



CITY COUNCIL AGENDA REPORT

MEETING DATE: February 16, 2021
TO: City Council Members
FROM: Rachelle Kellogg, Community Development Director
SUBJECT: Cuesta Heights Subdivision Tentative Phasing Map & Extension

RECOMMENDATION

- 1) Approve the amended Cuesta Heights Vesting Tentative Subdivision Map reducing the number of lots to 46 and the following phasing plan:
 - a) Phase One – Lots 1 – 5, 7-10
 - b) Phase Two – Lots 6, 11 – 13, 24 – 43
 - c) Phase Three – Lots 14 – 23, 44 - 46
- 2) Approve the Revised Cuesta Heights Subdivision Conditions of Approval.
- 3) Approve the renaming of Cassie Way to Dot Drive.
- 4) Approve a 2-year extension for the Cuesta Heights Subdivision Vesting Tentative Subdivision Map. The tentative map approval will be extended to March 3, 2024.

DISCUSSION

The Cuesta Heights Subdivision is located on 20.76 acres north of the intersection of Shaws Flat and Roble Rd. (APN# 035-070-53 & 55) The Vesting Tentative Subdivision Map for the Cuesta Heights Subdivision was approved by the City Council on March 3, 2008. At the same meeting, the City Council approved the project's Mitigated Negative Declaration finding that the potential significant effects of the project had been mitigated to a level that is less than significant. The approved tentative map, subject to conditions and mitigation measures, included 49 single-family residential lots and a tank lot. The property is zoned R-1 with a land use designation of Single Family Residential under the General Plan. The project has been sold by the original developers, Dave and Cheri Cowden, to SV 110 LLC. SV 110 LLC, project developer/applicant, is requesting approval to amend and phase the tentative map, for a street name change on the map, and a map extension.

The amended tentative subdivision map reduces the number of lots to 46 single-family residential lots. Six of the original lots have been reconfigured. The lot reduction/reconfiguration is the result of the following:

- 1) A greater amount of property being transferred to the Tuolumne Utilities District (TUD) for the newly constructed water storage facility.
- 2) The former owners selling the separate parcel, APN# 035-070-052/1365 Shaws Flat Road, to a separate party thus eliminating this property from the project.

Under the City's Subdivision Ordinance Section 16.03.086E, minor changes or amendments to the tentative map may be approved by the Council provided:

- a) no lots, units or building sites are added,
- b) such changes are consistent with the intent and spirit of the original tentative map approval, and
- c) there are no resulting violations of other City ordinances or laws.

The Cuesta Heights Subdivision is subject to the City's Hillside Ordinance. Average slopes of the site were calculated during preparation of the original tentative map and determined to be 20.2% providing for a maximum density of 4 dwelling units per acre. The proposed Phasing Tentative Map includes 46 single-family residential lots with a density of 2.2 dwelling units per acre, which is well below the allowable limit.

The applicant is requesting approval to phase the tentative subdivision map into three phases. This will help the developer with infrastructure costs and bonding. The Phase One parcels abut and are most visible to Shaw's Flat Road to best showcase the new subdivision while requiring less grading and shorter distances for infrastructure extensions. The revenue generated through the selling of these lots will allow the developer to move forward with Phase Two and eventually Phase Three.

Under Subdivision Ordinance Section 16.03.100E(5), multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if:

- a) The subdivider, at the time the tentative map is filed, informs the Planning Department of the subdivider's intention to file multiple final maps on such tentative map, or
- b) After filing the tentative map, the City Council and the subdivider concur in the filing of multiple final maps.

As previously stated the Vesting Tentative Subdivision Map was approved on March 3, 2008 immediately prior to Great Recession that had a severe impact on all development projects. The map was originally set to expire in 2011 but it received several extensions due to the economic downturn. Some of these extensions were automatically set by the State and others were granted by the City.

Despite not filing a final subdivision map, the former developers submitted the Subdivision Improvement Plans and Predevelopment Plans for the 49 lots. They also prepared the Drainage Study, Geotechnical Investigation, and Storm Water Pollution Prevention Plan. These plans will need to be updated and resubmitted to reflect the revised project.

Currently the tentative map is set to expire on March 3, 2022 and the applicant is requesting an extension under California Government Code Section 66452.6(e). This code section provides that upon application of the subdivider, filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the City Council for a period not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the 10 years provided under Government Code Section 66452.6(a). Therefore, with the approval of the City Council, the tentative map would expire March 3, 2024.

The project conditions already tied to the map address issues of traffic safety, geotechnical risks, buffering adjacent uses and similar items related to health and safety issues. Conditions including under the original project approval also address all state and federal laws in effect at the time of final map approval. Section 16.03.100E(5) allows for the City Council to impose reasonable conditions relating to the filing of multiple maps. The revised project conditions are generally as originally approved. The Fire Chief, City Engineer, and Community Development Director reviewed the project conditions and mitigation measures to determine necessary revisions related to the map amendment and phasing plan as well as previous submittals and/or current site conditions. A copy of the revised conditions are attached with the proposed changes/additions italicized.

As required under the Subdivision Ordinance, the Public Hearing Notice for this project was published in the Union Democrat and sent to all property owners within 300 ft. of the project. To date staff has not received any comments on this request. Following the public hearing, the City Council will be considering approval of the amended tentative subdivision map and phasing, street name change to Dot Drive, revised project conditions, and the two-year map extension. Staff supports the applicant's request and feels that this is a good development proposal for this location.

CEQA

Due to the reduction in lots and no proposed change in use, it is anticipated that the project's environmental impacts are consistent with those originally anticipated and addressed pursuant to the project's Mitigated Negative Declaration adopted by the City Council.

FISCAL IMPACT

None

ATTACHMENTS

- 1) Location Map
- 2) Approved Cuesta Heights Vesting Subdivision Tentative Map
- 3) Amended Cuesta Heights Subdivision Tentative Map with Phasing Plan
- 4) Revised Cuesta Heights Subdivision Conditions of Approval