the intensification of use. The Initial Study does not consider these potentially significant noise impacts from siting a commercial zone adjacent to residential communities and other sensitive receptors.

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

Transportation/Traffic

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

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

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

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

Cumulative Impacts

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

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

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

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

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

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

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

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

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

CONCLUSION

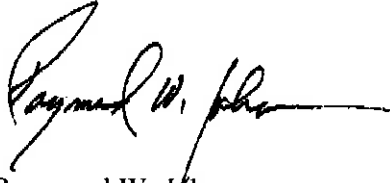
There is no evidence or authority for a claim that there would be no environmental impacts as a result of the Project because the Project does not provide the opportunity for physical disturbance of the Property. CEQA *specifically intends that an agency evaluate planning level actions* if they have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

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

July 15, 2014
Page 9

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Raymond W. Johnson
JOHNSON & SEDLACK

Additional Attachments and Electronic Citations

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

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

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

City Planning:

Current Planning

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

General Plan

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

Environmental Analysis

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

Representation:

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

Education:

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

Professional Associations:

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

Johnson & Sedlack, Attorneys at Law

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

12/97- Present

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

Planning-Environmental Solutions

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

8/94- Present

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

San Bernardino County Planning Department

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

6/91-8/94

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

San Bernardino County Planning Department

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

6/91-6/92

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

San Bernardino County Planning Department

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

6/90-6/91

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

Broadmoor Associates/Johnson Consulting

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

2/86-6/90

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

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

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

Contemporary Concepts Inc.

Lee's Summit, MO
Owner

9/78-5/84

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

Environmental Design Association

Lee's Summit, Mo.
Project Coordinator

6/77-9/78

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

City of Lee's Summit, MO

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

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

Howard Needles Tammen & Bergendoff

9200 Ward Parkway

Kansas City, MO 64114

(816) 333-4800

Economist/Planner

5/73-4/75

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

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



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ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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

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

Legal Counsel
Lemieux & O'Neill

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

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

Attn: Matt Straite

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

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

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

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

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

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

Sincerely,

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



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

COUNTY OF RIVERSIDE

ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

Environmental Assessment (E.A.) Number: 41706

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

Lead Agency Name: County of Riverside Planning Department

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

Contact Person: Matt Straite

Telephone Number: 951-955-8631

Applicant's/ Eng Name: Milan Chakrabarty

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

I. PROJECT INFORMATION

A. Project Description: The General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P). Due to the structure of the County Zoning Ordinance, commercial uses that are permitted and conditionally permitted require subsequent environmental review. As such, a subsequent environmental document would be prepared for any office and/or retail commercial center when such an application is filed for this project site. At that time the additional details provided by the plan would be evaluated to further determine the potential environmental effects of the project.

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

C. Total Project Area: 3.5

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

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

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

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

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

II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

A. General Plan Elements/Policies:

1. **Land Use:** Once the project is approved, the project is consistent with the provisions of the Land Use Element.

2. **Circulation:** The project is consistent with the Highway 79 policy area provisions, and all other policies of the Circulation Element.
3. **Multipurpose Open Space:** The project is consistent with the policies of the Open Space Element.
4. **Safety:** The project is consistent with the policies of the Safety Element.
5. **Noise:** The project is consistent with the policies of the Noise.
6. **Housing:** The project is consistent with the policies of the Housing.
7. **Air Quality:** The project is consistent with the policies of the Air Quality.

B. General Plan Area Plan(s): Southwest

C. Foundation Component(s): Rural

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

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

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

G. Adjacent and Surrounding:

1. **Area Plan(s):** Southwest to the north, south, east and west

2. **Foundation Component(s):** Community Development to the north (SP380) and the south-east, and Rural to the west.

3. **Land Use Designation(s):** Community Development Specific Plan to the north, Rural: Rural Residential (R:RR) to the east, Community Development: Commercial Retail (CD:CR) to the south-east.

4. **Overlay(s), if any:** None

5. **Policy Area(s), if any:** Highway 79 Policy Area to the north, south, east, and west.

H. Adopted Specific Plan Information

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

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

I. Existing Zoning: Rural Residential (RR)

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

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

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

IV. DETERMINATION

On the basis of this initial evaluation:

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED

I find that although the proposed project could have a significant effect on the environment, **NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED** because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible.

I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An **ADDENDUM** to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.

I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a **SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT** is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.

I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR

or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following:(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or,(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

Signature

5/15/14

Date

Matt Striate, project planner
Printed Name

For Juan C Perez, Interim Planning Director

V. ENVIRONMENTAL ISSUES ASSESSMENT

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

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

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

Findings of Fact:

a-b) The proposed project is not located along any scenic highway corridors in the Southwest Area plan. The closest Scenic Highway Corridor is the 215. This project will not impact any designated scenic highway corridors. The project area has been in a transitional phase from rural to urban due to the expansion of the urban areas to the north and south of the site and the recent widening of Highway 79 from two (2) lanes to a four (4) lane roadway, along with the approval of development projects in the surrounding area, including Specific Plan 380 located to the north.

The proposed project would permit commercial development within a setting that is currently rural in nature, but adjacent to a State Highway. The current RR Zone permits single family building heights of up to 40 feet, with other buildings or structures up to 50 feet. The C-1/C-P Zone would modify this building height to permit up to 50 feet in height and other building or structures up to 75 feet in height. Typically, the additional building height in the C-1/C-P Zone affords commercial uses the erection of towers or other non-habitable structures that provide a variable architectural style. Although a formal site plan has not been prepared, the project site slopes downward toward Highway 79. When future development occurs, it is reasonable to assume the ultimate pad elevation of the site would be lower than the adjoining house to the east, but probably higher than the existing State Highway. Topography in the area generally recedes in elevation from west to east. As such, visibility of the project site would be more prominent for properties to the east of Highway 79, than properties west of Highway 79. However, the increased building height and change in land use provided by this application would result in a land use similar to that planned for other commercial land uses, including that contained in the approved Specific Plan to the north, but would not affect scenic resources or vistas, since none are identified in the area.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

2. Mt. Palomar Observatory

a) Interfere with the nighttime use of the Mt. Palomar Observatory, as protected through Riverside County Ordinance No. 655?

Source: GIS database, Ord. No. 655 (Regulating Light Pollution), Southwest Area Plan Figure 6

Findings of Fact:

a) The proposed project is located within Zone b of the Palomar Nighttime Lighting Policy Area according to figure 6 in the Southwest Area Plan section of the General Plan. This means the site is within two (2) designated circular rings of Mt. Palomar, one within a 45 mile radius (Zone B) and one within a 15 mile radius. Future land uses for the subject property must conform to County lighting requirements as a matter of standard project approval. The proposed project will change the General Plan designation for the site, which could lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County development standards, such as exterior lighting.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

3. Other Lighting Issues

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

b) Expose residential property to unacceptable light levels?

Source: On-site Inspection, Project Application Description

Findings of Fact:

a-b) The proposed project will change the General Plan designation and zoning for the site, which could lead to a higher level of development on the property. Current County regulations require outdoor lighting to be shielded so that light only illuminate the parcel upon which the lighting source is located. This would prevent exposing adjoining residential properties to new light sources. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County development standards, such as exterior lighting.

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

AGRICULTURE & FOREST RESOURCES Would the project

4. Agriculture

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

b) Conflict with existing agricultural zoning, agricultural use or with land subject to a Williamson Act contract or land within a Riverside County Agricultural Preserve?

c) Cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625 "Right-to-Farm")?

d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

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

Findings of Fact:

a) The proposed project is located within an area designated "local importance" in the General Plan and on the Riverside County Important Farmland 2010 Map, Sheet 1 of 3, prepared by the California Department of Conservation. Farmland of Local Importance is either currently producing, or has the capability of production, but does not meet the criteria of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The California State Department of Conservation makes these designations based on soil types and land use designations. The subject property is not farmed and the subject property and surrounding properties are designated for residential and commercial development. The County General Plan identifies lands for agricultural uses, but none are designated agriculture in the immediate area. Therefore, there is no impact upon agricultural zoning or agricultural uses.

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

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Forest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Govt. Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-c) The County has no forest land zoning, nor is the property forested. There will be no impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

AIR QUALITY Would the project

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

Source: SCAQMD CEQA Air Quality Handbook

Findings of Fact:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a-f) The proposed land use change would result in an intensification of the use on the site, in terms of building and traffic trips. Although no development is proposed at this time, the applicant has submitted conceptual site plans for the purpose of determining whether development could reasonably occur on the property given its existing constraints. The applicant has submitted three (3) different plans with building, parking and landscaping areas identified, and which vary in size from 45,490 square feet for general retail uses to two (2) story buildings of 62,088 and 62,168 square feet split between retail on the ground floor and office on the second floor. Utilizing the CalEEMod air quality program from the South Coast Air Quality Management District and inputting basic building factors, such as the largest building size, but selecting the retail strip mall computer tab category to generate maximum vehicle trips, and only mitigating for dust by watering the site three times daily, the amount of construction and operational emissions did not exceed daily thresholds published by the District. Consistency with the 2012 Air Quality Management Plan is determined based upon whether the "project will not result in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP..." and "Whether the project will exceed the assumptions in the AQMP..." "The violations that are referred to are the state and federal criteria pollutant ambient air quality standards..." (1993 CEQA Air Quality Handbook) Since the project would not violate air quality daily threshold standards it would not be inconsistent with regional air quality plans. The proposed project is also consistent with the vision of the General Plan. There are no point source emitters within 1 mile of the proposed site. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure consistency with County development and air quality requirements. Based upon this analysis, the impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

BIOLOGICAL RESOURCES Would the project

7. Wildlife & Vegetation

a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?

b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?

c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?

d) Interfere substantially with the movement of any

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-g) This project is located within a Multi Species Habitat Conservation Plan Criteria Area Cell 5275 of the Western Riverside County Multiple Species Habitat Conservation Plan. The proposed project has been submitted to the Environmental Programs Department to process a Habitat Acquisitions and Negotiations Strategy (HANS No. 2015) application. The process has been completed and Conservation requirements are not been required. The project is therefore consistent with the requirements of the MSHCP at this stage. Additional ground studies will be required at a future stage to further determine consistency with the MSHCP at the construction stage. Further, this project does not provide the opportunity for physical disturbance of the property, therefore, there is no potential for take of sensitive species or conflict with adopted conservation plans, including but not limited to the MSHCP. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts to Biological Resources as well as any further potential conflicts with adopted conversation plans, including but not limited to the MSHCP.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

CULTURAL RESOURCES Would the project

8. Historic Resources

a) Alter or destroy an historic site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

a-b) A Phase I Archaeological Assessment has been completed for the project site consistent with Riverside County requirements. This involved a site visit, historical/archaeological records search, contact with Native American representatives, and historical background research. Based on this effort it was found that no historic sites or resources exist on the property. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA may be undertaken, if necessary, to determine if evidence of historical resources exist due to the length of time that has transpired since the last evaluation and whether site changes through natural events, such as wind or soil erosion, during that time have exposed potential resources.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

9. Archaeological Resources

a) Alter or destroy an archaeological site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Findings of Fact:

a-d) A cultural resources report for the project site was submitted that analyzed the project site for historical and archaeological resources. The study determined that there were no recorded archeological sites on the property and the site was determined to be less than significant due to the lack of cultural deposits. State law requires that the County Coroner be notified if human remains are found on the property and is a standard development requirement. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA may be undertaken, if necessary, to determine if evidence of archaeological resources exist due to the length of time that has transpired since the last evaluation and whether site changes through natural events, such as wind or soil erosion, during that time have exposed potential resources.

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

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

Monitoring: No monitoring is required

10. Paleontological Resources

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

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

Findings of Fact:

a) According to the General Plan the project is in an area of low and undetermined paleontological sensitivity to the north east and for the remainder of the site (about 80% of the site) respectively. The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

GEOLOGY AND SOILS Would the project

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

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

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

Source: Riverside County General Plan Figure S-2 "Earthquake Fault Study Zones," GIS database, Geologist Comments

Findings of Fact:

a-b) The *Geotechnical Investigation* completed for the proposed land use change found no known faults have been mapped on or immediately adjacent to the project site. According to the General Plan, there are no mapped fault zones within or near the project site. Ground shaking from a geological event would affect the subject property. However, due to the distance of the site from existing faults and standard Building Code requirements that include the completion of a geotechnical study, potential adverse impacts from an earthquake would not result in a significant impact.

Mitigation: No mitigation is required

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

12. Liquefaction Potential Zone

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

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

Findings of Fact:

a) According to the General Plan, the site is not mapped as being within a potential liquefaction area. The *Geotechnical Investigation* of the site found the risks associated with liquefaction to be negligible. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and a possible subsequent soils investigation maybe undertaken to comply with the requirements of the adopted Building Code to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

13. Ground-shaking Zone

a) Be subject to strong seismic ground shaking?

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

Findings of Fact:

a) Every project in California has some degree of potential exposure to significant ground shaking. The proposed project is located within an area of very high groundshaking, according to the General Plan Safety Element. The adopted Building Code provides standard construction requirements that would address potential ground shaking under these types of circumstances. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review would be undertaken as part of permit issuance to determine appropriate building requirements, as referenced previously. This will include adherence to the California Building code, Title 24, which would mitigate to some degree, the potential adverse effects from ground shaking.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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14. Landslide Risk

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

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

15. Ground Subsidence

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

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

Findings of Fact:

a) According to the General Plan, Figure S-7, the lower half of the site is in an area potentially susceptible to subsidence. Construction methods exist to respond to this type of condition and would be applied in conjunction with other standard Building Code requirements. Therefore, there are no potentially adverse impacts based on the proposed project.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

16. Other Geologic Hazards

a) Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?

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

Findings of Fact:

a) Based on the review of the proposed project by the County Geologist, the project does not present any other geological hazards or risks. Lake Skinner is located about 13,000 feet (2.5 miles) to the southeast of the project site. Based upon Figure 10, Flood Hazards, Southwest Area Plan, the project

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site is not located within a Dam Inundation zone for Lake Skinner. This indicates a low likelihood for seiche resulting from strong seismic activity near the Lake Skinner Dam, which would impact the property.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

17. Slopes

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

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

Findings of Fact:

a-c) The project site generally slopes from west to the east towards Highway 79. No significant slopes exist on-site nor near the project site. Although no specific development plans have been submitted that identify potential grading, it is unlikely slopes greater than those referenced would occur due to site conditions. Nor would future grading notably change topographic relief due to the small size of the site. Due to the change from residential to commercial land use it is unlikely a future user would utilize a subsurface disposal system. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review would be undertaken of the proposed grading plan and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

18. Soils

a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have soils incapable of adequately supporting use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Project Application Materials, On-site Inspection

Findings of Fact:

a-c) Expansive soils are a concern due to the potential to crack building foundations and render them uninhabitable. According to the Soil Survey, Western Riverside Area, prepared by the Department of the Interior, the following four (4) soil types exist on the project site: Monserate, Escondido, Friant, and Garretson. All of these soil types are identified as having low shrink-swell potential. In addition, the *Geotechnical Investigation* completed for the project site, also identified the near surface soil characteristics as having a low expansive potential. Appropriate Building Code requirements would be applied to future development of the site. There are several single family structures near the site, all of which are on septic currently. The project proposes to increase the intensity of the property. Specific Plan No. 380 will eventually bring sewer to the site; however, the timing is unknown. Should an implementing project on the subject site build prior to the development of the SP to the north, the site may require septic, although this is unknown at this stage of development. All septic systems require separate permitting from the County Environmental Health Department, with full percolation testing. Such testing, should it be needed, will be performed at the implementation stage. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and , if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

19. Erosion

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

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

Source: Project Application Materials, On-site Inspection

Findings of Fact:

a-b) The project site is not located within a designated drainage course or blue line stream as delineated on the applicable U.S.G.S. Map. However, a blue line stream is delineated to the west and south of the site. Since the project site exceeds one (1) acre in size, compliance with applicable erosion control requirements, such as a Water Quality Management Plan (WQMP) and/or Storm Water Pollution Prevent Plan (SWPPP), would be required to address potential site erosion and off-site pollutant discharge. The specific details of these plans are normally prepared at the time building plans and site improvements are known. As such, once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of erosion related issues would occur and , if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

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

20. Wind Erosion and Blowsand from project either on or off site.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) Be impacted by or result in an increase in wind erosion and blowsand, either on or off site?

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

Findings of Fact:

a) According to General Plan figure S-8 the project is not located in an area of high wind erosion. To reduce potential dust and soil erosion during grading, site watering is to be employed. This would also have the benefit of reducing potential impacts upon the adjoining properties. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and , if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

GREENHOUSE GAS EMISSIONS Would the project

21. Greenhouse Gas Emissions

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Application Materials

Findings of Fact:

a.-b.) The proposed amendment would increase the potential intensity of the site, resulting in an increase in potential impacts because there could be a larger building footprint and more vehicle trips in the area (vehicle trips are the largest generator of greenhouse gasses in this area). Any future implementing project on this site will be required to comply with California's AB-32 greenhouse gas reduction requirement. The South Coast Air Quality Management District is responsible for developing greenhouse gas emission thresholds. At this time the District has adopted an interim threshold level of 3,000 metric tons per year. Based upon the preliminary air quality analysis referenced earlier, construction and operational emissions are estimated to be less than threshold levels. At this time , it is somewhat speculative to review the specific potential impacts as the size of the proposed development (implementing project) is not specifically known. Additionally, many of the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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identified potential mitigation for GHG impacts are implemented at the construction level of development. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and , if applicable, an EA shall be prepared to assess potential impacts. However, due to the size of the site and the County's development restrictions, it is unlikely that any future development would exceed adopted threshold levels as evidenced by the preliminary air quality evaluation.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

HAZARDS AND HAZARDOUS MATERIALS Would the project

22. Hazards and Hazardous Materials

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

Source: Project Application Materials

Findings of Fact:

a-b, d-e) The proposed change in land use from residential to commercial and associated project improvements during and after construction would have the potential to leak and/or discharge fuel and oil from construction equipment and maintenance equipment due to the size and intensity of future uses permitted. During project operation, materials such as fertilizers for landscaping and cleaning solvents for building maintenance will be used. In addition, pre-packaged hazardous materials may be transported to the site for sale, such as household cleaners, or stored for use within site buildings as part of building maintenance. However, the volume of the products transported to the site, used on-site or the amount of fuils leaked during construction would not be significant due to the size of the project site and the potential type of uses that could occur within the proposed zoning district. In addition, compliance with project Water Quality Management Plan (WQMP) and/or Storm Water Pollution Prevention Plan (SWPPP) would reduce the potential impact to less than significant. The

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site is not listed as a hazardous materials site. The Menifee Union School District adjoins the project site to the north and no schools exist or are proposed by the District at this time within ¼ mile of the project boundary. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, along with any applicable WQMP and/or SWPPP, a subsequent review of that proposal and , if applicable, an EA shall be prepared to assess potential impacts.

c) The project will result in higher development intensity of the site than was proposed in the General Plan in 2003. A cul-de-sac road has been planned as future access to the property as part of the adoption of Specific Plan 380 to the north. Keller Road would be realigned and diverted away from the property necessitating an alternative roadway alignment for access. This access arrangement is similar to that provided for the commercial areas planned within Specific Plan 380, since direct vehicle access from properties adjoining Highway 79 is no longer permitted. The planned circulation system for the area is designed to accommodate future development demand. Should a concern arise due development plans submitted for the property the Transportation Department has the ability to require necessary mitigation to assure the streets will accommodate emergency services and access.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

23. Airports

a) Result in an inconsistency with an Airport Master Plan?

b) Require review by the Airport Land Use Commission?

c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

24. Hazardous Fire Area

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Source: Riverside County General Plan Figure S-11 "Wildfire Susceptibility," GIS database

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

HYDROLOGY AND WATER QUALITY Would the project

25. Water Quality Impacts

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

b) Violate any water quality standards or waste discharge requirements?

c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

d) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

g) Otherwise substantially degrade water quality?

h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)?

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County Flood Control District Review.

Findings of Fact:

a-h) The project is not located within a flood zone. No defined drainage course blue line stream traverses the property, based in part upon an evaluation of Winchester, CA U.S.G.S. Map. The site is not subject to other flood hazards, including dam inundation (see topic in geology regarding seiche). Development of the project site would require the preparation of standard plans, such as grading plans, and a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), since the site is greater than one (1) acre in size. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to evaluate project compliance, assess potential impacts, and ensure compliance with County development standards, which will include a hydrology analysis.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

26. Floodplains

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

NA - Not Applicable U - Generally Unsuitable R - Restricted

a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Changes in absorption rates or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Dam Inundation Area)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Findings of Fact:

a-d) The project is not located within a flood zone. As noted previously, no defined drainage course traverses the project site nor is the site within a Dam inundation area. Development of the property has the potential to increase stormwater runoff due to an increase in impervious surfaces, such as buildings and paved parking areas. However, as a standard condition/measure, a retention/detention

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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basin(s) is required to maintain the historic rate of stormwater runoff from the property, thereby minimizing the potential effect upon drainage facilities. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts, and ensure compliance with County drainage policies and standards.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

LAND USE/PLANNING Would the project

27. Land Use

a) Result in a substantial alteration of the present or planned land use of an area?

b) Affect land use within a city sphere of influence and/or within adjacent city or county boundaries?

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

Findings of Fact:

a-b) The project will result in a change in the Land Use pattern for the area. The area is currently designated for residential uses with a 5 acre minimum lot size. The parcel is currently substandard for the minimum lot size. However, property near the site, specifically to the north has experienced some increases in density over what was adopted with the 2003 General Plan. Based on the widening on Highway 79, which fronts the property, and the approval of the Specific Plan to the north, compounded with the fact that the lot was substandard in the first place, the subject site is no longer suitable for residential development. As previously stated, the potential impacts in this EA are being evaluated for the Land Use change only. For these reasons, the Land Use and zoning impacts are considered less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

28. Planning

a) Be consistent with the site's existing or proposed zoning?

b) Be compatible with existing surrounding zoning?

c) Be compatible with existing and planned surrounding land uses?

d) Be consistent with the land use designations and policies of the General Plan (including those of any applicable Specific Plan)?

e) Disrupt or divide the physical arrangement of an

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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established community (including a low-income or minority community)?

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

MINERAL RESOURCES Would the project

29. Mineral Resources

a) Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

c) Be an incompatible land use located adjacent to a State classified or designated area or existing surface mine?

d) Expose people or property to hazards from proposed, existing or abandoned quarries or mines?

