



MEMORANDUM

TO: PLANNING COMMISSION

FROM: TERESA MCCLISH, DIRECTOR OF COMMUNITY DEVELOPMENT

BY: MATTHEW DOWNING, PLANNING MANAGER

SUBJECT: CONSIDERATION OF TIME EXTENSION 18-004; ONE YEAR TIME EXTENSION FOR VESTING TENTATIVE TRACT MAP 04-004 AND PLANNED UNIT DEVELOPMENT 04-001 (TRACT 3086 - CREEKSIDE COMPLEX) IN ACCORDANCE WITH THE SUBDIVISION MAP ACT; LOCATION – ADJACENT TO 415 E. BRANCH STREET; APPLICANT – DB&M PROPERTIES, LLC

DATE: AUGUST 21, 2018

SUMMARY OF ACTION:

Approval of the Time Extension would allow the application an additional twelve (12) months to record the final subdivision map in accordance with the Subdivision Map Act.

IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:

None.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution approving Time Extension 18-004 for a one-year time extension for Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001.

BACKGROUND:

The City Council approved Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001 on September 25, 2007. The project site is roughly 2.7 acres in size, is located at the east end of the Village, and is bounded by East Branch Street, Crown Hill, Crown Terrace, Le Point Street and Tally Ho Creek. Project approval included reconfiguring twenty-three (23) parcels into nineteen (19) parcels, and a mixed-use development consisting of sixteen (16) residential buildings (22 dwelling units) in a detached townhouse configuration and a 12,937 square foot retail/office building at the corner of Crown Terrace and Crown Hill.

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On March 10, 2009 the City Council granted a one-year time extension, establishing a new expiration date of September 25, 2010. The Council also approved project phasing at that time, allowing the applicant to record a final map on a portion of the approved tentative map.

Subsequently, several legislative acts amended the Government Code (Subdivision Map Act) to allow automatic time extensions of tentative maps, as summarized in Table 1 below.

Table 1: Automatic Time Extensions

Statute	Applicability to Project
<p>SB 1185: 12-month time extension for tentative maps contingent on the following:</p> <ol style="list-style-type: none"> 1. The map was approved prior to July 15, 2008; 2. The map had not expired on July 15, 2008, and would otherwise have expired prior to January 1, 2011. 	<p>The project qualifies for an automatic time extension:</p> <ol style="list-style-type: none"> 1. The map was approved on September 25, 2007 (before July 15, 2008). 2. The map was due to expire on September 25, 2009 (after July 15, 2008 and before January 1, 2011). <p>With the one-year time extension of SB 1185 and the City's one-year time extension, the new expiration date became September 25, 2011.</p>
<p>AB 333: 24-month time extension for tentative maps contingent on the following:</p> <ol style="list-style-type: none"> 1. The map was approved prior to July 15, 2009; 2. The map had not expired on July 15, 2009, and would otherwise have expired prior to January 1, 2012. 	<p>The project qualifies for an automatic time extension:</p> <ol style="list-style-type: none"> 1. The map was approved on September 25, 2007 (before July 15, 2009). 2. The map was due to expire on September 25, 2011 (after July 15, 2009 and before January 1, 2012). <p>With the two-year time extension of AB 333, the new expiration date became September 25, 2013.</p>
<p>AB 208: 24-month time extension for tentative maps contingent on the following:</p> <ol style="list-style-type: none"> 1. The map was approved prior to July 15, 2011; 2. The map had not expired on July 	<p>The project qualifies for an automatic time extension:</p> <ol style="list-style-type: none"> 1. The map was approved on September 25, 2007 (before July 15, 2011).

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Statute	Applicability to Project
<p>15, 2011 and would otherwise have expired prior to January 1, 2014.</p>	<p>2. The map was due to expire on September 25, 2013 (after July 15, 2011 and before January 1, 2014).</p> <p>With the two-year time extension of AB 208, the new expiration date became September 25, 2015.</p>
<p>AB 116: 24-month time extension for tentative maps contingent on the following:</p> <ol style="list-style-type: none"> 1. The map was approved on or after January 1, 2000; 2. The map had not expired on or before July 11, 2013. 	<p>The project qualifies for an automatic time extension:</p> <ol style="list-style-type: none"> 1. The map was approved on September 25, 2007 (after January 1, 2000). 2. The map was due to expire on September 25, 2015 (after July 11, 2013). <p>With the two-year time extension of AB 116, the new expiration date became September 25, 2017.</p>
<p>AB 1303: 24-month time extension for tentative maps contingent on the following:</p> <ol style="list-style-type: none"> 1. The annual mean household income within the county is less than 80% of the statewide annual mean income; 2. The county's annual non-seasonal unemployment rate is at least 2.75% higher than the statewide annual non-seasonal unemployment rate; 3. The poverty rate within the county's population is at least 4% higher than the statewide median poverty rate. 	<p>The project does not qualify for an automatic time extension under this statute. Therefore, the expiration date remains the same – September 25, 2017.</p>

On August 1, 2017, the Planning Commission approved Time Extension 17-004 to extend the expiration date to September 25, 2018. To date, the first phase of the map has been recorded and the other three phases are under review. Due to the impending expiration date of the Tentative Map, the applicant is requesting a Time Extension to provide the opportunity to finish the Final Map process.

