

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

401 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 18, 2007

SUBJECT: APPLICANT - APPELLANT APPEAL OF TRANSPORTATION DEPARTMENT CONDITION (90. TRANS. 3) AS PART OF THE PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT NO. 3504 - MITIGATED NEGATIVE DECLARATION - Applicant: Regency Centers - Engineer / Representative: Bickel Underwood Architecture - First Supervisorial District - Rancho California Zoning Area - Elsinore Area Plan: Community Development: Commercial Retail (CD-CR) (0.20 - 0.35 Floor Area Ratio) - Location: Southerly of Clinton Keith Road and Interstate 15, and easterly of Hidden Springs Road - 3.45 Gross Acres - Zoning: Scenic Highway Commercial (C-P-S) - **REQUEST:** The Conditional Use Permit proposes to construct a Neighborhood Commercial Center on a 3.45 gross acre site. Building 1 (7,675 sq. ft.) proposes multi-tenant retail uses, Building 2, (7,751 sq. ft.) proposes multi-tenant/restaurant retail uses with a drive-thru bay, and Building 3 (7,574 sq. ft.) proposes an Automobile Repair Garage. The total development proposal includes 23,000 sq. ft. of building area, 23,471 sq. ft. of landscaping, 132 parking spaces out of which five (5) are handicap accessible and three (3) loading spaces.

RECOMMENDED MOTION:

CONSIDERATION of the referenced appeal of the Planning Commission decision received on April 6, 2007, and the Conditional Use Permit approved by the Planning Commission on January 10, 2007.

THE PLANNING COMMISSION took the following actions on January 10, 2007.

Ron Goldman
Planning Director

RG:cv

REVIEWED BY EXECUTIVE OFFICE

DATE 4/19/07

Policy

Consent

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

Prev. Agn. Ref.

District: First

Agenda Number: (1.4 - 3/27/07)

15.2

The Honorable Board of Supervisors

RE: APPLICANT - APPELLANT APPEAL OF TRANSPORTATION DEPARTMENT
CONDITION (90. TRANS. 3) AS PART OF THE PLANNING COMMISSION APPROVAL OF
CONDITIONAL USE PERMIT NO. ~~3405~~ 3504

Page 2 of 2

ADOPTED a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 39144**, 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 **CONDITIONAL USE PERMIT NO. 3504**, 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
Ron Goldman - Planning Director

RIVERSIDE COUNTY
**CLERK OF THE BOARD
 OF SUPERVISORS**

APPLICATION FOR APPEAL

PAID

DATE: 4-6-07
 AMOUNT: 1559.58
 REC'D BY: LY/SW

DATE SUBMITTED: 4/4/07

Appeal of application case No(s): CUP # 3504
List all concurrent applications

Name of Advisory Agency: _____

Date of the decision or action: 3/27/07

Appellant's Name: REGENCY CENTERS E-Mail: dwebber@regencycenters.com
(DAVID WEBBER)

Mailing Address: 915 WILSHIRE BLVD. SUITE 2200
LOS ANGELES CA 90017
City State ZIP

Daytime Phone No: (213) 553 2251 Fax No: (213) 624-2280

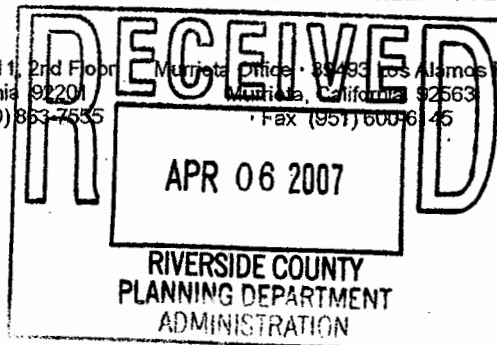
ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> • <u>Board of Supervisors</u> for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, and Fast Track Plot Plans. • <u>Planning Commission</u> for: all other decisions. 	<ul style="list-style-type: none"> • <u>Clerk of The Board</u> for: Appeals before the Board of Supervisors. • <u>Planning Department</u> for: Appeals before the Planning Commission.
Planning Commission	<u>Board of Supervisors</u>	<u>Clerk of the Board of Supervisors</u>

TYPE OF CASES BEING APPEALED	FILING DEADLINE
<ul style="list-style-type: none"> • Change of Zone denied by the Planning Commission • Commercial WECS Permit • <input checked="" type="radio"/> 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.

