

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



ITEM
18.3
(ID # 7347)

MEETING DATE:

Tuesday, June 19, 2018

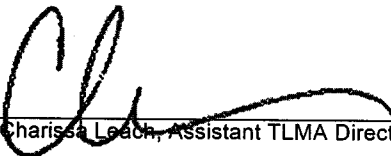
FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No. 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059. [Applicant Fees 100%] (18.1 of 06/12/2018)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Accept the Withdrawal of the application for Public Use Permit No. 931 based on the letter submitted by the applicant's representative attached hereto as Attachment J; and,
2. Find the appeal of the Planning Commission's approval of Public Use Permit No. 931 moot because the Board of Supervisors has accepted the withdrawal of the permit application, and therefore, there is no longer an active permit application to be considered by the Board of Supervisors.

ACTION:



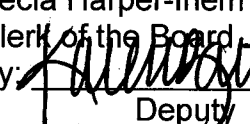
Charissa Leach, Assistant TLMA Director

6/14/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: June 19, 2018
xc: Planning

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment: No	
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Since the November 14, 2017 hearing, both the applicant and the neighbors have been working towards a resolution to the concerns of the neighborhood. To that end, the applicant has decided to pursue a complete redesign of the project that both address the concerns of the neighborhood and also pulls the project away from the biologically sensitive areas that were brought up in the letter from Heather Pert at the California Fish and Wildlife Service.

The Charter School Board met on June 11, 2018, and decided, in light of the neighborhood's decision not to withdraw the appeal based upon the new design concept, to withdrawal the project, Public Use Permit No. 931. The Charter school will submit a new application with the new design and an increase in the number of students from 600 to 800. The new application will go through the land use permit processing in accordance with Ordinance No. 348 including the appropriate environmental review and noticed public hearings.

Board of Supervisors Hearing – June 12, 2018 (Item 18.1 ID#7290)

With the decision of the Appellant after their meeting on Memorial Day Weekend not to withdraw the appeal based upon the new design, the Board that regulates this Charter School will have to give direction as to what the next steps for the project are to be. The Charter School Board has a meeting on June 11, 2018 to discuss this matter.

The project was continued to June 19, 2018 to allow staff to get the results of June 11, 2018 Charter School Board meeting of June 11, 2018.

Board of Supervisors Hearing – June 5, 2018 (Item 18.2 ID#6520)

The applicant redesigned the project and has presented it to Appellant, Residents for Intelligent Planning. The applicant spoke to the Appellant's representative and they might have been willing to withdrawal the appeal and let the project return to the Planning Commission with the new redesign. However, since the Appellant is a group of neighbors, the representative thought it would be best for the neighbors to meet as a group on the Memorial Day weekend and discuss the redesign and the appeal together.

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

The after the Memorial Day weekend meeting Appellant decided not to withdraw the appeal based upon the new design.

Board of Supervisors Hearing – February 27, 2018 (Item 18.3 ID#5858)

At the February 27, 2018 Board of Supervisors hearing, staff requested a continuance to June 5, 2018. The reason for the continuance was to allow time for the applicant to redesign the project to accommodate both the needs of the neighborhood as well as addressing the concerns brought up by the California Fish and Wildlife Service.

Board of Supervisors Hearing – November 14, 2017 (Item 18.1 ID#5711)

At the November 14, 2017 Board of Supervisors hearing, staff requested a continuance to February 27, 2018. The reason for the continuance was to allow both the applicant and the neighbors additional time to come to a resolution regarding the appeal. Also, staff requested the time to review the concerns outlined in the letter from Heather Pert at the California Fish and Wildlife Service.

Board of Supervisors Hearing – October 24, 2017 (Item 18.1 ID#5491)

On October 24, 2017, the Board of Supervisors held a hearing on the appeal of this project. At the hearing a memorandum was given to the Board with four new letters that had been received since the approval of the project by the Planning Commission. The letters were from:

1. Kirk Girling (Neighbor – adjacent)
2. Randy Williams (Neighbor - .66 miles away)
3. Abigail Smith (Appellant)
4. Heather Pert (California Fish and Wildlife)

The letters are part of Attachment H.

At the hearing, both the neighbors and the applicant requested a continuance to allow both parties to come to a resolution regarding the appeal. The Board granted the request, and continued the project to November 14, 2017.

Planning Commission Decision

Public Use Permit No. 931 proposes the construction and operation of a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. An existing single family home and garage will remain onsite.

The Planning Commission first heard the project on August 2, 2017. After taking public testimony the Planning Commission determined that the applicant did not do community outreach regarding the project. The Planning Commission continued the project until September 6, 2017, to allow the applicant to reach out to the community.

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

As a result of the Planning Commission's directive the applicant had two community meetings; August 10, 2017 and August 24, 2017. The main concerns that came from these meetings were Traffic, Noise, and Drainage.

At the September 6, 2017 meeting, the Planning Commission took further testimony and imposed two additional conditions of approval on the project to help mitigate neighborhood concerns:

- 1) Prior to grading permit issuance, 24" box canopy trees shall be planted at 30 feet on center running the length of the North Property Line from the westerly edge of the TVCS "blacktop" playground to the easterly edge of the property at the Winchester right-of-way and along the westerly edge of the blacktop to the south starting at the northwest corner of the blacktop until the northwest corner of the proposed soccer field.
- 2) Prior to building permit final, a 6-foot solid block wall shall be constructed along Koon Street/Flossie Way along the southern border of APN 476-010-012. The wall shall be constructed on the property line or inside the property line if the owner of 476-010-012 so desires to accommodate topography and a well. The type of block shall be chosen by the property owner of 476-010-012, precision, split face, or slump stone being the most common types of block. The wall shall not be placed in the right of way. Final design of the wall shall be reviewed by the Riverside County Planning Department.

If the current owner of 476-010-012, at the time of building permit final, does not desire the construction of this wall, then written confirmation shall be provided to the Riverside County Planning Director, at which time this condition shall be waived.

The above conditions of approval reflect additional noise control measures. Based on testimony by staff and the applicant, the Planning Commission determined that the project mitigated both traffic and drainage sufficiently.

The Planning Commission then closed the public hearing and approved the project with a 5-0 vote.

Appeal of Planning Commission Decision

On September 26, 2017, Abigail Smith, Esq. appealed the project on behalf of "Residents For Intelligent Planning."

In summary, Residents for Intelligent Planning are appealing the Planning Commission's approval of Public Use Permit No. 931 because it believes the permit is not supported by evidence; the Environmental Assessment is contrary to the California Environmental Quality Act; and the project is inconsistent with the County's General Plan.

The complete appeal application can be found in Attachment G.

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

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

- A. **PLANNING COMMISSION MINUTES**
- B. **MEMO TO PLANNING COMMISSION – CORRESPONDENCE WITH MR. GURLING**
- C. **MEMO TO PLANNING COMMISSION – ADDITIONAL LETTERS**
- D. **PLANNING COMMISSION STAFF REPORT**
- E. **PLANNING COMMISSION STAFF REPORT – INITIAL STUDY**
- F. **LETTER RECEIVED AFTER PLANNING COMMISSION**
- G. **APPEAL OF THE PLANNING COMMISSION'S DECISION**
- H. **MEMO TO BOARD OF SUPERVISORS ON 10-24-17**
- I. **LETTER FROM APPELLANT DATED 6-11-18**
- J. **LETTER OF WITHDRAWAL FROM THE APPLICANT**



June 11, 2018

VIA EMAIL and CERTIFIED MAIL

Larry Ross
Riverside County Planning Department
4080 Lemon Street
Riverside, CA 92502

Re:	Public Use Permit 00931
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Dear Mr. Ross,

We represent 34155 Winchester Rd, LLC and its sole member, TVCS, a California public charter school ("TVCS").

On behalf of our client, please allow this letter to serve as notice of our client's intent to withdraw Public Use Permit 00931 for development of the site commonly known as 34155 Winchester Rd, Winchester, CA.

Our client fully intends to submit a new Public Use Permit application for development of the site commonly known as 34155 Winchester Rd., Winchester, California to the Riverside County Planning Department this year. Our client has already begun preparations for a Focused EIR to support that development.

Please let us know if you have any questions.

Sincerely,

HANSBERGER & KLEIN
A Professional Law Corporation

A handwritten signature in black ink, appearing to be 'R. J. Hansberger', written over a horizontal line.

Richard J. Hansberger

Name
RE:
Page 2 of 2

Enclosures

Ross, Larry

From: Dennis F. Tuffin <dftuffin@gmail.com>
Sent: Monday, June 11, 2018 3:50 PM
To: Ross, Larry
Cc: Abigail A. Smith; grantbecklund; rhansberger@hkschoollaw.com; Rector, Kimberly
Subject: OBJECTION OF RURAL RESIDENTS AND FRIENDS, ET. AL. TO WITHDRAWL OF APPEAL
RE: PUP 931

Dear Mr. Ross;

Thank you for your recent voicemail of June 8, 2018.

Please accept this email as the formal objection of the local residents living around PUP 931 (Temecula Valley Charter School), to withdrawing their appeal to the Board of Supervisors in this matter. While there have been significant negotiations between the developer and the neighborhood, there still is no agreement.

The neighborhood and their representative organization relies upon the June 5, 2018 Notice of Ms. Charissa Leach to the Board of Supervisors for the proposition that the developer is modifying their plans.

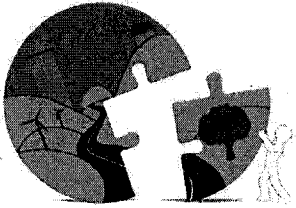
Please note that this refusal to withdraw our appeal has been communicated to the developer.

Very truly yours; Dennis F. Tuffin



Board of Supervisor Meeting 6-5-2018 Form 11 fo...

Dennis F. Tuffin
Post Office Box 82381
San Diego, California
92138-2381
Tel. (951)897-5713-cell and text



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Charissa Leach
Assistant Director of TLMA
Community Development

Memorandum

Date: September 9, 2017

To: Board of Supervisors

From: Larry Ross, Project Planner, Planning Department

RE: Letter received after Planning Commission

Attached is an email received after the Planning Commission Hearing.

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) 863-7040

Ross, Larry

From: Dennis F. Tuffin <dftuffin@gmail.com>
Sent: Wednesday, September 6, 2017 8:55 AM
To: Sarabia, Elizabeth; Kirk Gurling; Dennis F. Tuffin; Ross, Larry
Subject: Fwd: Randy Comments
Attachments: Charter School Hearing on Pourrouy Road.docx

Dear Ms. Sarabia;

Attached please find comments of Randy Williams re:PUP 00931. Dennis F Tuffin

----- Forwarded message -----

From: "Dennis F. Tuffin" <dftuffin@gmail.com>
Date: Sep 6, 2017 8:47 AM
Subject: Fwd: Randy Comments
To: "Kirk Gurling" <gonetocostarica@gmail.com>
Cc:

----- Forwarded message -----

From: "Dennis F. Tuffin" <dftuffin@gmail.com>
Date: Sep 6, 2017 8:21 AM
Subject: Fwd: Randy Comments
To: "Kirk Gurling" <gonetocostarica@gmail.com>
Cc:

----- Forwarded message -----

From: "Alison Williams" <awilliamsonline@msn.com>
Date: Sep 6, 2017 8:19 AM
Subject: Randy Comments
To: "Sweetie Williams" <rwilliamsonline@msn.com>, "dftuffin@gmail.com" <dftuffin@gmail.com>
Cc:

I'd like to thank the commission for granting a continuance for the neighborhood and applicant to meet to discuss mutual concerns. As a former school district trustee, community outreach is always a good thing and in cases like this well worth the input and scrutiny. One thing I learned as a school district trustee is schools almost always end up serving more kids than they were planned for and I believe it would be unwise to assume the charter cap would never be expanded--- officially or unofficially. This is also an elementary and middle school combined.

Besides the incompatibility with rural neighbors the traffic circulation has constraints that are undeniable. The school is located at the end of a long cul-de-sac. The cul-de-sac would also serve as a truck delivery access point to the back of store buildings if the approved shopping center next door is built. The drop off circulation also serves as a parking lot. No matter how many inches there is to spare between cars backing out of a parking space and other cars dropping off children it would be hard to argue it's a fluid situation. Add to that that it appears the road has been dedicated but not accepted by the county and the secondary or emergency access is a locked passage way—one can safely argue it is not an ideal or very suitable situation.

Given the brief time frame the parties had to meet and given only one meeting was held with neighbors who are the ones most impacted by this situation..... and given this honorable planning body has the fiduciary responsibility to insure good planning and that the general plan is honored, I recommend another continuance for the following reasons:

1. The applicant is not hurt by it as far as I can tell. They closed escrow and submitted plans before the commission even had a chance to discuss it. The train has already left the station and is proceeding down its normal course. Barring any drastic changes, nothing is being held up other than peace of mind at this point.
2. It's very unusual to close escrow on land and submit plans before it is entitled or before neighbors have even been notified. It generally implies a complete disregard for what a jurisdictional commission or public might have to say or it implies a there is an assurance ahead of time that an approval has been reached. Another possibility is ignorance, but given there is an experience architect and there is an attorney advisor I suspect they were informed this is a discretionary process for a charter school. The bottom line is the risks taken and disregard for public input or oversight is very surprising.

But given all that can be gained by the additional time for the community to vet out the impacts and insure proper public discourse..... and very little lost while the application proceeds on it normal course—wouldn't it serve everyone's interest to take a little more time and get it right. Thank you.

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But given all that can be gained by the additional time for the community to vet out the impacts and insure proper public discourse..... and very little lost while the application proceeds on its normal course—wouldn't it serve everyone's interest to take a little more time and get it right. Thank you.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



18.1

MT 7290

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on the Appeal of the Planning Commission's Approval of Public Use Permit No. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No. 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059.

On motion of Supervisor Washington, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, June 19, 2018 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley

Nays: None

Absent: None _____

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 12, 2018 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: June 12, 2018

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.

18.1

xc: Planning, QOB

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



**ITEM
18.1
(ID # 7290)**

MEETING DATE:

Tuesday, June 12, 2018

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings – Representative: Placeworks – Third Supervisorial District – Southwest Area Plan – Highway 79 Policy Area – Rancho California Zoning Area – Zoning: Rural Residential (R-R) – Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road – REQUEST: Public Use Permit No. 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain – APNs: 476-010-013 and 476-010-059. [Applicant Fees 100%] (18.2 of 06/05/2018)

RECOMMENDED MOTION: That the Board of Supervisors:

1. **CONTINUE** THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 to June 19, 2018, to allow the Board that governs the Charter School to decide on a course of action based upon the Appeal not being withdrawn by the Appellant.

