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*City of Merced*  
**MEMORANDUM**

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**DATE:** June 16, 2022  
**TO:** Site Plan Review Committee  
**FROM:** Julie Nelson, Senior Planner  
**SUBJECT:** Extension of Vesting Tentative Subdivision Map #1291 for Bright Development

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Authority

Merced Municipal Code (MMC) Section 18.04.035 authorizes the Site Plan Review Committee to act on requests for an extension of a tentative subdivision map.

Background

Vesting Tentative Subdivision Map #1291 for Bright Development would allow the subdivision of approximately 39.8 acres of land generally located at the northeast corner of G Street and Merrill Place (extended) to be subdivided into 161 lots (refer to location map at Attachment A and tentative subdivision map at Attachment B).

This tentative map was originally approved on January 16, 2007. There have been a series of State-granted automatic extensions and City-granted extensions that extended the map to January 16, 2021. On September 28, 2020, the state enacted AB 1561 which granted an automatic 18-month extension to a tentative map meeting certain criteria. Details on the state extensions is provided at Attachment C.

VTSM #1291 met the criteria for AB 1561 and was eligible for the 18-month extension. Unfortunately, City staff was not aware of this automatic extension until early 2022, so the extension was not applied to the tentative map. On March 3, 2021, the City granted a one-year extension for the map which, according to City staff's calculations extended the map to January 16, 2022.

Once Planning staff became aware of the automatic extension granted by AB 1561, they contacted the City Attorney's office to determine how to apply this extension to VTSM #1291 since an extension had already been granted by the City on March 3, 2021. At that time, the City Attorney's review concluded that the extension granted by AB 1561 is in addition to the extensions granted by the City, including the extension granted on March 3, 2021. Thus, the map was determined to have an expiration date of July 16, 2023. Refer to Attachment D for a timeline of all extensions granted.

**ATTACHMENT I**

Subsequently, attorneys for Bright Development questioned whether or not the extension granted on March 3, 2021, was indeed valid. The City's attorney agreed that the wording for AB 1561 is somewhat ambiguous, but again determined that the expiration date of July 16, 2023, was appropriate. However, the City Attorney advised Bright Development's attorneys that they could file for an extension to validate the expiration date of July 16, 2023, if they choose to do so. Out of an abundance of caution, Bright Development determined it best to submit a request for a one-year extension confirming the expiration date of July 16, 2023.

It should be noted that Bright Development submitted final maps for this subdivision on August 23, 2021. These maps are currently going through the plan review process.

#### Subdivision Map Act & Merced Municipal Code

The Subdivision Map Act Section 66452.6 (e) allows a city to approve discretionary extensions for a period or periods not exceeding a total of 6 years. The City has granted four one-year extensions.

Merced Municipal Code Section 18.24.010 states that the Site Plan Committee may extend the time for filing a final map for a period or periods not exceeding a total of three years. Merced Municipal Code Section 18.040.060 – Subdivision Map Act states the following: The provision of this title shall be in addition to and shall be considered as supplementing the provision of the Subdivision Map Act of the state. Therefore, the total extension period of a subdivision map shall be governed by the Subdivision Map Act which allows a maximum of 6 years.

Section 66498.1 of the Subdivision Map Act provides that additional conditions may only be added to a Vesting Tentative Subdivision Map (VTSM) or an extension request for a VTSM may only be denied if the Legislative Body determines any of the following:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
2. The condition or denial is required in order to comply with state or federal law.

City staff has determined that neither of the above findings apply.

Site Plan Committee Action

The Site Plan Committee is being asked to approve/disapprove/modify the request for a one-year extension for VTSM #1291. Approval of this extension request would confirm the expiration date of July 16, 2023 for this map. This would constitute the 5<sup>th</sup> one-year extension for this map, leaving only one additional one-year extension available. Based on the information provided in this memo, staff is recommending approval of the requested extension.

Attachments:

- A) Location Map
- B) VTSM #1291 (Modified)
- C) Overview of State Extensions
- D) Timeline for VTSM #1291
- E) Request for Extension
- F) Planning Commission Resolution #2904

Refer to Attachments  
to Staff Report  
#22-545 for all  
Attachments.