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 (12/22/06)

Indio Office • 82-675 Hwy 111, 2nd Floor
 Room 209, Indio, California 92201
 (760) 863-8277 • Fax (760) 863-7535

Murrieta Office • 89493 Los Alamos Road,
 Murrieta, California 92563
 Fax (951) 600-6145

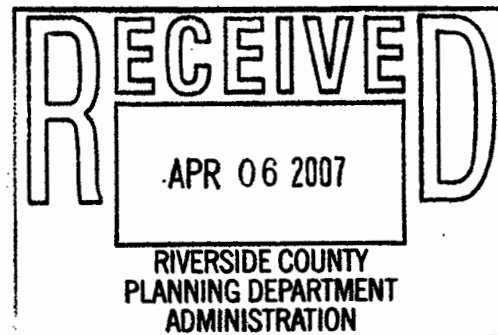


APPLICATION FOR APPEAL

<ul style="list-style-type: none"> • Land Division (Tentative Tract Map or Tentative 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 for Vesting 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 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.



APPLICATION FOR APPEAL

We are appealing the following conditions of approval:

90. Trans. 3

See Attached

Use additional sheets if necessary

DAVID WEBBER

PRINTED NAME OF APPELLANT

4/4/07

DATE

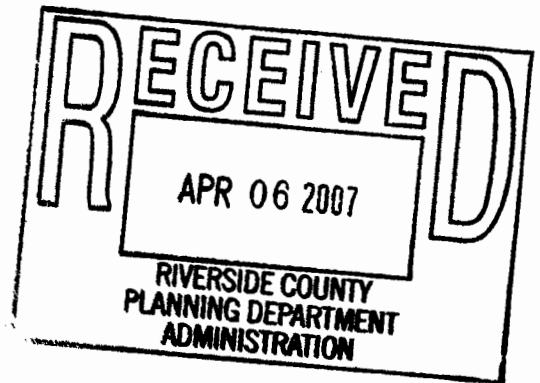
SIGNATURE OF APPELLANT

Engl Rep Julia White - MDMG, Inc.

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed application form.
2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.



Clinton Keith Road along project boundary is a paved County maintained road and shall be improved with concrete curb-and-gutter located at a distance that varies between 76' and 88' from existing centerline and match up asphalt concrete paving; reconstruction; or resurfacing of existing

FINAL USE PERMIT Case #: CUP03504

Parcel: 380-110-028

0. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 3

USE - IMPROVEMENTS (cont.)

RECOMMEND

paving within a half-width dedicated right-of-way that varies between 103' and 115', the parkway width shall be 12' with 5' sidewalk adjacent the retaining wall as determined by the Transportation Department in accordance with County Draft Standard No. 91. (Modified)

NOTE 1. The applicant may be requested by the County to pay cash contribution for the ultimate improvements of Clinton Keith Road in the event it will be necessary for the County to defer the construction to a later date.

NOTE 2. Construction of the median and all improvements associated with this project shall be coordinated with the improvements of CUP03474 located at the southwest corner of Clinton Keith and Hidden Springs.

NOTE 3. The retaining wall in the parkway of Clinton Keith Road shall be designed in accordance with Caltrans standards and shall be checked by the Project Development section prior to approval of the improvement plans.

Hidden Springs Road along project boundary is a County maintained road and shall be improved with concrete curb-and-gutter located 32 feet from centerline and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving as determined by the Transportation Department within a 44 foot half-width dedicated right-of-way in accordance with County Standard No. 92. (32'/44') (Modified)