

CITY OF ATWATER COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

April 20, 2016

6:00 PM



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Jim McClellan

ROLL CALL:

Brice____, Dash____, Daugherty____, Hylar III____, McWatters____, Murphy III____,
Reed _____,

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda that is within the jurisdiction of the Community Development and Resources Commission. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

PRESENTATIONS:

1. **Request to hold an open air community event under a Gospel Tent.** The purpose of the event is to minister to the community. Amazing Grace Holiness Tabernacle is requesting to hold the event at Ralston Park in Atwater on Sunday, May 8th - May 15th with set up on Saturday, May 7th and take down on Monday, May 16th. (Applicant Rev. Jared Burris-Amazing Grace Holiness Tabernacle)
2. **Request to block off White Pines Court for a 4th of July Block Party on July 4, 2016 from 4:00 p.m. to 12:00 a.m.** (Applicant White Pines Court Neighborhood Adam Aguilar)
3. **Atwater Pentecost Association request approval assistance with their Annual Parade for the Holy Spirit Festa on Sunday June 26, 2016.**

APPROVAL OF MINUTES:

4. **Regular Meeting, March 16, 2016**

Staff's Recommendation: Approval of minutes as listed.

PUBLIC HEARINGS:

5. **Adopt Community Development Resources Commission Resolution No. 018-16 Approving Conditional Use Permit No. 544-16 establishing a Motorcycle Repair Shop at 1789 Sycamore Avenue (Applicant Roberto Muniz)** (Senior Planner Justin Hendrix)

Staff has received a Conditional Use Permit application requesting establishment of a motorcycle repair shop located at 1789 Sycamore Avenue.(Merced County APN No. 001-146-011).

Staff's Recommendation Open the Public Hearing and take any testimony given; adopt Resolution No 018-16 approving Conditional Use Permit No. 544-16.

REPORTS AND PRESENTATIONS FROM STAFF

6. **Verbal update on the General Plan Extension** (Community Development Director Scott McBride)

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners.

ADJOURNMENT:

CERTIFICATION

I, Patricia Mead, Community Development and Resources Recording Secretary, do hereby certify that a copy of the foregoing Agenda was posted at City Hall a minimum of 72 hours prior to the meeting.

/s/ *Patricia Mead*

PATRICIA MEAD
RECORDING SECRETARY

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the Police Department, by the Community Development and Resources Commission Recording Secretary at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.



In compliance with the Federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission, or

Committee meeting due to a disability, please contact the City Clerk's Office at least 48 business hours in advance of the meeting (209) 357-6205. You may also send the request by email to pmead@atwater.org



CITY OF ATWATER

COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

March 16, 2016

CALL TO ORDER:

The City of Atwater Community Development and Resources Commission met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Brice presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Chairperson Brice.

INVOCATION:

Chaplin was not present.

ROLL CALL:

Present: Commissioners Brice, Dash, Hyler III, McWatters, Murphy III, Reed,

Absent: Daugherty

Staff Present: City Attorney Rosie Ruppel, Police Lieutenant Joseph, Community Development Director McBride, Recording Secretary Mead.

Staff Absent: Interim Public Works Director Faretta, Senior Planner Hendrix, Recreation Supervisor Barton,

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

LEE, Eric of 1199 Atwater Blvd Atwater, conveyed his concerns pertaining to the left hand turn pocket(s) located southbound Buhach Road; turning left onto Green Sands Avenue (traveling east) and northbound Buhach Road turning left onto Green Sands (traveling west). He described the close proximity of the vehicles whilst turning and the potential hazard for a collision. Lee asked the commission to review the area. Lee further reported on the intersection of Shaffer Road and Atwater Boulevard. He suggested creating a setback of 8 Feet to allow more turning radius for commercial vehicles merging onto Atwater Boulevard traveling southbound toward the Hwy 99 onramp. Lee asked the commission to consider a setback.

MINUTES:

Regular Meeting, February 17, 2016

MOTION: Commissioner Dash moved to approve the minutes. The motion was seconded by Commissioner Hyler III and the vote was: Ayes: Brice, Dash, Hyler III, McWatters, Murphy III, Reed; Noes: None; Absent: Daugherty. The motion carried.

PUBLIC HEARINGS:

Adopt Community Development and Resources Commission Resolution No. 015-16 approving Site Plan No. 704-16 and adopt Resolution No.16-16 approving Conditional Use Permit No. 543-16. (Applicant Bryan Hernandez)

Chairperson Brice opened the Public Hearing

Chairperson Brice closed the public hearing however Chairperson Brice allowed for the applicant to address questions.

LIM, Christine with Golden Valley Engineering answered questions from Commissioner Dash, Reed, and Brice pertaining to the removal of existing buildings, the construction of a block wall on the property, landscaping requirements, signage and the construction of a trash enclosure.

HERNANDEZ, Jesus representative for the applicant explained the lot will be used for "sale ready" vehicles. He acknowledged if the City requires a trash enclosure, he will comply.

Hylar III provided a comment for the record. "I appreciate what you are trying to do down in that side of Atwater, it's obviously a blight and so I appreciate any development trying to fix it up. I just would...Should the commission decide to go forward with this; I would just really appreciate it if we would limit the on street parking. We don't need any more on street parking down there it's pretty dangerous. For the public record I just want to make that clear."

Chairman Brice re-closed the Public Hearing.

MOTION: Commissioner Hylar III moved to adopt Resolution No 015-16 approving Site Plan No. 704-16; Motion to adopt Resolution No. 016-16 approving Conditional Use Permit 543-16. The motion was seconded by Commissioners Murphy III and Reed and the vote was: Ayes: Brice, Dash, Hylar III, McWatters, Murphy III, Reed; Noes: None; Absent: Daugherty. The motion carried.

Review of Conditional Use Permit No. 540-15. If desired, adopt Community Development and Resources Commission 017-16 revoking approval of Conditional Use Permit No. 540-15. Review requested by CD&R Commission.

Chairperson Brice opened the Public Hearing

OCHOA, Russell Acting Sales Manager of Choice Motors/Western Motors addressed the commission by reading a prepared statement. Ochoa apologized for the issues resulting from the sale events. He reported the event coordinator Jesse Diaz is no longer with the company. Ochoa commented on the sales tax revenue generated for the City of Atwater from the events.

LIPPINCOTT, Lance Attorney at Law on behalf of the owner Khalid Dalia, Choice Motors/Western Motors addressed the commission and recognized the issues. He reassured the commissioners the issues have been corrected and the owner wants to be compliant. Lippincott will have a representative from the Attorney's Firm attend the event to make sure they are compliant.

LEE, Eric of 1199 Atwater Boulevard, reported the area has a lack of business in that area and any business is good business. Lee spoke in favor of the business to have another chance. Lee pointed out the City of Atwater has a new Code Enforcement Officer to address any issues that may arise.

No action was taken.

Recommend that the City Council adopt City Council resolution No. 2879-16 approving Planned Development Final Development Plan No 03-3. Amendment No. 2. Applicant Blue Mountain Construction.

Chairperson Brice opened the Public Hearing

VAN-HORN, William spoke in favor of the project. He reported he solicited the purchase for this home a couple of months ago. Van-Horn reported the existing lot is the only lot without improvements and wanted to let the commission know he has moved out of the home was renting, which has now been sold, awaiting the home to be built and now is living with his in laws. He wanted the commission to know his family is displaced at this time and wanted to know if there is a way to expedite the process.

Chairperson Brice closed Public Hearing

MOTION: Commissioner McWatters moved to recommend to the City Council to adopt City Council Resolution No.2879-16 approving Planned Development Final Development Plan No. 03-3 Amendment No. 2. The motion was seconded by Commissioners Dash the vote was: Ayes: Brice, Dash, Hyler III, McWatters, Murphy III, Reed; Noes: None; Absent: Daugherty. The motion carried.

COMMISSIONER MATTERS

Comments from Community Development and Resources Commissioners

Commissioner Reed - None

Commissioner Murphy III – Inquired of Scott McBride whether or not the Atwater Boulevard /Winton Way construction project will allow for a right hand turn onto Winton Way. Scott reported the traffic lanes will result with a left hand turn, a thru lane and a thru right hand turn lane. McBride explained the lanes will shift south to accommodate the new sidewalk at the intersection. Murphy III further asked for an update on the clothing storage bins. Murphy III reported furniture is being dumped beside the bin behind Sure Stop located on Broadway Avenue. LT Joseph explained the City of Atwater is working with the City Attorney’s office to remedy the situation.

Commissioner Hyler III inquired about the clothing bin located near Commerce Avenue, across from Applebee’s Restaurant. Community Development Director McBride explained the City Attorney’s are working on a settlement agreement pertaining to the bin. Hyler III inquired if the City of Atwater has an ordinance for recycling stations and if the clothing bins fall under the same ordinance. Community Development Director McBride explained the two entities are different. He further explained the new provisions and requirements for clothing bins.

Commissioner Dash thanked Community Development Director McBride for recommending the commissioners to the Planning Commission School. Dash reported it was informative.

Commissioner Brice wished Commissioner Dash a Happy Birthday.

ADJOURNMENT:

The meeting adjourned at 7:10 PM.

APPROVED:

Chairperson Brice

ATTEST:

Patricia Mead, Recording Secretary

Amazing Grace Holiness Tabernacle
1399 Grove Ave.
Atwater, CA 95301



To the City Council Members of Atwater, CA:
March 16, 2016

Our church, Amazing Grace Holiness Tabernacle, would like to organize and hold an open air community event under a Gospel tent. The purpose of this event is to minister across denominational and social lines, and to bring faith and hope out of the church building and into the community. We especially desire to minister to the poor and hurting in our city. This event is called City Reach.

We would like to hold this event in Ralston Park, in the open grassy area immediately across from our church, located at the corner of Fifth and Grove in Atwater. We would like to hold the event starting Sunday, May 8th - 15th. We would like to set up the tent on Saturday, May 7th and would take it down on Monday, May 16th.

We respectfully request your approval to use this part of our City Park to hold this event.

Rev. Jared Burris


209-769-9358
JBurris@outdrs.net

Patricia Mead

From: Margarita Saavedra
Sent: Wednesday, April 06, 2016 2:30 PM
To: Patricia Mead
Subject: FW: Block Party 2016

Patty, does this need to go to your Commission?

Thank you,

Margarita

Subject: Request from White Pines Court Neighborhood

Request: To block off White Pines Court for 4th of July Block Party 2016

Date: July 4, 2016 from 4:00PM thru 12:00AM

Location: White Pines Court - located off Augusta Lane in Atwater.

Message to City Council Members:

Please feel free to come and enjoy our bbq pot luck dinner and small family entertainment. I would like to thank you for letting us have our block party for the past 3 years. The families enjoy it and it gives us a chance to meet our new neighbors that have just recently moved in.

Adam Aguilar
209-356-8083

ATWATER PENTECOST ASSOCIATION



Post Office Box 331 Atwater, CA 95301

March 17th, 2016

City of Atwater

750 Bellevue Road

Atwater, CA 95301

To Whom It May Concern:

The APC organization is currently organizing the annual Atwater Pentecost Association Celebration of the Holy Spirit Festa on Sunday, June 26th, 2016. The festa will consist of the following:

8:30am- Parade from the Atwater Pentecost Hall to St. Anthony's Church will begin forming and end back at the Hall after mass.

9:00am- Parade begins

10:00am- First serving of sopas to the public will be served (free to the public)

2:00pm- Live auction and bazaar at the APC Hall.

7:00pm-Sopas will be served to the public (free to the public)

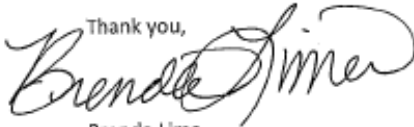
8:00pm-12:00am- Dance by Luso Tones (free admission)

We are requesting your assistance and approval for the parade that will travel from the APC Hall to Anthony's Church then return back to the APC Hall after mass.

The Parade will begin at 9:00am down Third Street, to Broadway, down Broadway, to Winton Way, turn right on Winton Way, and proceed to St. Anthony's Church.

The return route after mass will leave church down to Winton Way, to Grove Ave., down Grove Ave., to Third St., right on Third St., to the APC grounds.

Please inform us as to what needs to be done for your assistance. If you have any questions, please call or email Brenda Lima at (209) 777-5462 or bandabl@aol.com

Thank you,

Brenda Lima
APC Secretary

**RECOMMENDATION TO OPEN THE HEARING, OBTAIN
TESTIMONY FROM THE PUBLIC, AND ADOPT COMMUNITY
DEVELOPMENT RESOURCES COMMISSION RESOLUTION NO.
018-16 APPROVING CONDITIONAL USE PERMIT NO. 544-16
(MOTORCYCLE REPAIR SHOP @ 1789 SYCAMORE AVENUE)**

RECOMMENDATION:

It is recommended that the Community Development and Resources Commission take the following actions:

1. Open the Hearing to obtain testimony from the public; and,
2. Adopt Resolution No. 018-16 approving Conditional Use Permit No. 544-16.

BACKGROUND:

Staff has received a Conditional Use Permit application from Roberto Muñiz requesting establishment of a motorcycle repair shop at 1789 Sycamore Avenue.

Currently this site is surrounded by the following uses: This site is surrounded by older light industrial buildings to the north and east, west is vacant business park land and to the south is Highway 99.

ANALYSIS:

The project site is located within a Business Park (B-P) Zoning District and has a General Plan land use designation of Business Park. Repair shops are an allowable use within a Business Park Zone with approval of a Conditional Use Permit. The entire parcel is approximately 1.20+/- acres in area but the project site only uses one of the four buildings located on the parcel. The site is located at 1789 Sycamore Avenue and is also known as Merced County Assessor's Parcel No. 001-146-011.

Applicant is proposing to use the site mainly as it exists today. The parking stalls located adjacent to the building will be used as parking for patrons and employees. The applicant will not be using the entire parcel for this project but only one of the buildings onsite. The existing building will not be receiving any exterior upgrades. The interior of the building will be slightly reconfigured to suit the needs of the new business. Since no automatic fire suppression system is located within the building, staff has added the condition that no welding and no cutting torches are to be used within the building. Applicant will need to construct

a refuse enclosure on the site as one does not exist at this time. The location of the enclosure will need to be reviewed and approved by Staff prior to installation.

ENVIRONMENTAL:

The Site Plan for this project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3).

CONCLUSION:

This report is submitted for Community Development and Resources Commission review and possible action.

Respectfully submitted,

Justin D. Hendrix

Justin D. Hendrix
Senior Planner
City of Atwater



**COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

RESOLUTION NO. CDRC 018-16

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION OF THE CITY OF
ATWATER APPROVING CONDITIONAL USE PERMIT NO.
544-16 (MOTORCYCLE REPAIR SHOP @ 1789
SYCAMORE AVENUE)**

WHEREAS, the Community Development and Resources Commission of the City of Atwater has reviewed Conditional Use Permit No. 544-16 as submitted by Roberto Muñiz, requesting approval to establish a motorcycle repair shop at 1789 Sycamore Avenue; and,

WHEREAS, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, April 20, 2016; and,

WHEREAS the Community Development and Resources Commission held a duly noticed public hearing as required by laws to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and,

WHEREAS, ___ person(s) spoke in favor of the project, ___ person(s) spoke in opposition of the project and ___ written comment(s) have been submitted either in opposition or in favor of the project; and,

WHEREAS, the site can accommodate the aforesaid use and proposed structure and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have an adverse effect on the community; and,

WHEREAS this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15061(b)(3); and,

WHEREAS, the Community Development and Resources Commission finds that the following findings can be made for this Conditional Use Permit Amendment:

1. This application proposes to establish a motorcycle repair shop at 1789 Sycamore Avenue.
2. That the site is located within a Business Park (B-P) Zone District.
3. That the site is designated as Business Park by the Atwater General Plan.
4. That this use is considered a Conditional Use and with the conditions set forth by this resolution will meet the intent of the Business Park Zone District.
5. That this project is consistent with all elements of the Atwater General Plan.
6. That all the mandatory findings set forth in Section 17.71.010 of the Atwater Zoning Ordinance can be made.
7. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(b)(3).

WHEREAS, subject to the conditions identified below, the use is in conformance with the codes and standards of the City of Atwater; and,

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission of the City of Atwater does hereby approve Conditional Use Permit No. 544-16 subject to the following conditions:

1. That the project shall comply with the most current California Code of Regulations, Title 24, parts 1 through 6, 8 through 10 and 12, the most current Fire, Life and Safety Codes and Title 15 of the Atwater Municipal Code, including all amendments thereto.
2. That there shall be compliance with the most recent Americans With Disability Act (ADA) regulations.
3. That applicant/developer shall submit building plans and obtain all necessary permits prior to commencement of construction.
4. That the applicant shall pay all required fees prior to issuance of a Building Permit.
5. That the applicant shall obtain a City business license prior to commencement of the business.
6. That prior to installation, all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the Community Development Department.
7. That all onsite graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City graffiti ordinances.
8. That if the applicant provides onsite outdoor lighting. The lighting shall be shielded downward and away from public right of ways and adjacent properties.
9. That the applicant shall not be allowed to use the site until all required improvements are completed and accepted by the City.
10. That the applicant shall not install parts or repair vehicles within the parking lot area, all installations and repairs shall be conducted indoors.
11. That no canopy type structures shall be allowed on the site.
12. That the applicant shall store all materials and parts related to the use indoors. This shall include storage of all vehicles related to the use.

13. That no welding or use of a cutting torch shall be allowed. If the applicant chooses to utilize one or both of these devices the applicant will be required to install an automatic fire suppression system within the building.
14. The applicant shall construct a refuse enclosure. The enclosure shall include a concrete slab at the entrance to the refuse container to be moved forward for pick up. The enclosure shall be constructed of concrete block and include a concrete foundation and bottom, including a bumper block to protect the block wall from damage by the refuse container. The enclosure shall have locking gates. The gates shall be constructed of chain link with slats or other approved solid materials. The enclosure shall be accessible to refuse trucks. Landscaping shall be provided that, when mature, limits the visibility of the refuse enclosure. This can be accomplished with vining plants or appropriate type of bushes. Location of the enclosure shall be reviewed and approved by the Community Development Department.
15. That any violation of the Atwater Municipal Code can be grounds for revocation of the Conditional Use Permit.
16. That the Community Development and Resources Commission shall retain the right to reconsider Conditional Use Permit No. 544-16 at anytime.
17. That this CUP shall expire in six (6) months from the day of approval if the business has not started. A six month extension may be granted by the Community Development and Resources Commission.
18. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 20th day of April, 2016.

AYES:
NOES:
ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

JUSTIN D. HENDRIX, SECRETARY

To whom it may concern:

Myself Roberto Muniz and my brother Rafael Muniz jr. are looking for an opportunity to open our own motorcycle repair shop located on, 1789 Sycamore avenue in the city of Atwater. My brother and I have completed our technical school, graduating from Wyotech, in 2008. We have been employed full time at Madera Honda suzuki since 2008. We share a passion in the motorcycle industry, and would like to bring a much needed business to our hometown of Atwater, by providing excellent service to our customers. Specializing in all types of motorcycles, atv's, and utv's.

Types of services:

Electrical diagnosis and repairs
Engine/Transmission rebuild
Suspension rebuild
Tire changes
Oil Changes
Basic/Full service

Hours of operation:

Monday 8-6
Tuesday 8-6
wednesday 8-6
Thursday 8-6
Friday 8-6
Saturday closed
Sunday closed







General Plan Extensions

[Download extensions application form](#)

[Background](#)

[Application Requirements](#)

[California Environmental Quality Act \(CEQA\)](#)

[Application Review Procedure](#)

[Conditions of Approval](#)

[Completion of Extended Element\(s\)](#)

[Second Extensions](#)

BACKGROUND

California Government Code Section 65361 authorizes the Director of OPR to grant "general plan extensions" to cities and counties. An extension relieves a city or county of the requirement that it adopt a complete and legally adequate general plan or, in the case of a new city, that it adopt its plan within a specific time period. For counties and most cities an extension may apply to any portion of the general plan which is being or will be prepared or revised, except the housing element. New cities, however, may request an extension for all portions of their general plan, *including* the housing element.

The grant of an extension temporarily waives state laws requiring consistency between local decisions and the portion of a plan subject to the extension. This allows local officials to continue acting on zoning, subdivisions, and related matters in the absence of a complete or adequate general plan. Local government decisions, however, must still conform to those provisions of the general plan excluded from the extension, to the extent specified by state and local laws. Also, local decision makers must comply with any conditions of approval imposed by OPR in granting the extension.

Cities and counties are not required to obtain an extension to complete or revise their general plans. In fact, most revisions occur without OPR's involvement. At times, however, a general plan extension may facilitate the local planning process by allowing the jurisdiction to focus its energies on its general plan update without the distraction of threats of lawsuit challenging its plan's adequacy.

OPR's Director may grant an extension of up to two years in duration. The Director may grant a second extension, which shall not exceed one additional year, if the director determines that an applicant has made substantial progress toward completing or revising the covered elements. Only one such second extension is allowed by law.

Section 65361(c) provides that "the director may impose any conditions on extensions of time ... that the director deems necessary to ensure compliance with the purposes and intent of this title." Conditions apply only to those portions of the general plan that are subject to the extension. These conditions may affect the city or county's subdivision, zoning, use permit, variance, and building permit decisions. In addition, they may restrict the approval of general plan amendments and development agreements. The particular conditions imposed by the Director will depend upon the circumstances of the city or county.

A jurisdiction should contact OPR before its local legislative body adopts the resolution of application required under Government Code Section 65361(b)(1). Local staff should discuss the application requirements, criteria for a complete application, and OPR's processing of the extension request prior to filing an extension request. Please contact OPR's Planning Unit at (916) 445-0613 for information.

APPLICATION REQUIREMENTS

An application for a general plan extension must include the five items listed below (see also Section 65361(b)).

1. General Plan Extension Application Form

The application form is attached to this information packet

2. Resolution of the Local Legislative Body

The request for a general plan extension must include a resolution of the local legislative body, adopted after a public hearing. The resolution must set forth:

1. The existing element(s) of the local general plan for which the extension is being requested. This may include both required and optional elements.
2. The amount of time needed for preparing and adopting the proposed general plan or part(s) thereof. Note that an extension takes effect on the date it is granted by OPR's Director, not the date of the local legislative body's resolution.
3. Detailed reasons why the general plan has not been adopted or needs revision. These should explain the specific local circumstances that have precluded adoption or created the need for revision. Pertinent discussion may be appended to the resolution and adopted by reference. The reasons must include at least one of the following findings from Government Code Section 65361(a), and the resolution should specify which of the findings is being made.
 1. Data required for the general plan shall be provided by another agency and it has not yet been provided.
 2. In spite of sufficient budgetary provisions and substantial recruiting efforts, the city or county has not been able to obtain necessary staff or consultant assistance.
 3. A disaster has occurred requiring reassignment of staff for an extended period or requiring a complete reevaluation and revision of the general plan, or both.
 4. Local review procedures require an extended public review process which has resulted in delaying the decision by the legislative body.
 5. The city or county is jointly preparing all or part of the general plan with one or more other jurisdictions pursuant to an existing agreement and timetable for completion.
 6. Other reasons exist which justify the granting of an extension, so that the timely preparation and adoption of a general plan is promoted.

Findings should be specific and address the issues at hand. A finding is more than a statement of fact; in order for a statement to be a legally recognized finding, it must bridge the analytical gap between raw data and ultimate conclusion (Topanga Association for a Scenic Community vs. County of Los Angeles, 11 Cal.3d 506, 1974). In other words, it must explain how the facts relate to the assertion being made. Findings may incorporate supporting information by reference. Referenced sources must also be included when applying for an extension.

As previously noted, if a city or county is applying for an extension, its representatives should consult OPR prior to the adoption of the resolution of application. This will help to assure that the contents of the resolution meet statutory requirements.

3. Detailed Budget and Schedule for Plan Preparation and Adoption:

Each applicant must submit a budget and schedule for the preparation and adoption of the general plan element(s) for which an extension is sought. The materials should include plans for citizen participation and interim action. The detailed budget and schedule must provide for adoption of a complete and

adequate plan within two years of the date of application. The budget and schedule must be sufficiently detailed to allow OPR to assess the applicant's progress during the extension.

The budget should indicate:

1. The amount of funds allocated to the project.
2. The allocation of funds among consultant services (if applicable) and local staff.

The schedule should include:

1. Major tasks to be undertaken in preparing or revising the general plan (e.g., appointment of citizen committees, data collection (specify types), formulation of goals and policies).
2. Projected starting and completion dates for each task.
3. Identification of individuals responsible for specific tasks (e.g., local planning staff, consultant, other local staff).
4. Descriptions of and completion dates for major interim products to be completed prior to the final document (e.g., technical reports, draft plan alternatives).
5. The anticipated occasions for citizen participation and review, planning commission review and approval, and governing body review and adoption.
6. Methods for obtaining citizen participation.

If you are already working on a general plan element(s) for which your city or county is seeking the extension, please briefly describe the work to date, and follow the above format for remaining tasks. If a consultant is to be used for all or a portion of the work program, please submit a copy of the consultant's proposed work program with your application or as soon as it is available.

4. Proposed Policies and Procedures:

The application must include a set of proposed policies and procedures. Their purpose is to suggest possible means by which the jurisdiction could ensure that land use decisions made during the extension will not interfere with the general plan proposals being considered or studied.

OPR's Director may use the suggested policies and procedures as a basis for the extension conditions of approval or may modify them as necessary. Where there is a conflict between the proposed policies and the conditions of approval, the Director's conditions will prevail.

Extension applicants are often at an early stage in the planning process. They may not yet have planning studies or sufficiently comprehensive general plan drafts. Under these circumstances, the policies and procedures should keep local planning options open while simultaneously guiding decisions related to rezonings, subdivisions, and other land use entitlements under consideration during the extension.

Cities or counties that have already prepared planning proposals or draft general plan documents should consider using these as a basis for their proposed policies and procedures. The extension application should include copies of these proposals or draft documents.

In either case, the policies and procedures should facilitate and provide a rationale for land use project evaluations and decision making during the extension. These policies and procedures may include any planning and regulatory functions authorized by law.

5. Additional Materials Required:

In order to evaluate the extension request and determine appropriate conditions of approval, the following background materials should be included with the application:

1. Copies of your jurisdiction's general plan, zoning and subdivision ordinances, and any specific plans, area plans, or community plans. If a draft general plan has been completed, a copy of that draft.
2. Copies of documents associated with pending litigation pertaining to the general plan, if any.
3. Copies of any interim ordinances, (e.g., growth management, interim zoning).
4. A list of projects that are currently being processed or that are expected to be filed in the near future. This should include general plan amendments, rezonings, tentative subdivision maps, conditional use permits, planned unit developments, specific plans, development agreements, or other similar discretionary actions. Building permits and final subdivision maps should not be included on this list. Please provide the project name, location, proposal, and status.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The granting of an extension by OPR is not subject to CEQA. Nevertheless, CEQA still applies to local government approvals of discretionary projects during the extension period, including adoption of the general plan element(s) affected by the extension.

APPLICATION REVIEW PROCEDURE

When OPR receives an extension request, the application is assigned to a staff member. The staff member evaluates the application and notifies the city or county if additional information is required or if changes in the resolution, budget or schedule appear necessary to ensure compliance with state law.

Subsequent to reviewing the request, OPR's Director will notify the extension applicant, in writing, regarding approval of the extension. The Director's letter granting the extension will set forth the conditions required to ensure compliance with the State Planning and Zoning Law. These may include modification of the jurisdiction's proposed policies or procedures.

OPR fully expects jurisdictions receiving extensions to make steady progress on the general plan revision according to their submitted schedules. OPR also expects cities and counties to abide by the extension conditions of approval.

CONDITIONS OF APPROVAL

Government Code Section 65361 empowers the Director of OPR to impose those conditions on extensions of time which are necessary to ensure compliance with state planning law. The conditions are tailored to the particular circumstances of the involved city or county and will vary from extension to extension.

OPR's further intent in establishing extension conditions is to protect the integrity of the plan update process, to the extent possible, by preventing a jurisdiction from foreclosing its planning options. Although the actual conditions of approval will vary, the following examples illustrate the sort of conditions that are commonly applied:

1. The city shall not amend its existing general plan during the period of this extension, except as may be necessary to:
 1. Comply with a specific state or federal requirement, such as the California Hazardous Waste Management Act.
 2. Revise or implement administrative or impact fees pursuant to the California Government Code.
2. The city shall neither accept application for, nor consider, any development agreement, vesting tentative map, or other agreement which vests and legally precludes unilateral changes in land use by the city.
3. During this extension, the County shall not initiate or accept applications for, process, or adopt any specific plans.
4. The city may continue to process and consider those projects which were filed prior to the effective date of this extension provided that the city shall not approve such applications unless it makes written findings, based on substantial evidence in the record, that: (1) the project is consistent with the existing general plan, (2) there is a reasonable probability the project will be consistent with the proposed general plan, and (3) there is little or no probability the project will be detrimental to or interfere with the future adopted general plan.
5. This extension shall not release the City from continuing to comply with the requirements of applicable State, federal, and California law including the California Environmental Quality Act (CEQA).
 1. The city may approve a discretionary land use project, as defined below, only when it makes written findings, based on substantial evidence in the record, that: (1) the project is consistent with the existing general plan, (2) there is a reasonable probability the project will be consistent with the proposed general plan, and (3) there is little or no probability the project will be detrimental to or interfere with the future adopted general plan.
 2. For the purposes of this extension, "discretionary land use project" includes zoning ordinance adoptions or amendments (e.g., rezonings); tentative

subdivision and parcel maps; parcel maps for which no tentative maps are required; conditional use permits; zoning variances; design, site plan, architectural, or historic preservation reviews; planned developments; and public works/capital improvements projects (except for those projects necessary for the maintenance or public health and safety).

"City" includes the City Council, planning commission, planning advisory council, and any County official, commission, committee, board, or individual delegated administrative responsibilities under city ordinances and policies.

COMPLETION OF EXTENDED ELEMENT(S)

When the jurisdiction completes the general plan element(s) for which an extension has been granted, the legislative resolution adopting the element should be submitted to OPR along with a copy of the adopted element(s). Submission of an adopted element does not constitute OPR endorsement of the element's adequacy. Completion of the elements and their adoption terminates the extension.

SECOND EXTENSIONS

In the event that jurisdiction will not be able to complete a general plan or plan element within the authorized extension period, it may request a second extension that shall not exceed one year. The application process is the same as that for the first extension. That is, the jurisdiction's legislative body must adopt a resolution requesting a second extension, providing the required findings and reasons why additional time is needed. The application must also submit another budget and work program, revised if necessary to reflect a new schedule of progress during the third year. Further, the application must include a set of proposed policies and procedures as described previously.

Before OPR can approve a second extension, the jurisdiction must demonstrate that it has made substantial progress toward completion of the general plan or plan elements for which the first extension was granted. Toward this end, the jurisdiction should include sufficient documentation in its second extension application to demonstrate substantial progress. Unlike the first extension, approval of a second extension is subject to the discretion of the Director of OPR.

If a jurisdiction needs a second extension, it should contact OPR at least four weeks before the first extension expires. The city or county should be sure that the length of time it requests for the second extension, if less than one year, is adequate to complete the plan revision process, because OPR's Director is statutorily prohibited from granting an additional extension.