

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:

February 25, 2004

SUBJECT: APPEAL OF TENTATIVE TRACT MAP NO. 29307/VARIANCE CASE NO. 1738 - Laughlin & Associates - First Supervisorial District - Glen Ivy Zoning Area - 10 Acres - 31 Lots - Schedule A - Located west of Interstate 15, north of Glen Ivy Road and east of Temescal Canyon Road - REQUEST: TR29307 proposes to subdivide 10 acres into 30 single family residential parcels and 1 open space lot dedicated to the preservation of an oak tree currently on the property.

RECOMMENDED MOTION:

THE PLANNING DEPARTMENT RECOMMENDS:

CONSIDERATION of the above referenced appeal of the Planning Commission decision received on January 27, 2004.

THE PLANNING COMMISSION took the following actions on November 19, 2003.

ADOPTED a Mitigated Negative Declaration for Environmental Assessment No. 38807, 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,

APPROVED TENTATIVE TRACT MAP NO. 29307, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

APPROVED Variance No. 1738, based upon the findings and conclusions incorporated in the staff report.

REVIEWED BY EXECUTIVE OFFICE

DATE 2/26/04

Robert C. Johnson
Planning Director

(Continued On Attached Page)

Dep't Recomm.: ☒ Policy
Per Exec. Ofc.: ☒ Policy

Prev. Agn. Ref.

District: First

Agenda Number:

16.2 a+b

The Honorable Board of Supervisors

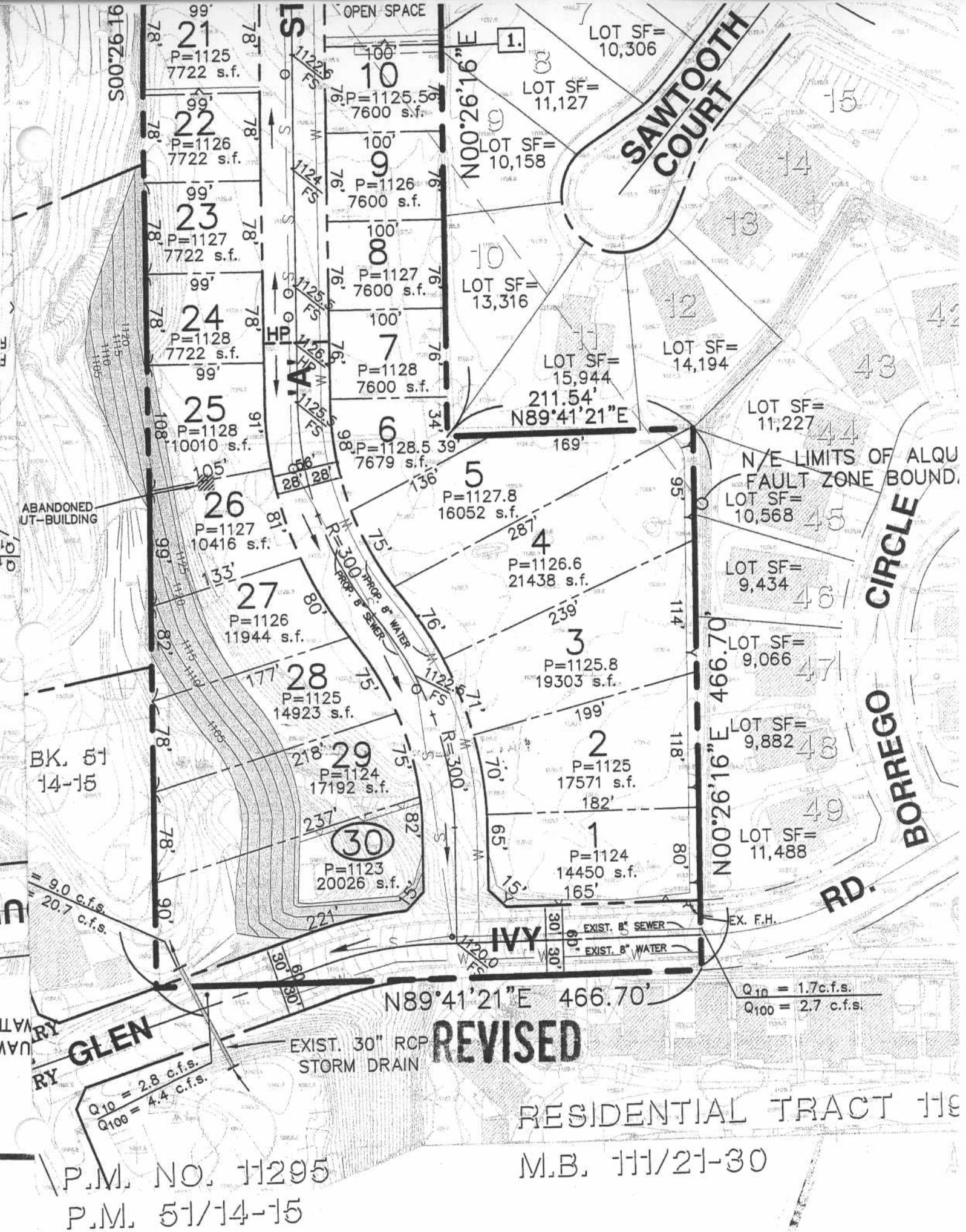
RE: APPEAL OF TENTATIVE TRACT MAP NO. 29307/VARIANCE CASE NO. 1738 -

