



Board Agenda Item 60

DATE: June 18, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Tentative Tract Map No. 5771 - Extension Request (Applicant Ben Ewell/The Clarksfield Company)

RECOMMENDED ACTION(S):

Adopt Resolution approving a 24-month discretionary extension to exercise Tentative Tract Map No. 5771 in accordance with Section 66452.26 of the Subdivision Map Act, extending the life of the Tentative Tract Map from March 8, 2019 to March 8, 2021.

The subject property is located approximately 2.5 miles east of the unincorporated community of Friant, south of Marina Drive within the Millerton New Town Specific Plan between the Brighton Crest Subdivision and the Friant-Kern Canal (APN 300-542-19 and 20).

Approval of the recommended action will extend the granted legislative time to exercise Tentative Tract Map (TTM) No. 5771 an additional 24 months as requested on March 6, 2019 by the Applicant. The Subdivision Map Act (Act), section 66452.26 requires legislative action by your Board to approve an extension. Typically, other extensions under the Act simply require the approval of an advisory agency and are referred to the Fresno County Planning Commission for action. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may deny the recommended action or approve the extension for a period less than 24 months.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the County's Master Schedule of Fees, Charges, and Recovered Costs, the Applicant paid land use processing fees in the amount of \$1,122.50.

DISCUSSION:

The Act provides that prior to the expiration of any tentative map a subdivider is entitled to file a final map for recording with the County if it conforms to the approved tentative map and certain mandatory requirements. Except for special circumstances specified in the Act, a tentative map expires 24 months after its approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of County Ordinance Code Title 17 Divisions of Land, extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the Legislature passed six bills that amended the Act to give subdividers extensions for tentative maps that met certain criteria. The legislation included:

- (a) Senate Bill (SB) 1185 (Lowenthal) (Statutes of 2008, Chapter 124), section 66452.21, which granted an automatic one-year extension;
- (b) Assembly Bill (AB) 333 (Fuentes) (Statutes of 2009, Chapter 18), section 66452.22, which granted an automatic two-year extension;
- (c) AB 208 (Fuentes) (Statutes of 2011, Chapter 88), section 66452.23, which granted an automatic two-year extension;
- (d) AB 116 (Bocanegra) (Statutes of 2013, Chapter 62), section 66452.24, which granted an automatic two-year extension;
- (e) AB 1303 (Gray) (Statutes of 2015, Chapter 751), section 66452.25, which granted an automatic two-year extension; and,
- (f) AB 2973 (Gray) (Statutes of 2018, Chapter 830), section 66452.26, which allows a discretionary extension of up to 24 months, provided the project meets the requirements related to project approval date and extension filing date according to Section 66452.25 of the Act.

The last, is pertinent to the TTM No. 5771 and states the following:

The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2006, and not later than July 11, 2013, that relates to the construction of single or multifamily housing, and for which the expiration date was extended pursuant to Section 66452.25, and that has not expired on or before the effective date of the act that added this section, may be extended by the legislative body for up to 24 months.

TTM No. 5771, approved on March 8, 2012 by the Planning Commission on March 8, 2012, authorized a planned residential development consisting of 79 single-family residential lots and a 10.14-acre remainder lot totaling approximately 37.24 acres in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) and R-2(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Conditional) Zone Districts. TTM No. 5771 was approved by the Planning Commission concurrently with Classified Conditional Use Permit (CUP) No. 3193 and Site Plan Review (SPR) No. 7787 based on a determination that the required CUP findings could be made. CUP No. 3193 and SPR No. 7787 are considered integral to the approval of TTM No. 5771 and run with the map. On March 23, 2012, the Planning Commission's decision was appealed by a member of the public based on concerns related to wildlife habitat and biological resources, the Board considered the appeal on May 22, 2012. During that Board Hearing, the Appellant requested a continuance to allow him and the Applicant time to clarify certain matters related to the Planning Commission's Staff Report. The Board granted the continuance, the item was added to the July 17, 2012 Agenda.

On July 12, 2012, the Appellant submitted a letter withdrawing the appeal, thereby upholding the Planning Commission's March 8, 2012 approval action. A copy of the original Subdivision Review Committee Report and Staff Report with the Planning Commission Resolution is included as Attachment A.

TTM No. 5771 would have originally expired on March 8, 2014, however, AB 116, effective July 11, 2013, granted an automatic two-year extension for the tentative tract map resulting in a new expiration date of March 8, 2016. Subsequently, AB 1303, effective October 10, 2015 granted another automatic two-year extension resulting in the new expiration date of March 8, 2018. All automatic extensions for the project were exhausted by 2018; therefore, the first discretionary one-year extension through consideration of the Planning Commission was approved on March 15, 2018, resulting in a new expiration date of March 8, 2019. The recommended action is in compliance with AB 2973, allowing an up to 24-month discretionary extension, pursuant to Act section 66462.26 with your Board's approval, thereby extending the expiration date to March 8, 2021.

The Applicant applied for a 24-month extension to complete a final tract map under Act section 66452.26 on March 6, 2019, prior to the expiration of TTM No. 5771 on March 8, 2019. According to the Applicant (Attachment B), the extension is necessary to allow time to complete the expansion of the community water treatment plant and additional infrastructure improvements for the project. Additionally, the Applicant has spent a significant amount of time altering the configuration of TTM No. 5771 to accommodate protected tribal cultural sites and revising the adopted Millerton Infrastructure Plan for water, wastewater, and reclaimed water services.

Environmental Assessment (Initial Study No. 5709) was prepared for Vesting TTM No. 5771 under the provisions of the California Environmental Quality Act (CEQA), resulting in a determination that the previously-certified Environmental Impact Report (EIR) and Addendum to the Millerton New Town Specific Plan remain adequate for the project. Section 15162 of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration (MND) has been certified for a project, no subsequent EIR or MND shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented, which was not known and could not have been known at the time the previous EIR or MND was adopted.

Department of Public Works and Planning staff routed the extension request to county departments and responsible agencies per the provisions of Section 15162 and did not receive any comments or information that the circumstances noted in the above were present. Therefore, it has been determined that no further CEQA documentation is required for the extension request.

In considering the recommended action, your Board should recognize that TTM No. 5771 falls within the requirements of Section 66452.26, since it was originally approved on or after January 1, 2006 and July 11, 2013, and did receive an extension under Section 66452.25, which authorized a legislative two-year extension of tentative tract maps in counties meeting certain criteria pertaining to below mean income and unemployment, and with a higher than median poverty status. The County fell within these demographic parameters.

Department staff recommends approval of a 24-month discretionary extension for TTM No. 5771, based on the factors cited in the analysis above. Approval of the extension will extend the expiration date to March 8, 2021.

If your Board does not recommend extension to exercise TTM No. 5771, either of the following motions would be appropriate:

- Move deny the extension; or
- Move to approve the extension for a period of less than 24 months, stating the extension length.

REFERENCE MATERIAL:

BAI #12, July 17, 2012
BAI #16, May 22, 2012

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - B
On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa