

REPORT TO THE CITY COUNCIL



DATE: November 21, 2017

TITLE: An Appeal of the Planning Commission's Decision to Deny the Extension of Time for Tentative Tract Map No. 33746 (Case Number AP 01-17)

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RECOMMENDATION

- 1) Receive Staff Report;
- 2) Questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Testimony from those supporting the project;
- 6) Take Testimony from those opposing the project;
- 7) Take testimony from anyone else;
- 8) Rebuttal of Applicant;
- 9) Close the Public Hearing;
- 10) Conduct City Council discussion and questions to staff; and
- 11) City Council action to either:
 - A. Uphold the Planning Commission's decision to deny First Extension of Time for Tentative Tract Map 33746 - for the Silver Oaks Sunset Ridge Residential Development located on approximately 165.7 gross acres at the southeast corner of Mission Lakes Boulevard and Karen Avenue (Assessor Parcel No. 664-020-001) and Adopt the Resolution upholding the decision and denying the project with the appropriate findings contained in the Resolution, which such findings can be amended as the City Council deems fit; OR
 - B. Overturn the Planning Commission's decision to deny the project and Adopt the Resolution denying the decision and approving the project with the appropriate findings contained in the Resolution, which findings can be amended as the City Council deems fit.

DISCUSSION:

Overview

On May 9, 2017, Neil Gascon ("Applicant") applied for the Extension of Tentative Tract Map No 33746.

On October 10, 2017, the Planning Commission held a public hearing on the request for an Extension of Time for the Silver Oaks Sunset Ridge Residential Development. After discussion and deliberation, the Planning Commission voted to deny the Extension based on several findings, which are outlined below.

On October 24, 2017, the Applicant filed an appeal of the Planning Commission's decision to the City Council.

Description of the Project:

Silver Oaks / Sunset Ridge; the project includes a General Plan Amendment (GPA No. 03-05) and Zoning Map Amendment (ZMA No. 06-05) to amend the project site's land use General

Plan and Zoning Map designations from R-L/SP to R-L/SP Sunset Ridge Specific Plan; a Specific Plan (SP No. 01-05) to provide development regulations and guidelines for a 499-lot single family community with private streets and landscaping/retention lots; and a Tentative Tract Map (TTM No. 33764) to subdivide approximately 165.7 gross acres into 499 single-family residential lots plus private streets and landscaping/retention lots with 31.9 acre nature park; a Tentative Parcel Map (TPM No. 33754) to subdivide the project area into 5 parcels for conveyance and financing purposes only.

Underlying Maps

Tentative Tract Map 33746 was originally approved by the City Council on June 6, 2006 (along with General Plan Amendment No 03-05, Zone Map Amendment No. 06-05, Environmental Assessment No. 05-05, Specific Plan No. 01-05, and Tentative Parcel Map No 33754).

This Underlying Map remains unchanged from its initial approval, to allow for a subdivision resulting in 499 single family residential lots (within five residential villages) and including a 31.9-acre area designated as open space.

Extension of Time for the Underlying Maps

With the downturn in the economy the California State Assembly, State Senate, and our Governor(s), have approved five (5) various Assembly Bills and Senate Bills giving projects that qualified under specific conditions an automatic extension of approved maps. The latest Bill, AB 1303 included a condition that the county in which the map was approved cannot exceed 80% of the mean annual household income in comparison to the state level. According to the 2013 American Community Survey published by the US Census Bureau, Riverside County's mean annual household income level is at 89% when compared to the state level. Therefore, previously approved maps in Riverside County and cities within Riverside County no longer qualify for the last automatic extension granted by Governor Brown in October 2015, as set forth in AB 1303. This means that extensions of time are required to come to Planning Commission/City Council for a discretionary action of approval rather than the automatic extension previously granted by the State.

On June 14, 2016, the Planning Commission approved a one-year time extension of Tentative Tract Map (TTM) No. 33746 and now the applicant is seeking another extension of time for TTM 33746. The current request is for a 3-year extension of time.

PLANNING COMMISSION HEARING ON OCTOBER 10, 2017

On October 10, 2017, the Planning Commission held a public hearing on the proposed Extension of Time.

During the hearing, the Applicant testified that the reason for the request for three years is that they are already half way through a one-year extension, and that just the engineering required to proceed would take approximately 18 months. The applicant also discussed that possibility that they would like to make a request to phase the project in the future. In which staff responded that a request to phase the project would require an amendment to the original approval and would have to go back to Planning Commission for review and approval.

The Planning Commission expressed concerns that the project was designed back when the market was better and they were stacking homes. They also expressed concerns that the homes/lots are of lower caliber than they would like to see and that if they were to phase the project, the city could be left with another project that has incomplete infrastructure improvements (half-streets, etc.). The commission also stated that the proposed massing is not compatible with the area.

Accordingly, the Planning Commission then took action to deny the Extension by a 3-1-1 vote (Romero Absent, Pye Opposed) by making the following findings:

1. The style of homes is inconsistent with current market
2. The project is too dense for area
3. The project only provides minimal amenities
4. The project has been sitting idle since 2006

APPEAL TO THE CITY COUNCIL

On October 24, 2017, the Applicant filed an appeal of the Planning Commission's decision to the City Council. The City Council has the discretion to approve (Overturn), deny (Uphold) or request the applicant make modifications to the Extension such that the Extension could be approved as amended.

Section 16.24.170 (Extensions) of the Desert Hot Springs Municipal Code, states:

- A. Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Department. The application and appropriate fees shall be filed not less than 30 days before the map is to expire and shall state the reasons for requesting the extension. The subdivider shall be solely responsible for filing the application.*
- B. Commission Action. The Department shall review the request and submit the application for the extension, together with a report to the Commission for approval, conditional approval, or denial at the next regularly scheduled Commission meeting. A copy of the Department's report and recommendation shall be forwarded to the subdivider prior to the meeting on the extension. In approving, conditionally approving, or denying the request for extension, the Commission shall make findings supporting its decision. The subdivider shall pay any increase in unpaid applicable development fees which have occurred since the date of the approval or conditional approval of the tentative map.*
- C. Conditions of Approval. In granting an extension, new conditions or exaction may be imposed and existing conditions may be revised.*
- D. Time Limit of Extensions. The time at which the tentative map expires may be extended by the Commission for a period not exceeding a total of 3 years. (Prior code § 159.66.170)*

FISCAL IMPACT

The Applicant has paid for appeal fees to cover the costs associated with the appeal.

EXHIBITS:

- 1) Letter Requesting Appeal
- 2) Sunset Ridge Approved Substantial Conformance Map - TTM 33746
- 3) Verbatim Transcript of the Planning Commission Hearing – October 10, 2017
- 4) Original 2006 Resolution (No. 2006-66 - TTM 33746 - Sunset Ridge-Silver Oaks).
- 5) Resolution Upholding the Planning Commission's Decision
- 6) Resolution Overturning the Planning Commission's Decision