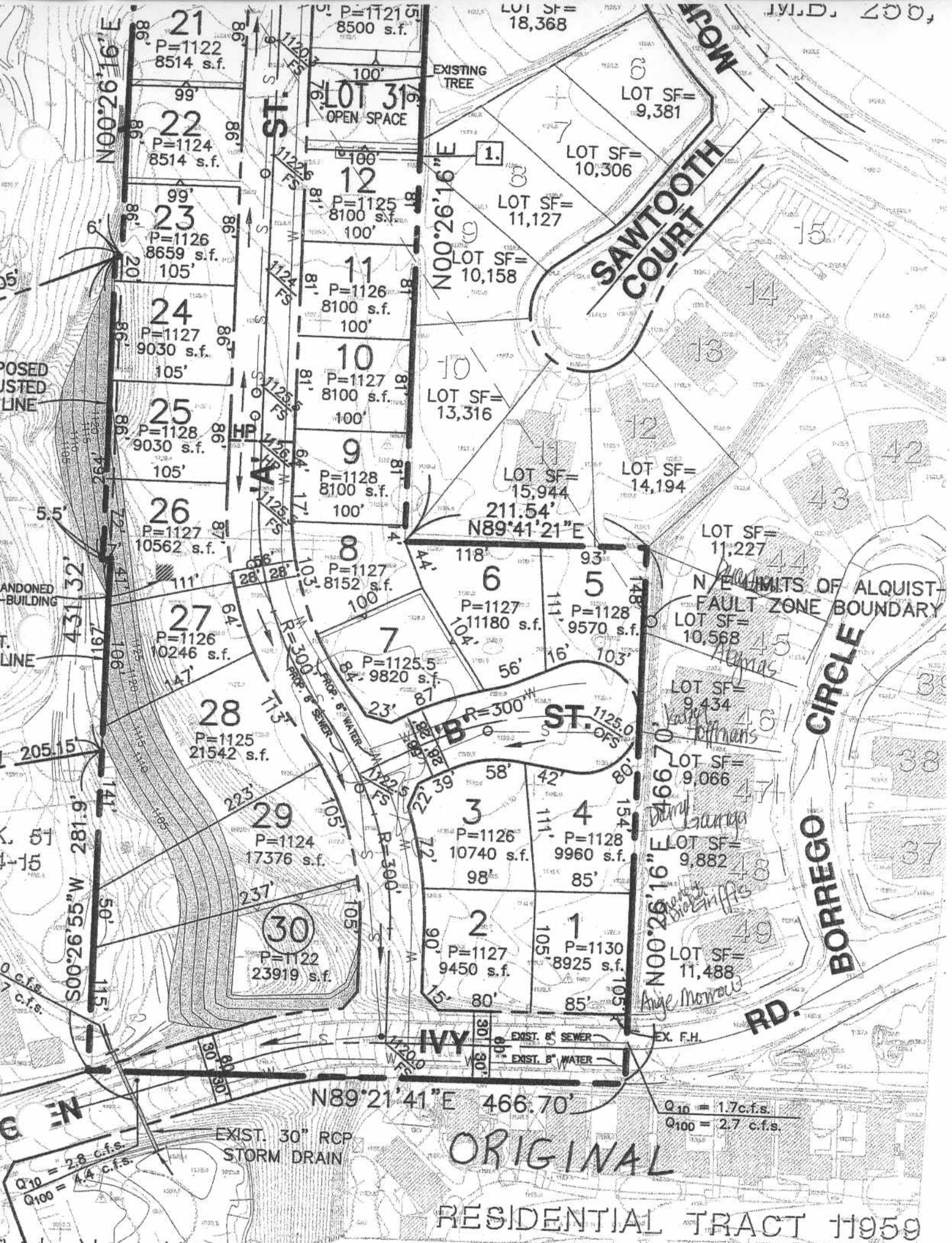
February 25, 2004

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BACKGROUND: Tentative Tract 29307 and Variance No. 1738 were approved by the Riverside County Planning Commission on November 19, 2003. At the hearing several adjacent homeowners voiced concern about the design of the project. In response to their concerns, the applicant has revised the map which eliminates the cul-de-sac that was proposed at the southern end of the project.

The new design proposes lot depths of 165 feet to 287 feet on lots adjacent to the existing homes off Borrego Circle. Additionally, the applicant has agreed to construct one-story homes on lots 1 through 5. Planning staff also recommends that a condition of approval be added that requires that the homes on lots 1 through 5 be constructed at the 20 foot front setback line to ensure the maximum distance between the existing homes and proposed development. The Variance request needs to be amended to include a reduction of lot depth on lots 16 through 24 and on lot 6.





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

Planning Department

Richard K. Lashbrook
Agency Director

Robert C. Johnson
Director of Planning

APPLICATION FOR APPEAL

RE: CASE NO(S): **TENTATIVE ~~TRACOT~~ 29307**

P.M.
(1.62 of 2-3-04 - Hrg. set 3-2-04)

LIST ALL RELATED CASE NO(S): **VARIANCE 1738**

APPELLANT'S NAME: **ROBERT C. JOHNSON, PLANNING DIRECTOR**

ADDRESS: **4080 LEMON STREET, 9TH FLOOR**

CITY: **RIVERSIDE**

STATE: **CA**

ZIP: **92502-1409**

TELEPHONE NUMBER: **(909) 955-3265**

PLEASE COMPLETE REVERSE SIDE OF THIS FORM STATING REASON(S) FOR APPEAL. THIS APPLICATION MUST BE ACCOMPANIED BY APPROPRIATE FILING FEES AND SURROUNDING PROPERTY OWNER'S LABELS. OBTAIN LABEL PACKAGE INSTRUCTIONS FROM INFORMATION SERVICES CENTER.