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

Findings of Fact:

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

NOISE Would the project result in

Definitions for Noise Acceptability Ratings

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

NA - Not Applicable

A - Generally Acceptable

B - Conditionally Acceptable

C - Generally Unacceptable

D - Land Use Discouraged

30. Airport Noise

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

NA A B C D

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

NA A B C D

Source: Riverside County General Plan Figure S-19 "Airport Locations," County of Riverside Airport Facilities Map

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

31. Railroad Noise

NA A B C D

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

Findings of Fact:

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

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

Monitoring: No monitoring is required

32. Highway Noise

NA A B C D

Source: On-site Inspection, Project Application Materials

Findings of Fact:

The project is located adjacent to Highway 79. Noise from this distance could be significant. However, Building Code requirements would reduce the potential interior noise levels to less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

33. Other Noise

NA A B C D

Source: Project Application Materials, GIS database

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

34. Noise Effects on or by the Project

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

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

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

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County General Plan, Table N-1 ("Land Use Compatibility for Community Noise Exposure"); Project Application Materials

Findings of Fact:

a-d) Development of the site would generate noise during construction and operation. Construction noise from private construction projects within ¼ mile of an inhabited dwelling is exempt from adopted noise standards, but must comply with restrictions contained in Ordinance 847 related to times and days. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

POPULATION AND HOUSING Would the project

35. Housing

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

b) Create a demand for additional housing, particularly housing affordable to households earning 80% or less of the County's median income?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

d) Affect a County Redevelopment Project Area?

e) Cumulatively exceed official regional or local population projections?

f) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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

Findings of Fact:

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

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

Monitoring: No monitoring is required

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

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

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

37. Sheriff Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riverside County General Plan

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

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

Findings of Fact:

The project would not result in direct need for schools, since the proposed project involves a change to commercial uses from a residential use. The State of California, through legislation, has

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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determined that they are responsible for the construction of schools and have established the specific methods to provide for such, including development impacts fees applied by the local the School Districts and local bond measures. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

39. Libraries

Source: Riverside County General Plan

Findings of Fact:

The project would not result in an increased need for books and materials for libraries, since the proposed project involves a change to commercial uses from a residential use. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

40. Health Services

Source: Riverside County General Plan

Findings of Fact:

The project would result in an increased need for many types of public services, including Health services, due to the future development and use of the project site by patrons and employees. However, health care is affected by a variety of factors and any increase in the use of the property could affect the distribution and demand for these services. Health services respond to local needs through market demand, which typically increase in availability as the population increases or new development occurs. The availability of additional commercial land use proposed as part of this project would also increase the availability of potential locations for the establishment of such uses. As such, the impacts would be less than significant.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

RECREATION

41. Parks and Recreation

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

b) Would the project include the use of existing

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: GIS database, Ord. No. 460, Section 10.35 (Regulating the Division of Land – Park and Recreation Fees and Dedications), Ord. No. 659 (Establishing Development Impact Fees), Parks & Open Space Department Review

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

42. Recreational Trails

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

Findings of Fact:

See 41.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

TRANSPORTATION/TRAFFIC Would the project

43. Circulation

a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Result in a change in air traffic patterns, including

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
either an increase in traffic levels or a change in location that results in substantial safety risks?				
d) Alter waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Conflict with adopted policies, plans or programs regarding public transit, bikeways or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County General Plan, Highway 79 Policy

Findings of Fact:

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

b) The proposed project will be able to address any congestion management program through the standard fees and mitigation required at the time development is proposed. As previously explained, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review and EA shall be prepared assessing potential impacts.

c-d) No air traffic or water traffic will be altered due to the project's distance from the closest airport and its potential building height or the location of water bodies from the proposed project. There will be no impact.

e-i) The proposed project would utilize the roadway system established as part of the recent approval of Specific Plan 380. This approval realigned the current access to the site and provides a cul-de-sac street extending to the subject property south of realigned Keller Road. The proposed project would not require design changes to the streets or roads that may increase hazards due to this adopted road design. Access to the site is currently available on a dirt road. Ultimate project development would require off-site street improvements consistent with County design criteria to ensure adequate access to the project site for patrons and emergency vehicles. The proposed change does not

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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conflict with any adopted policies regarding public transit, bikeways or pedestrian access because the site is rural today, and the proposed change will maintain the rural nature of the area. The efficiency of transit will not change, and therefore not impact any policies regarding transit or other alternative means of travel. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

44. Bike Trails

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

Findings of Fact:

See 41.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

UTILITY AND SERVICE SYSTEMS Would the project

45. Water

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Department of Environmental Health Review

Findings of Fact:

a-b) The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The project site is within the service area of Eastern Municipal Water District (EMWD). Domestic water and wastewater transmission and treatment services would be provided by EMWD. An assessment of the availability of water to service the area will be required prior to the approval of an implementing project. This will include a commitment from the water purveyor in that area to provide water to the site (beyond that which already exists). Many of the homes in the surrounding area currently use well water. The increase in density will likely require connection to a public water system, the construction of which will have potential impacts. However, at this stage, the specific size and need of water infrastructure to the area would be too speculative to analyze. Once a development proposal or land use application to

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

46. Sewer

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

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

Source: Department of Environmental Health Review

Findings of Fact:

a-b) The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The homes near project site are currently using septic systems, although the Specific Plan recently approved to the north of the subject site will be required to bring sewer to the area. Depending on the trimming of the implementing project, it could use either sewer or septic. Specific permitting is required prior to the use of any septic system. The proposed project might be required to connect to and construct a sewer system which could result in potential impacts. The project site is within the service area of Eastern Municipal Water District. At this stage, the specific size and need of sewer infrastructure to the area would be too speculative to analyze, due to the connection distance and volume of wastewater discharge. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and , if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

47. Solid Waste

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

b) Does the project comply with federal, state, and

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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local statutes and regulations related to solid wastes including the CIWMP (County Integrated Waste Management Plan)?

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

Findings of Fact:

a-b) The proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. The County operates landfills and has adequate capacity to meet future demand for services. The disposal location would be dependent upon the status of the landfills at that particular time. For example, the Lamb Canyon Landfill, located north of the project site, has a current daily permitted capacity of 5,000 tons. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

48. Utilities

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

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

Source: Application Materials

Findings of Fact:

a-g) At this stage, the specific size and type of infrastructure facilities necessary to meet projected site needs are unknown, since the applicant does not intend to develop the site. However, the proposed project will change the General Plan designation for the site, which could eventually lead to a higher level of development on the property. Subsequent approvals would be necessary to approve development and allow for the identification of specific utility and infrastructure needs at that time. The County does utilize a variety of standard conditions/measures for all projects of this nature that reduce or eliminate potentially adverse environmental impacts, such as requiring on-site retention/detention basin(s) to reduce off-site stormwater runoff to historic rates and requiring the installation of street lighting and the establishment of lighting districts to pay for their on-going illumination. Once a development proposal or land use application to subsequently subdivide, grade,

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

Mitigation: No mitigation is required

Monitoring: No monitoring is required

49. Energy Conservation

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

Source:

Findings of Fact:

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

Mitigation: No mitigation is required

Monitoring: No monitoring is required

MANDATORY FINDINGS OF SIGNIFICANCE

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

Source: Staff review, Project Application Materials

Findings of Fact: The project has been evaluated for biological and cultural resources through the completion of specific studies. Based upon these evaluations, implementation of the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

51. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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effects of a project are considerable when viewed in connection with the effects of past projects, other current projects and probable future projects)?

Source: Staff review, Project Application Materials

Findings of Fact: The proposed project has been evaluated for potential impacts on a variety of issues, as noted in the previous sections of this document. Based upon this evaluation and associated findings, the project does not have impacts which are individually limited, but cumulatively considerable. The proposal will increase the density of the area, which could potentially impact CEQA study areas cumulatively. Since only a change in land use has been requested, rather than an actual development project, the specific level of changes is not known. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.

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

Source: Staff review, project application

Findings of Fact: The proposed project has been evaluated for its potential effect and/or compliance with a variety of factors or policies, as outlined within this evaluation. Based upon this evaluation and the use of standard conditions/measures or specific mitigation measures to lessen the potential environmental impact, the proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

VI. EARLIER ANALYSES

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

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

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

VII. AUTHORITIES CITED

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

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

1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002)
102 Cal.App.4th 656.

Revised: 2/11/2015 2:57 PM
Revised EA41706 for GPA903.docx

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: GP 00903 DATE SUBMITTED: 1/15/08

i. GENERAL INFORMATION

APPLICATION INFORMATION

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

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

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

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

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

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

Property Owner's Name: ARNEDA ENTR. LMTD. E-Mail: _____

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

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

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

40013

APPLICATION FOR CHANGE OF ZONE

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

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

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

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

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

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

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

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

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

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

PROPERTY INFORMATION:

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

Section: 28 Township: 69 Range: 2W

Approximate Gross Acreage: 5.94

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

Thomas Brothers map, edition year, page number, and coordinates: _____

APPLICATION FOR CHANGE OF ZONE

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

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

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

X DONALD L. RICHAET
PRINTED NAME OF APPLICANT

[Signature]
SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

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

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

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

X [Signature]
SIGNATURE OF PROPERTY OWNER(S)

Indraneel Chakrabarty
PRINTED NAME OF PROPERTY OWNER(S)

X [Signature]
SIGNATURE OF PROPERTY OWNER(S)

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

PROPERTY INFORMATION:

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

Section: 23 Township: 63 Range: 2W

Approximate Gross Acreage: 5.94

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

Thomas Brothers map, edition year, page number, and coordinates: _____

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

DATE: January 9, 2014

TO:

Riv. Co. Transportation Dept.
Riv. Co. Environmental Health Dept.
Riv. Co. Flood Control District
Riv. Co. Fire Department
Riv. Co. Environmental Programs Division
P.D. Geology Section

P.D. Archaeology Section
3rd District Supervisor
3rd District Planning Commissioner
City of Temecula
Hemet Unified School Dist.
Menifee Union School Dist.

Perris High School Dist.
Eastern Municipal Water Dist.
CALTRANS Dist. # 8
Santa Ana RWQCB
Pechanga Band of Mission Indians

GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818 – EA41706 – Applicant: Milan Chakrabarty – Third/Third Supervisorial District - Location: Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. - **REQUEST:** The **General Plan Amendment** proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The **Change of Zone** proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P). **NOTE: No project is proposed at this time, only the GPA and CZ. To assure the site can function as the proposed use, the applicant has included three mock site plans showing potential access, parking, setbacks, etc. These are NOT part of the proposed project, they are for illustration only. These were provided at the request of Planning. Please do not add any conditions based on the mock site plans.**

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

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

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

Public Hearing Path: DH: PC: BOS:

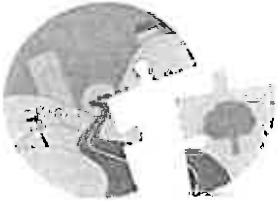
COMMENTS:

DATE: _____ SIGNATURE: _____

PLEASE PRINT NAME AND TITLE: _____

TELEPHONE: _____

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



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Carolyn Syms Luna
Director

October 9, 2012

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

Dear Mr. Richart:

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

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

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

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

Sincerely,

PLANNING DEPARTMENT

Michael Richard
Ecological Resources Specialist

MR mb

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

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

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



RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

Project Information

Permittee: Riverside County
 Case Information: HANS 2015
 Site Acreage: 5.3 acres
 Portion of Site Proposed for
 MSHCP Conservation Area: 0 acres

Criteria Consistency Review

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

Data:

Applicable Core/Linkage: Proposed Constrained Linkage 18
 Area Plan: Southwest

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

Comments:

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



RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

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

Other Plan Requirements

Data:

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

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

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

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

Section 6.3.2 – Was Additional Survey Information Provided?

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

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

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

Comments:

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



RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

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

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

SNS/ST



RCA Joint Project Review (JPR)

JPR #: 10-07-26-01

Date: 8/09/10

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

Johnson & Sedlack

ATTORNEYS at LAW

Raymond W. Johnson, Esq. m AICP, LEED GA 26785 Camino Seco, Temecula, CA 92590
Carl T. Sedlack, Esq., Retired
Abigail A. Smith, Esq.
Kimberly Foy, Esq.
Kendall Holbrook, Esq.

E-mail: EsqAICP@gmail.com

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

February 13, 2015

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

VIA US MAIL AND EMAIL

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

Dear Riverside County Planning Commissioners:

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

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

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

GENERAL COMMENTS

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

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

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

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

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

FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

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

POTENTIAL SIGNIFICANT IMPACTS

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

Additionally, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. No mitigation has been adopted for this Project as the Initial Study/Negative Declaration mistakenly found no impacts may occur. The adoption of feasible mitigation measures is essential to any approval of this Project.

Aesthetics

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

The Project site is currently vacant farmland and is bordered by rural residential properties to the south and west and a low density residential zone to the north. Even though the Project does not propose any development at this time, the County must analyze the likely effects from the general plan amendment and zone change. The Project would allow commercial development on the property in the future, a use that currently does not exist. The zoning code permits structures up to fifty 50' in height or seventy-five (75') feet in height if approved by the County. Riverside County Ordinance No. 348 § 9.4.C. This is an increase over the current forty (40') foot height limit for one family residences in the Rural Residential zone. Riverside County Ordinance No. 348 § 5.2.A.

