



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: DECEMBER 9, 2025

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 6
DEPARTMENT

SUBJECT: PR-2024-001761 (MISC) – MODIFICATION OF CONDITIONS – A REQUEST TO CONSIDER A PROPOSAL BY JUSTIN HEILEMAN TO MODIFY CONDITION OF APPROVAL #6 RELATED TO VESTING TRACT MAP 22291 REQUIRING A COVENANT PRECLUDING FURTHER SUBDIVISION OF CERTAIN LOTS WITHIN THE MAP APPROVED IN 1987 – LOCATED AT 2954 EVERWOOD DRIVE, ON THE WESTERLY TERMINUS OF EVERWOOD DRIVE

ISSUE:

Approve a request by Justin Heileman to modify Condition of Approval #6 related to Vesting Tract Map 22291 (TM-22291) precluding further subdivision of specific lots.

RECOMMENDATIONS:

That the City Council:

1. **DETERMINE** that the project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, as it can be seen with certainty that the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2024-001761 (MISC) Modification of Conditions to modify Condition of Approval #6, subject to the recommended conditions of approval.

BACKGROUND:

On September 17, 1987 the City Planning Commission approved TM-22291 to subdivide approximately 44 acres into 82 lots for residential purposes (Attachments 1 and 2). On December 15, 1987, the City Council approved Resolution No. 16688 accepting the final map (Attachment 3).

Condition of Approval #6 for TM-22291 states the following:

“Prior to map adoption, a covenant acceptable to the Planning and Legal Departments precluding the further subdivision of any lot within this subdivision shall be executed.”

The covenant was intended to preserve the hillside and maintain large, estate-type lots on 11 of the newly created lots. Records show that a covenant and agreement was recorded on December 18, 1987, to satisfy Condition of Approval #4, prohibiting further subdivision of Lots 30, 31, 34, 35, and 40 through 46 of TM-22291 (Attachment 4). Single-family residences were subsequently

constructed on all of the lots within the tract, with the exception of the subject property (Lot 44), which has remained vacant.

Senate Bill (SB) 9 (Atkins) took effect January 1, 2022, which requires all California cities to allow the construction of up to two primary dwelling units and/or subdivision of one lot into two (urban lot split) on most single-family zoned lots, provided they meet the criteria established in California Government Code Sections 65852.21 (which regulates two-unit developments) and 66411.7 (which regulates urban lot splits). SB-9 requires cities to approve eligible projects ministerially, meaning subject only to objective standards and without design or other discretionary review.

DISCUSSION:

The applicant is requesting approval to modify Condition of Approval #6 to remove the prohibition on further subdivision in accordance with State law. The modified Condition of Approval would read (Attachment 5):

“A covenant acceptable to the Planning and Legal Departments precluding the further subdivision of any lot within this subdivision, except as explicitly required by state law, shall be executed.”

Revising the condition would allow property owners of the conditioned lots above to administratively revise the existing covenants to subdivide and develop in accordance with SB-9. Additionally, due to the requirements of SB-9 and the topography of many of the lots listed above, the parcels would continue to maintain an estate-type feel while also being able to preserve and protect natural open space, consistent with other properties in the area. All other sections of the covenant shall remain in place; valid and enforceable.

There are currently no formal entitlements under consideration for development of the subject property. Future development will be required to obtain the necessary permits and comply with all development standards and policies of State Law, the General Plan, and the Zoning Code.

Public Notice and Comments

Public notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by staff regarding this project.

FISCAL IMPACT:

There is no fiscal impact associated with this action since all project costs are borne by the applicant.

Prepared by:	Veronica Hernandez, Senior Planner
Approved by:	Jennifer Lilley, Director of Community and Economic Development
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Rebecca McKee-Reimbold, Interim City Attorney

Attachments:

1. Planning Commission Staff Report and Conditions of Approval – September 17, 1987
2. Planning Commission Minutes – September 17, 1987
3. Resolution No. 16688 – December 15, 1987
4. Recorded Covenant and Agreement – December 18, 1987
5. Recommended Conditions of Approval
6. Presentation