



**SPECIAL AGENDA
CITY OF GUSTINE
PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
OCTOBER 29, 2014 – 7:00 P.M.**

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members: Martens, Oliveira, Hasness, Vice-Chairperson Marsigli,
Chairperson Gandy & Ex-Officio Anderson

PRESENTATIONS

ORAL COMMUNICATIONS

At this time, any person may comment on an item, which is not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Members of the public, who have questions regarding a specific agenda item, may comment on that item before consideration of that item by the Planning Commission, when recognized to do so by the Chairman.

CONSENT CALENDAR

ADMINISTRATIVE AGENDA

1. PUBLIC HEARING – Tentative Map APN: 020-046-030

1. *Receive Staff Report*
2. *Open the public hearing*
3. *Close the public hearing*
4. *Consider a motion to approve the resolution*

2. PUBLIC HEARING – Tentative Map APN: 020-072-040

1. *Receive Staff Report*
2. *Open the public hearing*
3. *Close the public hearing*
4. *Consider a motion to approve the resolution*

CITY PLANNER REPORT

PLANNING COMMISSION REPORTS

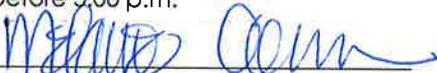
ADJOURNMENT

Note:

1. In compliance with the Americans with Disabilities Act, a disabled person requesting a disability-related modification or accommodation to participate in this meeting, must contact City Hall at (209) 854-6471 or (209) 854-2127 (fax). Requests must be made as early as possible, preferably one-full business day before the start of the meeting.
2. Any document provided to a majority of the Planning Commission regarding any open session item on this agenda is available for public inspection during normal business hours at the front counter of City Hall located at 352 5th Street, Gustine, CA. Documents or writings received after the general distribution of the agenda are also available for inspection.

CERTIFICATION

I, Melanie Correa, Deputy City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the Gustine City Hall, 352 5th Street, Gustine CA and made available for public review on this 23th day of October, 2014, at or before 5:00 p.m.



Melanie Correa



ITEM NO. 1

SPECIAL PLANNING COMMISSION AGENDA ITEM

OCTOBER 29, 2014

PREPARED BY: SEAN SCULLY, ASSISTANT CITY MANAGER

SUBJECT: Public Hearing: Tentative Map – 020-046-030

BACKGROUND/ DISCUSSION:

Staff has received an application requesting subdivision of a 1.15 acre parcel identified as APN – 020-046-030 into one .76 acre parcel and one .38 acre parcel. This parcel is located on the southeast corner of 3rd Ave and Highway 33/140. The parcel size is approximately 50,000 square feet after a pending lot line adjustment currently in approval by the City Engineers office. The lot line adjustment increased the lot size to its current 125' by 400' dimension by adding approximately 50' of Union Pacific right-of-way.

The tentative map proposes splitting of the lot into two separate parcels. If approved the northern parcel would measure be approximately 33,291 square feet and the southern parcel (which currently houses Texas burger restaurant) would measure approximately 16,709 square feet. The larger northern parcel has been the subject of a current economic development project by the property owner attempting to attract a large commercial retail business. The subdivision would allow for the property owner to market the parcel separate of southern parcel (which currently houses Texas Burger Restaurant). The subdivision also allows for the movement and creation of additional parking on the north end of the property. See attached map for graphic representation of the proposed Tentative Map.

ANALYSIS:

Based on staff's analysis the tentative map request conforms to the components of the Gustine Zoning Ordinance as well as the Gustine General Plan. The tentative map request (along with the lot line adjustment) creates an individual parcel for Texas Burger as well as a developable parcel to the north. Prior to the requested lot changes the parcel to the north had dimensions that would have made commercial development more difficult due to current parking, setback, landscaping and other municipal code related requirements. It appears that with a larger parcel, the City development standards will be more easily complied with when the parcel finally builds out.

