

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, OVERTURNING THE PLANNING COMMISSION'S DETERMINATION TO DENY A REQUEST FOR EXTENSION OF TIME FOR (1) TENTATIVE TRACT MAP NO. 33746, WHICH MAP IS LOCATED AT THE SOUTHEAST CORNER OF MISSION LAKES BLVD AND KAEN AVENUE, EFFECTIVELY APPROVING THE REQUEST FOR EXTENSION OF TIME FOR THE TENTATIVE TRACT MAP.

WHEREAS, the Applicant Neil Gascon ("Applicant"), has filed an application with the City of Desert Hot Springs for an Extension of time for Tentative Tract Map 33746 to subdivide approximately 165.7 acres into 499 residential lots within the City of Desert Hot Springs, California ("Extension"); and

WHEREAS, on October 10, 2017, a duly noticed public hearing on the Extension was held by the Planning Commission; and

WHEREAS, the Planning Commission considered the staff report and all of the information, testimony, and evidence presented during the Planning Commission's public hearing and denied the Applicant's request based upon the following findings:

1. The Style of houses are outdated;
2. Lot sizes are too small (6,100 square feet)
3. Project is too dense for the area
4. There are minimal amenities for the tract
5. The Map has been sitting idle since 2006

WHEREAS, on October 24, 2017, the Applicant filed an appeal to the action of denial made by the Planning Commission; and

WHEREAS, notice of a public hearing of the City Council of the City of Desert Hot Springs to consider Applicant's appeal of the Planning Commission's determination was given in accordance applicable law; and

WHEREAS, on November 21, 2017, a public hearing on the Extension was held by the City Council; and

WHEREAS, the City Council has reviewed the proposed Extension, the entire record, all evidence and testimony, and has determined that Planning Commission's determination should be overturned and that the extension of Tentative Map No.33746 should be approved, based upon the findings detailed below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

That the Recitals set forth above are true and correct and are hereby incorporated herein by this reference.

Section 2. Findings.

That the City Council makes the following findings regarding the Extension:

1. *The Applicant satisfies all aspects of 17.092.100 of the Desert Hot Springs Municipal Code with respect of Time Extensions;*

The applicant has satisfied all requirements on Section 17.092.100 of the Desert Hot Springs Municipal Code

2. *There have been no substantial changes to the Project since it was initially approved;*

There are no substantial changes to the project that would warrant further review or study.

3. *The Applicant has presented good cause for requesting the extension of time, in that economic conditions and lack of infrastructure have prevented the Applicant from constructing the Project; and*

Due to the time involved to complete the engineering of the project, and the time to develop a phasing plan and begin construction of the project, the applicant is requesting an extension of time.

4. *The City has advertised the Public Hearing in the newspaper and provided notice to all property owners within a 300-foot radius.*

The proposed extension of time for TTM 33746 was noticed in the Desert Star Weekly on Friday November 10, 2017 and mailing notices were sent to all properties owners within 300 feet of the project on Thursday, November 9, 2017

Section 3. Concurrence with Planning Commission Determination and Denial of Extension of Time Request for Tentative Map Nos. 35488 and 35009.

That the City Council hereby (1) overturns the Planning Commission's determination to deny the request for extension of time regarding Tentative Map No. 33746 and (2) hereby approves the extension of time for Tentative Tract Map No. 33746 based upon the findings articulated in this Resolution.

Section 4. Certification.

That the City Clerk shall certify to the passage and adoption of this resolution, enter the same in the book

Section 5. Severability.

That if any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 6. Repeal of Conflicting Provisions.

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 21st day of November 2017 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney