

## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** TERESA MCCLISH, DIRECTOR OF COMMUNITY DEVELOPMENT

**BY:** MATTHEW DOWNING, PLANNING MANAGER

**SUBJECT:** CONSIDERATION OF A ONE YEAR TIME EXTENSION FOR VESTING TENTATIVE TRACT MAP NO. 01-001 AND PLANNED UNIT DEVELOPMENT 01-001 (TIME EXTENSION 16-002); ONE YEAR TIME EXTENSION IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND ARROYO GRANDE MUNICIPAL CODE; LOCATION – LA CANADA/BLOSSOM VALLEY ROAD (TRACT 1998); APPLICANT – CASTLEROCK DEVELOPMENT; REPRESENTATIVE – JASON TYRA

**DATE:** FEBRUARY 28, 2017

### **RECOMMENDATION:**

It is recommended that the City Council adopt a Resolution approving a one year time extension for Vesting Tentative Tract Map 01-001 and Planned Unit Development 01-001.

### **IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:**

None.

### **BACKGROUND:**

On January 27, 2009, the City Council adopted Resolution No. 4156, approving Vesting Tentative Tract Map No. 01-001 and Planned Unit Development No. 01-001. The approved project consists of the subdivision of 26.9 acres into fifteen (15) residential lots on approximately 4.9 acres and one (1) 22-acre open space parcel (Attachment 1). The original approval was set to expire on January 27, 2011; however, as a result of State Law during the Great Recession, the expiration of the map was extended until January 27, 2017.

The applicant submitted a request for a one-year time extension on December 29, 2016. In accordance with Subsection 66452.6(e) of the Subdivision Map Act, the application was automatically extended for sixty (60) days upon receipt of application by the applicant to extend the map. The map will remain active until March 27, 2017,

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or until the City Council approves, conditionally approves, or denies the request, whichever occurs first.

**ANALYSIS OF ISSUES:**

Municipal Code Subsection 16.12.140.C allows the Council to grant a project up to three (3) one-year time extensions, only if it is found that there have been no significant changes in the General Plan, Municipal Code or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety or welfare. No changes have been identified that would cause the proposed project to be injurious to the public health, safety, or welfare. Additionally, the applicant has been working toward recording a final map for the project, including dedicating an area for municipal use (Well 11), submitting and revising Public Improvement Plans, and submitting Homeowners Association Articles of Incorporation, By-Laws, Covenants, Conditions, and Restrictions, Design Manual, and a Common Area Management Program.

If approved, the one-year time extension would extend the expiration date of the project to January 27, 2018, and the applicant would be eligible to apply for two (2) additional one-year time extensions, in accordance with the provisions of the Municipal Code and the Subdivision Map Act.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

- Adopt the attached Resolution approving Time Extension 16-002;
- Modify and adopt the attached Resolution approving Time Extension 16-002;
- Do not adopt the attached Resolution, provide specific findings and direct staff to return with a Resolution denying the time extension; or
- Provide direction to staff.

**ADVANTAGES:**

Approving the requested time extension will maintain the viability of an approved project, will allow the applicant to continue to work toward recording the final subdivision map and is consistent with the Subdivision Map Act.

**DISADVANTAGES:**

No disadvantages associated with approval of the requested time extension have been identified.

**ENVIRONMENTAL REVIEW:**

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, it has been determined that the granting of a time extension is not subject to CEQA per Section 15061(b)(3) of the Guidelines, regarding the general rule that where it can be seen with certainty that there is no possibility of a significant effect on the environment, an activity is not subject to CEQA.

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**PUBLIC NOTICE AND COMMENT:**

Per Municipal Code Table 16.12.030-B, a public hearing is not required for approval of a time extension. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachment:

1. General Lot Layout map for Tract 1998

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE TRACT MAP NO. 01-001 AND PLANNED UNIT DEVELOPMENT 01-001 (TIME EXTENSION 16-002); APPLIED FOR BY CASTLEROCK DEVELOPMENT CO.; LOCATED AT JAMES WAY AND LA CANADA**

**WHEREAS**, the City Council approved Vesting Tentative Tract Map No. 01-001 and Planned Unit Development 01-001 (the "Project") on January 27, 2009; and

**WHEREAS**, the map has remained active as a result of State Law; and

**WHEREAS**, the applicant filed Time Extension 16-002 on December 29, 2016, to extend the expiration date of the Project by one (1) year; and

**WHEREAS**, the City Council has considered the request for Time Extension 16-002 on February 28, 2017; and

**WHEREAS**, the City Council has reviewed the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined that the project is not subject to CEQA per Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the City Council finds, after due study and deliberation, the following circumstances exist:

1. There have been no significant changes in the General Plan, Municipal Code or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety or welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arroyo Grande hereby approves Time Extension 16-002 for the first of three (3) available one-year extensions, with the above findings and subject to the conditions as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. Vesting Tentative Tract Map 01-001 and Planned Unit Development No. 01-001 shall now expire on January 27, 2018.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ and by the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

The foregoing Resolution was adopted this 28<sup>th</sup> day of February, 2017.