ACTION:

Charissa Leach, Assistant TLMA Director

6/7/2018

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment: No	
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Since the November 14, 2017 hearing, both the applicant and the neighbors have been working towards a resolution to the concerns of the neighborhood. To that end, the applicant has decided to pursue a complete redesign of the project that both address the concerns of the neighborhood and also pulls the project away from the biologically sensitive areas that were brought up in the letter from Heather Pert at the California Fish and Wildlife Service.

With the decision of the Appellant after their meeting on Memorial Day Weekend not to withdraw the appeal based upon the new design, the Board that regulates this Charter School will have to give direction as to what the next steps for the project are to be. The Charter School Board has a meeting on June 11, 2018 to discuss this matter. Staff is recommending continuance to June 19, 2018.

Board of Supervisors Hearing – June 5, 2018 (Item 18.2 ID#6520)

The applicant redesigned the project and has presented it to Appellant, Residents for Intelligent Planning. The applicant spoke to the Appellant’s representative and they might have been willing to withdrawal the appeal and let the project return to the Planning Commission with the new redesign. However, since the Appellant is a group of neighbors, the representative thought it would be best for the neighbors to meet as a group on the Memorial Day weekend and discuss the redesign and the appeal together.

The after the Memorial Day weekend meeting Appellant decided not to withdraw the appeal based upon the new design.

Board of Supervisors Hearing – February 27, 2018 (Item 18.3 ID#5858)

At the February 27, 2018 Board of Supervisors hearing, staff requested a continuance to June 5, 2018. The reason for the continuance was to allow time for the applicant to redesign the project to accommodate both the needs of the neighborhood as well as addressing the concerns brought up by the California Fish and Wildlife Service.

Board of Supervisors Hearing – November 14, 2017 (Item 18.1 ID#5711)

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

At the November 14, 2017 Board of Supervisors hearing, staff requested a continuance to February 27, 2018. The reason for the continuance was to allow both the applicant and the neighbors additional time to come to a resolution regarding the appeal. Also, staff requested the time to review the concerns outlined in the letter from Heather Pert at the California Fish and Wildlife Service.

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On October 24, 2017, the Board of Supervisors held a hearing on the appeal of this project. At the hearing a memorandum was given to the Board with four new letters that had been received since the approval of the project by the Planning Commission. The letters were from:

1. Kirk Girling (Neighbor – adjacent)
2. Randy Williams (Neighbor - .66 miles away)
3. Abigail Smith (Appellant)
4. Heather Pert (California Fish and Wildlife)

The letters are part of Attachment H.

At the hearing, both the neighbors and the applicant requested a continuance to allow both parties to come to a resolution regarding the appeal. The Board granted the request, and continued the project to November 14, 2017.

Planning Commission Decision

Public Use Permit No. 931 proposes the construction and operation of a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. An existing single family home and garage will remain onsite.

The Planning Commission first heard the project on August 2, 2017. After taking public testimony the Planning Commission determined that the applicant did not do community outreach regarding the project. The Planning Commission continued the project until September 6, 2017, to allow the applicant to reach out to the community.

As a result of the Planning Commission's directive the applicant had two community meetings; August 10, 2017 and August 24, 2017. The main concerns that came from these meetings were Traffic, Noise, and Drainage.

At the September 6, 2017 meeting, the Planning Commission took further testimony and imposed two additional conditions of approval on the project to help mitigate neighborhood concerns:

- 1) Prior to grading permit issuance, 24" box canopy trees shall be planted at 30 feet on center running the length of the North Property Line from the westerly edge of the TVCS "blacktop" playground to the easterly edge of the property at the Winchester right-of-way

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

and along the westerly edge of the blacktop to the south starting at the northwest corner of the blacktop until the northwest corner of the proposed soccer field.

- 2) Prior to building permit final, a 6-foot solid block wall shall be constructed along Koon Street/Flossie Way along the southern border of APN 476-010-012. The wall shall be constructed on the property line or inside the property line if the owner of 476-010-012 so desires to accommodate topography and a well. The type of block shall be chosen by the property owner of 476-010-012, precision, split face, or slump stone being the most common types of block. The wall shall not be placed in the right of way. Final design of the wall shall be reviewed by the Riverside County Planning Department.

If the current owner of 476-010-012, at the time of building permit final, does not desire the construction of this wall, then written confirmation shall be provided to the Riverside County Planning Director, at which time this condition shall be waived.

The above conditions of approval reflect additional noise control measures. Based on testimony by staff and the applicant, the Planning Commission determined that the project mitigated both traffic and drainage sufficiently.

The Planning Commission then closed the public hearing and approved the project with a 5-0 vote.

Appeal of Planning Commission Decision

On September 26, 2017, Abigail Smith, Esq. appealed the project on behalf of "Residents For Intelligent Planning."

In summary, Residents for Intelligent Planning are appealing the Planning Commission's approval of Public Use Permit No. 931 because it believes the permit is not supported by evidence; the Environmental Assessment is contrary to the California Environmental Quality Act; and the project is inconsistent with the County's General Plan.

The complete appeal application can be found in Attachment G.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

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

- A. **PLANNING COMMISSION MINUTES**
- B. **MEMO TO PLANNING COMMISSION – CORRESPONDENCE WITH MR. GURLING**
- C. **MEMO TO PLANNING COMMISSION – ADDITIONAL LETTERS**
- D. **PLANNING COMMISSION STAFF REPORT**
- E. **PLANNING COMMISSION STAFF REPORT – INITIAL STUDY**
- F. **LETTER RECIEVED AFTER PLANNING COMMISSION**
- G. **APPEAL OF THE PLANNING COMMISSION'S DECISION**
- H. **MEMO TO BOARD OF SUPERVISORS ON 10-24-17**

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



18-2

MT 6520

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Appeal of the Planning Commission's Approval of Public Use Permit No. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No. 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059. [Applicant Fees 100%].

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, June 12, 2018 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Washington, Perez and Ashley

Nays: None

Absent: Tavaglione _____

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 5, 2018 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: June 5, 2018

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.

18-2

xc: Planning, CØB

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



ITEM
18.2
(ID # 6520)

MEETING DATE:

Tuesday, June 5, 2018

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No. 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **CONTINUE** THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 to June 12, 2018, to allow the appellants the opportunity to meet to decide on whether to withdrawal the appeal based upon the new design.

ACTION:

Charissa Leach, Assistant TLMA Director 5/29/2018

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Since the November 14, 2017 hearing, both the applicant and the neighbors have been working towards a resolution to the concerns of the neighborhood. To that end, the applicant has decided to pursue a complete redesign of the project that both address the concerns of the neighborhood and also pulls the project away from the biologically sensitive areas that were brought up in the letter from Heather Pert at the California Fish and Wildlife Service.

The applicant has redesigned the project and has presented it to Appellant, Residents for Intelligent Planning. The applicant has spoken to the Appellant's representative and they may be willing to withdrawal the appeal and let the project return to the Planning Commission with the new redesign. However, since the Appellant is a group of neighbors, the representative thought it would be best for the neighbors to meet as a group on the Memorial Day weekend and discuss the redesign and the appeal together.

As of the writing of this Form 11, no decision has been made by the Appellant as to the withdrawal of the appeal and staff is recommending continuance to June 12, 2018, to allow the Appellant time to make a decision on the appeal.

Board of Supervisors Hearing – February 27, 2018 (Item 18.3 ID#5858)

At the February 27, 2018 Board of Supervisors hearing, staff requested a continuance to June 5, 2018. The reason for the continuance was to allow time for the applicant to redesign the project to accommodate both the needs of the neighborhood as well as addressing the concerns brought up by the California Fish and Wildlife Service.

Board of Supervisors Hearing – November 14, 2017 (Item 18.1 ID#5711)

At the November 14, 2017 Board of Supervisors hearing, staff requested a continuance to February 27, 2018. The reason for the continuance was to allow both the applicant and the neighbors additional time to come to a resolution regarding the appeal. Also, staff requested the time to review the concerns outlined in the letter from Heather Pert at the California Fish and Wildlife Service.

Board of Supervisors Hearing – October 24, 2017 (Item 18.1 ID#5491)

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

On October 24, 2017, the Board of Supervisors held a hearing on the appeal of this project. At the hearing a memorandum was given to the Board with four new letters that had been received since the approval of the project by the Planning Commission. The letters were from:

1. Kirk Girling (Neighbor – adjacent)
2. Randy Williams (Neighbor - .66 miles away)
3. Abigail Smith (Appellant)
4. Heather Pert (California Fish and Wildlife)

The letters are part of Attachment H.

At the hearing, both the neighbors and the applicant requested a continuance to allow both parties to come to a resolution regarding the appeal. The Board granted the request, and continued the project to November 14, 2017.

Planning Commission Decision

Public Use Permit No. 931 proposes the construction and operation of a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. An existing single family home and garage will remain onsite.

The Planning Commission first heard the project on August 2, 2017. After taking public testimony the Planning Commission determined that the applicant did not do community outreach regarding the project. The Planning Commission continued the project until September 6, 2017, to allow the applicant to reach out to the community.

As a result of the Planning Commission's directive the applicant had two community meetings; August 10, 2017 and August 24, 2017. The main concerns that came from these meetings were Traffic, Noise, and Drainage.

At the September 6, 2017 meeting, the Planning Commission took further testimony and imposed two additional conditions of approval on the project to help mitigate neighborhood concerns:

- 1) Prior to grading permit issuance, 24" box canopy trees shall be planted at 30 feet on center running the length of the North Property Line from the westerly edge of the TVCS "blacktop" playground to the easterly edge of the property at the Winchester right-of-way and along the westerly edge of the blacktop to the south starting at the northwest corner of the blacktop until the northwest corner of the proposed soccer field.
- 2) Prior to building permit final, a 6-foot solid block wall shall be constructed along Koon Street/Flossie Way along the southern border of APN 476-010-012. The wall shall be constructed on the property line or inside the property line if the owner of 476-010-012 so desires to accommodate topography and a well. The type of block shall be chosen

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

by the property owner of 476-010-012, precision, split face, or slump stone being the most common types of block. The wall shall not be placed in the right of way. Final design of the wall shall be reviewed by the Riverside County Planning Department.

If the current owner of 476-010-012, at the time of building permit final, does not desire the construction of this wall, then written confirmation shall be provided to the Riverside County Planning Director, at which time this condition shall be waived.

The above conditions of approval reflect additional noise control measures. Based on testimony by staff and the applicant, the Planning Commission determined that the project mitigated both traffic and drainage sufficiently.

The Planning Commission then closed the public hearing and approved the project with a 5-0 vote.

Appeal of Planning Commission Decision

On September 26, 2017, Abigail Smith, Esq. appealed the project on behalf of "Residents For Intelligent Planning."

In summary, Residents for Intelligent Planning are appealing the Planning Commission's approval of Public Use Permit No. 931 because it believes the permit is not supported by evidence; the Environmental Assessment is contrary to the California Environmental Quality Act; and the project is inconsistent with the County's General Plan.

The complete appeal application can be found in Attachment G.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

- A. **PLANNING COMMISSION MINUTES**
- B. **MEMO TO PLANNING COMMISSION – CORRESPONDENCE WITH MR. GURLING**
- C. **MEMO TO PLANNING COMMISSION – ADDITIONAL LETTERS**
- D. **PLANNING COMMISSION STAFF REPORT**
- E. **PLANNING COMMISSION STAFF REPORT – INITIAL STUDY**
- F. **LETTER RECIEVED AFTER PLANNING COMMISSION**
- G. **APPEAL OF THE PLANNING COMMISSION'S DECISION**

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

H. MEMO TO BOARD OF SUPERVISORS ON 10-24-17


Scott Bruckner 5/29/2018

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



18-3

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on the appeal of the Planning Commission's approval of Public Use Permit No. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059 [Applicant Fees 100%], the Chairman called the matter for hearing.

Larry Ross, Planning Department Staff, presented the matter.

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, June 5, 2018 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 27, 2018 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: February 27, 2018
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

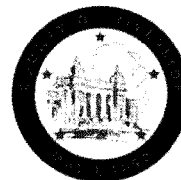
(seal)

By:  Deputy

AGENDA NO.
18-3

xc: Planning, COB

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



ITEM
18.3
(ID # 5858)

MEETING DATE:

Tuesday, February 27, 2018

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059 [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **CONTINUE THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931** to June 5, 2018 to allow the applicant to redesign the project.

ACTION:

Charissa Leach, Assistant TLMA Director 2/20/2018

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	17/18

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Since the November 14, 2017 hearing both the applicant and the neighbors have been working towards a resolution to the concerns of the neighborhood. To that end, the applicant has decided to pursue a complete redesign of the project that both address the concerns of the neighborhood and also pulls the project away from the biologically sensitive areas that were brought up in the letter from Heather Pert at the California Fish and Wildlife Service. In order to process this redesign the project will need to be continued for three and half months so that there is sufficient time to redesign the project. The Appellant, Residents for Intelligent Planning, currently being represented by Grant Becklund are in agreement with a continuance.

Board of Supervisors Hearing – November 14, 2017 (Item 18.1 ID#5711)

At the November 14, 2017 Board of Supervisors hearing, staff requested a continuance to February 27, 2018. The reason for the continuance was to allow both the applicant and the neighbors additional time to come to a resolution regarding the appeal. Also staff requested the time to review the concerns outlined in the letter from Heather Pert at the California Fish and Wildlife Service.

Board of Supervisors Hearing – October 24, 2017 (Item 18.1 ID#5491)

On October 24, 2017, the Board of Supervisors held a hearing on the appeal of this project. At the hearing a memorandum was given to the Board with four new letters that had been received since the approval of the project by the Planning Commission, the letters were from:

1. Kirk Girling (Neighbor – adjacent)
2. Randy Williams (Neighbor - .66 miles away)
3. Abigail Smith (Appellant)
4. Heather Pert (California Fish and Wildlife)

The letters are part of attachment H.

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

At the hearing, both the neighbors and the applicant requested a continuance to allow both parties to come to a resolution regarding the appeal. The Board granted the request, and continued the project to November 14, 2017.

Planning Commission Decision

Public Use Permit No. 931 proposes the construction and operation of a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. An existing single family home and garage will remain onsite.

The Planning Commission first heard the project on August 2, 2017. After taking public testimony the Planning Commission determined that the applicant did not do community outreach regarding the project. The Planning Commission continued the project until September 6, 2017 to allow the applicant to reach out to the community.

As a result of the Planning Commission's directive the applicant had two community meetings; August 10, 2017 and August 24, 2017. The main concerns that came from these meetings were Traffic, Noise, and Drainage.

