



**ITEM V-B:      TENTATIVE SUBDIVISION MAP EXTENSION – 1011 MAIN STREET – HOOPER ESTATES – FILE# SUBDEXT 02-05A**

**REQUEST**

The applicant requests an extension of a previously approved Tentative Subdivision Map to subdivide a 1.4-acre parcel into 6 residential lots. The application would also extend the prior approval of a Tree Permit that authorized removal of 3 native oak trees and encroachment into the Protected Zone Radius of an additional 2 trees.

Applicant - Kent Baker, Baker-Williams Engineering Group  
Owner – Dave Romo, Sycamore Ventures, LLC

**SUMMARY RECOMMENDATION**

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the two (3) findings of fact for the Tentative Subdivision Map Extension; and
- B. Approve the Tentative Subdivision Map subject to three (3) conditions of approval.

**SUMMARY OF OUTSTANDING ISSUES**

Staff has received two letters from adjacent neighbors requesting a public hearing. The letters cite drainage concerns and native oak tree impacts as the main reasons for requesting a hearing. One of the letters also identifies that illegal fill had recently been deposited on the site.

Staff has conditioned the project regarding these concerns to provide positive drainage toward the residential street from lots 6 and 7 (Condition #3). In addition, the applicant has removed the fill material and no native oak trees were impacted by the unauthorized work. With the conditions of approval, Staff does not have any outstanding issues with the proposed extension.

**BACKGROUND**

The project site is located at 1011 Main Street within the Infill area of the City. The property is located south of Main Street and west of Atkinson Street as shown on the vicinity map (Attachment 1). There are a number of native oak trees and a seasonal drainage swale that exist on the site. The site is zoned Single Family Residential (R1) and has a General Plan designation of Low Density Residential (LDR-5). The surrounding properties are single-family residences and have identical zoning and land use designations.

The subdivision of this property has been previously approved on several different occasions. The most recent request was approved on June 23, 2003. On this date, the Planning Commission approved a Tentative Subdivision Map for development of 6 single-family home sites on the parcel. The current request is for a five-year extension of time on the original Tentative Subdivision Map. The applicant has not proposed any changes to the previously approved Tentative Subdivision Map. The map has

been forwarded to utility providers and other City departments for review and comment. The utility companies and the City did not identify any issues with this request.

Previously, on December 5, 1990, the City Council approved a Tentative Subdivision Map (SUBD 301-397) that divided the 1.4-acre parcel into six parcels. The expiration date for this map was December 5, 1992. On December 9, 1992, the City Council approved a thirty-six month extension of the tentative map. Under this extension, the map was due to expire on December 5, 1995. Two automatic extensions enacted through the Subdivision Map Act extended the expiration date of the Tentative Map to December 5, 1998. On February 3, 1999, the Subdivision Committee approved a final two-year extension on the map with an expiration of February 3, 2001. This subdivision map was never recorded and subsequently expired.

A Notice of Intent to Approve the proposed project was distributed to property owners within 300 feet of the site. Staff has received two letters in opposition to the project. These letters are included as Attachments 2 and 3.

### **EVALUATION**

The Subdivision Ordinance requires that findings be adopted for approval of a subdivision map extension but it does not contain specific language for those findings. The following findings listed below are consistent with the Subdivision Ordinance regulations for map extensions.

1. *A five (5) year extension of the Tentative Subdivision Map for Hooper Estates will result in map extensions totaling sixty (60) months, the maximum allowed by the Subdivision Map Act.*
2. *The improvements associated with the conditions of approval proposed for Hooper Estates are in conformance with current City standards.*
3. *No change has occurred in the circumstances or in the factual basis on which the approval was made since the date of the original approval.*

The applicant has not proposed any changes to the Tentative Subdivision Map. The Planning Department forwarded the previously approved project plans and the adopted conditions of approval to City departments and utility service providers for review and comment. City staff did not identify any change in circumstances that would affect the project. In addition, there were no comments or issues raised by other City departments or service providers. Given this information, staff has determined that the findings for approval of the extension can be made as listed above.

