

TO: Planning Commission
FROM: Ed Gallagher, Community Development Director
SUBJECT: Parameters for Time Extensions
DATE: April 22, 2014

Needs: To review and receive an opinion from the City Attorney regarding parameters for Planning Commission actions for applications for time extensions.

- Facts:
1. At its meeting of March 11, 2014, the Planning Commission considered an application for a time extension for a development plan and conditional use permit for an RV Park at the north end of Golden Hill Road.
 2. Neighbors of the proposed RV Park expressed concerns that: (1) the project would increase impacts on the groundwater supply in the Paso Robles Groundwater Basin and (2) that the traffic study did not evaluate the effects of longer vehicles (RVs) on the roads affected by the project. Neighbors suggested that a time extension be conditioned upon conducting updated studies of these two issues.
 3. Both of the expressed issues (water supply and traffic) were addressed in the Mitigated Negative Declaration for the project.
 4. The project will be served with City water; the application did not propose to drill a well or well water.
 5. Staff expressed its opinion that there was no substantial basis to deny or condition the time extension on the issues stated, and suggested that the City Attorney provide an opinion regarding the parameters for requiring additional conditions or denying a time extension.
 6. On April 11, the City Attorney provided an email explaining the parameters for considering time extensions. These will be discussed in the Analysis and Conclusion section below.

Analysis and Conclusion

In general, the City may add conditions for discretionary time extensions, such as that for development plans and conditional use permits. (State law provides for certain automatic, non-discretionary time extensions for tracts and parcel maps and the City may not impose conditions on them.) However, any conditions that are added as a condition of a time extension are subject to the same requirements that would apply to a condition imposed as part of the original approval, That is, there should be a nexus between the project and the condition.

Additionally, a new condition could be to require compliance with changes in the law (could be State law or City ordinance) that would otherwise affect the project since the time of the original approval and the request for a time extension.

However, it is not appropriate to add conditions requesting additional studies of an environmental nature with the expectation that the studies will reveal further conditions to be added. If, on the other hand, there is substantial evidence that environmental conditions or State laws, City ordinances or policies have changed in a manner that a project might cause significant impacts that were not previously addressed, it would be appropriate to deny the time extension and indicate that any reconsideration of a refiled application for a project prepare an updated environmental document that does address and mitigate the new environmental conditions.

It is important to note that the decision to grant or deny an extension is entirely discretionary. Thus, there does not have to be substantial evidence to justify the City's decision. It does help to cite to reasons as why the request is denied or approved, so the action is not entirely arbitrary. However, the standard for making a decision to deny or approve a time extension is lower: there only needs to be a reasonable basis for the decision.

- Actions:
- a. Receive and file this report.
 - b. Amend, modify, or reject the foregoing option.