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ANALYSIS OF ISSUES:

Municipal Code Subsection 16.12.140.C allows the Planning Commission to grant up to three (3) one-year time extensions for tentative maps, only if it is found that there have been no significant changes in the General Plan, Municipal Code or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety or welfare. No such changes have been identified in these areas that would cause the proposed project to be injurious to the public health, safety, or welfare.

If approved, the one-year time extension would extend the expiration date of the project to September 25, 2019. This is the last available extension and no further extensions would be available in accordance with the provisions of the Municipal Code and the Subdivision Map Act, unless additional State extensions occur.

ALTERNATIVES:

The following alternatives are provided for the Planning Commission's consideration:

1. Adopt the attached Resolution approving Time Extension 18-004;
2. Modify and adopt the attached Resolution approving Time Extension 18-004;
3. Do not adopt the attached Resolution, provide specific findings and direct staff to return with Resolution denying Time Extension 18-004; or
4. Provide direction to staff.

ADVANTAGES:

Approving the requested time extension will maintain the viability of the approved project.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, it has been determined that the granting of time extensions is not subject to CEQA per Section 15061(b)(3) of the Guidelines, regarding the general rule that where it can be seen with certainty that there is no possibility of a significant effect on the environment, an activity is not subject to CEQA.

PUBLIC NOTICE AND COMMENT:

Per Municipal Code Table 16.12.030-B, a public hearing is not required for approval of time extensions. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachment:

1. Site Plan

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION (TIME EXTENSION 18-004) FOR VESTING TENTATIVE TRACT MAP 04-004 AND PLANNED UNIT DEVELOPMENT 04-001 (TRACT 3086 - CREEKSIDE COMPLEX); APPLIED FOR BY DB&M PROPERTIES, LLC; LOCATION – ADJACENT TO 415 E. BRANCH STREET

WHEREAS, the City Council of the City of Arroyo Grande approved Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001 (the “Project”) on September 25, 2007; and

WHEREAS, the City Council granted a one-year time extension for the Project on March 10, 2009; and

WHEREAS, the map has remained active as a result of State Law; and

WHEREAS, the Planning Commission granted a one-year time extension for the Project on August 1, 2017; and

WHEREAS, the applicant filed Time Extension 18-004 to extend the expiration date of the Project by one (1) year; and

WHEREAS, the Planning Commission of the City of Arroyo Grande has considered the request for Time Extension 18-004 on August 21, 2018; and

WHEREAS, the Planning Commission has reviewed the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined that the project is not subject to CEQA per Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Planning Commission finds, after due study and deliberation, the following circumstances exist:

1. There have been no significant changes in the General Plan, Municipal Code or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety or welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby approves Time Extension 18-004 for the third and final of three (3) available one-year extensions, with the above findings and subject to the conditions as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001 shall now expire on September 25, 2019.

RESOLUTION NO.

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On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was adopted this 21st day of August, 2018.

**RESOLUTION NO.
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**GLENN MARTIN
CHAIR**

ATTEST:

**MATTHEW DOWNING
SECRETARY TO THE COMMISSION**

APPROVED AS TO CONTENT:

**TERESA McCLISH
COMMUNITY DEVELOPMENT DIRECTOR**

**EXHIBIT 'A'
CONDITIONS OF APPROVAL
TIME EXTENSION 18-004
EXTENSION FOR VESTING TENTATIVE TRACT MAP 04-004 AND
PLANNED UNIT DEVELOPMENT 04-001
PROPERTY ADJACENT TO 415 EAST BRANCH STREET**

This approval authorizes a one (1) year time extension for Tentative Tract Map No. 07-002 and Planned Unit Development 07-002, which was originally approved by the Planning Commission on July 1, 2008.

GENERAL CONDITIONS:

1. The developer shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001 shall expire on September 25, 2019 unless the map is recorded prior to this date or an extension of time is granted. No further time extensions will be granted, pursuant to Development Code Section 16.12.140(C).
3. The developer shall comply with all conditions of approval for Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001.
4. The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in any way relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.

SCHEMATIC SITE PLAN



NOT
A PART

REFERENCE NOTES

1. PROJECT INFORMATION
2. PROJECT LOCATION
3. PROJECT DESCRIPTION
4. PROJECT SCOPE
5. PROJECT PHASES
6. PROJECT SCHEDULE
7. PROJECT BUDGET
8. PROJECT RISKS
9. PROJECT STAKEHOLDERS
10. PROJECT CONTACTS