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**JIM HILL, MAYOR**

**ATTEST:**

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**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**ROBERT K. McFALL, INTERIM CITY MANAGER**

**APPROVED AS TO FORM:**

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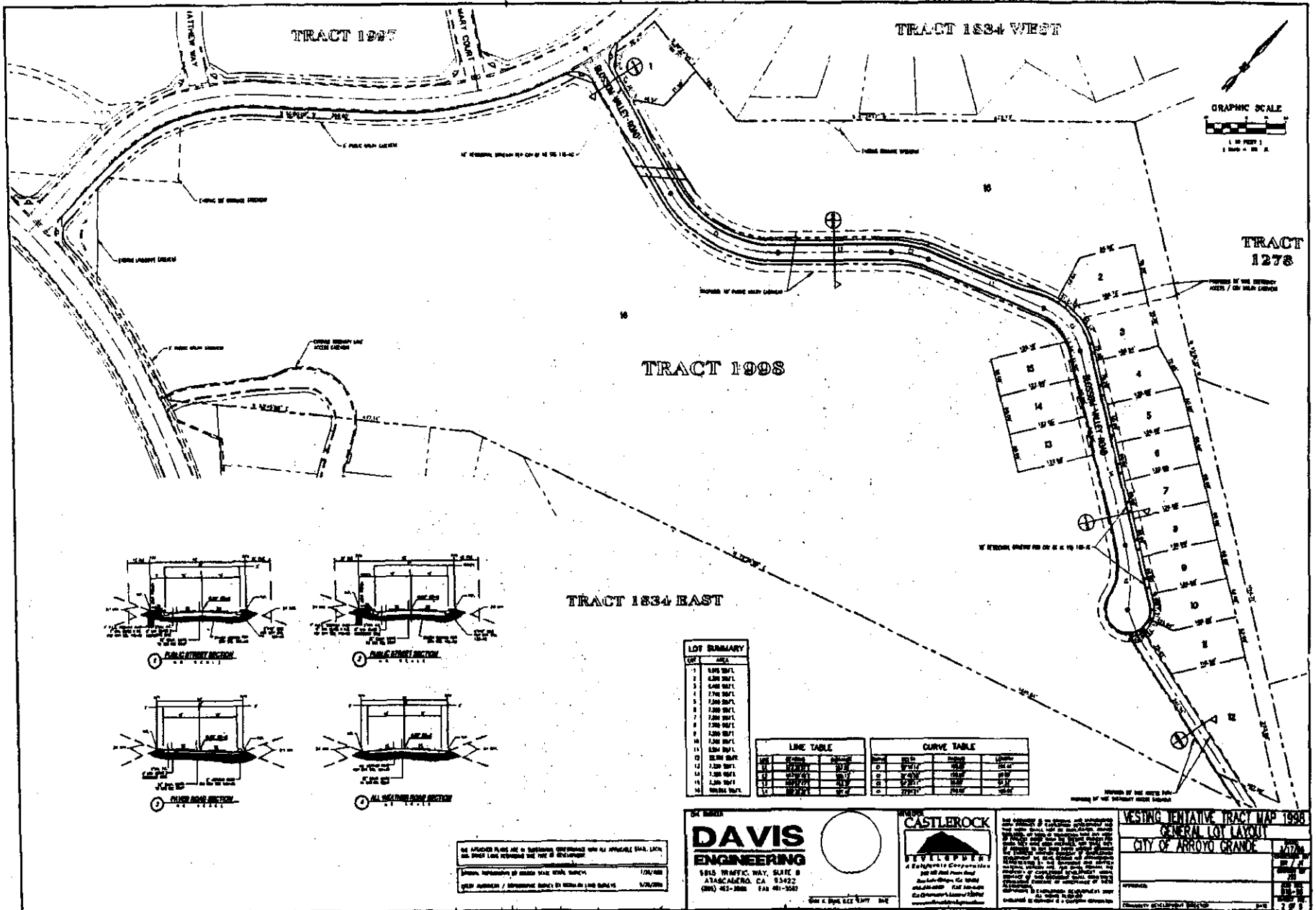
**HEATHER K. WHITHAM, CITY ATTORNEY**

**EXHIBIT 'A'  
CONDITIONS OF APPROVAL  
TIME EXTENSION NO. 16-002  
VESTING TENTATIVE TRACT MAP NO. 01-001 AND  
PLANNED UNIT DEVELOPMENT NO. 01-001  
JAMES WAY AND LA CANADA (TRACT 1998)**

This approval authorizes a one (1) year time extension for Vesting Tentative Tract Map No. 01-001 and Planned Unit Development 01-001, which was originally approved by the City Council on January 27, 2009.

**GENERAL CONDITIONS:**

1. The developer shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. Vesting Tentative Tract Map No. 01-001 and Planned Unit Development No. 01-001 shall expire on January 27, 2018 unless it is recorded prior to this date or an extension of time is granted (two potential extensions remain).
3. The developer shall comply with all conditions of approval for Vesting Tentative Tract Map No. 01-001 and Planned Unit Development No. 01-001.



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