

City Manager's Report
 March 10, 2013 City Council Agenda
 Prepared By: Pierre Rivas, Development Services Director
 Item # 10.1



Subject: Entitlement Extensions - Zone Change (ZC) 2015-03

- I. Consider the recommendation by the Development Services Department to approve an ordinance to amend Section 10-1-0 of the Zoning Ordinance that would extend the entitlement for twenty-four (24) months, Site Plan Reviews, Variances, and Conditional Use Permit development projects that have been approved, that had not expired on April 1, 2015, and that will expire before January 1, 2016 and conduct a public hearing to receive comment.
- II. Find that the Ordinance amending Section 10-1-0 of the Zoning Ordinance (City Code Title 10), under Zone Change (ZC) 2015-03 is exempt from the California Environmental Quality Act Guidelines.
- III. Introduce the Ordinance amending Section 10-1-0 of the Zoning Ordinance (City Code Title 10), under ZC 2015-03, waiving its first reading.

Background: Approved site plan reviews, conditional use permits and variances typically contain conditions of approval that stipulate actions that must be met before the authorized use is carried on, or the construction associated with the site plan review, conditional use, or variance can begin. Per Sections 10-3-6: Conditional Use Permit and Variance Procedure and 10-4-9: Site Plan Review of the Zoning Ordinance, eighteen (18) months from the granting of these entitlements is the time authorized to obtain the required building permits for the site plan improvements, or the structure(s) requiring the use permit or variance.

Section 10-4-9(K) 1 includes a provision allowing a site plan review applicant to request a one-year extension from the Planning Commission if the request is filed and extension request fee is paid prior to the expiration date. The Commission would consider any changes to the Zoning Code or to the project when reviewing the extension request. Unlike the above section, under Section 10-3-6 of the Zoning Code, there is no applicant-initiated mechanism for requesting a conditional use permit or variance entitlement extension beyond eighteen months if the authorized use is not carried on, or a building permit has not been obtained for the granted use permit or variance.

The "Great Recession" that the City, state and country have experienced beginning in 2007/2008 has often resulted in the inability of individuals and developers to obtain construction financing for development projects. Within Placerville this has resulted in approved hotel,

retail, and professional service use projects during the recession, and even before 2007, from being constructed to date. These projects have the potential to spur economic growth and development within the Placerville community. A list of these projects is provided as **Attachment B**.

The City Council responded to the economic downturn and its inherent uncertainty, granting automatic time extensions for valid (unexpired) projects. Its first response was to grant a twelve month extension, effective April 8, 2009, per Council Ordinance No. 1628. One year later Council extended all valid projects an additional twenty-four months, effective April 8, 2010, by adopting Council Ordinance No. 1637. Subsequently, a third extension was granted by the City Council on August 27, 2013, granting a 24 month extension by adopting Ordinance No. 1656. Ordinance No. 1656 extended entitlements that had not expired on April 1, 2013, and that would not expire before January 1, 2014.

Discussion: This request would be the forth entitlement extension if granted by the City Council. The proposed ordinance would automatically extend for twenty-four (24) months the life of existing entitlements for Site Plan Reviews, Variances and Conditional Use Permits that had not expired as of April 1, 2015 but will expire before January 1, 2016. No application for the extension will be required of the property owner or applicant. The draft ordinance is retroactive to April 1, 2015 but before January 1, 2016 to include all projects that would have expired during 2015. The proposed ordinance is retroactive because the ordinance would not take effect until 30 days following the 2nd reading and adoption of the ordinance which would be after April 1, 2015.

Tentative subdivision maps and tentative parcel maps, however, are not included in the proposed entitlement extension. Extensions of these entitlements are governed by the Map Act, Government Code section 66452.6. Tentative maps expire twenty-four (24) months after approval or conditional approval. They can be extended by local ordinance for an additional twelve (12) months. While there are additional extensions contained in Section 66452.6 including extensions for maps that are phased and require public improvements, Section 66451.2 also provides that upon application of the subdivider, the expiration of an approved tentative map may be extended by the legislative body for a period or periods not exceeding a total of six (6) years.

