

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: EOT-17075 - EXTENSION OF TIME - VARIANCE -**  
**APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Extension of Time will expire on October 6, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Variance (VAR-4648) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4649) to amend a portion of the Southwest Sector Plan of the General Plan from (Public Facility) to ML (Medium Low Density Residential); Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre); Site Development Plan Review (SDR-4647) for a 14 Unit Single Family Residential Development; Variance (VAR-4648) to allow a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential subdivision where 5.0 acres is required for a 14 unit single family residential planned development and a Waiver (WVR-4846) to Title 18.12.160 to allow approximately 157 feet between street intersections where 220 feet is the minimum distance separation required and a Waiver of Title 18.12.105 to allow a Private Drive to be 679 feet where 200 feet is the maximum length permitted on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road. The Planning Commission and staff recommended approval on 08/26/04.
12/16/04	The Planning Commission approved a Tentative Parcel Map (TMP-5585) for a 14-lot Single Family Residential Subdivision on 2.45 acres adjacent to the northwest corner of Smoke Ranch Road and Michael Way. Staff recommended approval of the request.
11/01/06	The City Council will consider a related Extension of Time (EOT-17074) of an approved Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre) and Extension of Time (EOT-17076) of an approved Site Development Plan Review (SDR-4647) that allowed a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
11/01/06	The City Council will consider a Review of Condition (ROC-17081) Number 4 of an approved Site Development Plan Review (SDR-4647) to allow zero foot setbacks on all sides where a minimum if 20 feet are required in the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
<b><i>Related Building Permits/Business Licenses</i></b>	
	A Drainage Study (DS-3961) was submitted on 05/10/06 and finalized on 06/26/06. Civil Improvement Plans were submitted on 07/26/06, but denied on 08/22/06. A final map has not been submitted and no building permits have been issued on the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.45

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD6 (Residential Planned Development 6 Units per Acre)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Multi-Family Dwellings	MLA (Medium Low Attached Density Residential)	R-PD6 (Residential Planned Development 6 Units per Acre)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		<b>X</b>	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		<b>X</b>	
<b>Trails</b>		<b>X</b>	
<b>Rural Preservation Overlay District</b>		<b>X</b>	
<b>Development Impact Notification Assessment</b>		<b>X</b>	
<b>Project of Regional Significance</b>		<b>X</b>	

**PROJECT DESCRIPTION**

This is a request for an Extension of Time of an approved Variance (VAR-4648) that allowed a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.

**ANALYSIS**

This is the first Extension of Time for the subject Variance (VAR-4648), which was approved by the City Council on 10/06/04. There was an associated General Plan Amendment (GPA-4649), Site Development Plan Review (SDR-4647), Waiver (WVR-4846), and a Rezoning (ZON-4646) also approved by City Council. The Extension of Time is needed to comply with Condition of Approval Number 3 from the Tentative Map (TMP-5585). The Condition states Approval by

the City Council of an application for Review of Condition Number 4 of the Site Development Plan Review (SDR-4647) to amend the minimum setbacks to zero feet prior to the approval of a Final Map Technical Review or Civil Improvement plans. The Review of Condition (ROC-17081) will be heard in at the 11/01/06 City Council meeting with the related Extension of Time applications. Therefore, the Extension of Time can be supported to allow for additional time to comply with the previous conditions of approval.

**Previous Conditions of Approval from Variance (VAR-4648)**

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4649), Rezoning (ZON-4646) and Site Development Plan Review (SDR-4647) approved by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**FINDINGS**

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow conformance to the conditions of approval from the related tentative map case. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0