At the September 6, 2017 meeting the Planning Commission took further testimony and imposed two additional conditions of approval on the project to help mitigate neighborhood concerns:

- 1) Prior to grading permit issuance, 24" box canopy trees shall be planted at 30 feet on center running the length of the North Property Line from the westerly edge of the TVCS "blacktop" playground to the easterly edge of the property at the Winchester right-of-way and along the westerly edge of the blacktop to the south starting at the northwest corner of the blacktop until the northwest corner of the proposed soccer field.
- 2) Prior to building permit final, a 6-foot solid block wall shall be constructed along Koon Street/Flossie Way along the southern border of APN 476-010-012. The wall shall be constructed on the property line or inside the property line if the owner of 476-010-012 so desires to accommodate topography and a well. The type of block shall be chosen by the property owner of 476-010-012, precision, split face, or slump stone being the most common types of block. The wall shall not be placed in the right of way. Final design of the wall shall be reviewed by the Riverside County Planning Department.

If the current owner of 476-010-012, at the time of building permit final, does not desire the construction of this wall, then written confirmation shall be provided to the Riverside County Planning Director, at which time this condition shall be waived.

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

The above conditions of approval reflect additional noise control measures. Based on testimony by staff and the applicant, the Planning Commission determined that the project mitigated both traffic and drainage sufficiently.

The Planning Commission then closed the public hearing and approved the project with a 5-0 vote.

Appeal of Planning Commission Decision

On September 26, 2017 Abigail Smith, Esquire appealed the project on behalf of "Residents For Intelligent Planning."

In summary, Residents for Intelligent Planning are appealing the Planning Commission's approval of Public Use Permit No. 931 because it believes the permit is not supported by evidence; the Environmental Assessment is contrary to the California Environmental Quality Act; and the project is inconsistent with the County's General Plan.

The complete appeal application can be found in Attachment G.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

- A. **PLANNING COMMISSION MINUTES**
- B. **MEMO TO PLANNING COMMISSION – CORRESPONDENCE WITH MR. GURLING**
- C. **MEMO TO PLANNING COMMISSION – ADDITIONAL LETTERS**
- D. **PLANNING COMMISSION STAFF REPORT**
- E. **PLANNING COMMISSION STAFF REPORT – INITIAL STUDY**
- F. **LETTER RECIEVED AFTER PLANNING COMMISSION**
- G. **APPEAL OF THE PLANNING COMMISSION'S DECISION**
- H. **MEMO TO BOARD OF SUPERVISORS ON 10-24-17**

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

Jason Farin

Jason Farin

2/21/2018

Gregory V. Priamos

Gregory V. Priamos, Director County Counsel

2/20/2018

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



18-1

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on the appeal of the Planning Commission's approval of Public Use Permit No. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059 [Applicant Fees 100%], the Chairman called the matter for hearing.

Larry Ross, Planning Department Staff, presented the matter.

On motion of Supervisor Washington, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, February 27, 2018 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on November 14, 2017 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: November 14, 2017
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: Kecia Harper-Ihem Deputy

AGENDA NO.
18-1

xc: Planning, COB

18.3

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



ITEM
18.1
(ID # 5711)

MEETING DATE:

Tuesday, November 14, 2017

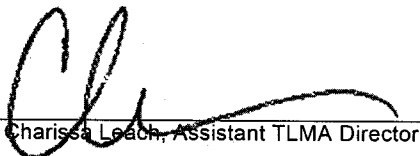
FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059 [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **DENY THE APPEAL** of the Planning Commission's decision on September 20, 2017, to approve Public Use Permit No. 931; and,
2. **UPHOLD THE PLANNING COMMISSION'S ADOPTION OF A MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42963**, 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,
3. **UPHOLD THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and Environmental Assessment No. 42963.

ACTION: Set for Hearing


Charissa Leach, Assistant TLMA Director

11/9/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Board of Supervisors Hearing – October 24, 2017 (Item 18.1 ID#5491)

On October 24, 2017, the Board of Supervisors held a hearing on the appeal of this project. At the hearing a memorandum was given to the Board with four new letters that had been received since the approval of the project by the Planning Commission, the letters were from:

1. Kirk Girling (Neighbor – adjacent)
2. Randy Williams (Neighbor - .66 miles away)
3. Abigail Smith (Appellant)
4. Heather Pert (California Fish and Wildlife)

The letters are part of attachment H.

At the hearing the both the neighbors and the applicant requested a continuance to allow both parties to come to a resolution regarding the appeal. The Board granted the request, and continued the project to November 14, 2017.

Planning Commission Decision

Public Use Permit No. 931 proposes the construction and operation of a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. An existing single family home and garage will remain onsite.

The Planning Commission first heard the project on August 2, 2017. After taking public testimony the Planning Commission determined that the applicant did not do community outreach regarding the project. The Planning Commission continued the project until September 6, 2017 to allow the applicant to reach out to the community.

As a result of the Planning Commission’s directive the applicant had two community meetings; August 10, 2017 and August 24, 2017. The main concerns that came from these meetings were Traffic, Noise, and Drainage.

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

At the September 6, 2017 meeting the Planning Commission took further testimony and imposed two additional conditions of approval on the project to help mitigate neighborhood concerns:

- 1) Prior to grading permit issuance, 24" box canopy trees shall be planted at 30 feet on center running the length of the North Property Line from the westerly edge of the TVCS "blacktop" playground to the easterly edge of the property at the Winchester right-of-way and along the westerly edge of the blacktop to the south starting at the northwest corner of the blacktop until the northwest corner of the proposed soccer field.
- 2) Prior to building permit final, a 6-foot solid block wall shall be constructed along Koon Street/Flossie Way along the southern border of APN 476-010-012. The wall shall be constructed on the property line or inside the property line if the owner of 476-010-012 so desires to accommodate topography and a well. The type of block shall be chosen by the property owner of 476-010-012, precision, split face, or slump stone being the most common types of block. The wall shall not be placed in the right of way. Final design of the wall shall be reviewed by the Riverside County Planning Department.

If the current owner of 476-010-012, at the time of building permit final, does not desire the construction of this wall, then written confirmation shall be provided to the Riverside County Planning Director, at which time this condition shall be waived.

The above conditions of approval reflect additional noise control measures. Based on testimony by staff and the applicant, the Planning Commission determined that the project mitigated both traffic and drainage sufficiently.

The Planning Commission then closed the public hearing and approved the project with a 5-0 vote.

Appeal of Planning Commission Decision

On September 26, 2017 Abigail Smith, Esquire appealed the project on behalf of "Residents For Intelligent Planning."

In summary, Residents for Intelligent Planning are appealing the Planning Commission's approval of Public Use Permit No. 931 because it believes the permit is not supported by evidence; the Environmental Assessment is contrary to the California Environmental Quality Act; and the project is inconsistent with the County's General Plan.

The complete appeal application can be found in Attachment G.

Impact on Residents and Businesses

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

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

- A. **PLANNING COMMISSION MINUTES**
- B. **MEMO TO PLANNING COMMISSION – CORRESPONDENCE WITH MR. GURLING**
- C. **MEMO TO PLANNING COMMISSION – ADDITIONAL LETTERS**
- D. **PLANNING COMMISSION STAFF REPORT**
- E. **PLANNING COMMISSION STAFF REPORT – INITIAL STUDY**
- F. **LETTER RECIEVED AFTER PLANNING COMMISSION**
- G. **APPEAL OF THE PLANNING COMMISSION’S DECISION**
- H. **MEMO TO BOARD OF SUPERVISORS ON 10-24-17**


Melissa Noone, Associate Management Analyst 11/9/2017

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



18-1

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on the appeal of the Planning Commission's approval of Public Use Permit No. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059 [Applicant Fees 100%], the Chairman called the matter for hearing.

Larry Ross, Planning Department Staff, presented the matter.

The following people spoke in opposition:

Kirk Gurling
Dennis Tuffin

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the public hearing is closed and the above matter is continued to Tuesday, November 14, 2017 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 24, 2017 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: October 24, 2017

(seal)

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: _____

Deputy

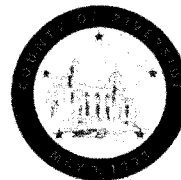
AGENDA NO.

18-1

xc: Planning, COB

18.1

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



ITEM
18.1
(ID # 5491)

MEETING DATE:

Tuesday, October 24, 2017

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931 - Intent to adopt a Mitigated Negative Declaration - Applicant: Lois Hastings - Representative: Placeworks - Third Supervisorial District - Southwest Area Plan - Highway 79 Policy Area - Rancho California Zoning Area - Zoning: Rural Residential (R-R) - Location: Northwest of Highway 79, east of Pourroy Road, and south of Keller Road - REQUEST: Public Use Permit No 931 proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain - APNs: 476-010-013 and 476-010-059 [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **DENY THE APPEAL** of the Planning Commission's decision on September 20, 2017, to approve Public Use Permit No. 931; and,
2. **UPHOLD THE PLANNING COMMISSION'S ADOPTION OF A MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42963**, 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,
3. **UPHOLD THE PLANNING COMMISSION'S APPROVAL OF PUBLIC USE PERMIT NO. 931**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and Environmental Assessment No. 42963.

ACTION:

A handwritten signature in black ink, appearing to read "Charissa Leach".

Charissa Leach, Assistant TLMA Director

10/5/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Planning Commission Decision

Public Use Permit No. 931 proposes the construction and operation of a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. An existing single family home and garage will remain onsite.

The Planning Commission first heard the project on August 2, 2017. After taking public testimony the Planning Commission determined that the applicant did not do community outreach regarding the project. The Planning Commission continued the project until September 6, 2017 to allow the applicant to reach out to the community.

As a result of the Planning Commission's directive the applicant had two community meetings; August 10, 2017 and August 24, 2017. The main concerns that came from these meetings were Traffic, Noise, and Drainage.

At the September 6, 2017 meeting the Planning Commission took further testimony and imposed two additional conditions of approval on the project to help mitigate neighborhood concerns:

- 1) Prior to grading permit issuance, 24" box canopy trees shall be planted at 30 feet on center running the length of the North Property Line from the westerly edge of the TVCS "blacktop" playground to the easterly edge of the property at the Winchester right-of-way and along the westerly edge of the blacktop to the south starting at the northwest corner of the blacktop until the northwest corner of the proposed soccer field.

- 2) Prior to building permit final, a 6-foot solid block wall shall be constructed along Koon Street/Flossie Way along the southern border of APN 476-010-012. The wall shall be constructed on the property line or inside the property line if the owner of 476-010-012 so desires to accommodate topography and a well. The type of block shall be chosen by the property owner of 476-010-012, precision, split face, or slump stone being the most common types of block. The wall shall not be placed in the right of way. Final design of the wall shall be reviewed by the Riverside County Planning Department.

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

If the current owner of 476-010-012, at the time of building permit final, does not desire the construction of this wall, then written confirmation shall be provided to the Riverside County Planning Director, at which time this condition shall be waived.

The above conditions of approval reflect additional noise control measures. Based on testimony by staff and the applicant, the Planning Commission determined that the project mitigated both traffic and drainage sufficiently.

The Planning Commission then closed the public hearing and approved the project with a 5-0 vote.

Appeal of Planning Commission Decision

On September 26, 2017 Abigail Smith, Esquire appealed the project on behalf of "Residents For Intelligent Planning."

In summary, Residents for Intelligent Planning are appealing the Planning Commission's approval of Public Use Permit No. 931 because it believes the permit is not supported by evidence; the Environmental Assessment is contrary to the California Environmental Quality Act; and the project is inconsistent with the County's General Plan.

The complete appeal application can be found in Attachment G.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

- A. **PLANNING COMMISSION MINUTES**
- B. **MEMO TO PLANNING COMMISSION – CORRESPONDENCE WITH MR. GURLING**
- C. **MEMO TO PLANNING COMMISSION – ADDITIONAL LETTERS**
- D. **PLANNING COMMISSION STAFF REPORT**
- E. **PLANNING COMMISSION STAFF REPORT – INITIAL STUDY**
- F. **LETTER RECIEVED AFTER PLANNING COMMISSION**
- G. **APPEAL OF THE PLANNING COMMISSION'S DECISION**



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 10, 2017

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

TEL : (951) 368-9229
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: APPEAL OF PUBLIC USE PERMIT NO. 931

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Friday, October 13, 2017.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Legals <legals@pe.com>
Sent: Tuesday, October 10, 2017 8:41 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Appeal of Public Use Permit No. 931

Received for publication on 10/13. Proof with cost to follow.

Nick Eller

Legal Advertising Phone: **951-368-9222** / Fax: **951-368-9018** / E-mail: legals@pe.com
Deadline is **10:30 AM, three (3) business days prior to the date you would like to publish.**
****Additional days required for larger ad sizes****
****Employees of The Press-Enterprise are not able to give legal advice of any kind****

The Press-Enterprise PE.com / La Prensa

On Tue, Oct 10, 2017 at 8:25 AM, Gil, Cecilia <CCGIL@rivco.org> wrote:

Good morning! Notice of Public Hearing, for publication on Friday, Oct. 13, 2017. Please confirm. THANK YOU!

Cecilia Gil

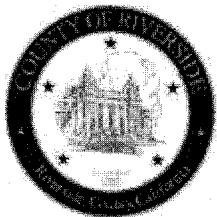
Board Assistant

Clerk of the Board of Supervisors

4080 Lemon St., 1st Floor, Room 127

Riverside, CA 92501

(951) 955-8464 Mail Stop# 1010





OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 10, 2017

THE CALIFORNIAN
ATTN: LEGALS
P.O. BOX 120191
TEMECULA, CA 92590

TEL : (951) 251-0329
E-MAIL: LegalsSWRiverside@SDUnionTribune.com

RE: NOTICE OF PUBLIC HEARING: APPEAL OF PUBLIC USE PERMIT NO. 931

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Friday, October 13, 2017.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

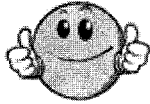
Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Viars, Cathy <cathy.viars@sduniontribune.com>
Sent: Tuesday, October 10, 2017 11:28 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Appeal of PUP 931

RECEIVED



Cathy Viars | Classified Legal Advertising Representative

☎: **951-251-0329**

Cathy.Viars@SDUnionTribune.com

LegalsSWRiverside@SDUnionTribune.com

28411 Rancho California Rd. Suite 103, Temecula, CA 92590

The Californian

an edition of

The San Diego Union-Tribune



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SEARCH

Your integrated media solution

From: Gil, Cecilia [mailto:CCGIL@RIVCO.ORG]
Sent: Tuesday, October 10, 2017 8:27 AM
To: Legals SW Riverside <LegalsSWRiverside@sduniontribune.com>
Subject: FOR PUBLICATION: Appeal of PUP 931

Good morning!

Attached is a Notice of Public Hearing, for publication on Friday, Oct. 13, 2017. Please confirm. THANK YOU!

Cecilia Gil

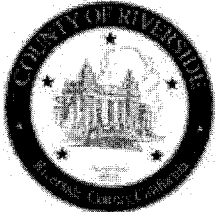
Board Assistant

Clerk of the Board of Supervisors

4080 Lemon St., 1st Floor, Room 127

Riverside, CA 92501

(951) 955-8464 Mail Stop# 1010



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CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Cecilia Gil, Board Assistant to Kecia Harper-Ihem, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on October 10, 2017, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

NOTICE OF PUBLIC HEARING

APPEAL OF PUP 931

to be posted in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507. Upon completion of posting, the County Clerk will provide the required certification of posting.

