



CITY COUNCIL STAFF REPORT

DATE: February 15, 2017

CONSENT AGENDA

SUBJECT: CASA VERONA, LLC, REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP 33282; A PREVIOUSLY APPROVED SUBDIVISION OF A 6.1-ACRE PARCEL OF TWENTY-FIVE (25) SINGLE-FAMILY RESIDENTIAL LOTS LOCATED ALONG THE NORTH SIDE OF E. VERONA ROAD AND WEST OF WHITEWATER RIVER (CASE 5.1035 / TTM 33282).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

This is a request for a one-year Extension of Time (EOT) for a Tentative Tract Map (TTM 33282) for a 25-lot subdivision on a 6.1-acre parcel located on the north side of E. Verona Road and west of the Whitewater River. TTM 33282 was originally approved by the City Council in October 2006. On October 26, 2016, the Planning Commission voted to recommend denial of the request to the City Council. On February 1, 2017, the City Council considered the EOT request, and directed staff to provide for the City Council's February 15, 2017, meeting a Resolution approving the one-year EOT request.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR EXTENSION OF TIME REQUEST FOR TENTATIVE TRACT MAP 33282; A PREVIOUSLY APPROVED 25-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON A 6.1-ACRE PARCEL LOCATED ALONG THE NORTH SIDE OF E. VERONA ROAD AND WEST OF THE WHITEWATER RIVER, ZONED R-1-D, SECTION 6."

ISSUES:

- The Casa Verona subdivision was originally approved in 2006 by the City Council.
- Tentative Tract Map 33282 was granted automatic extensions of time from the State of California between October 2008 and October 4, 2016.
- On October 26, 2016, the Planning Commission considered the extension of time request and, by a vote of 6-1, recommended denial of the extension of time request to the City Council.

ITEM NO. 1.4.

- On February 1, 2017, the City Council considered the extension of time request, and directed staff to provide for the City Council's February 15, 2017, meeting a Resolution approving the one-year extension of time request.

BACKGROUND INFORMATION:

Related Relevant Prior City Actions	
09/13/06	The Planning Commission recommended approval of Tentative Tract Map 33282 to the City Council.
10/04/06	Following a recommendation from the Planning Commission, the City Council adopted an MND and approved TTM 33282.
2008-2016	The State of California granted automatic extensions of twenty four (24) months to all valid tentative tract maps and tentative parcel maps as a response to the economic downturn.
10/26/16	The Planning Commission recommended denial of the extension of time request for Tentative Tract Map 33282 to the City Council.
2/1/17	The City Council considered the extension of time request for Tentative Tract Map 33282.
Most Recent Change of Ownership	
2005	Casa Verona, LLC
Related Building Permits/Business Licenses	
N/A	None
Neighborhood Meeting	
N/A	None
Field Check	
10/26/16	Staff visited the site and its surrounding to evaluate present conditions.
Details of Application Request	
Site Area	
Net Acres	6.1 acres

BACKGROUND AND SETTING:

The previously-approved project, commonly known as the Casa Verona subdivision, was approved on October 4, 2006. The project included a Change of Zone from the previous O-5 (Open Land Zones) to R-1-D (Single-Family Residential; 7,500 Sq. Ft. minimum lot size) consistent with the General Plan designation of Low Density Residential (4.1 to 6.0 du/ac) for the site. The previously-approved Tentative Tract Map (TTM 33282) was for the subdivision of the undeveloped 6.1-acre parcel into twenty-five (25) single-family residential lots and two lettered lots (Lots A & B). The residential lots range between 7,582 and 14,837 square feet in size. The subject property is located along the north side of E. Verona Road and south of the Whitewater River.

ANALYSIS:

Time Extension requests for tentative maps are processed pursuant to Municipal Code Section 9.63.110 (*Time Extensions*) which states:

“The person filing the tentative map may request a time extension of the tentative map approval or conditional approval by written application to the planning commission, such application to be filed at least sixty days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension and the amount of time requested. In granting an extension of time, new conditions may be imposed and existing conditions may be revised or amended.”

The Municipal Code further states that any extension(s) of tentative map approval or conditional approval shall not exceed a total of twelve months (§ 9.63.110(c)). The formal request for an extension of time for TTM 33282 was received on September 1, 2016.

In analyzing the time extension request, staff considered the following aspects of the project:

1. *What changes, if any have been made to the project's overall plan and site configuration?*

There have been no changes to the project's overall layout or site configuration.

2. *What specific steps have been taken by the applicant over the past year to advance the project?*

The ability to move forward with the development of this tract depended on the development of the adjacent parcel to the south. The main point of access into the Casa Verona development was proposed to be from Tract 30350 located along the southerly portion of Tract 33282. The applicant stated that he has been “primarily waiting on the adjacent property to resolve its future” and that has caused the delay in moving forward with the development of Casa Verona. Since the Planning Commission hearing, the applicant has provided additional documentation showing the acquisition of additional land adjacent to the extension of E. Verona Road. This would allow for the development of the required ultimate right-of-way width; including additional right-of-way for a cul-de-sac at the east end of Verona Road.

3. *Are there any recent developments or changes in uses within the surrounding area?*

On September 7, 2016, the City Council approved the Serena Park development, a 386-lot residential development. The Serena Park project is located west of the Casa Verona subdivision. There have been no construction activities in the immediate vicinity of the subject site.

4. *Does the project still conform to the applicable policies of the General Plan, zoning ordinance and other regulations?*

The Project is consistent with the applicable policies of the General Plan, zoning ordinance and other regulations. The change of zone to the R-1-D designation remains valid.

5. *Are there any off-site improvements, installation of infrastructure or other changes within 400 feet radius of project site?*

The developer has not installed any infrastructure or completed any off-site improvements in furtherance of the Casa Verona subdivision. The development of TTM 33282 was predicated upon the completion of an abutting parcel to the south, TTM 30350; however, development was never commenced on that subdivision and TTM 30350 has since expired.

Planning Commission Review:

In its report to the Planning Commission, staff recommended approval of the one-year extension as the Casa Verona subdivision as the design of the subdivision is in conformance to the development standards of the R-1-D zoning district, and is in conformance with the General Plan designation (Low-Density Residential) for the subject site. Staff noted to the Planning Commission that the development of TTM 33282 was predicated upon the completion of the abutting parcel to the south (TTM 30350), which serves as the main point of access into the Casa Verona development; it was also noted that the approval of TTM 30350 has since expired.

On October 26, 2016, the Planning Commission considered the extension of time request. By a vote of 6-1, the Commission recommended denial of the extension request to the City Council for these reasons:

1. Lack of access into the subdivision; as originally designed, access into the Casa Verona subdivision was to be from TTM 30350, the adjacent parcel to the south for which the entitlements have since expired.
2. TTM 33282 was approved over ten years ago. Since no development has taken place since its approval, the project should start over and involve members of the surrounding neighborhood.

According to Section 9.63.110(e), of the City of Palm Springs Municipal Code, the Planning Commission's recommendation shall be forwarded to the City Council for final action.

Letter from the Applicant:

On January 23, 2016, staff received a two-page letter from the applicant. In it, the applicant responded to the Planning Commission's findings for denial. Specifically, the applicant stated the following:

- *A lot line adjustment to provide access and public right-of-way to Verona Road was recorded in 2007. The applicant insisted that there will be access to their property and will dedicate property to the City for Verona Road when the final map is recorded. The applicant also stated that he is working with the new owners of the adjacent property to the south for easement and construction access.*

- *The applicant further stated that soon after the approval of the tentative tract map in 2006, the golf course to the west of the property was closed and abandoned in 2007. This according to the applicant “had a very negative effect on the marketability to build and sell homes since the parking lot and golf clubhouse is adjacent to the property’s entry area. Finally, the applicant stated that the project will be re-designed so that it can be built independent of the other tracts.*

The Municipal Code requires that recommendations of the Planning Commission be brought to the City Council for a final action. The applicant’s letter dated January 23, 2016, is attached to this staff report.

City Council Review

At its February 1, 2017, meeting, the City Council considered the one-year extension of time request, and based on testimony provided by the applicant and other considerations, the City Council determined approval of the one-year extension of time request should be granted. The City Council directed staff to provide a Resolution for adoption approving the one-year extension of time request at its February 15, 2017, meeting.

ENVIRONMENTAL ASSESSMENT:

Tentative Tract Map 33282 was considered a “Project” pursuant to the California Environmental Quality Act (“CEQA”) Guidelines. The City, acting as Lead Agency pursuant to CEQA, prepared an Initial Study, for Tentative Tract Map 33282. On October 4, 2006, the City Council adopted Resolution No. 21722 adopting a Mitigated Negative Declaration for Tentative Tract Map 33282. Approval of an extension of time request for Tentative Tract Map 33282 would allow for implementation of the Project as previously considered pursuant to CEQA. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the Project that will result in any new significant environment effects or a substantial increase in the severity of previously identified significant effects, therefore, no further action with regard to CEQA is required.

NOTIFICATION:

The applicant was notified of City Council’s consideration of the Planning Commission’s recommendation. The surrounding neighborhood organizations were also notified. As of the time this report was written, staff has not received any calls from members of the neighborhood inquiring about this case.

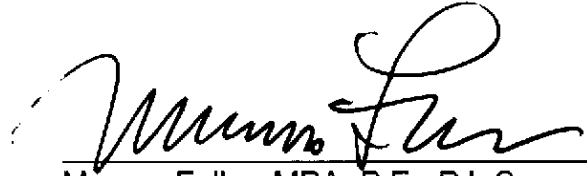
CONCLUSION:

The Casa Verona project was originally approved by the City Council on October 4, 2006. The Tentative Tact Map has benefited from the State of California automatic extensions granted to active Tentative Tract Maps during the recession beginning from 2008. The automatic extensions ended in 2016, hence the applicant’s request for an extension of time. This is the first request for an extension of time submitted by the applicant.

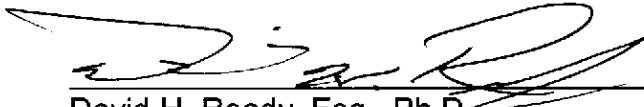
SUBMITTED:



Flinn Fagg, AICP
Director of Planning Services



Marcus Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager

ATTACHMENTS:

1. Resolution

Casa Verona, LLC

699 S Indian Trail
Palm Springs, CA 92264
760/323-5310
Cell 760-774-3294
Fax 760/323-4303

January 23, 2016

Edward Robertson
City of Palm Springs Planning Department
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Dear Edward:

We were disappointed that the planning commission did not recommend approval to extend Tentative Tract Map 33282. I should have spoken before the open hearing time was closed and believe if all the information and history of the project was presented to planning commission they would have recommended approval.

I believe the planning commission concerns were: 1) Access to the property and 2) The ten year project history, neighborhood involvement and traffic. We will address these issues;

- 1) In 2007 we recorded a lot line adjustment so we would have access to Verona Rd. and the public right-a-way. We do have access to the property and will dedicate property to the City for Verona Rd. when the map is recorded and are working with the new owner of the adjacent 11 acres to the south for easements and construction access.
- 2) As part of our process to obtain the tentative map approval we completed several reports including an environmental assessment. The reports address many issues including the single family home designation, adjacent homes, traffic, etc. and concluded with only 25 homes we would have minimal traffic and environmental impact and no new off-site road improvements would be necessary. We purchased the property in 2004 and the tentative map was approved in 2006. Just after this time the golf course closed in 2007 and was abandoned. As the parking lot and clubhouse is adjacent to our property and is at our entry area, this had a very negative effect on the marketability to build and sell homes. In addition Contempo Homes purchase the 11 acres to the South and was working with the Agua Caliente Indian Tribe to lease the 20 acre parcel south of them to Via Escuela. As these two adjacent properties were progressing on engineering plans and designs, it was planned to coordinate utilities that ran south through these properties to Via Escuela and Vista Chino. As the recession hit and the real estate market bottomed out, Contempo Homes was foreclosed by their bank and their projects never came to fruition. We now have designed our project so it can be built independently.

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In addition, now that the Serena Park project is approved, the old clubhouse and other structures has been removed and the uncertainty of the abandoned golf course resolved, this opens up the opportunity for our project, "Casa Verona" and the 25 homes approved, to be successfully develop and sold. This project will certainly help with affordability of homes within the Palm Springs market. I have talked to Serena Park and hope to help coordinate our projects together as much as possible.

We are the only vacant land property owners in this area that have stayed with the project and weathered the storm and are committed to complete this project. I have lived permanently in the Palm Springs since 1977 and Temple Development has developed over 1,800 resort homes and condominiums in Palm Springs and can visit our web site at <http://www.templeconstructioninc.com/>

In consideration of the above information and project history, we respectfully request the City Council to approve the requested map extension.

Thank you,

Mark Temple
Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR EXTENSION OF TIME REQUEST FOR TENTATIVE TRACT MAP 33282; A PREVIOUSLY APPROVED 25-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED ALONG THE NORTH SIDE OF VERONA ROAD AND WEST OF WHITEWATER RIVER, ZONED R-1-D, SECTION 6.

The City Council of the City of Palm Springs finds:

- A. On September 1, 2016, Mark Temple of Casa Verona, LLC, submitted an extension of time request to the City of Palm Springs for a previously approved Tentative Tract Map 33282 commonly called "Casa Verona".
- B. The Casa Verona property is located along the north side of Verona Road and west of Whitewater River and is zoned R-1-D; the entitlement was originally approved on October 4, 2006, by the City Council.
- C. Tentative Tract Map 33282, initially set to expire in 2008, benefited from automatic extensions of time granted by the State Legislation, and as a result was set to expire on October 4, 2016.
- D. The Planning Commission considered the extension of time request at its public hearing meeting of October 26, 2016, and determined that the applicant has not demonstrated a good cause for a one-year extension and recommended denial for the request.
- E. On February 1, 2017, the City Council held a public meeting to consider the request by Casa Verona for a one-year extension of time.
- F. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Mitigated Negative Declaration for TTM 33282 was previously adopted by the City Council on October 4, 2006. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environment effects or a substantial increase in the severity of previously identified significant effects.
- G. Pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources.

H. The City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, and all written and oral testimony presented.

The City Council of the City of Palm Springs resolves:

SECTION 1: The above findings are all true and correct.

SECTION 2: Pursuant to Section 9.63.110 of the Palm Springs Municipal Code, the City Council hereby approves a one-year extension of time for Tentative Tract Map 33282, from October 5, 2016 to October 4, 2017, subject to those conditions approved on October 4, 2006.

ADOPTED this 15th day of February, 2017.

DAVID H. READY, CITY MANAGER

ATTEST:

KATHLEEN D. HART, MMC,
INTERIM CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D HART, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on February 15, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

KATHLEEN D HART, INTERIM CITY CLERK
City of Palm Springs, California