Additionally, there are no setback requirements for buildings that do not exceed 35 feet in height in the C-1/C-P Zones. Riverside County Ordinance No. 348 § 9.4.B. This would allow commercial buildings to nearly abut residential properties, and in fact, the first mock site plane designed for the Project site shows Building A only 10 feet from the property line next to a low density residential community zone and Building C only 5 feet from the property line adjacent to a rural residential zoned property. The lack of setbacks permitted by the Project would create significant impacts to aesthetics for the surrounding residential community.

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

Air Quality

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

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

Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 2-10, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Other key air pollutants associated with commercial land uses are volatile organic compounds (VOCs) and toxic air contaminants (TACs), including diesel particulate matter (PM), nitrous oxide (NO_x), carbon monoxide (CO), and sulfur oxide (SO_x). *See* Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, Appendix A, <<http://www.arb.ca.gov/ch/handbook.pdf>>.

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

Secondary/indirect effects from increased vehicle and truck travel to and from the Project site due to the land use change could also contribute to local air quality impacts. Estimated trip generation rates for commercial retail and standard offices demonstrates that potential developments on the Project site could result in roughly 1,845 average daily vehicle trips. Indirect sources of emissions from cars and trucks include office complexes and commercial centers. *See* South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, p. 3-1, <<http://www.aqmd.gov/prdas/aqguide/aqguide.html>>. Emissions from mobile sources, including cars and trucks, account for roughly 90 percent of the cancer risk in the South Coast basin. *Id.* at 2-3. These potential secondary/indirect impacts should be evaluated in an EIR.

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

Geology and Soils

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

Greenhouse Gas Emissions

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

Hazards and Hazardous Materials

The Initial Study states the Project's intensification of use may overburden evacuation route streets. The Project's secondary effects would be to route substantially more traffic through Old Keller Road, which is used to access rural residences and runs through a residential community. The Initial Study should consider the impacts of potentially 1,845 average daily vehicle trips on evacuation routes and to access for emergency vehicles.

Hydrology and Water Quality

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

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

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

Land Use/Planning

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

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

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

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

Noise

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

The Initial Study also fails to analyze noise impacts from the Project's increased intensity of use. The reasonably foreseeable development of a commercial center on the Project site would result in both short-term and long-term noise impacts. Short-term impacts would result from any required grading and the construction of office, commercial, or retail buildings. Long-term noise impacts from commercial centers include noise from increased vehicle travel to/from the facility, as well as deliveries and operations that could result in increased noise levels. See attachments and Federal Highway Administration, Traffic Noise Model (FHWA TNM®), Version 1.0 - Technical Manual, Appendix A Vehicle Noise Emissions, <http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/tnm03.cfm>. Based on the mock projects there could be potentially, 527 to 1,845 average daily vehicle trips for the intensified use. There is no discussion of the long-term noise impacts from the increased vehicle traffic when changing from a Rural Residential zone to a General Commercial zone. This is especially important where access to the Project site is through an existing Rural-Residential community and an area zoned for Low Density Residential Development.

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

Transportation/Traffic

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

The estimated average daily vehicle trip generation rate for Land Use 814 (“Specialty Retail Center”) is 40.58/1000 sq. ft. gross leasable area. *See* Institute of Transportation Engineers, *Trip Generation* (7th ed. 2003), Vol. 3 pp. 1337-1346. Specialty retail centers are described as small strip shopping centers with a variety of retail stores. *Id.* at 1337. The mock commercial projects for this property include a 45,490 sq. ft. general retail building, a two-story building with 31,044 sq. ft. of general retail and 31,044 sq. ft. of offices, and a two-story building with 31,084 sq. ft. per floor of general retail on the first floor and offices on the second floor. Applying ITE’s specialty retail center trip generation rate to the 45,490 sq. ft. general retail building, the first mock project would result in 1,845 average daily vehicle trips.

The estimated average daily vehicle trip generation rate for Land Use 750 (“Office Park”) is 8.5/1000 sq. ft. gross floor area. *Id.* at 1248-1269. The office park category is more general than the general office building category and should be used when a breakdown of uses is not known. *Id.* at 1149. Office parks are generally suburban subdivisions that contain general office buildings, banks, restaurants, and service stations. *Id.* at 1248. The second mock project proposing a 62,088 sq. ft. building would result in 527 average daily vehicle trips based on the office park trip generation rate. The third mock project proposing a 62,168 sq. ft. mixed retail and office building would result in 528 average daily vehicle trips.

The general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site. The ultimate Project impacts from the increased intensity of use, potentially 527 to 1,845 average daily vehicle trips based on the mock site plans for the Project, are not considered in the Initial Study. Moreover, there is no discussion of or the assurance that the overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards as required by the Highway 79 Policy Area. Riverside County General Plan SWAP 9.2. One policy of the High 79 Policy Area is to reduce traffic generation below 9% the trips projected from the General Plan traffic model residential land use designations. *See* Riverside County General Plan SWAP 9.2. Not only would the Project fail to reduce trips by 9%, but the intensification of use would substantially increase traffic. This intensification of use and the ultimate Project impacts to traffic must be considered.

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

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

Cumulative Impacts

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

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

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

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

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

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

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

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

The Planning Commission Staff Report states that the General Plan provided a separation of urban and rural land uses along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential, and Medium Density Residential to the east of Winchester Road/Highway 79, and Rural-Residential to the west. The County states that the approval of Specific Plan 380, which permits substantial urban development west of Winchester Road/Highway 79, is a new condition that justifies modifying the General Plan. However, as stated above, the rural general plan land use designations provide an edge to urban development and evidence the County’s long term land use pattern for the area. The expansion of urban development into areas designated by the General Plan as Rural land use does not justify further modifying the General Plan to eliminate rural communities. Moreover, Specific Plan 380 included the approval of low density residential development directly to the north of the Project site and the neighboring rural residential zone. Therefore, Specific Plan 380 further justifies *denying* the Project in order to keep urban development to the north of the low density residential area in Specific Plan 380 and east of Highway 79. For these reasons there is not substantial evidence that new conditions justify modifying the General Plan.

CONCLUSION

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

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

Thank you for your consideration of these comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

Additional Attachments and Electronic Citations

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

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

City Planning:

Current Planning

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

General Plan

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

Environmental Analysis

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

Representation:

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

Education:

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

Professional Associations:

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

Johnson & Sedlack, Attorneys at Law

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12/97- Present

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

Planning-Environmental Solutions

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8/94- Present

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

San Bernardino County Planning Department

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

6/91-8/94

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

San Bernardino County Planning Department

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

6/91-6/92

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

San Bernardino County Planning Department

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

6/90-6/91

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

Broadmoor Associates/Johnson Consulting

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

2/86-6/90

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

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

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

Contemporary Concepts Inc.

Lee's Summit, MO
Owner

9/78-5/84

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

Environmental Design Association

Lee's Summit, Mo.
Project Coordinator

6/77-9/78

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

City of Lee's Summit, MO

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

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

Howard Needles Tammen & Bergendoff

9200 Ward Parkway

Kansas City, MO 64114

(816) 333-4800

Economist/Planner

5/73-4/75

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

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



Responses to both circulations of the Environmental Assessment



RIVERSIDE COUNTY

PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

Memorandum

To: File

From: Matt Straite

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

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

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

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

General Project Comments Listed in Letter

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

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

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

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

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

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

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

Letter Comment: “The County is here deferring analysis of the effects of the proposed Project in violation of CEQA. The Initial Study states that as a programmatic level CEQA review, impacts to air quality and greenhouse gases are too speculative to provide a detailed analysis. Yet, the Initial Study admits that the Project would result in an intensification of the Project’s site land use, a potentially significant effect. Deferring analysis of impacts to air quality and greenhouse gases until a later stage of environmental review is a violation of CEQA’s requirements that an agency prepare environmental review at the earliest possible stage and engage in some degree of speculation.” (p.3)

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

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

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

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

Comments on Specific Environmental Topics

Aesthetics

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

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

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

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

“The overall development of the land shall be designed for the protection of the public health, safety, and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.” (Emphasis added)

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

Air Quality

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

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

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

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

Geology and Soils

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

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

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

Greenhouse Gas Emissions

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

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

Hazards and Hazardous Materials

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

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

Hydrology and Water Quality

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

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

project does not present any other geological hazards or risks. Lake Skinner is located about 13,000 feet (2.5 miles) to the southeast of the project site. *Based upon Figure 10, Flood Hazards, Southwest Area Plan, the project site is not located within a Dam Inundation zone for Lake Skinner.* This indicates a low likelihood for seiche resulting from strong seismic activity near the Lake Skinner Dam, which would impact the property.” (Emphasis Added)

Section 26 Flood Plains states: “The project is not located within a flood zone. *As noted previously, no defined drainage course traverses the project site nor is the site within a Dam inundation area.* Development of the property has the potential to increase stormwater runoff due to an increase in impervious surfaces, such as buildings and paved parking areas. However, as a standard condition/measure, a retention/detention basin(s) is required to maintain the historic rate of stormwater runoff from the property, thereby minimizing the potential effect upon drainage facilities.” (Emphasis Added)

Letter Comment: “The Project’s intensification of use would result increase the impermeable surfaces on the Project site and substantially increase the amount of surface run-off that could create on- or off-site flooding.” (p. 6)

Response: As noted above, the Initial Study refers to specific County requirements that are standard measures for development to ensure that additional stormwater runoff from the property does not occur. In addition, the response to Section 25 Water Quality Impacts states: “The project is not located within a flood zone. No defined drainage course blue line stream traverses the property, based in part upon an evaluation of Winchester, CA U.S.G.S. Map. The site is not subject to other flood hazards, including dam inundation (see topic in geology regarding seiche). *Development of the project site would require the preparation of standard plans, such as grading plans, and a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), since the site is greater than one (1) acre in size. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of that proposal and, if applicable, an EA shall be prepared to evaluate project compliance, assess potential impacts, and ensure compliance with County development standards, which will include a hydrology analysis*”. The SWPPP and WQMP are required to address water runoff from the project site and methods to minimize its adverse effect upon water quality and to maintain historic stormwater discharge volumes.

Land Use Planning

Letter Comment: “The Initial Study concludes that the Project would not affect land use within a city sphere of influence. However, the Project site is located within the City of Murrieta’s Sphere of Influence; thus, the finding that the Project would have no impact to land use within a city sphere of influence is wrong.” (p. 6)

Response: The Initial Study identifies the project site as being within the Murrieta Sphere of Influence. The proposed project would change the County Land Use designations, but not be in conflict with the City of Murrieta Land Use designations because the City of Murrieta 2035 General Plan Policy Map does not identify land uses within the sphere of influence area.

The City’s General Plan text contains very little discussion on activities within the sphere of influence. General Plan Land Use Goal LU-26 states the following: “The City understands that development on lands adjacent to the City’s corporate boundary can profoundly affect Murrieta residents and businesses.” The two (2) policies that are part of this Goal are listed below.

LU-26.1 Cooperate with other jurisdictions in developing compatible land uses on lands adjacent to, or near, the City’s corporate boundaries to minimize significant impacts and potentially benefit residents, businesses, and/or infrastructure systems in Murrieta.

LU-26.2 Monitor planning and environmental assessments for development projects in adjacent jurisdictions and participate in public hearings for the projects.

Based upon this analysis the proposed project would not adversely affect the City of Murrieta Sphere of Influence.

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

Response: The Initial Study discusses the adopted circulation plan that was created by Specific Plan 380 to the north of the project site. Specific Plan 380 realigned Keller Road to the north away from the project site and resulted in need to maintain “Old Keller Road” to ensure continued access to the project site and adjoining residential neighbors. As such, Old Keller Road now represents the southerly boundary of Specific Plan 380.

The adoption of Specific Plan 380 established an urban boundary to the north of the project site and adjacent to residents south of Old Keller Road. The Low Density Residential zone referred to in the above listed comment is within Specific Plan 380 and is part of the urban area that now exists to the north. The increase in traffic generated by a commercial project on the subject property would not divide “an established rural residential community”, as referenced in the letter, because a rural community no longer exists north of Old Keller Road due to the adoption of Specific Plan 380. It is also possible for future development within Specific Plan 380 to utilize Old Keller Road as they move in and out of their project area.

The amount of traffic generated by the proposed commercial land use would be adequately served by the improvement of a Local roadway design, as envisioned in the adoption of Specific Plan 380.

Noise

Letter Comment: “The Initial Study incorrectly concludes there would be no significant impacts from highway noise because the Project is not located near any highways and Highway 79 is one half mile east of the Project site.”

Response: This is not true. Section 32 Highway Noise states “The project is located adjacent to Highway 79. Noise from this distance could be significant. However, Building Code requirements would reduce the potential interior noise levels to less than significant.”

Letter Comment: “The Initial Study also fails to analyze noise impacts from the Project’s increased intensity of use.” (p. 7)

Response: The Initial Study states that “Development of the site would generate noise during construction and operation. Construction noise from private construction projects within ¼ mile of an inhabited dwelling is exempt from adopted noise standards, but must comply with restrictions contained in Ordinance 847 related to times and days. Once a development proposal or land use application to subsequently subdivide, grade, or build on the property associated with General Plan Amendment No. 903 and Change of Zone No. 7818 is submitted, a subsequent review of the proposal and, if applicable, an EA shall be prepared to evaluate project compliance and assess potential impacts.” (Section 34 Noise Effects on or by the Project)

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

states "Not only would the Project fail to reduce trips by 9%, but the intensification of use would substantially increase traffic." (p. 8)

Response: In Section 43 Circulation a), the Initial Study states the following: "The project is located within the Highway 79 Policy Area of the General Plan. The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. *The proposed project is replacing residential with Commercial Retail, thus the policy does not apply.* The details of implementation will drive the consistency with any other circulation plans. The Land Use change, by itself, is consistent with the circulation plans." As such, the reference to a 9% reduction is not applicable. The Air Quality model used in the project evaluation identified a potential for approximately 2,800 vehicle trips per day.

Letter Comment: The comment letter contains the following language: "The Initial Study states, 'With the required mitigation outlined above, the proposed project will be able to address any congestion management program through the standard fees and mitigation required at the time development is proposed.' However, there is no mitigation proposed or required anywhere in the Initial Study." (p. 8)

Response: The comment letter misquotes the language in the Initial Study. The Initial Study, as provided in Section 43 Circulation b), states the following: "*The proposed project will be able to address any congestion management program through the standard fees and mitigation required at the time development is proposed.*" It does not refer to required mitigation outlined above. The purpose of fee programs, such as the County's Development Impact Fees including TUMF, Fire Mitigation Fee, Traffic Signal Mitigation Fee and others, is to provide a broad based solution to particular environmental issues. These fees are to be applied at applicable times during the development construction/occupancy process, such as prior to issuance of a grading or building permit. Since a specific project has not been proposed nor approved, a determination as to the type or amount of fees cannot occur. However, it is appropriate to note the existence of this mitigation mechanism in reducing potential development impacts and that such a fee(s) will be applied during the development process.

Cumulative Impacts

Letter Comment: "The Initial Study fails to analyze cumulative impacts from the Project in light of the recently approved Specific Plan 380, which neighbors the Project site to the north, or GPA No. 925, which is located about a mile east of the Project and will convert approximately 200 acres from Rural Residential to Low Density Residential.

The County must analyze cumulative impacts to/from air quality, greenhouse gases, land use, noise, and traffic, among other effects, before the Project approval.” (p. 9)

Response: The cumulative effects of the proposed project were evaluated as part of the evaluation of each individual Initial Study topic. No individual topic or issue was found to be potentially significant. In addition to the specific issues delineated above, the analysis in the Initial Study Checklist demonstrates that the proposed project is in the compliance with all applicable regional plans. Compliance with regional plans serves to reduce impacts on a regional basis so that the proposed project would not produce cumulatively considerable impacts when considering the effects of other past, present, and probable future projects.

Findings for General Plan Amendment

Letter Comment: “The County states that the approval of Specific Plan 380, which permits substantial urban development west of Winchester Road/Highway 79, is a new condition that justifies modifying the General Plan. However, as stated above, the rural general plan land use designations provide an edge to urban development and evidence the County’s long term land use pattern for the area. The expansion of urban development into areas designated by the General Plan as Rural land use does not justify further modifying the General Plan to eliminate rural communities.” (p. 10)

Response: Any adopted amendment to the General Plan is considered part of the current version of the General Plan. State law permits amendments to General Plans to maintain their relevance to current conditions. Also, the statement referred to above that land use “designations provide an edge to urban development...” is somewhat out of context since it refers to a comment describing the land use pattern provided for in the 2003 General Plan and how it has changed over time, due to the number of Plan amendments. The proposed project represents the continuation of the pattern that has occurred over time, but which still maintains the rural nature of the remaining residential areas located further to the west of Highway 79.

The applicable portion of the Staff Report states as follows: “Prior to the adoption of SP 380 the General Plan generally provided a separation of urban and rural land uses in the area along Winchester Road/Highway 79, with Commercial Retail, Very High Density Residential (14-20 du/ac), and Medium Density Residential (2-5 du/ac) to the east of Winchester Road/Highway 79 and Rural-Residential to the west. However, with the adoption of Specific Plan 380, substantial urban development is now provided for on the west side of Winchester Road/Highway 79, immediately adjacent to and north of the subject property. In addition, SP 380 represents the continued southerly expansion of the urbanized area

originally established in the 2003 General Plan at the intersection of Scott Road/Highway 79 plan. Lastly, the subject property is immediately adjacent to Highway 79, a six (6) lane State Highway extending from Beaumont to Temecula.”

“The proposed change in land use for the subject property would continue the land use transition that has occurred in the area and reflect the planned level of activity established by the new land uses and roadway system, and is consistent with all other policies of the General Plan.” (p. 4)

NOTICE OF PUBLIC HEARING
and
INTENT TO ADOPT A NEGATIVE DECLARATION

A PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use and Subdivision Ordinance Nos. 348 & 460, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

GENERAL PLAN AMENDMENT NO. 903 and CHANGE OF ZONE NO. 7818 – Intent to Adopt a Negative Declaration – Applicant: Milan Chakrabarty – Third/Third Supervisorial District - Location: Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. - **REQUEST:** The General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

TIME OF HEARING: **9:00 am** or as soon as possible thereafter
 JULY 15, 2015
 RIVERSIDE COUNTY ADMINISTRATIVE CENTER
 BOARD CHAMBERS, 1ST FLOOR
 4080 LEMON STREET
 RIVERSIDE, CA 92501

For further information regarding this project, please contact Project Planner, Matt Straite, at 951-955-8631 or email mstraite@rctlma.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 project will not have a significant effect on the environment and has recommended adoption of a negative declaration. The Planning Commission will consider the proposed project and the proposed negative declaration, at the public hearing. The case file for the proposed project and the proposed negative declaration may be viewed Monday through Thursday, 8:30 a.m. to 5:00 p.m., at the County of Riverside Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501. For further information or an appointment, contact the project planner.

Any person wishing to comment on a proposed project may do so, in writing, between the date of this notice and the public hearing or appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge this project in court, you may be limited to raising only those issues you or someone else 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: Matt Straite
P.O. Box 1409, Riverside, CA 92502-1409

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 3/20/2014

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

APN (s) or case numbers C207818 / GPA00903 For

Company or Individual's Name Planning Department,

Distance buffered 2000'

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.

NAME: Vinnie Nguyen

TITLE GIS Analyst

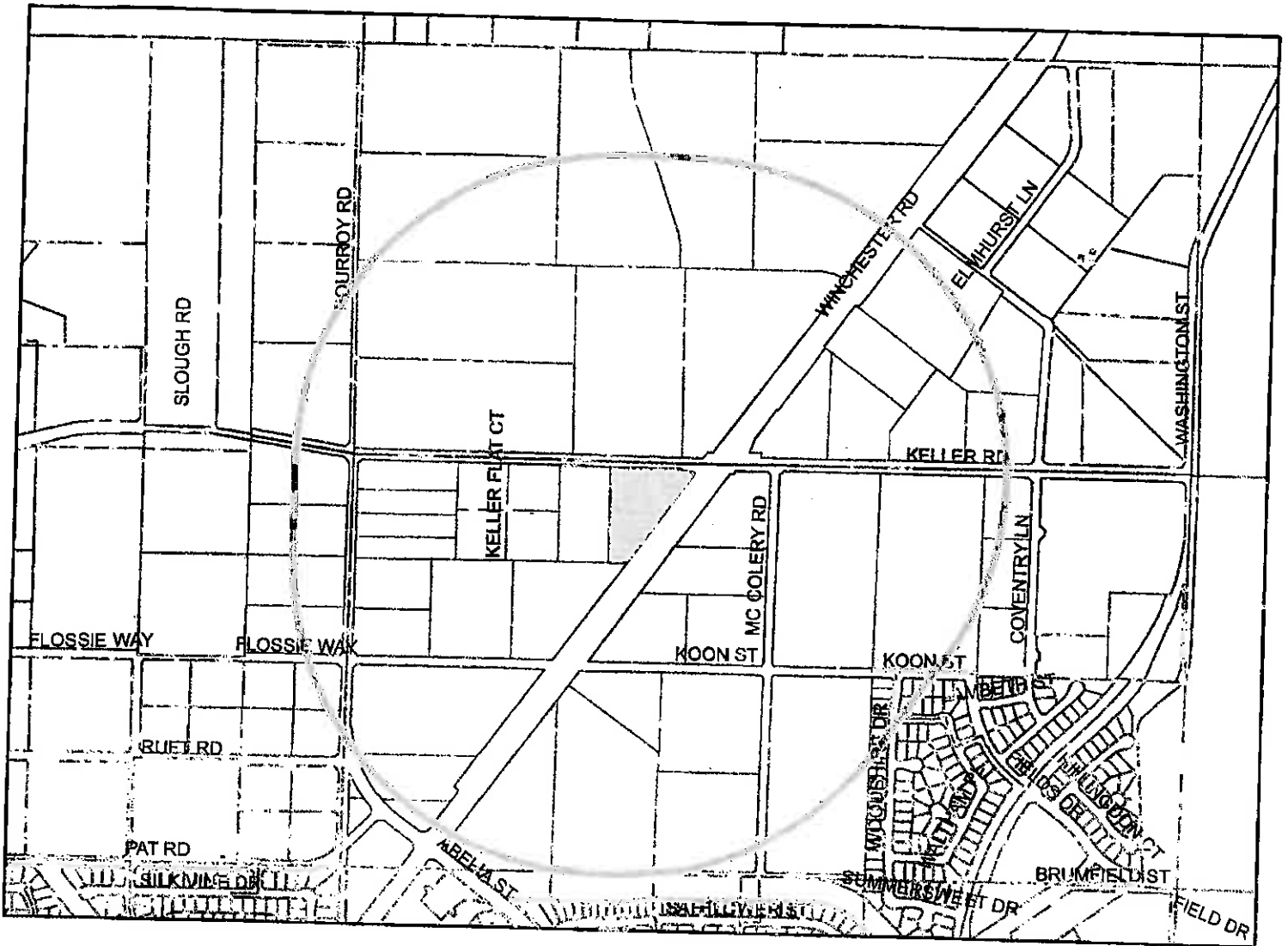
ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

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

*Checked by
V. N. N.
3/20/14*

GPA00903 (2000 feet buffer)



Selected Parcels

476-010-012	476-321-006	476-010-005	476-330-007	476-010-011	476-330-003	476-010-056	476-321-013	476-321-009	480-030-038
472-110-041	472-110-042	476-330-002	476-321-008	476-010-003	476-010-004	476-010-036	476-010-002	476-010-030	476-321-012
480-030-031	472-110-031	480-030-030	480-030-029	476-010-007	476-321-007	472-110-022	476-330-008	476-010-008	476-010-060
476-010-024	476-010-017	476-010-054	476-010-055	472-110-025	476-010-026	476-010-061	476-010-062	476-010-063	476-052-014
480-030-032	476-010-001	476-010-027	476-010-028	476-321-010	476-321-011	480-030-040	476-010-029	476-321-014	476-010-009
472-110-024	476-010-050	476-010-057	476-010-058	472-090-024	472-110-002	472-110-003	472-110-004	472-110-007	472-110-008
472-110-009	472-110-033	472-110-034	472-090-025	476-010-013	476-010-059	472-110-038	476-330-001	476-010-006	



1,000 500 0 1,000 Feet

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.

ASMT: 472090024, APN: 472090024
 VINTAGE PLAZA LTD
 7 CORPORATE PLZ
 NEWPORT BEACH CA 92660

ASMT: 472110038, APN: 472110038
 WIMBLEY COURT
 C/O JEFFERY LEE
 P O BOX 56432
 SHERMAN OAKS CA 91403

ASMT: 472090025, APN: 472090025
 VICTORIA HOUGH, ETAL
 9135 GREGORY ST
 CYPRESS CA 90630

ASMT: 472110042, APN: 472110042
 GEORGIA COSTELLO
 44421 N 12TH ST
 NEW RIVER AZ 85087

ASMT: 472110022, APN: 472110022
 MICHAEL ABUAN
 33900 WINCHESTER RD NO B
 WINCHESTER CA 92596

ASMT: 476010001, APN: 476010001
 KELLY EGAN, ETAL
 32025 KELLER RD
 WINCHESTER, CA. 92596

ASMT: 472110024, APN: 472110024
 JACLYN CENOZ, ETAL
 37300 POURROY RD
 WINCHESTER CA 92596

ASMT: 476010002, APN: 476010002
 AMY MCKAIG, ETAL
 34044 POURROY RD
 WINCHESTER, CA. 92596

ASMT: 472110025, APN: 472110025
 PRIME II INV
 23591 EL TORO RD STE 120
 LAKE FOREST CA 92630

ASMT: 476010004, APN: 476010004
 OFELIA ACOSTA, ETAL
 34120 POURROY RD
 WINCHESTER CA 92596

ASMT: 472110031, APN: 472110031
 KARNEZIS FAMILY PROP II
 C/O THEODORE KARNEZIS
 6 GLADSTONE LN
 LAGUNA NIGUEL CA 92677

ASMT: 476010005, APN: 476010005
 DANA JAMES
 38033 AGUSTA DR
 MURRIETA CA 92563

ASMT: 472110034, APN: 472110034
 DAVID HANNA, ETAL
 C/O HANNA CAPITAL MGMT
 43 POST
 IRVINE CA 92618

ASMT: 476010006, APN: 476010006
 MORGAN KIMBELL, ETAL
 32187 KELLER RD
 WINCHESTER, CA. 92596

ASMT: 476010007, APN: 476010007
 ANAHI ALVAREZ, ETAL
 34118 KELLER FLAT CT
 WINCHESTER, CA. 92596

ASMT: 476010029, APN: 476010029
 ANDREE SELLAND, ETAL
 32755 KELLER RD
 WINCHESTER, CA. 92596

ASMT: 476010008, APN: 476010008
 KIRK GURLING, ETAL
 36781 PEBLEY CT
 WINCHESTER CA 92596

ASMT: 476010030, APN: 476010030
 HEATHER TUCKER, ETAL
 32805 KELLER RD
 WINCHESTER, CA. 92596

ASMT: 476010009, APN: 476010009
 JANA RUSH, ETAL
 32265 KELLER RD
 WINCHESTER, CA. 92596

ASMT: 476010036, APN: 476010036
 HIGHPOINTE WASH ST
 20 ENTERPRISE STE 320
 ALISO VIEJO CA 92656

ASMT: 476010011, APN: 476010011
 SHERRIE MARTINEAU, ETAL
 34250 POURROY RD
 WINCHESTER, CA. 92596

ASMT: 476010055, APN: 476010055
 PINNACLE WINCHESTER
 C/O BARRY LALL
 8369 VICKERS ST NO 101
 SAN DIEGO CA 92111

ASMT: 476010012, APN: 476010012
 AESPERITA FLENOID
 34220 POURROY RD
 WINCHESTER, CA. 92596

ASMT: 476010058, APN: 476010058
 EVANTHIA RIGAS, ETAL
 30 POINT LOMA DR
 CORONA DEL MAR CA 92625

ASMT: 476010013, APN: 476010013
 WILLIAM LIESMAN
 34155 WINCHESTER RD
 WINCHESTER, CA. 92596

ASMT: 476010060, APN: 476010060
 MANJUSHREE CHAKRABARTY, ETAL
 1003 E FLORIDA AVE NO 101
 HEMET CA 92543

ASMT: 476010024, APN: 476010024
 MUI LAM
 32333 KOON ST
 WINCHESTER CA 92596

ASMT: 476010063, APN: 476010063
 RANCON SEVILLA 180
 41391 KALMIA ST STE 200
 MURRIETA CA 92562

ASMT: 476052014, APN: 476052014
 WATER DIST, ETAL
 1995 MARKET ST
 RIVERSIDE CA 92501

ASMT: 476321013, APN: 476321013
 DANICA RAMIREZ, ETAL
 34255 WOODSHIRE DR
 WINCHESTER, CA. 92596

ASMT: 476321006, APN: 476321006
 LEANA DEROUIN, ETAL
 34351 WOODSHIRE DR
 WINCHESTER, CA. 92596

ASMT: 476321014, APN: 476321014
 SIENNA II AVANTE II MAINTENANCE CORP
 C/O BARBARA KOENIG
 2900 ADAMS ST NO C25
 RIVERSIDE CA 92504

ASMT: 476321007, APN: 476321007
 MARY CABIAS, ETAL
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ASMT: 476330001, APN: 476330001
 AMBER HORNSEY, ETAL
 32661 KOON ST
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ASMT: 476321008, APN: 476321008
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 34327 WOODSHIRE DR
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ASMT: 476330002, APN: 476330002
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ASMT: 476321009, APN: 476321009
 TYHISHA HAVARD, ETAL
 34315 WOODSHIRE DR
 WINCHESTER, CA. 92596

ASMT: 476330003, APN: 476330003
 AMPARO SALCEDO, ETAL
 23591 MADISON AVE
 MURRIETA CA 92562

ASMT: 476321011, APN: 476321011
 SHIRLEY SABA, ETAL
 41309 AVENIDA BIONA
 TEMECULA CA 92591

ASMT: 476330007, APN: 476330007
 DEBORAH SEYMOUR
 34258 NORTHHAVEN DR
 WINCHESTER, CA. 92596

ASMT: 476321012, APN: 476321012
 JANELLA CROWE, ETAL
 34267 WOODSHIRE DR
 WINCHESTER, CA. 92596

ASMT: 476330008, APN: 476330008
 MICHAEL BELIE
 34266 NORTHHAVEN DR
 WINCHESTER, CA. 92596

ASMT: 480030029, APN: 480030029
SHERYL ERAMO, ETAL
34125 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030030, APN: 480030030
KRISTA HUNDLEY
42389 WINCHESTER RD NO B
TEMECULA CA 92590

ASMT: 480030031, APN: 480030031
JOHN GEALTA
34185 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030032, APN: 480030032
MARY CARLSON, ETAL
34205 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030038, APN: 480030038
GARCIA EVELYN L TRUST
C/O SUSAN L RODE CLIFTON
7556 SULLIVAN PL
BUENA PARK CA 90621

ASMT: 480030040, APN: 480030040
SAINT THOMAS HERMIT COPTIC ORTHO
PO BOX 893313
TEMECULA CA 92589

5/15/2014 12:25:47 PM

ATTN: Dan Kopulsky
CALTRANS District #8
464 W. 4th St., 6th Floor
Mail Stop 725
San Bernardino, CA 92401-1400

ATTN: Patrick Richardson, Director of
Planning & Development
City of Temecula
41000 Main St.
Temecula, CA 92590

ATTN: Elizabeth Lovsted
Eastern Municipal Water District
2270 Trumble Rd.
P.O. Box 8300
Perris, CA 92570

Hemet Unified School District
2350 W. Latham Ave.
Hemet, CA 92545-3654

Menifee Union School District
30205 Menifee Rd.
Menifee, CA 92562

Pechanga Cultural Resource Dept.
P.O. Box 1583
Temecula, CA 92593

Perris Elementary School District
143 E. 1st St.
Perris, CA 92570-2113

ATTN: Emmanuelle Reynolds
Perris Union High School District
155 E. 4th St.
Perris, CA 92570-2124

ATTN: Executive Officer
Reg. Water Quality Control Board #8
Santa Ana
3737 Main St., Suite 500
Riverside, CA 92501-3348

Dr. Chakrabarty
1003 E. Florida Ave.
Hemet CA 92543

Jim Morrissey
41738 Fulton Ave.
Hemet, CA 92544

*Johnson & Sedlack
26785 Camino Seco
Temecula, CA 92590*



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

NEGATIVE DECLARATION

Project/Case Number: General Plan Amendment No. 903 (GPA903) and Change of Zone No. 7818

Based on the Initial Study, it has been determined that the proposed project will not have a significant effect upon the environment.

PROJECT DESCRIPTION, LOCATION, TO AVOID POTENTIALLY SIGNIFICANT EFFECTS. (see Environmental Assessment)

COMPLETED/REVIEWED BY:

By: Matt Straite Title: Project Planner Date: May 13, 2014

Applicant/Project Sponsor: Milan Chakrabarty Date Submitted: January 15, 2008

ADOPTED BY: Board of Supervisors

Person Verifying Adoption: _____ Date: _____

The Mitigated Negative Declaration may be examined, along with documents referenced in the initial study, if any, at:

Riverside County Planning Department 4080 Lemon Street, 12th Floor, Riverside, CA 92501

For additional information, please contact Matt Straite at mstraite@rctlma.org.

Revised: 10/16/07

Y:\Planning Case Files-Riverside office\GPA00903\DH-PC-BOS Hearings\DH-PC\Mitigated Negative Declaration.docx

Please charge deposit fee case#: ZEA41706 ZCFG05054

FOR COUNTY CLERK'S USE ONLY



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

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 Lamon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, California 92211

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.

EA41706, GPA903, CZ7818

Project Title/Case Numbers

Matt Straite
County Contact Person

951-955-8631
Phone Number

N/A
State Clearinghouse Number (if submitted to the State Clearinghouse)

Milan Chakrabarty
Project Applicant

1003 East Florida Ave Hemet CA 92543
Address

Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd.
Project Location

General Plan Amendment No. 903 proposes to amend the General Plan Foundation Component of the 3.5 acre site subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR; RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio). Change of Zone No. 7818 proposes to change the zoning on the 3.5 acre site from Rural Residential (RR) to General Commercial (C-1/C-P).

Project Description

This is to advise that the Riverside County Board of Supervisors, as the lead agency, has approved the above-referenced project on _____, and has made the following determinations regarding that project:

1. The project WILL NOT have a significant effect on the environment.
2. A Negative Declaration was prepared and certified for the project pursuant to the provisions of the California Environmental Quality Act (\$2,181.25 + \$50.00) and reflect the independent judgment of the Lead Agency.
3. Mitigation measures WERE NOT adopted as part of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS NOT adopted.
5. A statement of Overriding Considerations WAS NOT adopted for the project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 4080 Lamon Street, 12th Floor, Riverside, CA 92501.

Signature

Title

Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA41706 ZCFG5054 .