Board Agenda Date: October 24, 2017 @ 10:30 a.m.

SIGNATURE: Cecilia Gil DATE: October 10, 2017
Cecilia Gil

Gil, Cecilia

From: Garrett, Nancy <ngarrett@asrclkrec.com>
Sent: Tuesday, October 10, 2017 8:32 AM
To: Gil, Cecilia; Buie, Tammie; Kennemer, Bonnie; Meyer, Mary Ann
Subject: RE: FOR POSTING: Appeal of PUP 931

Good Morning,

Filing received and will be posted.

Have a great day,



ASSESSOR-COUNTY CLERK-RECORDER
Riverside County, CA

Nancy Garrett

ACR Tech II
Clerks Office-Gateway
951-486-7427 micro 7-7427

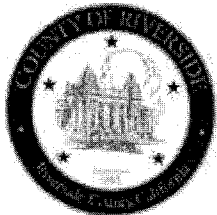
From: Gil, Cecilia [mailto:CCGIL@RIVCO.ORG]
Sent: Tuesday, October 10, 2017 8:28 AM
To: Buie, Tammie <tbuie@asrclkrec.com>; Garrett, Nancy <ngarrett@asrclkrec.com>; Kennemer, Bonnie <bkenneme@asrclkrec.com>; Meyer, Mary Ann <MaMeyer@asrclkrec.com>
Subject: FOR POSTING: Appeal of PUP 931

Good morning!

Notice of Public Hearing for POSTING. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon St., 1st Floor, Room 127
Riverside, CA 92501
(951) 955-8464 Mail Stop# 1010



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NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A PUBLIC USE PERMIT AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR AN ENVIRONMENTAL ASSESSMENT, IN THE THIRD SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, October 24, 2017, at 10:30 A.M.**, or as soon as possible thereafter, to consider the appeal filed by Abigail Smith, Esq., on behalf of the Residents For Intelligent Planning, of the Planning Commission's approval of **Public Use Permit No. 931**, which proposes to construct and operate a charter school serving 600 students for kindergarten through 8th grade, with a total building area of approximately 45,000 square feet. The appellant filed the appeal on the grounds that the permit is not supported by evidence; EA 42963 is contrary to the California Environmental Quality Act, and that the project is inconsistent with the County's General Plan. The project is located northwest of Highway 79, east of Pourroy Road, and south of Keller Road in the Southwest Area Plan – Highway 79, Third Supervisorial District.

The Planning Department recommended denial of the appeal and upholding the Planning Commission's adoption of a Mitigated Negative Declaration for Environmental Assessment No. 42963.

The proposed project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Clerk of the Board of Supervisors at 4080 Lemon Street, 1st Floor, Riverside, California 92501, and at the Riverside County Planning Department, 4080 Lemon Street, 12 Floor, Riverside, CA 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT LARRY ROSS, PROJECT PLANNER, AT (951) 955-9294 OR EMAIL: Lross@rivco.org.

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

If you challenge the above item 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 to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed project and/or the related environmental document. 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.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: October 10, 2017

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Cecilia Gil, Board Assistant, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on October 10, 2017, I mailed a copy of the following document:

NOTICE OF PUBLIC HEARING

APPEAL OF PUP 931

to the parties listed in the attached labels, by depositing said copy with postage thereon fully prepaid, in the United States Post Office, 3890 Orange St., Riverside, California, 92501.

Board Agenda Date: October 24, 2017 @ 10:30 a.m.

SIGNATURE: Cecilia Gil
Cecilia Gil

DATE: October 10, 2017

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on October 02, 2017,

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

APN (s) or case numbers PUP00931 For

Company or Individual's Name RCIT - GIS,

Distance buffered 1000'

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.

TITLE: GIS Analyst

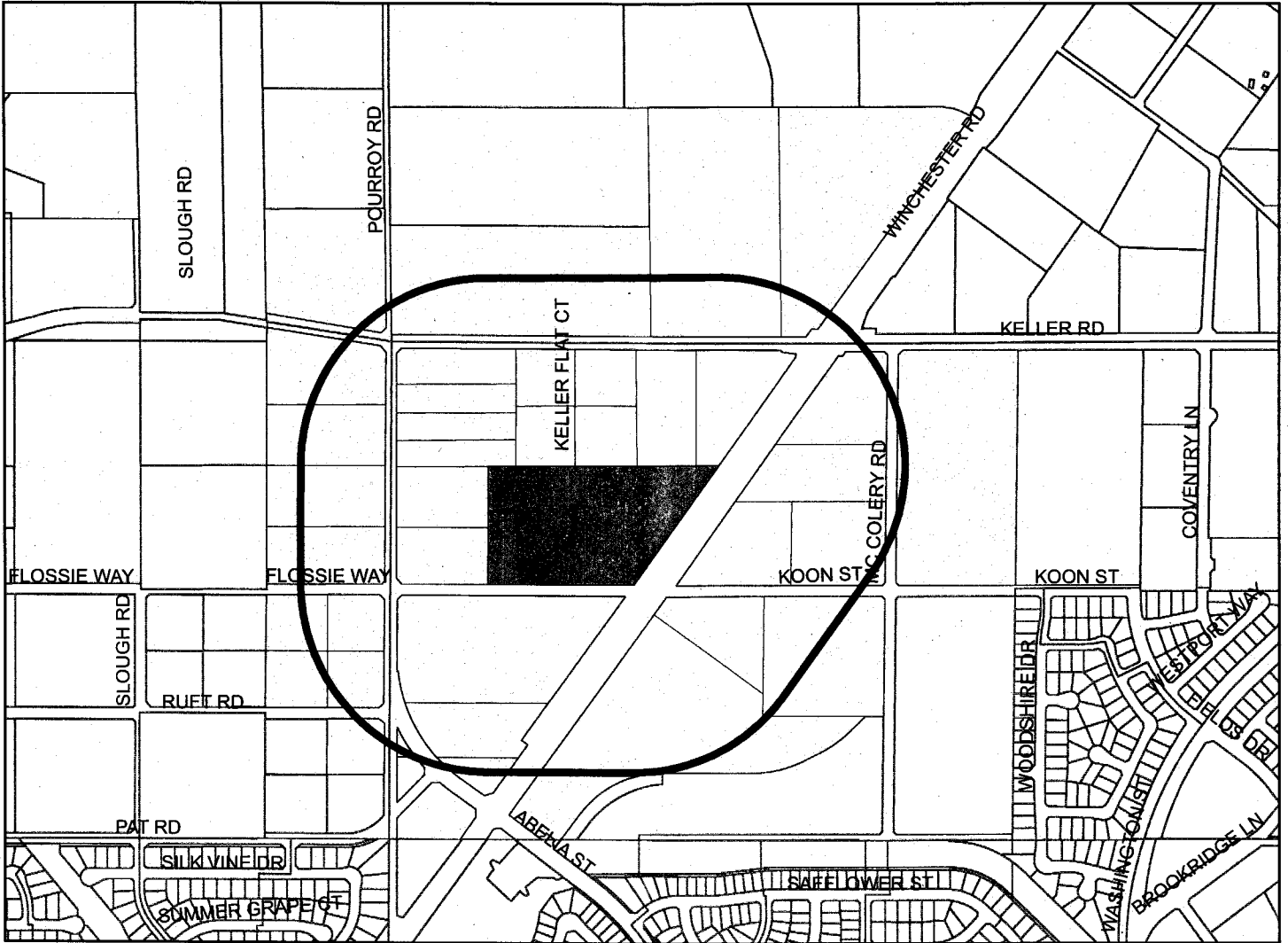
ADDRESS: 4080 Lemon Street 9TH Floor

Riverside, Ca. 92502

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

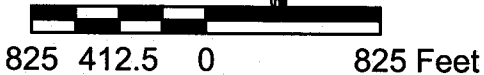
*Use these
labels - per
Larry Ross*

PUP00931 (1000 feet buffer)



Selected Parcels

476-010-013	476-010-059	476-010-012	476-010-007	476-010-005	472-110-008	472-110-009	472-110-034	476-010-011	476-010-056
476-010-027	480-030-038	476-010-003	476-010-004	476-010-002	480-030-031	480-030-029	476-010-008	480-030-039	476-010-060
476-010-017	476-010-054	476-010-055	476-010-024	480-030-037	476-010-063	476-010-072	480-030-032	476-010-001	480-030-040
480-030-043	476-010-009	480-030-030	476-010-050	476-010-057	476-010-058	472-090-025	476-010-006		



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: 472090025, APN: 472090025
VICTORIA HOUGH, ETAL
33975 POURROY RD
WINCHESTER, CA. 92596

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

ASMT: 472110034, APN: 472110034
DAVID HANNA
43 POST
IRVINE CA 92618

ASMT: 476010008, APN: 476010008
KIRK GURLING, ETAL
34119 KELLER FLAT CT
WINCHESTER, CA. 92596

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

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

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

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

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

ASMT: 476010012, APN: 476010012
AESPERITA FLENOID
34220 POURROY RD
WINCHESTER, CA. 92596

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

ASMT: 476010024, APN: 476010024
MUI LAM
32333 KOON ST
WINCHESTER CA 92596

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

ASMT: 476010027, APN: 476010027
FRENCH VALLEY ACRES
2900 ADAMS ST STE C25
RIVERSIDE CA 92504

Aperil PUP 931

5962
43

ASMT: 476010055, APN: 476010055
MORNINGSTAR VILLAGE
41805 ALBREA ST 2ND FL
FREMONT CA 94538

ASMT: 480030031, APN: 480030031
JOHN GEALTA
34185 POURROY RD
WINCHESTER, CA. 92596

ASMT: 476010058, APN: 476010058
EVANTHIA RIGAS, ETAL
30 POINT LOMA DR
CORONA DEL MAR CA 92625

ASMT: 480030032, APN: 480030032
MARY CARLSON, ETAL
24246 LUNA BRILLA LN
MURRIETA CA 92562

ASMT: 476010059, APN: 476010059
34155 WINCHESTER RD
35755 ABELLA ST
WINCHESTER CA 92596

ASMT: 480030037, APN: 480030037
DEISI CAMBEROS, ETAL
31875 FLOSSIE WAY
WINCHESTER, CA. 92596

ASMT: 476010060, APN: 476010060
MANJUSHREE CHAKRABARTY, ETAL
1003 E FLORIDA AVE NO 101
HEMET CA 92543

ASMT: 480030038, APN: 480030038
GARCIA EVELYN L TRUST
C/O SUSAN L RODE CLIFTON
7556 SULLIVAN PL
BUENA PARK CA 90621

ASMT: 476010072, APN: 476010072
RANCON SEVILLA 180
41391 KALMIA ST STE 200
MURRIETA CA 92562

ASMT: 480030039, APN: 480030039
MICHAEL SHIR
31870 RUFT RD
WINCHESTER, CA. 92596

ASMT: 480030029, APN: 480030029
SHERYL ERAMO, ETAL
34125 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030040, APN: 480030040
SAINT THOMAS HERMIT COPTIC ORTHO
PO BOX 893313
TEMECULA CA 92589

ASMT: 480030030, APN: 480030030
MARIA GARCIA, ETAL
C/O TRINIDAD GARCIA JR
34155 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030043, APN: 480030043
ELAINE SMITH, ETAL
209 E RAMONA
SAN CLEMENTE CA 92672

34155 Winchester Rd. LLC
Lois Hastings
35755 Abelia Street
Temecula, CA 92596

34155 Winchester Rd. LLC
Lois Hastings
35755 Abelia Street
Temecula, CA 92596

PlaceWorks
Jorge Estrada, Senior Associate
3 MacArther Place, Suite 1100
Santa Ana, CA 92707

PlaceWorks
Jorge Estrada, Senior Associate
3 MacArther Place, Suite 1100
Santa Ana, CA 92707

Liesman Family Trust
Bill Liesman
31472 Corte Salinas
Temecula, CA 92592

Liesman Family Trust
Bill Liesman
31472 Corte Salinas
Temecula, CA 92592

Johnson, Smith and Foy
P.O. Box 1029
Temecula, CA 92593

Winchester Municipal Advisory Counsel
Attn: Andy Domenigoni
31851 Winchester Rd
Winchester, CA 92596

City of Murrieta
Attn: Planning Manager
24601 Jefferson Ave
Norco, CA 92860

Temecula Valley Unified School District
31350 Rancho Vista Rd
Temecula, CA 92592-6200

Valley Wide Rec and Park District
901 W. Esplanade
P.O. Box 907
San Jacinto, CA 92582

City of Temecula
Attn: Luke Watson, Director of
Community Planning
41000 Main St.
Temecula, CA 92590

Riverside Transit Agency
Attn: Michael McCoy
1825 Third St.
P.O. Box 59968
Riverside, CA 92517-1968

Mail Stop# 1450
Riv.Co. Sheriff's Dept.

Eastern Municipal Water District
Warren A. Beck, PE
PO Box 8300
2270 Trumble Road
Perris, CA 92570-8300

Southern California Edison
2244 Walnut Grove Ave., Room 312
P.O. Box 800
Rosemead, CA 91770-0800

City of Menifee
29714 Haun Rd
Menifee, CA 92586

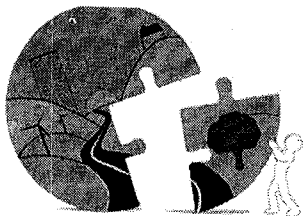
Residents For Intelligent Planning
c/o Abigail Smith, Esq.
1455 Frazee Road, Suite 500
San Deigo, CA 92108



34155 Winchester Rd. LLC
Lois Hastings
35755 Abelia Street
Temecula, CA 92596

PlaceWorks
Jorge Estrada, Senior Associate
3 MacArther Place, Suite 1100
Santa Ana, CA 92707

Liesman Family Trust
Bill Liesman
31472 Corte Salinas
Temecula, CA 92592



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

Board
Date
10/24/2017
@

APPLICATION FOR APPEAL

Appeal of Application Case No(s): Public Use Permit No. 931; EA 42963

Name of Advisory Agency: Riverside County Planning Commission
List all concurrent applications

Date of the decision or action: September 6, 2017

Appellant's Name: Residents For Intelligent Planning E-Mail: abby@socalceqa.com

Contact Person: Abigail Smith, Esq. E-Mail: abby@socalceqa.com

Mailing Address: 1455 Frazee Road, Suite 500

San Diego City CA State 92108 ZIP

Daytime Phone No: (951) 506-9925 Fax No: (951) 506-9725

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"> Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans. Planning Commission for: all other decisions. County Hearing Officer for: Reasonable Accommodation Request 	<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 and County Hearing Officer.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

RIVERSIDE COUNTY
CLERK OF THE BOARD
OF SUPERVISORS

PAID

DATE: 9/26/17
AMOUNT: 903.28
REC'D BY: Harley Aparicio

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2017 SEP 26 AM 10:19

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

APPLICATION FOR APPEAL

TYPE OF CASES BEING APPEALED	FILING DEADLINE
<ul style="list-style-type: none"> • Change of Zone denied 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 Permit • Surface Mining and Reclamation Permit 	<p>Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.</p>
<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) 	<p>Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.</p>
<ul style="list-style-type: none"> • Extension of Time for Vesting Tentative Map 	<p>Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.</p>
<ul style="list-style-type: none"> • General Plan or Specific Plan Consistency Determination • Temporary Outdoor Event 	<p>Within 10 days after date of mailing or hand delivery of decision of the Planning Director.</p>
<ul style="list-style-type: none"> • Environmental Impact Report 	<p>Within 10 days of receipt of project sponsor notification of Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.</p>
<ul style="list-style-type: none"> • Plot Plan • Temporary Use Permit • Accessory WECS Permit 	<p>Within 10 calendar days after the date of mailing of the decision.</p>
<ul style="list-style-type: none"> • Letter of Substantial Conformance for Specific Plan 	<p>Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.</p>
<ul style="list-style-type: none"> • Revised Permit 	<p>Same appeal deadline as for original permit.</p>
<ul style="list-style-type: none"> • Certificate of Compliance • Tree Removal Permit • Reasonable Accommodation Request 	<p>Within 10 days after the date of the decision by the Planning Director.</p>
<ul style="list-style-type: none"> • Revocation of Variances and Permits 	<p>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.</p>

STATE THE REASONS FOR APPEAL.