The City Engineer has reviewed the proposal (in conjunction with the lot line adjustment) and has ensured compliance with all applicable engineering, and subdivision map act components. The attached map (attachment 2) will be used to

identify the specific legal components of the subdivision of land.

REQUIRED FINDINGS OF APPROVAL/DENIAL:

§4-61-070 of the Gustine Zoning Ordinance states the following regarding findings for approval :

“The review authority may approve a Tentative Map only after first finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for denial in Subsection C. can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.”

Findings for denial are as follows:

1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable specific plan;
2. The site is not physically suitable for the type or proposed density of development;
3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the City Engineer or other applicable review authority that the conditions can be corrected in the plan for the development; or
8. The proposed subdivision is not consistent with all applicable provisions of this Zoning and Subdivision Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

Based on Staff's review staff believes that the subdivision is compliant with the provisions states in findings of approval.

RECCOMENDED ACTION:

Planning Commission approve the attached resolution recommending approval of the Tentative Map Application as is attached.

If approved by Council the applicant will then be able to submit directly to Council a parcel map request which is the final approval needed prior to submission of the document to the County recorder for lot subdivision.

EXHIBIT

- A) Resolution Recommending Approval of the Tentative Map.
- B) Map, Environmental Checklist

APPROVED BY:



GREG GREESON, CITY MANAGER

RESOLUTION 2014-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GUSTINE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE PARCEL MAP 2014-01 FOR THE SUBDIVISION OF APPROXIMATELY 1.15 ACRES INTO TWO PARCELS ON ASSESSOR'S PARCEL NUMBER: 020-046-030

WHEREAS, the Gustine General Plan was adopted by the City of Gustine Council February 4 2002, and is the guiding document for land use in the City of Gustine; and

WHEREAS, the subject property has a land use designation of C-2 (General Commercial) pursuant to the Gustine General Plan; and

WHEREAS, the Tentative Parcel Map was reviewed by the City Engineer and City of Gustine Planning Division and complies with the criteria established both within the Subdivision Map Act as well as the City of Gustine standards; and

WHEREAS, the Tentative Parcel Map has been determined to be categorically exempt from the provisions of CEQA per Article 19, Class 32, Section 15315 – Minor Land Divisions and/or §15332 Infill Development Projects; and

WHEREAS, a public hearing notice was advertised in the Gustine Press Standard and mailed to property owners within 300 feet of the site as required by the City of Gustine Municipal Code and Government Code Section 65091; and

WHEREAS, the Gustine Planning Commission has held a public hearing, reviewed said Tentative Parcel Map request and staff report, has studied the compatibility of the applicant's request with the Subdivision Map Act and has considered this request in accordance with the criteria established in the Subdivision Ordinance and Zoning Ordinance of the Gustine Municipal Code; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Gustine does hereby recommend approval to the City Council of Tentative Parcel Map 2014-01 for the subdivision of approximately 1.15 acres of land into two separate parcels as is identified in attachment A, subject to the following Findings and Conditions of Approval;

Findings of Approval:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for denial in Subsection C. (of §4-61-070 Gustine Zoning Ordinance) can be made.

2. The project is categorically exempt from the provisions of CEQA per Article 19, Class 32, Section 15315 – Minor Land Divisions and/or §15332 Infill Development Projects; and

Conditions of Approval:

1. The Tentative Parcel Map shall be consistent with the Gustine Municipal Code and the California Subdivision Map Act.
2. A request for time extension, in accordance with Section 66452.6(a) (1) of the Subdivision Map Act, shall be requested prior to the date of expiration, along with a fee for processing the request and is subject to City Council approval.
3. A Final Map shall be prepared by a Professional Land Surveyor licensed in California or a Professional Engineer licensed in California and qualified to practice land surveying, according to the approved tentative map, the Subdivision Map Act and local ordinances.
4. At time of property development of the northern parcel all necessary frontage improvements along with any off site required public improvements (as required by the City Engineer or California Department of Transportation) shall be completed to City/State standard.
5. Any and all applicable parcel/final map processing fees shall be submitted prior to final recordation of map.

