

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

930 B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
January 2, 2007

**SUBJECT:** APPEAL OF TENTATIVE TRACT MAP NO. 30483, MINOR CHANGE NO. 1 – CEQA Exempt – Appellant: Michael Mangan - Applicant: BVN Homes Inc. – Engineer/Representative: Warner Engineering – Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan: Community Development: Medium Density Residential (MDR) (2-5 DU/AC) – Location: Northerly of Avenue 42, southerly of Cliff Street, easterly of Hermitage Drive, and westerly of Hopewell Avenue – 10 Gross Acres – Zoning: One-Family Dwellings, 9,000 square foot minimum (R-1-9000) and Watercourse, Watershed and Conservation Areas (W-1) – **REQUEST:** A Schedule A map to divide approximately 10 acres into 29 single family residential lots with minor changes proposing to modify original tract by realigning Hopewell Avenue and slightly adjust lot designs within original tract.

**BACKGROUND:**

Tentative Parcel Map No. 30483, Minor Change No. 1 was scheduled at the Board of Supervisors to be Received and Filed on December 12, 2006 (Item No. 1.2). However, the tentative parcel map was appealed in a timely manner by an interested third party (Michael Mangan) and an appeal hearing has been scheduled for January 9, 2007, as required by ordinance.

The project was continued from November 1, 2006 Planning Commission hearing to the November 8, 2006 hearing. At the November 1, 2006 hearing, the Planning Commission requested that the applicant meet with Mr. Michael Mangan (the adjacent land owner to the east) and confer to resolve differences over right-of-way (ROW) on Hopewell Avenue.

The adjustment of Hopewell Avenue has been necessitated by the requirement of the Transportation Department for street improvements to that street and the lack of ability to obtain additional right-of-way along property to the east. Other right-of-ways needed to facilitate street improvement, and to provide access to adjoining land, particularly along the northwesterly

Ron Goldman  
Interim Planning Director

RCJ:mb

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 1/31/07 YMG

Policy

Consent

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

3003 774 - 4 74 1: 18  
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.

District: Fourth

Agenda Number:

16.2

The Honorable Board of Supervisors  
RE: Appeal of Tentative Tract Map No. 30483, Minor Change No. 1  
Page 2 of 3

boundary, have been obtained and are provided.

The Bermuda Dunes Community Council approved the project at their meeting on October 12, 2006 with a proposal that no two-story residence be allowed. The applicant proposed only single-story buildings at a maximum height of 20 feet.

This minor change is related to a First Extension of Time request for this land division which was heard before the Planning Commission on November 8, 2006.

**RECOMMENDED MOTION:**

The Planning Department recommended Approval; and,  
**THE PLANNING COMMISSION BY 3-2 VOTE: (COMMISSIONERS PETTY AND SNELL VOTED IN OPPOSITION) RECOMMENDS:**

DENIAL of the **APPEAL OF TENTATIVE MAP NO. 30483, MINOR CHANGE NO. 1**; and,

APPROVAL of **TENTATIVE TRACT MAP NO. 30483, MINOR CHANGE NO. 1**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

# 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: 12/22/06  
AMOUNT: 760.92  
REC'D BY: H. Williams

DATE SUBMITTED: 12-22-06

Appeal of application case No(s): JTM 30483 M1

List any concurrent application case numbers: CZ 6679

Applicant's Name: MICHAEL MANGAN E-Mail: \_\_\_\_\_

Mailing Address: 49-500 LOREN CT  
LA QUINTA City CA State 92253 ZIP

Daytime Phone No: (760) 775-6814 Fax No: (760) 771-4954  
760 771-2060

HEARING BODY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<input checked="" type="checkbox"/> Board of Supervisors for: Temporary Outdoor Events and Substantial Conformance Determination for WECS.  <input type="checkbox"/> Planning Commission for: all other decisions.	<input type="checkbox"/> Clerk of The Board for: Appeals before the Board of Supervisors.  <input type="checkbox"/> 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"> <li>• Change of Zone Denial by the Planning Commission</li> <li>• Commercial WECS Permit</li> <li>• Conditional Use Permit</li> <li>• Hazardous Waste Facility Siting Permit</li> <li>• Public Use Permit</li> <li>• Variance</li> <li>• Specific Plan denied by the Planning Commission</li> <li>• Substantial Conformance Determination for WECS</li> <li>• Surface Mining and Reclamation Permit</li> </ul>	Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.	
<ul style="list-style-type: none"> <li>• Land Division (Tract Map or Parcel Map)</li> <li>• Revised Tentative Map</li> <li>• Minor Change to Tentative Map</li> <li>• Extension of Time for Land Division (not vesting map)</li> </ul>	Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.	
<ul style="list-style-type: none"> <li>• Extension of Time Vesting for Tentative Map</li> </ul>	Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.	
<ul style="list-style-type: none"> <li>• General Plan or Specific Plan Consistency Determination</li> <li>• Temporary Outdoor Event</li> </ul>	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.	
<ul style="list-style-type: none"> <li>• Environmental Impact Report</li> </ul>	Within 10 days of receipt of project sponsor or Planning	

Riverside Office · 4080 Lemon Street, 9th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-3157  
Form 295-1013 (03/09/05)

Indio Office · 82-675 Hwy 111, 2nd Floor  
Room 209, Indio, California 92201  
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Murietta, California 92563  
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12/12/06  
2006-12-055813 1.2

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

THE PROPOSED EXTENTION OF HOPEWELL IS  
 INCOMPATIBUE WITH THE NEIGHBORHOOD.

THESE PLANS ARE INPROPERLY ENGINEERED, DO  
 NOT EQUITABLY BENEFIT BOTH PARCEL OWNERS  
 AND CREATE A LANDLOCKED CONDITION TO  
 OUR PROPERTY

Use additional sheets if necessary.

MICHAEL MANGAN  
 PRINTED NAME OF APPELLANT

  
 SIGNATURE OF APPELLANT

12-21-06  
 DATE

MICHAEL MANGAN  
CYNTHIA MANGAN  
78381 RUNAWAY BAY DR. 760-380-6222  
INDIO, CA 92203-8138

82-655/1070  
8202981615

1014

DATE 12/23/06

PAY TO THE  
ORDER OF

*Co. of Riverside Planning Dept.*  
*Seven Hundred Sixty & 92/100*

\$ 7120 92/100

DOLLARS

**STBANK** Palm Desert, CA  
24 HOUR BANKING (760) 836-3500

MEMO

*JTM 30483111 appd*

*Michael Mangan*

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