



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** July 13, 2021

**TO:** DESIGN COMMISSION

**FROM:** DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

**SUBJECT:** APPLICATION FOR A SECOND TIME EXTENSION  
NEW ONE-TO-THREE-STORY 16-UNIT RESIDENTIAL PROJECT WITH  
SUBTERRANEAN PARKING  
1105 EAST VILLA STREET

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#### **RECOMMENDATION:**

The staff recommends that the Commission:

#### **Environmental Determination**

Find that the application for Time Extension was subject to environmental review in the Categorical Exemption adopted by the Design Commission for the Concept Design Review of the same project on December 8, 2016, and that there are no changed circumstances or new information which would require further environmental review.

#### **Findings for Time Extension Approval**

1. Find that the findings and conditions of the original approval still apply;
2. Find that the proposed project meets the current height, setbacks, and floor area ratio requirements of the Zoning Code and is consistent with the General Plan, the Design Guidelines for Neighborhood Commercial & Multi-Family Residential Districts, and the Zoning Map; and, therefore,
3. Based on these findings, approve the application for Time Extension for one year, to July 12, 2022.

#### **BACKGROUND:**

On June 28, 2016, the Design Commission approved an application for Final Design Review for a new one-to-three story 16-unit residential project with subterranean parking located at 1105

East Villa Street. This decision became effective on Tuesday July 12, 2016. On May 28, 2019, the Design Commission granted the applicant a one year time extension to July 12, 2020. During the 2020 COVID-19 global pandemic, the applicant was unable to remove tenants from the property or assemble a construction team. On March 30, 2020, the City Council acknowledged that the unprecedented disruptions to the development process would present significant challenges to developers and approved Resolution No. 9774, which allowed staff to grant an automatic one year time extension for this type of project. Under the provisions of Resolution No. 9774, the applicant was granted a one year time extension to July 12, 2021. To date, the project has been submitted for building plan check and the building permit is ready to issue.

Pursuant to Section 17.64.040.A.2 of the Zoning Code, Final Design Review approvals are valid for an initial period of three years except where a Time Extension is granted pursuant to “subsection C” of the same section. This subsection specifies that two one-year time extensions may be granted, that the original decision maker is the review authority for time extensions and, that a public hearing is required except in cases where the Director was the decision maker. In this case, the Design Commission was the original review decision body; therefore, a public hearing before the Design Commission is required for the requested time extension.

Pursuant to Section 17.64.040.B, a permit for a new development project is deemed exercised when:

1. A building permit for the subject property has been issued, and construction diligently pursued to completion; or
2. A Certificate of Occupancy has been issued by the City.

The building permit is ready to issue for this project, however due to various delays caused by the COVID-19 global pandemic, the applicant is uncertain if construction will be diligently pursued by the expiration date of July 12, 2021, as required above.

This is the second request for this project for a time extension of the Final Design Review approval. If granted, this extension will be the final of two available extensions for this project. If neither of the two events listed above occurs before July 12, 2022, the approval will expire and a new design review application would be required to build a new project on the site.

**ANALYSIS:**

The Design Commission must make the following findings to approve a Time Extension:

1. The findings and conditions of the original approval still apply; and
2. The proposed project meets the current height, setbacks, and floor area ratio requirements of the Zoning Code and is consistent with the General Plan, any applicable Specific Plan, and the Zoning Map.


Since the project was approved in 2016, there have been no changes to the design guidelines that apply to the project; to the height, setbacks or floor area ratio requirements of the Zoning

Code or to the Zoning Map as they relate to the property. Further, the original conditions and findings still apply.

**CONCLUSION:**

Staff recommends that the request for Time Extension be approved because the project remains consistent with Zoning Code requirements and with the applicable design guidelines, which have not changed since the project's original approval.

Respectfully submitted,



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David M. Reyes  
Director of Planning & Community Development  
Department

Prepared by:

Reviewed by:



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Senior Planner



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Leon E. White  
Principal Planner

Attachments:

- A. Final Design Review decision letter, dated July 1, 2016, including approved site plan and renderings
- B. Application for Time Extension