



Board Agenda Item 53

DATE: September 10, 2019

TO: Board of Supervisors

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

SUBJECT: Tentative Tract Map No. 5239 - Extension Request (Applicant: James Bratton)

RECOMMENDED ACTION(S):

Adopt Resolution approving a 24-month discretionary extension to exercise Tentative Tract Map No. 5239 in accordance with Section 66452.26 of the Subdivision Map Act, extending the life of the Tentative Tract Map from August 15, 2019 to August 15, 2021.

The subject property is located on the east side of Auberry Road between Caballero and Green Meadow Roads, approximately nine miles northeast of the nearest city limits of the City of Clovis (APNs 138-021-75, -76).

Approval of the recommended action will extend the granted legislative time to exercise Tentative Tract Map (TTM) No. 5239 an additional 24 months as requested on June 25, 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. 5239 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. 5239, approved by the Planning Commission on June 29, 2006, see Attachment A, authorized a planned residential development consisting of 41 single-family residential lots with private roads on two parcels, totaling 164.53 acres in the R-R (Rural Residential, two-acre minimum parcel size) Zone District. A project opponent appealed the approval to the Board on August 15, 2006. The Board denied the appeal and approved TTM No. 5239 concurrently with Classified Conditional Use Permit (CUP) No. 3157 based on a determination that the required CUP findings could be made. CUP No. 3157 is considered integral to the approval of TTM No. 5239 and runs with the map.

The Planning Commission granted a first one-year extension on July 17, 2008, which extended the life of Tentative Tract Map No. 5239 to August 15, 2009. Subsequently, SB 1185 granted an automatic one-year time extension, AB 333 granted a two-year extension, and AB 208 granted a two-year extension, resulting in an expiration date of August 15, 2014. AB 116 and AB 1303 each granted two-year extensions for the Tentative Map extending the expiration date to August 15, 2018. On August 23, 2018, the Planning Commission approved the second discretionary extension resulting in the current expiration date of August 15, 2019.

The Applicant applied for a 24-month extension to complete a final tract map under Act Section 66452.26 on June 25, 2019. According to the Applicant (Attachment B), the extension is necessary because existing market conditions and water well development have hampered development.

Initial Study No. 4993 was prepared for Vesting TTM No. 5239 under the provisions of the California Environmental Quality Act (CEQA), resulting in a determination that a Mitigated Negative Declaration would be appropriate 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. 5239 falls within the requirements of Section 66452.26, since it was originally approved on or after January 1, 2006 and before 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. 5239, based on the factors cited in the analysis above. Approval of the extension will extend the expiration date to August 15, 2021.

If your Board does not recommend extension to exercise TTM No. 5239, either of the following motions would be appropriate:

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

REFERENCE MATERIAL:

BAI #21, August 15, 2006

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - B
On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa