

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In The Matter Of:

Granting a Two Year Extension of a Vesting)
Tentative Map, General Development Plan,)
Conditional Use Permit and Hillside)
Development Permit for the Hetfield Estates)
Subdivision (Sub 9051), a Seven-Lot Single)
Family Residential Project on a 58.2-Acre)
Property, and Modification to Condition 173)
of Town Council Resolution 43-2014)

Resolution No. 15 - 2016

WHEREAS, on July 16, 2012, the Planning Commission certified an Environmental Impact Report, and approved a Conceptual Development Plan and Conditional Use Permit to develop seven (7) single family residential lots for the Hetfield Estates Project; and

WHEREAS, on October 8, 2013, an application was filed for a General Development Plan, Vesting Tentative Map (Subdivision 9051), and Conditional Use Permit for the Hetfield Estates Project; and

WHEREAS, at the request of the Town, the application was modified to include a Hillside Development Permit; and

WHEREAS, a California Environmental Quality Act (CEQA) Addendum was prepared to analyze changes to the project since approval of the Conceptual Development Plan (CDP), including the alignment of a proposed Emergency Vehicle Access Easement (EVAE), and the Addendum concluded that no new significant impacts were identified because specific measures from the adopted Mitigation Monitoring and Reporting Plan (MMRP) would apply to the EVAE to mitigate any potential impacts ("EIR Addendum"); and

WHEREAS, on March 3, 2014, the Planning Commission held a public hearing and took testimony and approved the General Development Plan (GDP), Vesting Tentative Map (VTM), Conditional Use Permit (CUP) and Hillside Development Permit (HDP); and

WHEREAS, on March 13, 2014, two appeals of the Planning Commission approval were separately filed by two members of the Town Council; and

WHEREAS, on April 23 and May 21, 2014 the Town Council held a public hearing accepting testimony from the appellant, the applicant and the public, and discussed the appeal; and

WHEREAS, on May 21, 2014 the Town Council adopted Resolution 43-2014 upholding the Planning Commission decision with modifications to the conditions of approval and approving the General Development Plan, Vesting Tentative Map, Conditional Use Permit and Hillside Development Permit, which is incorporated herein by reference; and

WHEREAS, on September 7, 2015 the property owner, Robert Lipson, submitted a letter to the Town requesting an extension on the vesting tentative map, and on November 16, 2015; submitted a formal application and required fee to process the map extension; and

WHEREAS, Condition of Approval 173 (COA 173) of Town Council Resolution 43-2014 includes provisions regarding the expiration date of the Vesting Tentative Map and of the related GDP and CUP, including that these latter permits shall have the same expiration date as the VTM; and

WHEREAS, staff recommends modification to COA 173 of Town Council Resolution 43-2014 to ensure consistency with Article 2, Section 66452.6(e) of the California Subdivision Map Act and the Town's Subdivision Ordinance; and

WHEREAS, since COA 173 is silent as to the expiration date of the Hillside Development Permit, but the HDP is as similarly related and integral to the Vesting Tentative Map as the CDP and CUP, staff further recommends that COA 173 be amended to also list the HDP as an additional approval whose expiration would be the same as the VTM; and

WHEREAS, public hearing notices were mailed to all property owners within 300 feet of the subject property on February 11, 2016; and

WHEREAS, on February 24, 2016, the Town Council of the Town of Moraga held a public hearing and heard testimony from the applicant and interested parties.

NOW, THEREFORE, BE IT RESOLVED, based on the staff report for this item, Resolution 43-2014, the oral and written testimony and any evidence presented at the hearing that:

1. The Town Council of the Town of Moraga hereby approves a two (2) year extension of the Vesting Tentative Map, General Development Plan, Conditional Use Permit and Hillside Development Permit for the Hetfield Estates Project, Hetfield Estates Subdivision (Sub 9051), a Seven-Lot Single Family Residential project based on the original findings set forth in Town Council Resolution 43-2014 and subject to the conditions of approval in Resolution 43-2014 and the adopted Mitigation Monitoring Plan, except as amended by this Resolution; and

2. The Town Council of the Town of Moraga hereby amends Condition of Approval 173 of Resolution 43-2014 to read as follows:

173. *Time Limit on GDP and VTM Approval: The project approval shall remain in effect for two years from the date of approval of the Vesting Tentative Map (VTM) as allowed by State Law in accordance with the Subdivision Map Act. The Applicant/Owner may file an application for extension with the Planning Department for an extension not less than 30 days prior to the expiration date of the VTM, along with appropriate fees and necessary submittal requirements. The General Development Plan, Conditional Use Permit and Hillside Developmet Permit shall have the same expiration date as the VTM. [Modification of CDP COA No. 88]*

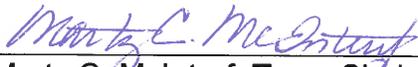
PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on February 24, 2016 by the following vote:

- AYES:** Mayor Metcalf, Vice Mayor Trotter and Councilmember Arth
- NOES:** Councilmember Onoda
- ABSTAIN:** None
- ABSENT:** Councilmember Wykle



 Michael Metcalf, Mayor

Attest:



 Marty C. McInturf, Town Clerk