

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

505B



FROM: TLMA - Planning Department

SUBMITTAL DATE:

June 9, 2004

SUBJECT: APPEAL of EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 27891 - Albert A. Webb Associates - University District - Fifth Supervisorial District - Located northwest of Highway 60 at Gernert Road and Poarch Road - 61.35 Acres - 156 Residential Lots and 7 open space lots - Schedule A - SP Zoning.

RECOMMENDED MOTION:

THE PLANNING DEPARTMENT RECOMMENDS:

CONTINUANCE OFF- CALENDAR of the above referenced appeal of the Planning Commission decision received on June 3, 2004.

THE PLANNING COMMISSION took the following actions on April 21, 2004.

APPROVED the FIFTH EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 27891.

BACKGROUND:

The Board of Supervisors approved Tentative Tract Map 27891 on September 19, 1995. The project is located within Specific Plan No. 250, Gateway Center.

The Applicant has applied for and received four one-year extensions on this subdivision in accordance with Ordinance No. 460.

The Planning Commission first considered this application on February 25, 2004. At that

Robert C. Johnson
Planning Director

RCJ:nl

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 7/27/04

Departmental Concurrence

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: Fifth

Agenda Number:

16.1

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meeting, the Commission continued the extension request to their March 10th meeting and asked Staff to further research the status of the map.

At the March 10th meeting, the Planning Commission determined that an environmental assessment for the extension of time was necessary. The Planning Commission continued the extension request to April 21st so that the assessment could be prepared.

Staff informed the Applicant of the Commission's action and requested a \$1000 deposit to initiate the environmental assessment. The requested deposit was never submitted and environmental assessment was never started.

For that reason, Staff recommended that the Commission continue the extension of time. However, at their April 21st meeting, the Commission inadvertently approved the Applicant's request for the 5th extension of time.

Subsequently, the Planning Director appealed this map to the Board of Supervisors.

The Applicant contends that the extension of time request is not subject to further CEQA review. He further contends that a 5th extension of time is not necessary because a development moratorium went into effect on August 13, 2003, approximately one month before the map was due to expire on September 19, 2003, and the moratorium has not yet been terminated. More specifically, he alleges he could not obtain approval of the final map because of safety concerns that the Riverside County Transportation Commission ("RCTC") and Metrolink had relative to a condition of approval requiring an at-grade crossing of the railroad tracks at Central Avenue and Watkins Drive.

Government Code section 66452.6 and section 8.4F. of Ordinance No. 460 provide that the approval period for a tentative map, including any extension thereof, shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence, provided that the length of the moratorium does not exceed five years. These sections also provide that once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time the moratorium was imposed, or 120 days, whichever is greater.

A development moratorium includes any action of a public agency which prevents, prohibits, or delays the approval of a final map.

Planning Staff and County Counsel agree that a development moratorium went into effect on August 13, 2003 as a result of RCTC's refusal to allow the at-grade crossing because of safety concerns related to future Metrolink operations. An alternative to the at-grade crossing has been proposed and submitted to the appropriate agencies. If, after review, the alternative is found acceptable, the moratorium will be terminated and

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the map shall be valid for 120 days thereafter. If the final map has not been approved by that date, the fifth extension of time will need to be processed and this appeal will be reset for hearing before the Board.