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * R0800432

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: CHAKRABARTY MILAN \$64.00
paid by: CK 688
paid towards: CFG05054 CALIF FISH & GAME: DOC FEE
CLAIFORNIA FISH & GAME FOR GPA903 CZ7818
at parcel #:
appl type: CFG3

By _____ Jan 15, 2008 11:43
MBRASWEL posting date Jan 15, 2008

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$64.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

M* REPRINTED * R1403638

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 694-5242

38686 El Cerrito Rd
Indio, CA 92211
(760) 863-8271

Received from: CHAKRABARTY MILAN \$2,181.25
paid by: CK 5131
CLAIFORNIA FISH & GAME FOR GPA903 CZ7818
paid towards: CFG05054 CALIF FISH & GAME: DOC FEE
at parcel:
appl type: CFG3


By _____ Apr 09, 2014 15:41
MGARDNER posting date Apr 09, 2014

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$2,181.25

Overpayments of less than \$5.00 will not be refunded!

Agenda Item No.:
Area Plan: The Pass
Zoning District: Cabazon
Supervisory District: Fifth
Project Planner: Peter Lange
Planning Commission: July 15, 2015
Continued From: May 20, 2015

APPEAL OF PLOT PLAN NO. 14522 REVISED
PERMIT NO.1
CEQA Exempt
Appellant: World's Biggest Cabazon
Dinosaurs
Applicant: World's Biggest Cabazon
Dinosaurs
Engineer/Representative: Trip Hord


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

This appeal concerns the Planning Director's denial of Plot Plan No. 14522 Revised Permit No. 1 on June 23, 2014, which proposes to add to the original approved project Plot Plan No. 14522, a 2,916 sq.ft. gift shop, a 1,060 sq.ft. caretaker unit, and 34,279 sq.ft. area of outdoor dinosaur exhibits and landscaping area on a total of 54.7 acres.

The project is generally located on the northwest corner of Seminole Drive and Deep Creek Road.

The appeal application, staff reports, memorandums and environmental documents provided to the Planning Director are attached hereto and incorporated herein by reference.

FURTHER PLANNING CONSIDERATIONS:

Planning Commission Hearing , June 17, 2015

During the June 17, 2015 Planning Commission hearing, the applicant provided a status update of the materials required by Building and Safety to complete the 3rd plan check for the proposed project. The status update was recommended on the May 26, 2015 Planning Commission hearing and was to occur the following agenda. The applicant submitted the required materials on June 15, 2015 to the Building and Safety Department for review. Materials submitted included:

- Revised Architectural/structural plans;
- Structural Calculations;
- Building Energy Analysis Report (Title 24-Certification of Compliance);
- Revised Electrical Plans;
- Revised Disabled Access Plans;
- Geotechnical Investigations Report; and
- Response to plan check comments.

At the time of the status update, Building and Safety staff had ~~begun~~ completed the initial review of the materials submitted for the ~~3rd~~ 4th plan check.

Comment [BK1]: Left justification, with an additional space separating the line heading above it

Planning Commission Hearing, May 20, 2015

Comment [BK2]: Orphan heading, left justification

~~The appeal of the Planning Director's denial of Plot Plan No. 14522 Revised Permit No.1 was continued from the May 20, 2015 to the July 15, 2015 Planning Commission meeting in order to allow the applicant an opportunity to resolve all the outstanding items listed in the attached Compliance Plan dated September 8, 2014, which was signed and agreed to by the applicant.~~

At the May 20, 2015 Planning Commission, the applicant acknowledged that his most recent plan check review submittal to the Building & Safety Department was incomplete and did not contain the required information. He therefore requested additional time so he could submit the required information. He also assured the Planning Commission that he would have a complete plan check submittal addressing all of Building and Safety Department issues submitted before the July 15, 2015 Planning Commission meeting.

The Compliance Plan required the site electrical plan to be submitted by November 9, 2014, and Building and Safety Plan Check submittal for electrical, plumbing, building plans, structural and architectural, Title 24 Energy, and Green Building Code by March 9, 2015.

At the time this staff report was prepared, the applicant had not satisfied the requirements for/or had not addressed the following items required by Building and Safety Department:

- Electrical,
- Plumbing,
- Building plans, structural, architectural,
- Title 24 Energy, and
- Green Building Code.

The applicant had satisfied the requirements with Building and Safety Department and Planning Department for:

- American Disabilities Act plan check, and
- Recorded Lot Line Adjustment No. 5491 (approved and recorded on February 25, 2015 by the County of Riverside Assessor: County Clerk-Recorder).

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Given that the applicant had not adhered to the Planning Commission directions and not complied with the requirements of the executed Compliance Plan by not providing the required materials within the agreed upon time frame, staff recommends that the Planning Commission deny the applicant's appeal and uphold the Planning Director's decision to deny the project.

~~The appeal of the Planning Director's denial of Plot Plan No. 14522 Revised Permit No.1 was continued from the May 20, 2015 to the July 15, 2015 Planning Commission meeting in order to allow the applicant an opportunity to resolve all the outstanding items listed in the attached Compliance Plan dated September 8, 2014, which was signed and agreed to by the applicant.~~

Planning Commission Hearing, April 27, 2015

~~The appeal of the Planning Director's denial of Plot Plan No. 14522 Revised Permit No.1 was continued from the March 18, 2015 to the May 20, 2015 Planning Commission meeting in order to allow the applicant an opportunity to resolve all the outstanding items listed in the attached Compliance Plan dated September 8, 2014, which was signed and agreed to by the applicant. The Compliance Plan required the site electrical plan to be submitted by November 9, 2014, and Building and Safety Plan~~

APPEAL OF PLOT PLAN NO. 14522 REVISED PERMIT NO.1

PC Staff Report: July 15, 2015

Page 3 of 9

~~Check submittal for electrical, plumbing, building plans, structural and architectural, Title 24 Energy, and Green Building Code by March 9, 2015.~~

~~At the time this staff report was prepared, the applicant had not satisfied the requirements for/or had not addressed the following items required by Building and Safety Department:~~

- ~~• Electrical,~~
- ~~• Plumbing,~~
- ~~• Building plans, structural, architectural,~~
- ~~• Title 24 Energy, and~~
- ~~• Green Building Code.~~

~~The applicant had satisfied the requirements with Building and Safety Department and Planning Department for:~~

- ~~• American Disabilities Act plan check, and~~
- ~~• recorded Lot Line Adjustment No. 5491.~~

~~Given that the applicant had not adhered to the Planning Commission directions and not complied with the requirements of the executed Compliance Plan by not providing the required materials within the agreed upon time frame, staff recommends that the Planning Commission deny the applicant's appeal and uphold the Planning Director's decision to deny the project.~~

Planning Commission Hearing, February 3/March 18, 2015

The appeal of the Planning Director's denial of Plot Plan No. 14522 Revised Permit No.1 was continued from the September 17, 2014 to March 18, 2015, Planning Commission meeting in order to allow the applicant an opportunity to resolve all the outstanding items listed in the attached Compliance Plan dated September 8, 2014, which was signed and agreed to by the applicant. The Compliance Plan specified two deadlines that the applicant was to adhere to: November 9, 2014, and March 9, 2015.

The November 9, 2014, deadline required that the applicant submit the following Compliance Plan items No.1A (electrical plans), No.1B (accessibility plans), No.1C (monument calculations), and No.1D (water tower calculations) to the Building and Safety Department. On November 6, 2014, the applicant submitted a letter informing the Planning Department that items No.1A and No.1B were submitted to the Building and Safety Department, and submittal of No.1C and No.1D was included in the letter. A notification letter was sent to the applicant dated November 17, 2014, indicating that items Nos. 1A, 1C and 1D were not submitted to the satisfaction of the Building and Safety Department. Additionally, the applicant was also notified that the fee balances for both Building and Safety and Planning Department processing were still outstanding.

The March 9, 2015, deadline requires the applicant resolve Compliance Plan items Nos. 2A-F (completion of Building and Safety Plan Check), No.3 (record Lot Line Adjustment No. 5491) and No.4 (paid all negative fee balances). A notification letter was sent to the applicant dated January 21, 2015, indicating that items Nos.1A-D for the November 9, 2014 deadline and items Nos.2A-F, No.3 and No.4 for the March 9, 2015 deadline, have not been resolved. At the time this staff report was written, the applicant did make a payment of \$20,000.00 which brought the project's negative balance to -\$1,960.55. Also, for item No.3, the applicant had paid the required fees for the lot line adjustment, and staff is waiting on an updated recorder's sheet to record the document.

Given the applicant's had not adhered to the agreed upon deadlines set forth in the Compliance Plan, and had not provided timely submittals that will enable staff to complete review of this project, staff

recommends that the Planning Commission deny the applicant's appeal and uphold the Planning Director's decision to deny the project.

Planning Commission Hearing, September 17, 2014

The appeal of the Planning Director's denial of Plot Plan No. 14522 Revised Permit No. 1 was continued from the August 20, 2014 to September 17, 2014 Planning Commission meeting so that staff could meet with the applicant and prepare a detailed compliance plan and schedule as to how the applicant would continue processing this application and meet its requirements for continued processing. See Compliance Plan attached as Exhibit P.

The intent of the Compliance Plan ~~is~~ was to: 1) ensure that the applicant provides the necessary information required to clear Land Development Committee corrections (lot line adjustment and building and safety plan check approval) so that a viable project can be brought forward for consideration in light of the ongoing code violations on the property, and 2) ensure that the applicant pays all outstanding fees associated with the plot plan application and leaves a balance for continued processing.

The project was continued to March 18, 2015 in order to allow adequate time for the applicant to satisfy the requirements of the Compliance Plan.

Planning Commission Hearing, August 20, 2014

The applicant, the World's Biggest Cabazon Dinosaurs, filed an appeal application with the County on July 2, 2014 (see Exhibit E), appealing the Planning Director's denial of Plot Plan No. 14522 Revised Permit No. 1 at Director's Hearing meeting on June 23, 2014, citing the following reasons for appeal:

1. Land Development Committee review process is was substantially completed,
2. Lot Line Adjustment No. 5491 had been submitted with the Planning Department and is ~~was~~ currently being reviewed ~~is in the final stages of approval, pending recording of the documents with the Clerk of the Assessor-Recorders Office~~ was under review.
3. Required building plans for unpermitted buildings and structures ~~will~~ would be submitted to the Building and Safety Department for plan check.

Comment [BK3]: Make sure this is correct

The Land Development Committee was requesting a lot line adjustment and building plans for unpermitted buildings and structures onsite to ensure that the business ~~can~~ could operate without risk to the public health and safety of its patrons and employees.

Item #1 ~~is~~ was an accurate statement that the majority of Land Development Committees had completed their review and added their conditions of approval to the project; however, the Planning and Building and Safety Departments ~~have~~ had not cleared their review as there are still health and safety issues with existing structures and buildings and a building straddling a parcel line.

Item #2 was submitted on June 18, 2014, and was being reviewed by staff. The required lot line adjustment was necessary due to the fact that the existing gift shop was constructed on top of the property line and needs to be relocated.

Item #3 had been repeatedly requested of the applicant to submit the required documents for plan check on five separate occasions dating back to the first Land Development Committee meeting on September 27, 2012, and with the most recent request occurring at that time on February 24, 2014. Approved

building plans are critical to ensure that the operating business does not pose a threat to the public health and safety.

The project was continued to September 17, 2014, in order to allow time for staff to meet with the applicant to prepare a compliance plan which would address all outstanding issues.

Directors Hearing, June 23, 2014

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The application for Plot Plan No. 14522 Revised Permit No. 1 was submitted to the Planning Department on March 26, 2012. A project chronology had been submitted as part of the staff report package. The chronology outlined activities on the project site including what had been previously approved, current and closed code enforcement cases, and a timeline of the project; Plot Plan No. 14522 Revised Permit No.1. The last major activity on the project was on January 27, 2014, when the applicant resubmitted a revised submittal package which included:

- Unrevised site plan
- Project business plan and alternate parking plan,
- Building elevation photos,
- Floor plan for gift shop and indoor museum building,
- Emails between the applicant and Building and Safety Department regarding the requirement for building plans and permits, and
- Geology Report prepared by Geo Tek Inc. was previously submitted.

Staff reviewed this package and informed the applicant in writing on February 24, 2014, that the following corrections were still outstanding and the following requested items were not provided; 1.) the Building and Safety Department had required approved building permits for all buildings and structures onsite or at a minimum have building plans submitted for all buildings and structures for review and approval with the Building and Safety Department, and 2.) the Planning Department required a lot line adjustment to relocate a lot line from under the existing gift store building. The applicant was required to submit these plans and permits within 60 days of the letter. On April 24, 2014, the applicant contacted Staff indicating that they are in the process of looking for vendors to prepare the requested materials; however, to date, no resubmittals or applications for lot line adjustments or building permits have been filed. These items have been regularly requested of the applicant since the first Land Development Committee meeting on August 22, 2013.

The project had been scheduled for the June 23, ~~2015-2014~~ Director's Hearing in which staff made a recommendation for project denial. The basis for denying the project was Staff had not received have the necessary requested plans, permits, or materials to support the application and complete the land development review process, and therefore recommending denial. The necessary materials, plans and permits have been requested by the Land Development Committee and Planning Department. At the time, the most recent letter to the applicant, dated February 24, 2014, identified a deadline date for submittal of the final documents needed for completion of processing; submittal of valid building permits or submittal of building plans for review, and a lot line adjustment. At the time of drafting the staff report, the requested documents had not been submitted.

Comment [BK4]: Something with formatting not working on return

SUMMARY OF FINDINGS:

Comment [BK5]: Add in the appeal filing and denial determination rendered at the DH.
Field Code Changed

1. Existing General Plan Land Use (Ex. #5): Community Development: Commercial Retail
2. Surrounding General Plan Land Use (Ex. #5): Community Development: Commercial Retail, Rural: Rural Desert, Areas subject to Indian

	Jurisdiction
3. Existing Zoning (Ex. #2):	Scenic Highway Commercial
4. Surrounding Zoning (Ex. #2):	Scenic Highway Commercial, Controlled Development Areas-10 acre minimum, Rural Residential
5. Existing Land Use (Ex. #1):	Gift store and outdoor dinosaur exhibits,
6. Surrounding Land Use (Ex. #1):	Gas station, vacant land
7. Aerial Map (Ex. #8):	
8. Project Data:	Total Site Acreages: 54.7 acres Total Project Acreage: 0.9 acres Total Building Area: Approximately 5,000 sq.ft.
9. Environmental Concerns:	Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves

RECOMMENDATIONS:

CONTINUANCE of Plot Plan No. 14522 Revised Permit No. 1 for thirty (30) days to allow the applicant to make required corrections from the 3rd-4th plan check, and resubmit to Building and Safety for review.

Although a number of corrections are needed to be resolved, the applicant has made progress to resolve the outstanding issues for the proposed project. Discussion between the Planning and Building and Safety Department staff have agreed they would support the thirty (30) day continuance provided that the revised set of plans are submitted to Building and Safety no later than July 2, 2015 and would allow the Building and Safety enough time to evaluate the submittal correction for 4th plan check.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, which is incorporated herein by reference.

1. The project site has a General Plan land use designation of Community Development: Commercial Retail.
2. The zoning for the subject site is Scenic Highway Commercial.
3. Existing and approved Plot Plan No. 14522 allows for the following uses: a commercial center for 5 fast food restaurants, one site down restaurant, a 60 room motel and a museum and gift shop. The existing restaurant, 2 dinosaurs and gift shop inside the dinosaur were allowed to remain on site. The applicant proposes to add the following uses: a 2,916 sq.ft. gift shop, a caretaker unit, a 34,276 square foot area of outdoor dinosaur exhibits and landscaping area on a total of 54.7 acres.
4. The project site is surrounded by properties which are designated in the General Plan as Community Development: Commercial Retail, Rural: Rural Desert, and Areas subject to Indian Jurisdiction.

Field Code Changed
Field Code Changed

APPEAL OF PLOT PLAN NO. 14522 REVISED PERMIT NO.1

PC Staff Report: July 15, 2015

Page 7 of 9

5. The project site is also surrounded by properties which are zoned Scenic Highway Commercial, Controlled Development Areas-10 acre minimum, and Rural Residential.
6. The surrounding area is mainly vacant besides a gas station and restaurant.
7. This project is not located within a City Sphere of Influence.
8. The existing gift store and indoor museum building was built over an existing lot line for Parcel 1 on Parcel Map 28365. Lot Line Adjustment No. 5491 had been recorded that adjusts the lot line out from underneath the building.
9. The project site had numerous code violations for the accumulation of trash onsite, construction without permits, zoning, grading without permits, and land uses without Planning Department approval. These violations are still outstanding.
10. Structures and buildings onsite were constructed without the benefit of grading and building permits, and plans for these structures and buildings have not been submitted to the Building and Safety Department for review and approval.
11. The existing unpermitted structures and buildings located on the project site have been determined to be a threat to the public health, safety and general welfare and were declared to be a public nuisance on October 16, 2012 by the Board of Supervisors.
12. The project application is incomplete. Staff does not have the necessary requested plans, permits, or materials to support the application and complete the land development review process.
13. The following General Plan Policies apply to the subject site:
 - (1) LU4.1.b Require that structures be constructed in accordance with the requirements of the County's zoning, building, and other pertinent codes and regulations.
 - (2) S1.1 Mitigate hazard impacts through adoption and strict enforcement of current building codes, which will be amended as necessary when local deficiencies are identified.
 - (3) S1.2 Enforce state laws aimed at identification, inventory, and retrofit of existing vulnerable structures.
14. An environmental assessment was not prepared as part of this project because staff previously recommended denial due to a lack of information required by staff to determine the project complete. CEQA does not apply to projects that are disapproved or recommended for denial (Statutory Exemption 15270). An environmental assessment will be necessary and required if the project moves forward with a recommendation of approval by staff.
15. The applicant had not fulfilled all requirements of the Compliance Plan dated September 8, 2014, that they agreed to. The applicant missed both November 9, 2014, and March 9, 2015, deadlines dates for submitting plans and getting these items resolved.

CONCLUSIONS:

1. The proposed additional uses are uses allowed within the Community Development: Commercial Retail Land Use Designation.

APPEAL OF PLOT PLAN NO. 14522 REVISED PERMIT NO.1

PC Staff Report: July 15, 2015

Page 8 of 9

2. The project is inconsistent with other requirements of the Riverside County General Plan regarding public health and safety due to the lack of permits of the existing buildings and structures onsite.
3. The proposed additional uses are permitted uses with the Scenic Highway Commercial zone set forth in Ordinance No. 348.
4. The project is not in compliance with Section 18.30.c.1 and 2 of Ordinance No. 348, Requirements for Approval for Plot Plans, as the applicant had not submitted the required information had requested by staff.
5. The unpermitted structures and buildings are inconsistent with the following County General Plan policies:
 - (1) LU4.1.b Require that structures be constructed in accordance with the requirements of the County's zoning, building, and other pertinent codes and regulations.
 - (2) S1.1 Mitigate hazard impacts through adoption and strict enforcement of current building codes, which will be amended as necessary when local deficiencies are identified.
 - (3) S1.2 Enforce state laws aimed at identification, inventory, and retrofit of existing vulnerable structures.
6. The public's health, safety, and general welfare are not protected through the existing project design as building plans and permits requested by the Building and Safety Department for the existing buildings and structures have not been provided for Building and Safety Department review by the applicant.
7. The project denial is exempt from the provision of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270.
8. The project is not in compliance with the County Ordinance Nos. 348 and 457 due to the outstanding Code Enforcement violations and the applicant's failure to submit the required documentation necessary to process the project.

INFORMATIONAL ITEMS:


1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A city of sphere of influence;
 - b. A Historic Preservation district;
 - c. Tribal land;
 - d. A Specific plan;
 - e. The Coachella Valley MSHCP Conservation area;
 - f. An Agriculture preserve;
 - g. Airport Influence area;
 - h. A Fault zone; or
 - i. The Stephens Kangaroo Rat Fee Area or Core Reserve Area.

3. The project site is located within:
 - a. The boundaries of the Banning Unified School District;
 - b. Cabazon Policy Area;
 - c. A 100-year flood plain area;
 - d. A Low Paleontological Sensitivity area;
 - e. Mt. Palomar Observatory Area Ordinance No. 655;
 - f. A High Fire area; and
 - g. West Desert Municipal Advisory Committee.

4. The subject site is currently designated as Assessor's Parcel Numbers 519-180-021, 519-190-029, 519-190-036, 519-190-037.

Agenda Item No.: 3.3
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Larry Ross
Planning Commission: July 15, 2015
Continued from: June 17, 2015, April 15, 2015

GENERAL PLAN AMENDMENT NO. 975
Environmental Assessment No. 41804
Applicant: Mary Etta Bollman
Engineer/Representative: Dave Jeffers
Consulting, Inc.


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Component and Land Use designations of the subject site from Rural: Rural Residential (RUR:RR) (5 acre minimum lot size) to Community Development: Medium Density Residential (CD:MDR) (2-5 Dwelling Units Per Acre) on approximately 73.65 acres. The application was submitted during the permitted time period to request foundation changes in 2008.

The project is located northerly Buena Ventura Road, southerly of Auld Road, and easterly of Pourroy Road, and westerly of Borel Road.

FURTHER PLANNING CONSIDERATIONS:

On April 15, 2015, the project was continued by the Planning Commission to June 17th to allow the applicant to contact the surrounding community to see if the issues raised during the meeting could be resolved.

On June 11, 2015 an opposition letter was received from Dan Silver of Endangered Habitats League.

On June 17th, the Planning Commission continued to the project to July 15th to allow the applicant additional time to contact the surrounding community.

On July 6th, Staff reached out to the applicant's representative to get an update on the effort to contact the surrounding community. The applicant responded that they would not be able to provide such an update until after the deadline for the distribution of the staff report. Therefore, staff is recommending continuance to July 29th, 2015 to allow for an update to the staff report.

RECOMMENDATIONS:

CONTINUE the project until July 29, 2015.

Ross, Larry

From: David Jeffers <dave4djic@yahoo.com>
Sent: Tuesday, July 07, 2015 8:39 AM
To: Ross, Larry
Subject: Re: GPA-975

hi Larry,
I'm out of the office until Thursday am. Will provide it then.
Dave

From: "Ross, Larry" <LROSS@rcplma.org>
To: "Dave Jeffers (dave4djic@yahoo.com)" <dave4djic@yahoo.com>
Sent: Monday, July 6, 2015 11:15 AM
Subject: GPA-975

Dave,

Please provide an official summary of the June 23rd meeting to be included in the staff report.

Thank you,

Larry Ross
Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
PO Box 1409
Riverside, CA 92502

Ross, Larry

From: Dan Silver <dsilverla@me.com>
Sent: Thursday, June 11, 2015 11:18 AM
To: Stark, Mary; Ross, Larry
Cc: Johnson, George; Perez, Juan; Clack, Shellie; North, Tiffany; Balderrama, Olivia; Field, John; Magee, Robert; Mike Gialdini; Hernandez, Steven
Subject: Planning Commission Item 3.2 (June 17, 2015) - GPA 975

DISTRIBUTION REQUESTED

June 11, 2015

Planning Commission
Riverside County
4080 Lemon St
Riverside CA 92501
ATTN: Mary Stark

RE: Item 3.2 (June 17, 2015) - GPA 975 – OPPOSITION

Honorable Chair and Members of the Commission:

Endangered Habitats League (EHL) appreciates the opportunity to offer written testimony for this item.

EHL recommends denial of this wholly discretionary General Plan Amendment. The proposal represents disorderly growth. *As detailed in the original staff recommendation for denial on April 20, 2010*, the conversion of this 151-acre Rural area to Community Development would be incompatible with surrounding uses, create flood hazards, and “leapfrog” over vacant parcels already so designated.

Sincerely,
Dan Silver

Dan Silver
Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

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dsilverla@me.com
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