Environmental Review – CEQA: This draft ordinance amendment is exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Because there is no possibility that the proposed Zoning Ordinance amendment may have a significant effect on the environment, this project is exempt from CEQA.

Cost and Budget Impact: The cost of Staff time to develop, prepare and implement the proposed Zoning Code amendment will be absorbed into the Development Services

Department's existing operating budget. There will be minimal costs associated with codifying the amendment.

Recommended Action:

1. Consider the recommendation by the Development Services Department to approve an ordinance to amend Section 10-1-0 of the Zoning Ordinance that would extend the entitlement for twenty-four (24) months, Site Plan Reviews, Variances, and Conditional Use Permit development projects that have been approved, that had not expired on April 1, 2015, and that will expire before January 1, 2016 and conduct a public hearing to receive comment.
2. Find that the Ordinance amending Section 10-1-0 of the Zoning Ordinance (City Code Title 10), under ZC 2013-03 is exempt from the California Environmental Quality Act Guidelines per Section 15061(b)(3).
3. Introduce the Ordinance amending Section 10-1-0 of the Zoning Ordinance (City Code Title 10), under ZC 2013-03, waiving its first reading.


M. Cleve Morris, City Manager


Pierre Rivas, Development Services Director

ATTACHMENTS:

- A. List of Affected Projects
- B. Draft Ordinance

Attachment A

Zone Change 2015-03: Draft Entitlement Extension Ordinance - Affected Projects That Have Not Expired by April 1, 2015, but Will Expire Before January 1, 2016

Name of Project, File Number Applicant/Developer	Location	Project Details	Project Expiration
BRIW ROAD COMMERCIAL Site Plan Review 2005-03 Barry Wilkinson for Wesley & Gertrude Wilkinson, Owner and Applicant	3047 Briw Road APN 325:310:93	Permanent parking lot, landscaping and drainage on approximately 1.4-acres.	November 20, 2015
TOAD HALL - SPR 2006-01 Cindy Savage, Owner and applicant	971 Spring Street APN 001:072:03	Three level, 10,130 sf mixed use (office/residential), 3 residential units, 3 general office units.	April 24, 2015 Note: SPR 1 year extension granted by PC, effective April 24, 2008. One year extension by Council Ord. No. 1628 (April 8, 2009); SPR 1 year extension granted by PC, effective April 24, 2010; Two year extension by Council Ord. effective April 8, 2010; Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.
HOLIDAY INN EXPRESS Site Plan Review 2002-05 Conditional Use Permit 2002-03 Owner Hotel Parcel (APN: 048:290:42): River City Bank; Owner Country Store, Gas Pumps And Carwash Parcel (APN 048:290:44): Tres Amigo Ventures Placerville CA	1881 Point View Dr APN 048:290:42, 44	103 Room Hotel, Parking And Landscaping – SPR 2002-05 Country Store, Gas Pumps And Carwash – CUP 2002-03, SPR 2002-05	July 21, 2015 Note: Building Permit for hotel foundation, issued January 21, 2009; One year extension by Council Ord. No. 1628, effective April 8, 2009; Two year extension by Council Ord. No. 1637, effective April 8, 2010; Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.

Attachment A

Zone Change 2015-03: Draft Entitlement Extension Ordinance - Affected Projects That Have Not Expired by April 1, 2015, but Will Expire Before January 1, 2016

Name of Project, File Number Applicant/Developer	Location	Project Details	Project Expiration
SHELL STATION Site Plan Review 2008-05 MAM Design Build, Inc. Manzar Qayyum	151 Main Street APN 003:022:10	1,150 sf expansion of an existing convenience market, converting the existing maintenance bays and office.	August 3, 2015 Note: One year extension by Council Ordinance No. 1628, effective April 8, 2009; Two year extension by Council Ord. No. 1637, effective April 8, 2010; Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.
FORNI ROAD HOTEL Site Plan Review 2008-03 Forni Business Park, LLC, Owner and Applicant	3110 Forni Rd APN 325:230:2	125 Room hotel project, grading, landscaping, lighting, signage	July 19, 2015 Note: Two year extension by Council Ord. No. 1637, effective April 8, 2010; Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.
FUEL 4 LESS Conditional Use Permit 2008-01 Site Plan Review 1990-08	88 Main Street APN 003:051:36	Conditional use permit to re-brand an existing gasoline and convenience market to a ConocoPhillips 76 "formula business", as defined under City Code §10-1-4 and §10-5-14 (C), involving wall signs, canopy and building exterior modifications. The request is a major amendment to an approved Site Plan Review 90-08; Major change to CUP 08-01 and SPR 90-08, a request to install a pole sign with 96 square feet of sign area at maximum 36 feet high from grade for the ConocoPhillips 76 branded business at 88 Main Street.	July 19, 2015 Note: Two year extension by Council Ord. No. 1637, effective April 8, 2010; Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.

Attachment A
 Zone Change 2015-03: Draft Entitlement Extension Ordinance - Affected Projects That Have Not Expired by April 1, 2015, but Will Expire
 Before January 1, 2016

Name of Project, File Number Applicant/Developer	Location	Project Details	Project Expiration
DAWSON Site Plan Review 2011-07 Owners: Phil & Chris Dawson	2940 & 2944 Cold Springs Rd APN 323:480:13	To legitimize the placement and use without building permit of a pre-fabricated 492 square foot accessory structure for storing a recreational vehicle within a C (Commercial) Zone.	April 4, 2015 Note: Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.
FRANK'S BODY SHOP Site Plan Review 2011-06 Owners: John R. Morgan and Charlotte A. Morgan Family Trust	2878 Cold Springs Rd APN 323:480:02	To legitimize the placement without building permit of a pre-fabricated 441 square foot accessory structure within a C (Commercial) Zone.	April 4, 2015 Note: Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.
301-305 MAIN STREET Site Plan Review 2012-02 Tim & Sue Taylor, Taylor Restoration	301 & 305 Main Street APNs: 001:212:13, 14	Exterior alterations of two existing commercial buildings located within downtown Placerville. Under Construction - Building Permit No. 16856	December 5, 2015 Note: Twenty-four month extension by Council Ord.1656, effective September 26, 2013, retroactive to April 1, 2013.

ATTACHMENT B

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE RELATING TO
THE TIME EXTENSION FOR LAND USE ENTITLEMENTS**

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE
RELATING TO THE TIME EXTENSION FOR LAND USE ENTITLEMENTS

THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES ORDAIN AS
FOLLOWS:

WHEREAS, the City of Placerville Development Services Department Planning Division processes numerous requests for land use entitlements such as Conditional Use Permits, Site Plan Reviews and Variances; and

WHEREAS, the aforementioned entitlements and permits contain various expiration clauses set forth in Title 10 of the City Code; and

WHEREAS, the economic climate locally, regionally and nationally has caused delays and constraints relating to financing and construction of projects within a reasonable period of time; and

WHEREAS, the City Council of the City of Placerville recognizes that the current economic fiscal climate burdens those wishing to finance and construct projects throughout the Placerville community; and

WHEREAS, the granting of a twenty-four month extension for entitlements is reasonable in assisting local citizens to accomplish projects, in light of these financial constraints.

NOW, THEREFORE, the City Council of the City of Placerville does hereby amend Section 10-1-0 of the Municipal Code to read as follows:

Ordinance No. _____

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10-1-0: **ENTITLEMENT EXTENSIONS:** Any references in this Title indicating a time period affecting entitlements under Section 10-4-9: Site Plan Review and Section 10-3-6: Conditional Use Permit and Variance Procedure, that had been approved, that had not expired on April 1, 2015, and that will expire before January 1, 2016, shall extend the expiration time set forth for a period of twenty-four (24) months retroactive to April 1, 2014 for all current and valid entitlements and permits existing as of the effective date. Further, this Ordinance will expire without further Council action twenty-four (24) months from the adoption of this Ordinance.

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville on March 10, 2015, by Councilmember _____, and it was read for the first time. The Ordinance was presented for the second reading on March 24, 2015, and introduced by Councilmember _____, who moved its adoption. The motion was seconded by Councilmember _____.

The motion passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Mayor Patricia Borelli

Susan Zito, City Clerk, M.M.C.