

PLANNING COMMISSION STAFF REPORT



June 26, 2024

ITEM TITLE

Time extension to Tentative Map No. PCS18-0003, for a previously approved for-sale sixteen (16) unit multi-family residential development.

Location: 354 Moss Street (APN: 619-010-140)

Environmental Notice:

The Project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (“CEQA”) State Guidelines as previously approved and adopted in Planning Commission Resolution No. PCS18-0003 dated April 28, 2021.

Recommended Action

Adopt a Resolution approving the requested two-year time extension to Tentative Map PCS18-0003 from April 28, 2024, until April 28, 2026.

SUMMARY

Pursuant to Chula Vista Municipal Code (“CVMC”) Section 18.12.190 and the Subdivision Map Act [Government Code section 66452.6(e)], Uprise Engineering (“Applicant”), on behalf of Wellston Development LLC (“Owner”), is requesting a time extension of approved Tentative Subdivision Map PCS18-0003 for an additional two years commencing from April 28, 2024 and expiring April 28, 2026 (“Project”).

HOUSING IMPACT STATEMENT

The action of extending the Tentative Map will not result in the construction of any housing units. However, 16 for-sale, multi-family residential units will be added to the City when the Final Map is recorded, and development occurs consistent with applicable general and specific plans as specified in Government Code Section 65451.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed Project for compliance with the CEQA and has determined that the Project was adequately covered and studied in a previously adopted and approved Categorical Exemption pursuant to Section 15332 (In-fill Development Projects) of the State CEQA Guidelines as recognized in Planning Commission Resolution No. PCS18-0003 dated April 28, 2021. Thus, no further environmental review is required.

DISCUSSION

On April 28, 2021, the Planning Commission approved the construction of sixteen (16) for-sale, multi-family residential units on an approximately 0.60-acre site located at 354 Moss Street. As part of that action, the Planning Commission approved Design Review permit (DR18-0016) and a Tentative Map (PCS18-0003; Resolution No. PCS18-0003). The entitlements and the Tentative Map were originally due to expire on April 28, 2024.

Since receiving Planning Commission approval in 2021, the Owner has worked diligently and has expended money and time processing the various grading and improvement plans for the Project. However, additional time is needed to complete the Tentative Map conditions of approval due to delays in obtaining needed project funding, the death of the project architect, and Covid-related delays relating to workforce and materials issues. Granting a two-year extension would assist the Owner and support the construction of additional housing units within the City.

Before April 28, 2024, the Owner submitted an extension request under the Subdivision Map Act (Government Code section 66452.6(e)) and pursuant to CVMC Sections 18.12.190 and 19.14.600, to extend the expiration of the entitlements and the Tentative Map for an additional two years commencing from April 28, 2024, to April 28, 2026. Pursuant to CVMC 19.14.600(E), the Director of Development Services, as Zoning Administrator, has found the request to extend the Design Review permit (DR18-0016) to be in substantial conformance with the approved permit, to be appropriate because there has been no material change of circumstances regarding the permit and Project since the granting of the permit, and thus has extended the expiration date of the Design Review permit to April 28, 2026.

However, CVMC 18.12.190 requires action from the Planning Commission to extend a Tentative Map, with the procedure found in the Subdivision Map Act, specifically, in Government Code section 66452.6. Government Code section 66452.6(e) provides that upon submittal of an application for an extension of a tentative map before expiration of that approved tentative map, “the map shall automatically be extended for 60 days, or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.” Accordingly, the Tentative Map has been automatically extended under the Subdivision Map Act until up to June 27, 2024, to allow for consideration and action on the extension request by the Planning Commission.

The failure to present to the Planning Commission the Owner’s request for the extension of the Tentative Map at an earlier date, was because of cancellation of regular meetings of the Planning Commission on May 22, 2024, and June 12, 2024, and not due to actions or inactions of the Owner. Therefore, requiring the Owner to have presented the request for the Tentative Map extension at an earlier Planning Commission meeting date would be inequitable, unjust, and unreasonable, resulting in a significant hardship to the Owner.

The Tentative Map remains consistent with the City’s General Plan, Zoning Ordinance, and all policies and standards that were in place at the time of the Tentative Map’s original approval. There have been no changes to the Tentative Map.

CONCLUSION

Staff recommends that the Planning Commission approve the requested extension to Tentative Map No. PCS18-0003.

DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the Planning Commission members and has found no property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, *et seq.*).

Staff is not independently aware and has not been informed by any Planning Commission member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

FISCAL IMPACT

There are no current year or ongoing fiscal impacts to the General Fund or Development Services Fund as a result of this action. All costs incurred by processing this application are borne by the applicant.

ATTACHMENTS

1. Location Map
2. Planning Commission Resolution
3. Tentative Map No. PCS18-0003
4. Resolution No. PCS18-0003

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