Clearly 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.

APPLICATION FOR APPEAL

AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

Please see attachment "A".

Use additional sheets if necessary.

Abigail Smith for Residents For Intelligent Planning
PRINTED NAME OF APPELLANT

Abigail Smith
SIGNATURE OF APPELLANT

September 26, 2017
DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed Appeal application form.
2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.¹
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).

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1013 Appeal Form.docx
Created: 07/08/2015 Revised: 06/21/2016

¹ Comply with the Public Hearing Notice Label Requirements (Form 295-1051)

**Attachment "A" to Residents' For Intelligent Planning's Appeal of PUP 931
and EA 42963**

Residents For Intelligent Planning appeals the decision of the Planning Commission approving Public Use Permit No. 931 and EA 42963 for the Temecula Charter School project ("the Project") on the grounds that the permit is not supported by evidence; the EA is contrary to the California Environmental Quality Act; and the Project is inconsistent with the County's General Plan.

CEQA requires the preparation of an Environmental Impact Report ("EIR") for any project that may have a significant impact on the environment. The Project meets this "low threshold" for preparation of an EIR in that the Project has adverse impacts to land use, noise, traffic, and water quality, among others. An EIR is required to study these areas of impact.

Residents have detailed its objections to the EA in an August 1, 2017 letter to the Planning Commission, and Residents provided testimony to the Planning Commission regarding the Project's significant adverse effects. The Project will be built and operated in a rural area of Riverside County, and, among other issues, the EA does not adequately study and/or mitigate the significant traffic impacts of the Project on rural roadways; and the EA has not sufficiently evaluated and/or mitigated the Project's significant noise impacts to nearby residential uses. The Project also conflicts with the General Plan, and there are CEQA land use impacts, as a result of the Project's excessive noise contrary to General Plan policies.

For these and the other reasons outlined in our letters and testimony, we respectfully appeal the Planning Commission's decision approving the Project.

ASMT: 472090025, APN: 472090025
VICTORIA HOUGH, ETAL
33975 POURROY RD
WINCHESTER, CA. 92596

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

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

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

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

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

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

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

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

ASMT: 476010012, APN: 476010012
AESPERITA FLENOID
34220 POURROY RD
WINCHESTER, CA. 92596

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

ASMT: 476010024, APN: 476010024
MUI LAM
32333 KOON ST
WINCHESTER CA 92596

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

ASMT: 476010027, APN: 476010027
FRENCH VALLEY ACRES
2900 ADAMS ST STE C25
RIVERSIDE CA 92504

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

ASMT: 480030031, APN: 480030031
JOHN GEALTA
34185 POURROY RD
WINCHESTER, CA. 92596

ASMT: 476010058, APN: 476010058
EVANTHIA RIGAS, ETAL
30 POINT LOMA DR
CORONA DEL MAR CA 92625

ASMT: 480030032, APN: 480030032
MARY CARLSON, ETAL
24246 LUNA BRILLA LN
MURRIETA CA 92562

ASMT: 476010059, APN: 476010059
34155 WINCHESTER RD
35755 ABELLA ST
WINCHESTER CA 92596

ASMT: 480030037, APN: 480030037
DEISI CAMBEROS, ETAL
31875 FLOSSIE WAY
WINCHESTER, CA. 92596

ASMT: 476010060, APN: 476010060
MANJUSHREE CHAKRABARTY, ETAL
1003 E FLORIDA AVE NO 101
HEMET CA 92543

ASMT: 480030038, APN: 480030038
GARCIA EVELYN L TRUST
C/O SUSAN L RODE CLIFTON
7556 SULLIVAN PL
BUENA PARK CA 90621

ASMT: 476010072, APN: 476010072
RANCON SEVILLA 180
41391 KALMIA ST STE 200
MURRIETA CA 92562

ASMT: 480030039, APN: 480030039
MICHAEL SHIR
31870 RUFT RD
WINCHESTER, CA. 92596

ASMT: 480030029, APN: 480030029
SHERYL ERAMO, ETAL
34125 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030040, APN: 480030040
SAINT THOMAS HERMIT COPTIC ORTHO
PO BOX 893313
TEMECULA CA 92589

ASMT: 480030030, APN: 480030030
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C/O TRINIDAD GARCIA JR
34155 POURROY RD
WINCHESTER, CA. 92596

ASMT: 480030043, APN: 480030043
ELAINE SMITH, ETAL
209 E RAMONA
SAN CLEMENTE CA 92672

Johnson, Smith & Foy
P.O. Box 1029
Temecula, CA 92593

City of Menifee
29714 Haun Road
Menifee, CA 92586

Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, CA 92592-6200

City of Murrieta
Attn: Planning Manager
24601 Jefferson Ave.
Norco, CA 92860

Riverside Transit Agency
Attn: Michael McCoy
1825 Third Street
P.O. Box 59968
Riverside, CA 92517-1968

City of Temecula
Attn: Luke Watson, Dir. of Community Planning
41000 Main Street
Temecula, CA 92590

Southern California Edison
2244 Walnut Grove Ave., Room 312
P.O. Box 800
Rosemead, CA 91770-0800

Eastern Municipal Water District
Warren A. Beck, PE
PO Box 8300
2270 Trumble Road
Perris, CA 92570-8300

Winchester Municipal Advisory Counsel
Attn: Andy Domenigoni
31851 Winchester Road
Winchester, CA 92596

Valley Wide Rec and Park District
901 W. Esplanade
P.O. Box 907
San Jacinto, CA 92582

Mail Stop #1450
Riv. Co. Sheriff's Dept.

LAW OFFICES OF ABIGAIL SMITH
1455 FRAZEE ROAD SUITE 500
SAN DIEGO, CALIFORNIA 92108

DATE 9/26/17

90-7162/3222

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FOR Appeal PUP 931

Abigail Smith MP

⑈001009⑈ ⑆322271627⑆

922655027⑈

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1713262

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: TVCS \$983.28
paid by: CK 1009
paid towards: PUP00931 PUBLIC USE PERMIT
at parcel #: 34155 WINCHESTER RD WINC
appl type: PUP1

By _____ Sep 26, 2017 11:24
MGARDNER posting date Sep 26, 2017

Account Code	Description	Amount
200063130100230168	CMP TRANS PLAN	\$28.00
100001000100777520	CLERK OF THE BOARD	\$26.00
202033100200772210	LMS SURCHARGE	\$19.28
100003120100777180	PLANNING: APPEALS	\$910.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

Maxwell, Sue

From: Maxwell, Sue
Sent: Tuesday, October 24, 2017 8:11 AM
To: 'Abigail A. Smith'; Ross, Larry
Subject: RE: Exhs 1-4 to Public Comments Item 18.1 Board Hearing Oct 24, 2017 - Supporting Appeal of Temecula Valley Charter School

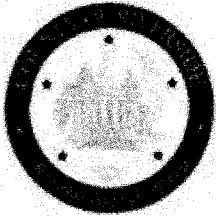
Good morning Ms. Smith,

The Clerk of the Board is in receipt of your second letter sent via email regarding the Temecula Valley Charter School, Agenda Item 18.1, and has included it in the record for today's October 24, 2017 Board Meeting.

Thank you kindly,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: Abigail A. Smith [mailto:abby@socalceqa.com]
Sent: Monday, October 23, 2017 7:58 PM
To: Ross, Larry <LROSS@RIVCO.ORG>; COB <COB@RIVCO.ORG>
Subject: Exhs 1-4 to Public Comments Item 18 Board Hearing Oct 24

Please find attached Exhibits 1-4 to Residents For Intelligent Planning's comment letter regarding Agenda Item 18.
Thank you again.

Abby Smith

PLEASE NOTE THE NEW FIRM NAME AND ADDRESS BELOW

Abigail Smith, Esq.
Law Offices of Abigail Smith
1455 Frazee Road, Suite 500
San Diego, CA 92108
Tel: 951-506-9925
Fax: 951-506-9725
Cell: 619-379-6394

5491
10/24/17 18-1
2017-10-137111



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V. Manuel Perez
County of Riverside

Executive Staff

Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

June 20, 2017

Karin Cleary-Rose
U.S. Fish and Wildlife Service
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

Heather A. Pert
California Dept. of Fish and Wildlife
3602 Inland Empire Blvd. #C220
Ontario, California 91764

Shipping Cover:

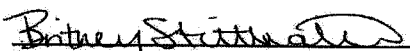
Karin and Heather,

Please find the following JPR attached:

JPR 17-04-11-01. The Permittee is County of Riverside. The local identifier is HANS 2343. The JPR file attached includes the following:

- RCA JPR
- Exhibit A, Vicinity Map with MSHCP Schematic Cores and Linkages
- Exhibit B, Criteria Area Cells with MSHCP Vegetation and Project Location
- Exhibit C, Criteria Area Cells with MSHCP Soils and Project Location
- Regional Map
- Regional Conservation Authority Transmittal Letter, Savannah Richards, April 4, 2017
- Regional Conservation Authority Joint Project Review Application, Regional Conservation Authority of Western Riverside County, April 4, 2017
- MSHCP Compliance Review Worksheet, Riverside County Planning Department, April 4, 2017
- HANS 2343/JPR 1704-11-01/PUP00931 Supplemental NEPSSA/CASSA Habitat Suitability Data, June 1, 2017
- Habitat Assessment, Phillip Brylski, May 25, 2017
- Collection and Processing of Dry Samples for the Presence of Fairy Shrimp Cysts and Culturing of Cysts for Species Determination for Species Identification at Temecula Charter School Site, Summitwest Environmental, May 31, 2017.

Thank you,


Britney Strittmater

Western Riverside County Regional Conservation Authority

RECEIVED

JUN 21 2017

DEPT. OF FISH & WILDLIFE
ONTARIO OFFICE

EXHIBIT "1"

EXHIBIT "1"



RCA Joint Project Review (JPR)

JPR #: 17-04-11-01

Date: 06-20-17

Project Information

Permittee: County of Riverside
 Case Information: HANS 2343/PUP 931 (Temecula Valley Charter School)
 Site Acreage: 16.27 acres
 Portion of Site Proposed for MSHCP Conservation Area: 0 acres

Criteria Consistency Review

Consistency Conclusion: *The project is consistent with the Criteria but is not consistent with Other Plan Requirements, specifically with Section 6.1.2 relative to fairy shrimp survey requirements.*

Data:

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

APN	Sub-Unit	Cell Group	Cell
476-010-059	SU5 – French Valley/Lower Sedco Hills	Independent	5275
476-010-013			
476-010-054			

Criteria and Project Information

Criteria Comments:

- a. As stated in Section 3.2.3 of the MSHCP, “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. Guidelines Pertaining to Urban/Wildlands Interface for the management of edge factors such as lighting, urban runoff, toxics, and domestic predators are presented in *Section 6.1* of this document [MSHCP]. 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.”



RCA Joint Project Review (JPR)

JPR #: 17-04-11-01

Date: 06-20-17

- b. The project site is located within Cell 5275, independent of a Cell Group. As stated in Section 3.3.15 of the MSHCP, "Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 18. Conservation within this Cell 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 this Cell will range from 10% to 20% of the Cell focusing in the southern portion of the Cell."
- c. Rough Step: The proposed project is within Rough Step Unit 6. Rough Step 6 encompasses 101,542 acres within the south-central region of western Riverside County and includes Antelope Valley, Warm Springs Creek, Paloma Creek, Lake Skinner, Johnson Ranch, and Diamond Valley Lake. Rough Step Unit 6 is bounded by Interstate 15 to the northwest, Bundy Canyon Road and Olive Avenue to the north, and Palm Avenue to the west. Within Rough Step 6, 24,836 acres are located within the Criteria Area. Key vegetation communities within Rough Step Unit 6 include coastal sage scrub; grasslands; riparian scrub, woodland, forest; and woodlands and forests. Based on the 2014 MSHCP Annual Report, all vegetation categories are "in" rough step. Based on the MSHCP vegetation mapping, vegetation on the proposed project site is almost entirely grassland with the southern portion containing agricultural land. Therefore, development on the project site will not conflict with or interfere with the Rough Step Status of Unit 6.
- d. Project information was provided by the Permittee in the JPR application, dated 04-04-17, including a RCA Joint Project Review Application form dated April 4, 2017, a MSHCP Compliance Review Worksheet dated April 4, 2017, a *Transmittal of HANS Case 2343/Public Use Permit 931 for Joint Project Review* letter dated April 4, 2017, a *Habitat Assessment Temecula Valley Charter School (Assessment)*, prepared by Philip Brylski, Ph.D. and David Bramlet dated April 4, 2017 (revised May 24, 2017), a *Supplemental NEPSSA/CASSA Habitat Suitability Data* dated June 1, 2017, and a *Collection and Processing of Dry Samples for the Presence of Fairy Shrimp Cysts and Culturing of Cysts for Species Determination for Species Identification at Temecula Charter School Site* prepared by Summitwest Environmental, Inc. dated May 29, 2017. The proposed project includes development of a Temecula Valley Charter School (K-8) and is located on two Assessor's (APN) 476-010-059 and 476-010-013. The proposed project also includes a new access road (the Flossie Way Right-of-Way, ROW) within the northern portion of APN 476-010-054¹. The project is generally located south of Keller Road, west of Highway 79, and east of Pourroy Road in the Winchester area of unincorporated Riverside County at 34155 Winchester Road (Highway 79) and totals 16.27 acres. The proposed school site contains agricultural and other vacant lands, as well as two residences. The project site consists of 7.33 acres of agricultural lands, 7.23 acres of disturbed annual grasslands, 0.10 acre of Riversidean sage scrub/annual grassland ecotone, 0.36 acre of graded lands, and 1.24 acres of developed lands. The surrounding areas

¹ APN 476-010-054 is not owned by the applicant, but was included with the JPR supporting documentation (see Section 1.0 and Figure 2 of the *Assessment*).



RCA Joint Project Review (JPR)

JPR #: 17-04-11-01

Date: 06-20-17

are rural residential, agricultural, or open land, with off-site rural residences to the north and west of the site. The proposed project includes the construction of a K-8 school that would include one-story school buildings totaling 45,000 square feet and associated school roads, playfields, and other infrastructure within the eastern portion of the site and construction of the new access road (the Flossie Way ROW) located within the southern portion of the project site. The proposed project would permanently impact 10.35 acres. Specifically, impacts resulting from the proposed project would include permanent impacts to 7.22 acres of agricultural lands, 2.98 acres to disturbed annual grasslands, 0.01 acre of Riversidean sage scrub/annual grassland ecotone, and 0.15 acre of graded lands. According to the Assessment, there are no proposed temporary impacts.

- e. Reserve Assembly: As mentioned above, the project site is located within Cell 5275. Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 18, and will range from 10% to 20% of the Cell focusing in the southern portion of the Cell. Conservation within this Cell 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. The proposed project site is located in the northcentral portion of Cell and is located outside of the area described for conservation. The site does not encompass riparian scrub, woodland and forest habitat and is not connect to those habitat types to the north, east, south, or west. The site does contain agricultural land; however, is not connected to agricultural land to the east. Furthermore, Proposed Constrained Linkage 18 is located approximately 1,400 feet south of the project site with State Route-79 (SR-79) bisecting the project site to the southern portion of the Cell. Given the location of the project and its lack of physical connection to areas described for conservation, the proposed project would not impede the conservation goals for Proposed Constrained Linkage 18. Therefore, development of the proposed project site is consistent with the Reserve Assembly goals of the MSHCP.

Other Plan Requirements

Data:

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

- Yes. There are no riparian/riverine resources on the project site. There are no vernal pools on the project site; however, two road rut depressions were observed as potential suitable habitat for fairy shrimp. No suitable habitat for riparian birds is present on the site.

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

- Yes. The main project site (APNs 476-010-059 and 476-010-013) is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA). The proposed Flossie Way ROW (APN 476-010-054) is located within a NEPSSA for Munz's onion (*Allium munzii*), San Diego ambrosia



RCA Joint Project Review (JPR)

JPR #: 17-04-11-01

Date: 06-20-17

(*Ambrosia pumila*), Many-stemmed dudleya (*Dudleya multicaulis*), Spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*).

Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The main project site (APNs 476-010-059 and 476-010-013) is not located within a Criteria Area Species Survey Area (CASSA). The proposed Flossie Way ROW (APN 476-010-054) is located within a CASSA for Davidson's saltscall (*Atriplex serenana* var. *davidsonii*), Parish's brittle scale (*Atriplex parishii*), thread-leaved brodiaea (*Brodiaea filifolia*), smooth tarplant (*Centromadia* (= *Hemizonia*) *pungens* ssp. *laevis*), Round-leaved filaree (*Erodium macrophyllum*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), and little mouse tail (*Myosurus minimus*). The proposed project is also located within the Additional Survey Needs and Procedures Area for burrowing owl.

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

Yes. The project site is not located adjacent or near to future and existing Conservation Areas.

Other Plan Requirement Comments:

- a. Section 6.1.2: According to the *Assessment*, no riparian/riverine resources were observed on the project site during the initial botanical and sensitive plant community assessments on August 19, 2016. There are no channels, erosion rills, or evidence of ponding. There are two culverts on Highway 79 that drain storm flows from the property; however, according to the *Assessment* there are no channels associated with these culverts. Additionally, a blue-line channel was found on the adjoining parcel to the north of the project site, extending into the northeastern corner of the project site; however, no channel was observed in this area during the field August 19, 2016 survey. According to the *Assessment*, it appears the channel has been filled on the adjacent property and only overland flows occur on the project site.

Fairy Shrimp: The evaluation of vernal pools and other ephemeral wetlands was conducted using aerial photos and supplemented using field observations. Historical aerial photos reviewed were dated 6/1/2002, 10/20/2003, 1/11/2007, 5/24/2009, and 4/26/2011. Soils present on the site are Lodo gravelly loam, Garretson very fine sandy loam, Friant fine sandy loam, Escondido fine sandy loam, and Altamont clay. The *Assessment* concludes that these soils are not consistent with those known to support vernal pools and are not considered to be suitable for vernal pool formation. Although fairy shrimp are typically associated with vernal pools, these species may also occur in other depression areas, including those within disturbed areas. Suitable habitat for fairy shrimp such as vernal pools, swales, wetlands, vernal pool-like ephemeral ponds, and stock ponds, were not observed during the initial survey; however, human-modified depressions (e.g., tire ruts) were observed. According to the



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JPR #: 17-04-11-01

Date: 06-20-17

Assessment, two road rut features were observed to be ponded on March 2, 2017 within the ROW of Flossie Road. Road rut #1 measured 28 feet in length, 1 foot wide, and 6.8 centimeters deep and road rut #2 measured 6 feet in length, 8 inches wide, and 1.3 centimeters deep with one of the tracks in this being ponded for a length of 9 feet, 9 inches wide, and 3.8 centimeters deep. According to the *Assessment*, it was assumed that the road ruts filled on February 27, 2017 during a rain event. These road ruts were examined again on a subsequent site visit conducted on March 10, 2017 and were noted as being dry. According to the *Assessment*, the "road ruts appeared to have actually dried within eight days" and thus "would not be considered to have ponded for a sufficient duration to provide suitable habitat for listed fairy shrimp species." However, it should be noted that between February 27 and March 10, the road ruts were only visited on March 2 and at that time, they were still wet. It can be concluded that with a lack of additional observations, these areas may ponded for as many as 11 days. A wet season protocol survey for fairy shrimp was not conducted.

According to the *Collection and Processing of Dry Samples for the Presence of Fairy Shrimp Cysts and Culturing of Cysts for Species Determination for Species Identification at Temecula Charter School Site* prepared by Summitwest Environmental, Inc., a dry season sampling for fairy shrimp was conducted by Chuck Black, 10(a)(1)(A) permit number TE835549-7, of Ecological Restoration Services on May 28, 2017. **No *Branchinecta* or *Streptocephalus* cysts were present in any of the samples from either road rut and no ostracod shells or cladoceran ephippia were present in any of the samples. Information regarding the dry season sampling methods and results was not included in the *Assessment*, instead this information was included in the separate report prepared by Summitwest Environmental, Inc. dated May 29, 2017.**

All biologists permitted under section 10(a)(1)(A) to survey for fairy shrimp, which authorizes the collection and handling of adults, larvae, and cysts, "must implement all of the actions" included in the USFWS survey protocol (i.e., "Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the listed Vernal Pool Branchiopods"). Special Term and Condition #14 of the MSHCP 10(a)(1)(A) states "...this Permit does not alter any permitting requirements authorized under section 10(a)(1)(A) of the ESA for biologists conducting surveys provided for in the [MSHCP] nor [did] this Permit alter any of the survey protocols associated with such permits." While the MSHCP Covered fairy shrimp objectives require one wet or dry season survey, Special Term and Condition #2 states that "[i]n the event of a discrepancy, the special terms and conditions of this permit included herein, the IA, and MSHCP, including its associated volumes (exclusive of the IA) and the errata letter to the MSHCP from the County of Riverside dated May 21, 2004, are the controlling documents in the above order regarding the conditions and authorizations of this permit." Consequently, all projects must demonstrate that they have followed the USFWS protocol in western Riverside County. For this project the survey protocol requires a second survey where the first survey produced negative results. **Without the two seasons of fairy shrimp surveys, or without concurrence from USFWS that having only one seasonal survey is acceptable, the project cannot be determined consistent with MSHCP Section 6.1.2 requirements for fairy shrimp.**



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Date: 06-20-17

Riparian Birds: The project site does not contain suitable habitat for MSHCP-covered riparian birds including least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western yellow-billed cuckoo (*Coccyzus americanus*); therefore, focused surveys were not warranted.

Based on the information provided above, **the project does not demonstrate compliance with Section 6.1.2 of the MSHCP. Specifically, the project is not consistent with MSHCP requirements for fairy shrimp.**

- b. Section 6.1.3: The main project site (APNs 476-010-059 and 476-010-013) is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA). The proposed Flossie Road ROW (APN 476-010-054) is located within a NEPSSA for Munz's onion, San Diego ambrosia, many-stemmed dudleya, spreading navarretia, California orcutt grass, and Wright's trichocoronis. According to the *Assessment*, the initial botanical and sensitive plant community assessment was performed by David Bramlet on August 19, 2016. An updated habitat assessment was conducted on March 2, 2017 at the western end of the Flossie Road ROW and second habitat assessment was conducted on March 10, 2017 to document the condition of the ponded road ruts and to assess the area for any changes in floristic diversity or phenology. The habitat assessments included a 100 percent visual survey of the Flossie Road ROW. According to the *Assessment* and *Supplemental NEPSSA/CASSA Habitat Suitability Data*, the proposed Flossie Road ROW lacks suitable habitat such as suitable habitat (deep clays or alkali soils), continued disturbance (regularly disked for agricultural uses), and lack of suitable seasonal wetlands, such as vernal pools. Therefore additional focused surveys are not required. Based on the information provided in the *Assessment* and *Assessment* and *Supplemental NEPSSA/CASSA Habitat Suitability Data*, the project demonstrates compliance with Section 6.1.3 of the MSHCP.
- c. Section 6.3.2: The main project site (APNs 476-010-059 and 476-010-013) is not located within a Criteria Area Species Survey Area (CASSA). The proposed Flossie Road ROW (APN 476-010-054) is located within a CASSA for Davidson's saltscale, Parish's brittle-scale, thread-leaved brodiaea, smooth tarplant, round-leaved filaree, Coulter's goldfields, and little mousetail. According to the *Assessment*, the initial botanical and sensitive plant community assessment was performed by David Bramlet on August 19, 2016. An updated habitat assessment was conducted on March 2, 2017 at the western end of the Flossie Road ROW and second habitat assessment was conducted on March 10, 2017 to document the condition of the ponded road ruts and to assess the area for any changes in floristic diversity or phenology. The habitat assessments included a 100 percent visual survey of the Flossie Road ROW. According to the *Assessment* and *Supplemental NEPSSA/CASSA Habitat Suitability Data*, the proposed Flossie Road ROW lacks suitable habitat such as suitable habitat (deep clays or alkali soils), continued disturbance (regularly disked for agricultural uses), and lack of suitable seasonal wetlands, such as vernal pools.

The project site is located within an Additional Survey Needs and Procedures Area for burrowing owl. In accordance with the County of Riverside's Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (County of Riverside 2006), a



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Step I *Habitat Assessment* and Step II *Locating Burrows and Burrowing Owls* focused surveys were conducted. Suitable habitat was identified in the project site during the Step I Habitat Assessment on November 5, 2016. Suitable habitat included non-native grassland that allow for line-of-site opportunities favored by burrowing owls and eight California ground squirrel burrows. No suitable man-made features such as rock crevices or debris piles were observed within the project site. Step II surveys were conducted within the project site plus a 150-meter (approximately 500 feet) buffer zone around the perimeter of the project on March 7-10 and March 30, 2017 between the period of "two hours before sunset to one hour after" or "one hour before sunrise to two hours after." Step II surveys focused on the detection of burrowing owl individuals, small fossorial mammal burrows potentially suitable for burrowing owl, and burrowing owl diagnostic sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance). Transects were utilized, spaced no more than 100 feet apart, to allow 100 percent visual coverage of the ground surface. The fenced residences west and north of the project site and agricultural lands east of SR-79 were surveyed by visual inspection using binoculars. According to the *Assessment*, subsequent Step II surveys did not identify individual burrowing owls, active burrowing owl burrows, or signs of burrowing owls within the project site. Due to the presence of suitable habitat and ground squirrel burrows capable of being used for roosting or nesting by burrowing owls, a 30-day pre-construction survey for burrowing owls is **required** prior to initial ground-disturbing activities to ensure that no owls have colonized the site in the days or weeks preceding construction. **If burrowing owls have colonized the project site prior to the initiation of construction, the project proponent should immediately inform the Wildlife Agencies and the RCA, and would need to coordinate further with RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance.** Based on the information provided by the *Assessment* and *Assessment and Supplemental NEPSSA/CASSA Habitat Suitability Data*, the project demonstrates consistency with Section 6.3.2 of the MSHCP.

- d. Section 6.1.4: The project site is not located adjacent to any existing Conservation Areas or areas described for future Conservation. The project site is approximately 1400 feet north of an area described for conservation. However, the site does not exhibit any direct connectivity or apparent indirect connectivity to existing Conservation Areas or areas described for future Conservation. Although the Section 6.1.4 Urban Wildlands Interface Guidelines do not directly apply to the proposed project, some may still be applicable relative to indirect connectivity. The following should be considered by the Applicant and/or at the request of the Permittee in conditions of approval as applicable during construction and operation of the proposed project.
 - i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas. Any water quality or other drainage discharges must be reviewed by RCA prior to conveyance into



RCA Joint Project Review (JPR)

JPR #: 17-04-11-01

Date: 06-20-17

- the MSHCP Conservation Area. This condition is applicable to areas either already dedicated to conservation or those described for conservation.
- ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.
 - iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
 - iv. Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
 - v. Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.
 - vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into existing and future MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
 - vii. Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.
 - viii. Weed abatement and fuel modification activities are not permitted in the Conservation Area.

BS

EXHIBIT "2"

EXHIBIT "2"

EXHIBIT “3”

EXHIBIT “3”



U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262
760-322-2070
FAX 760-322-4648



California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, California 91764
909-484-0167
FAX 909-481-2945

In Reply Refer To:
FWS/CDFW-WRIV-17B0508-17CPA0159

July 6, 2017
Sent by email

Mr. Ken Baez
Planning Department
County of Riverside
P.O. Box 1409
Riverside, California 92502-1409

Attn: Savannah Richards

Subject: Western Riverside County Multiple Species Habitat Conservation Joint Project
Review 17-04-11-01, Temecula Valley Charter School (HANS 2343/PUP 931),
Riverside County

Dear Mr. Baez:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter referred to jointly as the Wildlife Agencies, have reviewed Joint Project Review 17-04-11-01 for the Temecula Valley Charter School (Project) which we received from the County of Riverside on June 21, 2017. The JPR was prepared to evaluate the Project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The Wildlife Agencies are providing the following comments as they relate to the Project's consistency with MSHCP Section 6.1.2, Protection of Riparian/Riverine Resources and Vernal Pools.

The proposed project is located at 34155 Winchester Road (Highway 79), south of Keller Road, and east of Pourroy Road in the Winchester area of unincorporated Riverside County, California. The proposed development is the construction of a charter school (K-8) on a 16.27-acre property where there are currently two residences, agricultural land and undeveloped land. The Project would be built on 10.35-acres of this property; no conservation is proposed. The Project site also includes an access road along an existing right-of-way for the future development of Flossie Way. This easement is located in the northern part of APN 476-010-054 and has an area of 1.78-acres.

Riparian/Riverine Impacts

The proposed project includes two culverts. Historical aerial photographs were reviewed to ensure that no drainages occur on the Project site. One drainage was found in the northeastern corner of the property. The drainage appears to be seasonal, and might only be well defined in years featuring larger rain events. This drainage flows southeast and then southward to Highway 79. Culverts direct the stream underneath the highway, after which it eventually drains into Warm Springs Creek. The Wildlife Agencies request a site visit and field meeting to examine and discuss the delineation of MSHCP riparian/riverine resources on the Project site.

Fairy Shrimp Survey

The Wildlife Agencies concur with the RCA's finding that the proposed project is not consistent with Section 6.1.2 of the MSHCP in regards to the fairy shrimp surveys.

According to the applicant's *Habitat Assessment: Temecula Valley Charter School (Assessment)*, two road rut features were observed to be ponded on March 2, 2017, within the Flossie Road ROW. According to the *Assessment*, it was assumed that the road rut pools filled during the February 27, 2017, rain event. These road rut pools were examined again on a subsequent site visit conducted on March 10, 2017, and were observed to be dry on that date. According to the *Assessment*, the "road ruts appeared to have actually dried within eight days" and, thus, "would not be considered to have ponded for a sufficient duration to provide suitable habitat for listed fairy shrimp species." However, it should be noted that the road rut pools were only inspected on March 2 and March 10, and could conceivably have held water in them from February 27 through March 9. Without observations on additional dates in this period, the pools could conceivably have held water for as many as 11 days. Furthermore, the *Assessment* assumes that the pools contained no water on February 26, which is an assumption that may not be accurate. Southern California experienced multiple large rain events from December 16, 2016, through February 27, 2017, and, it is possible that the pools filled prior to February 27. Furthermore, some listed fairy shrimp species can hatch, mature, and reproduce in as little as 7 days.

Based on the Service's *Survey Guidelines for the Listed Large Branchiopods*, a fairy shrimp survey consists of both "wet" and "dry" season sampling (which should follow the USFWS survey protocol). The Project conducted dry season sampling on May 28, 2017, but has not conducted the wet season sampling required by the USFWS protocol. All biologists permitted under Federal Endangered Species Act section 10(a)(1)(A) to survey for fairy shrimp, which authorizes the collection and handling of adults, larvae, and cysts, "must implement all of the actions" included in the Service's fairy shrimp survey protocol (*Survey Guidelines for the Listed Large Branchiopods*, May 31, 2015).

The Service's protocol defines a complete fairy shrimp survey as follows: "A complete survey consists of one wet season survey and one dry season survey conducted and completed in accordance with these guidelines and conducted within a 3-year period. The order of the surveys is not important."

Special Term and Condition #14 of the section 10(a)(1)(B) Incident Take Permit issued to the County by the Service in connection with the MSHCP states "...this Permit does not alter any permitting requirements authorized under section 10(a)(1)(A) of the ESA for biologist conducting surveys provided for in the [MSHCP] nor [did] this Permit alter any of the survey protocols associated with such permits." While the MSHCP Plan document's fairy shrimp Species Objectives require only one season of sampling (wet season or dry season), Special Term and Condition #2 of the Incident Take Permit issued to the County by the Service states that "in the event of a discrepancy, the special terms and conditions of this Permit included herein, the IA, and MSHCP, including its associated volumes (exclusive of the IA) and the errata letter to the MSHCP from the County of Riverside dated May 21, 2004, are the controlling documents (in the above order) regarding the conditions and authorizations of this Permit." Consequently, all projects must demonstrate that they have followed the USFWS

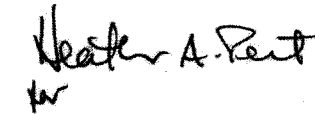
fairy shrimp survey protocol in western Riverside County. The second season of sampling (wet or dry) is still required when the first season of sampling fails to detect the presence of fairy shrimp.

Without the wet season sampling, the Project's fairy shrimp survey is incomplete by the USFWS survey protocol, and, therefore, the project is not currently consistent with the MSHCP Section 6.1.2 requirements for fairy shrimp. The Project should conduct the missing wet season sampling prescribed by the USFWS survey protocol.

The Wildlife Agencies request that wet season fairy shrimp surveys be completed and the results provided to us and the RCA prior to Project approval. We consider this necessary to MSHCP implementation and request notification if the County chooses to proceed with Project approval in contradiction of survey requirements. We appreciate the opportunity to provide comments on this JPR, and look forward to working with you and the Project applicant. If you have any questions or comments regarding this letter, please contact James Thiede of the Service or Heather Pert of the Department. James Theide can be reached at james_thiede@fws.gov or 760 322 2070 ext. 409. Heather Pert can be reached at heather.pert@wildlife.ca.gov or 858-395-9692.

Sincerely,

for
Kennon A. Corey
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Leslie MacNair
Regional Manager
California Department of Fish and Wildlife

cc:
Charles Landry, Regional Conservation Authority
Stacey Love, Carlsbad Fish and Wildlife Office

EXHIBIT "4"

EXHIBIT "4"

07/18/17
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

GRANT
COMMENTS/ISSUES
10/23/17

PUBLIC USE PERMIT Case #: PUP00931

Parcel: 476-010-059

10. GENERAL CONDITIONS

EVERY DEPARTMENT

SCHOOL HAS STATED
LARGER NUMBER 700 +/-

10. EVERY. 1

USE - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is construct and operate a charter school serving 600 students for kindergarten through 8th grade. Total building area is approximately 45,000 square feet. The existing residential structures on the property will remain.

10. EVERY. 2

USE - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PUBLIC USE PERMIT; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the PUBLIC USE PERMIT, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

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Riverside County LMS
CONDITIONS OF APPROVAL

Page 2

PUBLIC USE PERMIT Case #: PUP00931

Parcel: 476-010-059

10. GENERAL CONDITIONS

10. EVERY. 3 USE - DEFINITIONS RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Public Use Permit No. 931 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Public Use Permit No. 931, Exhibit A, sheets 1 to 4, dated 4-14-2017.

APPROVED EXHIBITS B AND C = Public Use Permit No. 931, Exhibit B and C, sheets 1-11, dated 4-14-17.

APPROVED EXHIBIT L (IRRIGATION PLAN) = Public Use permit No. 931, Exhibit L (Irrigation Plan), sheets 1-5, dated 4-14-17.

APPROVED EXHIBIT L (PLANTING PLAN) = Public Use permit No. 931, Exhibit L (Planting Plan), sheets 1-6, dated 4-14-17

10. EVERY. 4 USE - 90 DAYS TO PROTEST RECOMMND

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project

BS GRADE DEPARTMENT

10 BS GRADE. 1 USE - GENERAL INTRODUCTION RECOMMND

Improvements such as grading, filling, over excavation and recompaction, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval

10 BS GRADE. 3 USE - OBEY ALL GDC REGS RECOMMND

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

OFF-SITE GRADING & DRAINAGE

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Riverside County LMS
CONDITIONS OF APPROVAL

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PUBLIC USE PERMIT Case #: PUP00931

Parcel: 476-010-059

10. GENERAL CONDITIONS

10.BS GRADE. 20 USE - RETAINING WALLS RECOMMND

Lots which propose retaining walls will require separate permits. They shall be obtained prior to the issuance of any other building permits unless otherwise approved by the Building and Safety Director. The walls shall be designed by a Registered Civil Engineer - unless they conform to the County Standard Retaining Wall designs shown on the Building and Safety Department form 284-197

10.BS GRADE. 23 USE - MANUFACTURED SLOPES RECOMMND

Plant and irrigate all manufactured slopes equal to or greater than 3 feet in vertical height with drought tolerant grass or ground cover; slopes 15 feet or greater in vertical height shall also be planted with drought tolerant shrubs or trees in accordance with the requirements of Ordinance 457.

10.BS GRADE. 24 USE - FINISH GRADE RECOMMND

Finish grade shall be sloped to provide proper drainage away from all exterior foundation walls in accordance with the California Building Code and Ordinance 457.

E HEALTH DEPARTMENT

10.E HEALTH. 1 USE - NOISE ASSESSMENT RECOMMND

The County's General Plan Land Use Compatibility for Community Noise Exposure table indicates that noise environments below 70 CNEL are considered acceptable / conditionally acceptable. The project is proposed to be built along Highway 79. Highway 79 in this area is considered an "expressway". The County's General Plan Noise Element Data shows that the unmitigated 70 CNEL contour for expressways extend approximately 500 feet from the centerline of the roadway.

NOT
DONE

We require the consultant analyze the noise impact of the surrounding roadways on the project. He/she must use our standard traffic mix and level "C" build out traffic volumes for the analysis. The consultant must show what areas of the campus fall within the 70 CNEL contour and, if applicable, determine any mitigation measures necessary to comply with the General Plan's requirements.

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Riverside County LMS
CONDITIONS OF APPROVAL

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PUBLIC USE PERMIT Case #: PUP00931

Parcel: 476-010-059

10. GENERAL CONDITIONS

10.FIRE. 4 USE-#89-RAPID HAZMAT BOX INEFFECT

Rapid entry emergency key storage (KNOX) box shall be installed on the outside of the main building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

10.FIRE. 5 USE-#88A-AUTO/MAN GATES INEFFECT

Gate(s) shall be automatic operated, minimum 20 feet in width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system.

FLOOD RI DEPARTMENT

10.FLOOD RI. 1 USE FLOOD HAZARD REPORT RECOMMND

Bluebeam Session ID: 972-654-172

Public Use Permit (PUP) 00931 is a proposal to construct a school on 14.6-acre site in the French Valley area. The site is located on the northwest corner of Koon Street and Highway 79/Winchester Road. The site is Parcels 3 and 4 of Parcel Map 19448.

The site is subject to stormwater runoff from a tributary drainage area of approximately 290-acres from the north with the bulk of the runoff entering the site in a defined watercourse at the northeasterly corner. This runoff ponds at the southeasterly corner before leaving the site through a culvert under Winchester Road. The ponding area is delineated on the environmental constraint sheet (ECS) that accompanied recorded Parcel Map 19448. This ponding area must be kept clear of all buildings, obstructions and any compacted fill in order to perpetuate the drainage path. The proposed improvements for the parking area within this ponding area must be kept at grade. The proposed drainage plan for the site must design an adequate collection facility to provide flood protection for the proposed buildings and safely convey the runoff to the culvert. This may require the proposed buildings to be constructed with a finished floor elevated a minimum of 12 inches above the water surface elevation in combination with adequate

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Riverside County LMS
CONDITIONS OF APPROVAL

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PUBLIC USE PERMIT Case #: PUP00931

Parcel: 476 010-059

10. GENERAL CONDITIONS

10.FLOOD RI. 1 USE FLOOD HAZARD REPORT (cont.)

RECOMMND

collection/conveyance drainage infrastructure.

No grading or improvements are proposed in the western portion of the site. The grading of the project shall be designed in a manner that perpetuates the existing natural drainage patterns and conditions with respect to tributary drainage areas, outlet points and outlet conditions. Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed and stormwaters are not diverted from one watershed to another.

This project is not associated with any existing or proposed District maintained facilities, therefore the Transportation Department will have the responsibility to process the review and approval of any hydrology or drainage studies including the preliminary and final Water Quality Management Plan (WQMP). The development of this site would generate an increase in peak flow rates that could adversely impact the downstream property owners. No additional mitigation for increased runoff should be required if compliance with the Santa Margarita Region Hydromodification Management Plan (SMR-HMP) requirements in the WQMP are met.

It should be noted that this site is located within the bounds of the Murrieta Creek/Warm Springs Valley Area Drainage Plan (ADP) for which drainage fees have been established by the Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to the issuance of permits for this project. Although the current fee for this ADP is \$677 per acre, the fee due will be based on the fee in effect at the time of payment. The fee is payable to the Flood Control District by cashier's check or money order only. The District will not accept personal or company checks. The drainage fee is required to be paid prior to the issuance of the grading permits or issuance of the building permits if grading permits are not issued.

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Riverside County LMS
CONDITIONS OF APPROVAL

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PUBLIC USE PERMIT Case #: PUP00931

Parcel: 476-010-059

10. GENERAL CONDITIONS

10.PLANNING. 3 USE - UNANTICIPATED RESOURCES (cont.) RECOMMND

cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary

10.PLANNING. 4 USE - GEO02530 ACCEPTED RECOMMND

A report prepared by Inland Foundation Engineering, Inc entitled "Geotechnical Investigation, Proposed Charter School Site, 34155 Winchester Road, French Valley Area, California", and dated September 9, 2016 was submitted to the county Geologist for this project (PUP00931). In addition, the consultant has submitted the following:

"Response to County Review Comments, PUP00931, Preliminary Geotechnical Report - Proposed Charter School Site, 34155 Winchester Road, French Valley Area, Riverside County, California," dated December 2, 2016

This report concluded.

• REPORT DID NOT COVER AREA PROPOSED FOR RETAINING WALLS

1)The primary geologic hazard is severe ground shaking from earthquakes originating on nearby faults.

2)Since there are no faults that are known to traverse the site, the potential for ground rupture is considered to be low.

3)The results of our analysis indicate that the potential for liquefaction and seismically induced settlement is negligible.

4)There do not appear to be any permanent or transient secondary seismic hazards that would affect the proposed school.

5)Estimated total static settlement, based on footings founded on firm soils, should be less than 1 inch.

This report recommended:

1)All surfaces to receive compacted fill should be subjected to compaction testing prior to processing

2)Testing should indicate a relative compaction of at least 85 percent within the unprocessed native soils.

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10. GENERAL CONDITIONS

10. PLANNING. 5 USE - PDP01558 ACCEPTED (cont.) RECOMMND

on scientifically important paleontological resources to a less than significant level. Prior to construction, a paleontological resources impact mitigation plan (PRIMP) should be prepared.

PDP01558 satisfies the requirement for a Paleontological Resource Assessment for CEQA purposes. PDP01558 is hereby accepted for PUP00931. A PRIMP shall be required prior to issuance of a grading permit for this project.