HEARING BODY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH:
Planning Director	East Area Planning Council for: Parcel Maps, Plot Plans, Accessory WECS, 18.45 Plot Plan (Kennels and Catteries), Temporary Use Permits, and Certificates of Historic Appropriateness in Eastern Riverside County. Board of Supervisors for: Temporary Outdoor Events and Substantial Conformance Determinations for WECS. Planning Commission for all other decisions.	Planning Department for appeals before the East Area Planning Council and the Planning Commission. Clerk of the Board of Supervisors for appeals before the Board of Supervisors.
East Area Planning Council	Board of Supervisors	Clerk of the Board of Supervisors
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
Change of Zone Denial by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denial by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit	Within 10 days after the notice of decision appears on the Board of Supervisors' agenda.
Land Divisions (Tract Maps and Parcel Maps) Revised Tentative Map Minor Change to Tentative Map Extension of Time for Land Division (Not Vesting Map)	Within 10 days after the notice of decision appears on the Board of Supervisors' agenda.
Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisors' agenda.
Large Family Day Care Home Permits	Within 10 days after the date of the mailing of the decision of the Planning Director.
Outdoor Advertising Displays (Off-site signs)	If no public hearing is held: Within 10 days after the notice of decision is mailed to the applicant by the Planning Director. If a public hearing is held: Within 10 days after the notice of decision appears on the Board's agenda.
General Plan or Specific Plan Consistency Determination Temporary Outdoor Event	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.