Regarding the letters received in opposition to the project, Engineering staff has evaluated the proposed drainage of lots 6 and 7. Engineering staff believes the project can be conditioned to provide adequate drainage, and this issue will be reviewed in the improvement plan process (Condition #3). The applicant has proposed to pad grade each lot. The plans indicate that the lots will drain toward Anderson Court. A retaining wall with a maximum height of 2' has been proposed for Lot 7. This retaining wall is necessary because of the grade difference between Lot 7 and the adjacent lot located in the subdivision to the west. Additionally, this retaining wall will help to limit the impact to Tree #'s 181, 182 and 188.

The earthwork will be balanced onsite with a total of 3,190 cubic yards of cut and fill. The proposed grading is compatible with the existing grade of the adjacent subdivisions and the grading is appropriate for the development of the site. The proposed grading will have impacts to the native oak trees located on site and these impacts have been previously approved with the original subdivision map. The base elevation of tree #'s 183 and 184 are approximately 151.5' above sea level. The adjacent lots are at an elevation of 154.0' above sea level. Staff has discussed this depression and the drainage of this area with Engineering staff and the applicant's engineer. The current elevation of the adjacent lot and subject property has created a small sink where water has been draining for some time. The trees have remained

in fair to good condition despite this drainage situation. However, installing a drain inlet and underground storm drain that connects to the 36" storm drain line that serves this subdivision can eliminate the problem with minimal impacts to the native oak trees on the site. Staff has included this requirement in condition #3.

One of the letters submitted by the neighbors also identifies that illegal fill had been recently put on this site. Planning and Engineering Staff both visited the site and directed the applicant to remove the fill material until they secured a grading permit. Subsequently, the applicant has removed the fill material. No native oak trees on the site were compromised with the unauthorized earthwork that occurred on site.

### **SUMMARY / CONCLUSION**

Based on the evaluation above, primarily the grading and drainage issue, staff believes that the Planning Commission can make the required findings and approve the extension of the Subdivision Map. The Planning Department usually approves subdivision map extensions administratively but in this case the neighboring properties requested a hearing. Many of the neighbors concerns (grading and drainage) are typically addressed in the improvement plan stage of development of a site. This permit is only extending the previously approved subdivision map and tree permit.

### **ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, which exempts new construction of small facilities and structures.

### **RECOMMENDATION**

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the three findings of fact as stated in the staff report for the TENTATIVE SUBDIVISION MAP EXTENSION – 1011 MAIN STREET (HOOPER ESTATES) -- FILE # SUBDEXT 02-05; and
- B. Approve the TENTATIVE SUBDIVISION MAP EXTENSION – 1011 MAIN STREET (HOOPER ESTATES) -- FILE # SUBDEXT 02-05 with three (3) conditions of approval, as shown in Exhibit B.

### **CONDITIONS FOR SUBDEXT 02-05A**

- 1. The project shall comply with the originally approved conditions of approval for the Tentative Subdivision Map except as modified below. (Planning and Redevelopment)
- 2. This Tentative Subdivision Map Extension approval shall be recorded within a period of five years and if not recorded shall expire on **August 11, 2010**. (Planning and Redevelopment)
- 3. Improvement Plans submitted for the development of Lots 6 and 7 shall provide for positive drainage to Anderson Court. In addition, two drain inlets and storm drain piping system shall be sized correctly and installed along the western property line and southeastern corner of lot 6. The drains shall be placed just outside the protected zone of tree #181, and at the edge of the protected zone of tree #183. (Engineering)

## **ATTACHMENTS**

1. Vicinity Map
2. Letter in opposition
3. Letter in opposition

## **EXHIBIT**

- A. Tentative Subdivision Map
- B. Conditions of Approval

**Note to Applicant and/or Developer:** Please contact the Planning & Redevelopment Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.