10. PLANNING. 6 USE - COMPLY WITH ORD./CODES RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10. PLANNING. 7 USE - FEES FOR REVIEW RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

EXHIBIT DOES NOT SHOW IMPROVEMENTS IN PUBLIC R/W - (Highway) 79

10. PLANNING. 8 USE - LIGHTING HOODED/DIRECTED RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10. PLANNING. 9 USE - COLORS & MATERIALS RECOMMND

Building colors and materials shall be in substantial conformance with those shown on APPROVED EXHIBIT B.

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10. GENERAL CONDITIONS

10.PLANNING. 33 USE - ORD 810 O S FEE (1) (cont.) RECOMMND

project development.

Any area identified as "NO USE PROPOSED" on the APPROVED EXHIBIT shall not be included in the Project Area.

10.PLANNING. 34 USE - PERMIT SIGNS RECOMMND

No signs are approved pursuant to this project approval. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10 PLANNING. 36 USE - 3RD & 5TH DIST DSGN STDS RECOMMND

The permit holder shall comply with the "DESIGN STANDARDS & GUIDELINES, THIRD AND FIFTH SUPERVISORIAL DISTRICTS, COUNTY OF RIVERSIDE, adopted by the Board of Supervisors, July 17, 2001.

10.PLANNING. 37 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org/buslic

TRANS DEPARTMENT

10.TRANS. 1 USE - STD INTRO (ORD 461) RECOMMND

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Riverside County Road Improvement Standards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate G.S., and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential.

*IMPROVEMENT OF HIGHWAY 79 AND
DRAINAGE NOT SHOWN.*

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10. GENERAL CONDITIONS

10.TRANS. 6

USE - TS/CONDITIONS (cont.)

RECOMMND

proposals located within any of the following Area Plans:
Eastvale, Jurupa, Highgrove, Reche Canyon/Badlands,
Lakeview/nuevo, Sun City, Monique Valley, Harvest
Valley/Winchester, Southwest Area, The Pass, San Jacinto
Valley, Western Coachella Valley and those Community
Development Areas of the Elsinore, Lake Mathews/Woodcrest,
Mead Valley and Temescal Canyon Area Plans.

The study indicates that it is possible to achieve adequate
levels of service for the following intersections based on
the traffic study assumptions.

Winchester Road (NS) at:

- Keller Road (EW)
- Pourroy Road-Abelia Street
- Whisper Heights Parkway-Pourroy Road
- Jean Nicholas Road-Skyview Road
- Max Gillis Blvd-Thompson Road
- Benton Road

Pourroy Road (NS) at:

- Pat Road (EW)
- Skyview Road (EW)
- Thompson Road (EW)

Elliot Road (NS) at:

- Jean Nicholas Road (EW)

As such, the proposed project is consistent with this
General Plan policy.

The associated conditions of approval incorporate
mitigation measures identified in the traffic study, which
are necessary to achieve or maintain the required level of
service

10.TRANS. 7

USE - TS/RECOMMENDATIONS

RECOMMND

The following recommendations are taken from the project's
traffic study.

- Prior to the opening of the project, the school shall
work with the Riverside County to identify on site
traffic signing and striping to be implemented in
conjunction with detailed construction plans for the
project. These shall be in conformance with design

SHOULD
BE AT
DESIGN
STAGE

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20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 7

USE - EXPIRATION DATE-USE CASE

RECOMMND

This approved permit shall be used within eight (8) years from the approval date; otherwise, the permit shall be null and void. The term used shall mean the beginning of construction pursuant to a validly issued building permit for the use authorized by this approval. Prior to the expiration of the 8 years, the permittee/applicant may request an extension of time to use the permit. The extension of time may be approved by the Assistant TLMA Director upon a determination that a valid reason exists for the permittee not using the permit within the required period. If an extension is approved, the total time allowed for use of the permit shall not exceed ten (10) years.

60. PRIOR TO GRADING PRMT ISSUANCE

RS GRADE DEPARTMENT

60.BS GRADE. 1

USE - NPDES/SWPPP

RECOMMND

Prior to issuance of any grading or construction permits whichever comes first - the applicant shall provide the Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the N.P.D.E.S. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) and a monitoring program and reporting plan for the construction site. For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at www.swrcb.ca.gov.

ON E
OFFSITE
GRADING

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the N.P.D.E.S., this project (or subdivision) shall comply with them

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60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 2 USE - GRADING SECURITY

RECOMMND

Grading in excess of 199 cubic yards will require a performance security to be posted with the Building and Safety Department.

60 BS GRADE. 3 USE - IMPORT / EXPORT

RECOMMND

In instances where a grading plan involves import or export, prior to obtaining a grading permit, the applicant shall have obtained approval for the import/export location from the Building and Safety Department.

A separate stockpile permit is required for the import site. It shall be authorized in conjunction with an approved construction project and shall comply with the requirements of Ordinance 457.

If an Environmental Assessment, prior to issuing a grading permit, did not previously approve either location, a grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the Building and Safety Department Director for approval.

Additionally, if the movement of import / export occurs using county roads, review and approval of the haul routes by the Transportation Department may be required.

60.BS GRADE. 4 USE - GEOTECH/SOILS RPTS

RECOMMND

Geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the Building and Safety Department for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by Riverside County. * *The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND GEOLOGIC REPORTS.

60.BS GRADE. 6 USE - DRAINAGE DESIGN Q100

RECOMMND

All drainage facilities shall be designed in accordance with the Riverside County Flood Control & Water District's or Coachella Valley Water District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 7 USE - OFFSITE GRDG ONUS

RECOMMND

Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required permits and/or permissions necessary to perform the grading herein proposed.

OFF SITE
GRADING
\$ JD 4100

60.BS GRADE. 8 USE - NOTARIZED OFFSITE LTR

RECOMMND

A notarized letter of permission from the affected property owners or easement holders shall be provided in instances where off site grading is proposed as part of the grading plan.

60 BS GRADE. 11 USE - APPROVED WQMP

RECOMMND

Prior to the issuance of a grading permit, the owner / applicant shall submit to the Building & Safety Department Engineering Division evidence that the project - specific Water Quality Management Plan (WQMP) has been approved by the Riverside County, Flood Control District or Riverside County Transportation Department and that all approved water quality treatment control BMPs have been included on the grading plan.

60.BS GRADE. 12 USE - PRE-CONSTRUCTION MTG

RECOMMND

Upon receiving grading plan approval and prior to the issuance of a grading permit, the applicant is required to schedule a pre-construction meeting with the Building and Safety Department Environmental Compliance Division.

60.BS GRADE. 13 USE- BMP CONST NPDES PERMIT

RECOMMND

Prior to the issuance of a grading permit, the owner / applicant shall obtain a BMP (Best Management Practices) Permit for the monitoring of the erosion and sediment control BMPs for the site. The Department of Building and Safety will conduct NPDES (National Pollutant Discharge Elimination System) inspections of the site based on Risk Level to verify compliance with the Construction General Permit, Stormwater ordinances and regulations until completion of the construction activities, permanent stabilization of the site and permit final.

* NO MENTION OF ^{FILLING IN} J.D. AREAS AND PERMITS FROM CAL FISH & GAME, US WILDLIFE, SANTA ANA WQB

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60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 2

EPD - NESTING BIRD SURVEY (cont.)

RECOMMND

during the nesting season, a preconstruction nesting bird survey shall be conducted.

The preconstruction nesting bird survey must be conducted by a biologist who holds a current MOU with the County of Riverside. If nesting activity is observed, appropriate avoidance measures shall be adopted to avoid any potential impacts to nesting birds. The nesting bird survey must be completed no more than 3 days prior to any ground disturbance. If ground disturbance does not begin within 3 days of the survey date a ground survey must be conducted. Prior to the issuance of a grading permit the project proponent must provide written proof to the Riverside County Planning Department, Environmental Programs Division (EPD) that a biologist who holds an MOU with the County of Riverside has been retained to carry out the required survey. Documentation submitted to prove compliance prior to grading permit issuance must at a minimum include the name and contact information for the Consulting Biologist and a signed statement from the Consulting Biologist confirming that they have been contracted by the applicant to conduct a Preconstruction Nesting Bird Survey. In some cases EPD may also require a Monitoring and Avoidance Plan prior to the issuance of a grading permit.

Prior to finalization of a grading permit or prior to issuance of any building permits the projects consulting biologist shall prepare and submit a report, documenting the results of the survey, to EPD for review.

FLOOD RI DEPARTMENT

NO MENTION OF "SHRIMP" STUDIES

60.FLOOD RI. 1

USE MITCHARGE

RECOMMND

The County Board of Supervisors has adopted the Murrieta Creek/Warm Springs Valley Area Drainage Plan (ADP) for the purpose of collecting drainage fees. This project may require earlier construction of downstream ADP facilities. To mitigate this effect, the District recommends that this project be required to pay a flood mitigation fee. The mitigation fee should be based upon the fee structures set for land divisions having comparable anticipated impermeable surface areas.

Public Use Permit 00931 is located within the limits of the Murrieta Creek/Warm Springs Valley Area Drainage Plan for

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60. PRIOR TO GRADING PRMT ISSUANCE

60.TRANS. 2 USE - PRIOR TO ROAD CONSTRUCT RECOMMND

Prior to road construction, survey monuments including centerline monuments, tie points, property corners and benchmarks shall be located and tied out and corner records filed with the County Surveyor pursuant to Section 8771 of the Business & Professions Code. Survey points destroyed during construction shall be reset, and a second corner record filed for those points prior to completion and acceptance of the improvements.

60.TRANS. 3 USE - FILE L&LMD APPLICATION RECOMMND

File an application with the Transportation Department, L&LMD Section, 8th Floor, 4080 Lemon Street, Riverside, CA, for required annexation per condition of approval 80.TRANS.6 and 90.TRANS.8.

If you have any questions or for the processing fee amount, please call the L&LMD Section at (951) 955-6748

60 TRANS. 4 USE - SUBMIT GRADING PLAN RECOMMND

When you submit a grading plan to the Department of Building and Safety, two sets of the grading plan (24" X 36") shall be submitted to the Transportation Department for review and subsequently for the required clearance of the condition of approval prior to the issuance of a grading permit.

*OFF-SITE
GRADING
IN RLW
FOR HWY 79*

Please note, if improvements within the road right-of-way are required per the conditions of approval, the grading clearance may be dependent on the submittal of street improvement plans, the opening of an IP account, and payment of the processing fee.

Otherwise, please submit required grading plan to the Transportation Department, Plan Check Section, 8th Floor, 4080 Lemon Street, Riverside, CA

Standard plan check turnaround time is 10 working days

60 TRANS. 5 USE - FINAL WQMP *NEEDS TO COVER RLW OF HWY 79* RECOMMND

Prior to the issuance of a grading permit, the applicant shall submit a Water Quality Management Plan (WQMP) subject to the State Regional Water Quality Board Order No. R9-2010-0016 to the Transportation Department for review

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60. PRIOR TO GRADING PRMT ISSUANCE

60.TRANS. 5

USE - FINAL WQMP (cont.)

RECOMMND

and approval. However, the applicant may be required to comply with the latest version of the WQMP manual if required by the State Regional Water Quality Board. All water quality features shall be included on the grading plan. WQMP applicability checklist, templates, LID design requirements, and guidance can be found on-line at: www.rcflood.org/npdes. The project is located in the Santa Margarita watershed. For any questions, please contact (951) 712-5494.

The final WQMP shall address the following comments that were provided as part of the approval of the Preliminary WQMP:

REPORT DID NOT INCLUDE 79

1. Please confirm the Proposed Volume shown on Table D.5 would detain storm flows for the HCOC requirements.
2. The Project shall propose LID practices prior to treat flows from impervious areas prior to discharging into the proposed underground storage. For example areas shown as asphalt around the basketball courts, that are shown to be asphalt concrete on Sheet C2.02 of the conceptual grading and drainage plan, would have to be landscaped to provide biotreatment prior to draining into inlets. Otherwise, the underground storage chamber concept will not be approved.
3. The Project shall provide clean out ability for all outlet control structures and prior to entering into the underground chambers.
4. Please provide a robust justification, such as right-of-way limitations, traffic operations for the parking area, etc (just not related to costs) for using a BMP that is not in the LID Design Handbook on the BMP Design Volume sheets for areas D/2 and D/3 (underground storage). The justification shall include benefits proposed by the project. If the project complies with comment #4 of this memo, there shall be narrative stating something to the effect that vegetated buffer strip areas are providing treatment in conjunction with the detention effects of the underground chambers.
5. Please note, per page 45 of the WQMP guidance document, one must include types of LIDs. Self-Treating, Self-Retaining, and draining to Self-Retaining, are ways to account for successful implementation of the LID Principles discussed in

**
ITEMS
NOT
ADDRESS_{ED}*

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60. PRIOR TO GRADING PRMT ISSUANCE

60.TRANS. 5

USE - FINAL WQMP (cont.) (cont)

RECOMMND

- Step 1. Areas addressed by LID Principles are self-managing and do not require any further management measures.
- a. No BMP design details are needed for DMA A/1.
 6. For Table D.3, please remove the check marks for Alternative Compliance (which would require State Regional Board approval). The Bioretention BMP areas should be marked in Column 3, and the Underground Storage Chamber (if providing detention effects) should be marked as Biotreatment.
 7. Complete the WQMP template appropriately.
 8. Complete the Hydrology Control BMP sizing using the SMRHM or other continuous simulation (SWMM, HSPF, etc.) model to look at the entire rainfall record and ensure both flow rates and duration meet the HCOC/Hydromodification requirements.
 9. Complete Section E.5 for Sediment Supply. This is a MS4 Permit requirement and shall be completed.
 10. Please reference the County's Storm Water Ordinance No. 754 on the Owner's Certification Page.
 11. Section A states the impervious area is 231,125 sq.ft., while Table C.1 and Table D.4 add up to 277,204 sq.ft.
 12. Table C.1 mention the DMA name A/1, D/1, etc. to be clear what areas are being discussed.
 13. Per table C.5 Bioretention and a Chamber System will be used for treatment.
 - a. It is required to show all BMPs on the WQMP Site plan (map showing DMA's). Typical cross sections, outlet sizes, and all related design details. The Grading and Construction Drawings shall be functionally equivalent to the WQMP site map. Adequate detail is required on the WQMP site map to confirm requirements are being met. Bioretention and underground chambers shall be shown on the WQMP site map and all related construction drawings. The WQMP Site map should include all information related to the WQMP.
 14. Complete Section D.2 for Harvest and Use Assessment and check all boxes that apply.
 15. The WQMP site map needs to include (and color) the entire drainage area tributary to each flow path. The WQMP site map shows only the buildings as DMA's, which would not be acceptable. The DMA shall include all tributary areas. The sizing shall match.
 16. Flow paths at the east boundary appear to drain
- 