

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: December 8, 2016

Staff: Jennifer Franich

TENTATIVE SUBDIVISION MAP TIME EXTENSION

- FILE NO.:** TM07-1458-E/Migianella
- APPLICANT:** Marie Mitchell and Shan Nejatian
- AGENT:** CTA Engineering & Surveying
- REQUEST:** Five one-year time extensions to the approved Migianella Tentative Subdivision Map TM07-1458 creating eight residential lots, resulting in a new expiration date of May 12, 2021
- LOCATION:** West of the intersection of Kaila Way and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A)
- APN:** 110-020-45 (Exhibit B)
- ACREAGE:** 25.04 acres
- GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit C)
- ZONING:** Residential Three-Acre (R3A) (Exhibit D)
- ENVIRONMENTAL DOCUMENT:** Previously adopted Mitigated Negative Declaration
- RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:
1. Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration, adopted by the Board of Supervisors on May 12, 2009, as described in the CEQA Findings; and
 2. Approve TM07-1458-E extending the expiration of the approved tentative subdivision map for five years to May 12, 2021, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND

The tentative subdivision map (TM07-1458-E) and associated rezone (Z07-0043) was approved by the Board of Supervisors on May 12, 2009. The approved subdivision consisted of eight residential lots ranging in size from two to six acres (Exhibit F). On February 16, 2014 the Planning Commission approved a tentative map revision and boundary line adjustment (TM07-1458-R/BLA13-0015), which added a phasing plan and revised the lot layout, sizes, and site circulation.

Since approval, the applicant has not filed or recorded a subdivision map. The tentative subdivision map had an original expiration date of May 12, 2013, which was automatically extended to May 12, 2016 as a result of recent state legislation including Subdivision Map Act (SMA) Sections 66452.23 (Assembly Bill AB 208) and 66452.24 (Assembly Bill AB 116) (Exhibit G). No previous time extension requests have been filed for this tentative map. The applicant filed this time extension request on April 15, 2016.

ANALYSIS

This time extension request is for five one-year time extensions, pursuant to the Subdivision Map Act Section 66452.6 and the County Subdivision Ordinance Section 120.74.030. If approved, the map would be extended to May 12, 2021.

The map remains consistent with the applicable policies under the current 2004 General Plan and the Zoning Ordinance, and the County Subdivision Ordinance. All applicable original conditions of approval shall remain in effect with the exception of Condition 1. Condition 1 was amended to reflect the extension request and the new expiration date of May 12, 2021.

The applicant states that the delay in filing and recording the subdivision map is a result of the 2008 economic recession and collapse of the housing and residential lot market. Currently the applicant is in the process of securing necessary funding for completion of the project. The requested time extension would allow the applicant to secure the necessary funding, construct the project, and complete associated conditions of approval.

The project application completeness date and approval date precedes the passage and effective date of Measure E which was approved by voters June 7, 2016 and became effective on July 29, 2016. According to the SMA (GC 66474.2.), the local agency shall apply [to the tentative map] only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete (unless the agency has initiated a change to a standard “by way of ordinance, resolution, or motion”). Therefore, Measure E does not apply to this time extension.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Parcel Number Map

Exhibit C.....Land Use Map

Exhibit D.....Zoning Map

Exhibit E.....Aerial Map

Exhibit F.....Approved Tentative Subdivision Map

Exhibit G.....Migianella Tentative Map Timeline and
Expiration

Exhibit H.....Applicant's Extension Request; April 12, 2016