

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

522B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 12, 2006

SUBJECT: APPEAL OF THE PLANNING COMMISSIONS DECISION TO DENY PLOT PLAN NO. 19873 – EA40288 – Appellant: Cingular Wireless - Applicant: A T & T Wireless – Engineer / Representative: Synergy Development Services, LLC - First Supervisorial District – Mead Valley Zoning District – Lake Mathews/Woodcrest Area Plan: Rural Community: Very Low Density Residential (RC-VLDR) (1 Acre Minimum) – Location: Westerly of Cable Lane, southerly of Markham Street and northerly of Avenue C – 375 Square Feet of a .91 Acre Property - Zoning: Residential Agriculture-1 Acre Minimum (R-A-1) - **REQUEST:** An appeal of the Planning Commission's decision to uphold a previous Appeal and to deny the Plot Plan which is proposed for the construction and installation of a 50 foot high unmanned wireless telecommunications facility disguised as a pine tree. The facility involves the installation of 4 outdoor equipment cabinets, 6 panel antennas mounted to the monopine with 1 GPS and one digital parabolic antenna within a 375 square feet lease area.

BACKGROUND: On September 9, 2006 Cingular Wireless appealed the Planning Commission's decision to Deny Plot Plan 19873 which was being heard due to an appeal that was filed by The Mead Valley Homeowner's Association of Woodcrest Estates on June 22, 2006. The Plot Plan was originally approved at Director's Hearing on June 12, 2006. Residents are in opposition to the proposed location for the wireless communication facility. They are concerned about the reduced property values, aesthetics, negative health affects, namely exposure to radiation, and blight which may result with the development of the proposed monopine.

RECOMMENDED MOTION:

CONSIDERATION of the referenced case appeal of the Planning Commission decision received on September 8, 2006.



Robert C. Johnson
Planning Director

RCJ:aa

REVIEWED BY EXECUTIVE OFFICE

DATE 9/13/06

Departmental Concurrence

Policy

Policy

Consent

Consent

Dep't Recomm.:

Per Exec. Ofc.:

RECEIVED RIVERSIDE COUNTY
SEP 13 2006

Prev. Agn. Ref.

District: First

Agenda Number:

16.3

The Honorable Board of Supervisors

RE: APPEAL OF THE PLANNING COMMISSIONS DECISION TO DENY PLOT PLAN NO.
19873

September 12, 2006

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THE PLANNING COMMISSION took the following actions on August 23, 2006.

UPHELD THE APPEAL

DENIED PLOT PLAN NO. 19873

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Robert C. Johnson Planning Director

RIVERSIDE COUNTY
CLERK OF THE BOARD
OF SUPERVISORS

APPLICATION FOR APPEAL

PAID
DATE: 9-8-06
AMOUNT: 2,000.00
REC'D BY: J. Shlemm

DATE SUBMITTED: 9/8/06

Appeal of application case No(s): PP19873

List any concurrent application case numbers: _____

Appellant's Name: Cingular Wireless, represented E-Mail: cdunn@synergy.cc
by Synergy Development Services

Mailing Address: 7406 Valjean Ave.
Van Nuys CA 91406
City State ZIP

Daytime Phone No: (818) 840-0808 Fax No: (818) 840-0708

HEARING BODY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> Board of Supervisors for: Temporary Outdoor Events and Substantial Conformance Determination for WECS. Planning Commission for: all other decisions. 	<ul style="list-style-type: none"> Clerk of The Board for: Appeals before the Board of Supervisors. Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors
TYPE OF CASES BEING APPEALED		FILING DEADLINE
<ul style="list-style-type: none"> 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 denied 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.
<ul style="list-style-type: none"> Land Division (Tract Map or Parcel Map) 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 Supervisor's Agenda.
<ul style="list-style-type: none"> Extension of Time Vesting for Tentative Map 		Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.
<ul style="list-style-type: none"> 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.
<ul style="list-style-type: none"> Environmental Impact Report 		Within 10 days of receipt of project sponsor or Planning

APPLICATION FOR APPEAL

	Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
<ul style="list-style-type: none"> Plot Plan Second Unit Permit Temporary Use Permits Accessory WECS 	Within 10 calendar days after the date of mailing of the decision.
<ul style="list-style-type: none"> Letter of Substantial Conformance for Specific Plan 	Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.
<ul style="list-style-type: none"> Revised Permit 	Same appeal deadline as for original permit.
<ul style="list-style-type: none"> Certificate of Compliance Tree Removal Permit 	Within 10 days after the date of the decision by the Planning Director.
<ul style="list-style-type: none"> 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 appears on the Board of Supervisor's agenda.

PLEASE STATE THE REASONS FOR APPEAL.

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.

Cingular Wireless requests An appeal to the August 23rd, 2006 Planning Commission decision on PPI9873. Cingular's project conforms with every aspect of the wireless ordinance and Riverside County zoning code. PPI9873 was initially approved via Riverside County Planning Director's Hearing and it is believed that insufficient evidence has been used to justify overturning that decision. Cingular requests the opportunity to present their case to the Board of Supervisors and supply additional materials/evidence in support.

Use additional sheets if necessary.

Charles Dunn, Synergy Development Services
PRINTED NAME OF APPELLANT
 representing Cingular Wireless


SIGNATURE OF APPELLANT

9/8/06
DATE