Environmental Impact Report	Within 10 days of receipt by project sponsor of Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
TYPE OF CASES BEING APPEALED	FILING DEADLINE
Plot Plan Second Unit Permits Temporary Use Permits Accessory WECS Section 18.45 Plot Plan (Kennels and Catteries)	Within 10 calendar days after the date of mailing of the decision.
Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisors' agenda.
Revised Permit	Same appeal deadline as for original permit
Certificate of Compliance	Within 10 calendar days after the date of the decision by Planning Director.
Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10 days after the notice of decision of the Planning Commission or East Area Planning Council appears on the Board of Supervisors' agenda.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

THE ABOVE - REFERENCED MATTER APPEARED ON THE BOARD OF SUPERVISORS' February 3, 2004, AGENDA AND WAS APPROVED. NOTWITHSTANDING THE APPROVAL, COUNTY ORDINANCE 460 PROVIDES THAT THE PLANNING COMMISSIONS' APPROVAL OF THE MATTER WILL BE CONSIDERED FINAL UNLESS AN "INTERESTED PERSON" APPEALS THE MATTER TO THE BOARD WITHIN TEN (10) DAYS OF THE DATE IT APPEARED ON THE BOARD'S AGENDA.

BECAUSE THE BOARD'S APPARENT INTENT IN APPROVING THE MATTER WAS NOT TO HAVE THE MATTER APPROVED BY OPERATION OF LAW, THE PLANNING DIRECTOR IS FILING THIS APPEAL SO THAT THE MATTER MAY BE HEARD BY THE BOARD. THE PLANNING DIRECTOR IS CONSIDERED AN "INTERESTED PERSON" FOR THE PURPOSES OF FILING AN APPEAL.

USE ADDITIONAL SHEETS, IF NECESSARY.

APPELLANT'S SIGNATURE: _____

DATE: _____

2/5/04

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

905 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 9, 2004

SUBJECT: TENTATIVE TRACT MAP NO. 29307 / VARIANCE NO. 1738 - EA38807 - Laughlin & Associates - First Supervisorial District - Glen Ivy Zoning Area - 10 Acres - 31 Lots - Schedule A - Located south of Interstate 15, north of Glen Ivy Road and east of Temescal Canyon Road - REQUEST: TR29307, proposes to subdivide 10 acres into 30 single family residential parcels and 1 open space dedicated to the preservation of an old oak tree currently on the property / VAR1738, proposes a variance on lot depths for proposed parcels 18 through 26.

CONTROVERSIAL ISSUES:

Issues expressed by homeowners living near the project site include: project design, density, grading, aesthetics, property value, security and obstructed views - resolved through Conditions of Approval.

RECOMMENDED MOTION:

RECEIVE AND FILE the Notice of Decision for the above referenced case acted on by the Planning Commission on November 19, 2003.

The Planning Department recommended Approval; and,
THE PLANNING COMMISSION BY A VOTE OF 4-1 (Commissioner Zuppardo abstained):

ADOPTED a Mitigated Negative Declaration for Environmental Assessment No. 38807, 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,

APPROVED Tentative Tract Map No. 29307, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

Robert C. Johnson
Planning Director

RCJ:ar

REVIEWED BY EXECUTIVE OFFICE

DATE 1/27/04

Departmental Concurrence

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Wilson, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above variance be scheduled for public hearing by the Clerk of the Board along with the appeal to be filed by the Planning Director on Tentative Tract 29307.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley
Noes: None
Absent: None
Date: February 3, 2004
xc: Planning, Co.Co., Applicant, COB

Nancy Romero
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.

District: First

Agenda Number:

The Honorable Board of Supervisors

RE: TENTATIVE TRACT MAP NO. 29307 / VARIANCE NO.1738 -

January 9, 2004

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APPROVED Variance No. 1738, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.