The foregoing resolution was introduced at a special meeting of the Planning Commission of the City of Gustine held on the 29th day of October 2014, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mike Gandy, Chair

ATTEST:

Melanie Correa, Deputy City Clerk



SPECIAL PLANNING COMMISSION AGENDA ITEM

OCTOBER 29, 2014

PREPARED BY: SEAN SCULLY, ASSISTANT CITY MANAGER

SUBJECT: Public Hearing: Tentative Map – 020-072-040

BACKGROUND/ DISCUSSION:

Staff has received an application requesting subdivision of a .92 acre parcel identified as (after lot line adjustment) APN – 020-072-040 into one .46 acre parcel and another approximately .46 acre parcel. This parcel is located at the on the northeast terminus of 5th Ave past and Highway 33/140 (see attached map for more details).

The parcel subdivision removes roughly 51' of railroad right-of-way and creates a separate parcel entirely of approximately the same size as the remaining parcel which will continue to exist as Union Pacific railroad right-of-way/train track area. The subdivision is part of a greater overall economic development project headed by Jose Reynoso. At this time the specific plans for the western (non railroad ROW) portion of the proposed tentative map are still in consideration by the project proponent. The subdivision could allow for use of the property for a commercial or industrial related use at some point in the future.

ANALYSIS:

Based on staff's analysis the tentative map request conforms to the components of the Gustine Zoning Ordinance as well as the Gustine General Plan. The tentative map request (along with the lot line adjustment) creates a parcel with the potential for use individually or when combined with the parcel to the west. The current configuration allows for limited to no use as it is mainly ROW that contains a rail spur and decommissioned rail dock both of which are proposed for removal subsequent to the map approvals.

The City Engineer has reviewed the proposal (in conjunction with the lot line adjustment) and has ensured compliance with all applicable engineering, and subdivision map act components. The attached map (attachment 2) will be used to identify the specific legal boundaries for the subdivision of the land.

REQUIRED FINDINGS OF APPROVAL/DENIAL:

§4-61-070 of the Gustine Zoning Ordinance states the following regarding findings for approval :

“The review authority may approve a Tentative Map only after first finding that the proposed subdivision, together with the provisions for its design and improvement, is

consistent with the General Plan, and any applicable specific plan, and that none of the findings for denial in Subsection C. can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6."

Findings for denial are as follows:

1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable specific plan;
2. The site is not physically suitable for the type or proposed density of development;
3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the City Engineer or other applicable review authority that the conditions can be corrected in the plan for the development; or
8. The proposed subdivision is not consistent with all applicable provisions of this Zoning and Subdivision Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

Based on Staff's review staff believes that the subdivision is compliant with the provisions states in findings of approval.

RECCOMENDED ACTIONS:

Planning Commission approve the attached resolution recommending approval of the Tentative Map Application as is attached.

If approved by Council the applicant will then be able to submit directly to Council a parcel map request which is the final approval needed prior to submission of the document to the County recorder for lot subdivision.

EXHIBIT

- A) Resolution Recommending Approval of the Tentative Map.
- B) Map, Legal Description, Environmental Checklist, Existing Parcel Map

APPROVED BY:



GREG GREESON, CITY MANAGER

RESOLUTION 2014-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GUSTINE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE PARCEL MAP 2014-02 FOR THE SUBDIVISION OF APPROXIMATELY .92 ACRES INTO TWO PARCELS ON ASSESSOR'S PARCEL NUMBER: 020-072-040

WHEREAS, the Gustine General Plan was adopted by the City of Gustine Council February 4 2002, and is the guiding document for land use in the City of Gustine; and

WHEREAS, the subject property has a land use designation of C-2 (General Commercial) pursuant to the Gustine General Plan; and

WHEREAS, the Tentative Parcel Map was reviewed by the City Engineer and City of Gustine Planning Division and complies with the criteria established both within the Subdivision Map Act as well as the City of Gustine standards; and

WHEREAS, the Tentative Parcel Map has been determined to be categorically exempt from the provisions of CEQA per Article 19, Class 32, Section 15315 – Minor Land Divisions and/or §15332 Infill Development Projects; and

WHEREAS, a public hearing notice was advertised in the Gustine Press Standard and mailed to property owners within 300 feet of the site as required by the City of Gustine Municipal Code and Government Code Section 65091; and

WHEREAS, the Gustine Planning Commission has held a public hearing, reviewed said Tentative Parcel Map request and staff report, has studied the compatibility of the applicant's request with the Subdivision Map Act and has considered this request in accordance with the criteria established in the Subdivision Ordinance and Zoning Ordinance of the Gustine Municipal Code; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Gustine does hereby recommend approval to the City Council of Tentative Parcel Map 2014-01 for the subdivision of approximately .92 acres of land into two separate parcels as is identified in attachment A (map), subject to the following Findings and Conditions of Approval;

Findings of Approval:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for denial in Subsection C. (of §4-61-070 Gustine Zoning Ordinance) can be made.

2. The project is categorically exempt from the provisions of CEQA per Article 19, Class 32, Section 15315 – Minor Land Divisions and/or §15332 Infill Development Projects; and

Conditions of Approval:

1. The Tentative Parcel Map shall be consistent with the Gustine Municipal Code and the California Subdivision Map Act.
2. A request for time extension, in accordance with Section 66452.6(a) (1) of the Subdivision Map Act, shall be requested prior to the date of expiration, along with a fee for processing the request and is subject to City Council approval.
3. A Final Map shall be prepared by a Professional Land Surveyor licensed in California or a Professional Engineer licensed in California and qualified to practice land surveying, according to the approved tentative map, the Subdivision Map Act and local ordinances.
4. At time of property development of the northern parcel all necessary frontage improvements along with any off site required public improvements (as required by the City Engineer or California Department of Transportation) shall be completed to City/State standard.
5. Any and all applicable parcel/final map processing fees shall be submitted prior to final recordation of map.

The foregoing resolution was introduced at a special meeting of the Planning Commission of the City of Gustine held on the 29th day of October 2014, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

