

DEER RIDGE & SHADOW LAKES DEVELOPMENT PROJECT
Postponed Planning Commission Public Hearings – Responses to Questions Raised by the Public
Prepared by City Staff – July 20, 2018

Introduction:

The proposed Deer Ridge & Shadow Lakes Development Project was originally going to be the subject of a special Planning Commission public hearing on July 11 and 12.

On June 29, the City released its staff report for the Planning Commission hearing. In this report, staff recommended that the project, as proposed, be denied.

After the Planning Commission packet was published, the project applicant submitted a request to postpone the Planning Commission hearing. Such continuance requests are not uncommon. At this time, no future date for the Planning Commission meeting has been scheduled.

After the postponement was announced, several individuals e-mailed questions to staff. The following information responds to general questions that have arisen and their responses prepared by staff, with the hope that they will shed some light on possible next steps in this ongoing process.

List of Questions and Responses:

Q: Is it typical for applicants to request public hearing postponements?

R: Yes, generally applicants may request that consideration of their applications be removed from an upcoming agenda. Where not constrained by laws that require swifter action, the City has a longstanding practice of granting such requests.

Q: What discretion does the City have in processing a postponement request?

R: The City does have discretion; however, past practice has been to grant such requests when they are received, if possible, and the City strives to treat all applicants on equal terms.

Q: Are there time limits regarding how long a project can be postponed?

R: Each land use application is subject to the laws that govern it. Some applications are subject to laws that set very short timeframes in which the City must make a decision by law; continuances may or may not be possible for these matters. For other applications; however, there may be longer or even no legal timeframes by which a decision must be made. When a continuance is requested for these types of applications, the City must determine if a further continuance is warranted.

Q: Can revisions be made to the proposed project during this time?

R: An applicant can make changes to their proposal before it goes to the Planning Commission, but those changes would need to be reviewed and analyzed by staff ahead of the meeting, including how they might affect the California Environmental Quality Act (CEQA) analysis of the proposal and potential conflict of interest reviews.

Once presented to the Planning Commission, either for final action or for a recommendation to the City Council, an application should reflect the applicant's final vision of their proposed project.

An applicant cannot make changes after it goes to the Planning Commission, as state law requires that the project voted on by the Planning Commission substantially match that which is subsequently considered by the City Council. However, during its consideration of an application, the Planning Commission may request that the applicant entertain changes to their proposal. Depending on the nature of the requested changes, this may or may not require further CEQA analysis, new noticing, and/or further work by City staff. If the applicant agrees to entertain such changes, continuation of the Planning Commission's consideration of the item may thus be necessary.

Likewise, once an item reaches the City Council, the Council may request the applicant entertain project changes. Such a request might similarly require further CEQA analysis, new noticing, and/or further work by City staff. In addition, under state law project changes made at the City Council level may necessitate returning the project to the Planning Commission for that body's further consideration.

Q: If changes are made, how could they affect the EIR?

R: This depends on the nature and scope of the changes. Any changes would, however, need to be thoroughly reviewed and analyzed for purposes of CEQA compliance.

Q: Do land use applications expire?

R: There is no expiration date for an application of this type. Expiration dates only apply to approved projects.

Q: How long can we expect this postponement to last?

R: The City has not been advised as to how much time the applicant anticipates it needs for the postponement.

Q: Will the public – including the residents – be notified if a new Planning Commission meeting is scheduled?

R: Yes, City staff will strive to provide 30 days notice to the public in advance of the Planning Commission public hearing.