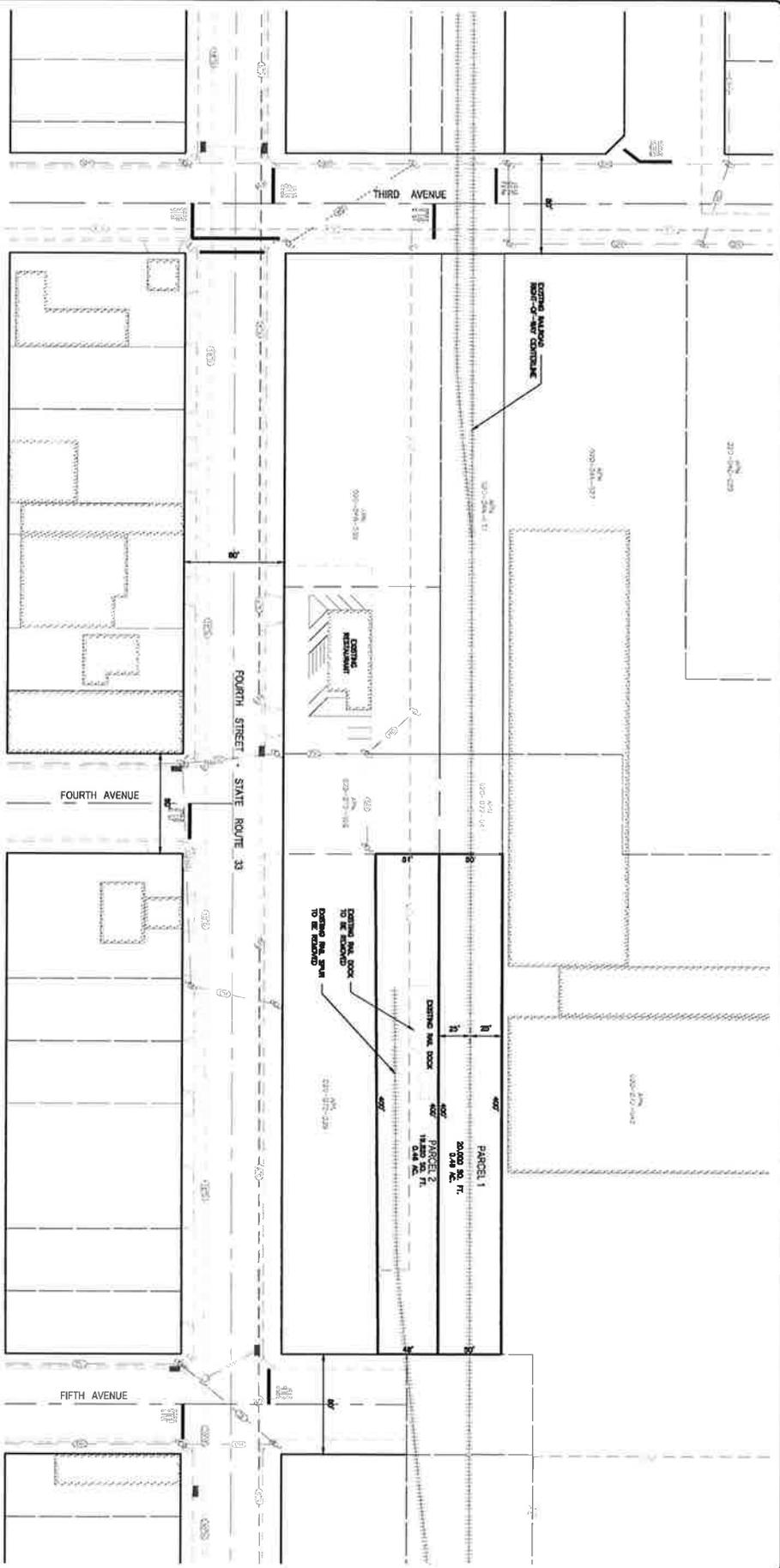
ABSENT:

APPROVED:

Mike Gandy, Chair

ATTEST:

Melanie Correa, Deputy City Clerk



PROJECT INFORMATION

PROJECT OWNER: JASON PACER ANDERSON
 1715 JAYSON SQUARE
 CHICO, CA 95926-1180
 (530)444-8880
 PROJECT INFORMATION: A.P.N. NO. 025-072-040
 SHEET NUMBER: 025 SHEETS

- LEGEND**
- EXISTING CURB, GUTTER, AND SIDEWALK
 - EXISTING DRIVE AND DRIVEWAY
 - EXISTING SIDEWALK
 - EXISTING DRIVEWAY
 - EXISTING STORM DRAIN LINE
 - EXISTING WATER LINE
 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING FIRE MAINWAY
 - EXISTING WATER MAIN
 - EXISTING SIGN
 - EXISTING CURB
 - EXISTING DRIVEWAY
 - EXISTING SIDEWALK
 - EXISTING UTILITY POLE



DESIGNED BY: MS
 DATE: 3/27/2014
 FILE: 05_spm2.dwg
 JOB NO.: 9/24/2014

SYMBOL	REVISION	DESCRIPTION	APPRO.

VESTING TENTATIVE PARCEL MAP
 FIFTH AVENUE PROPERTY
 GUSTINE, CA



SOUSA
 ENGINEERING
 INFRASTRUCTURE • DEVELOPMENT • AGRICULTURE

210 SOUTH SIERRA AVENUE SUITE 4
 OAKDALE, CA 95361

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 FAX (209)238-3158

SHEET
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