



**SPECIAL AGENDA
CITY OF GUSTINE
PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
MAY 24, 2016 – 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 – Consider Resolution Finding Exemption from CEQA and Approving Tentative Map Application and Variance Request**
 1. Receive Staff Report
 2. Open the public hearing for CEQA Exemption, Tentative Map and Variance request
 3. Receive public comment
 4. Close the public hearing
 5. Consider a motion to approve the resolution declaring this project exempt from CEQA
 6. Consider a motion to approve the tentative map
 7. Consider a motion to approve the variance request for interior lot size

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 19th day of May, 2016, at or before 5:00 p.m.



Melanie Correa



SPECIAL PLANNING COMMISSION AGENDA ITEM

MAY 24, 2016

PREPARED BY: Kathryn Reyes, Public Works Director

SUBJECT: Public Hearing: Tentative Map And Variance Request- 020-191-019

BACKGROUND/ DISCUSSION:

Staff has received an application requesting subdivision of a 2.8 acre parcel identified as APN – 020-191-019 into four parcels and one remainder with sizes ranging from .45 acres to .60 acres. This parcel is located one parcel west of the northwest corner of West Avenue and North Avenue. (See attached map for more details). The applicant also requests a variance from Section 4-22-040 of the Gustine Zoning and Subdivision Code- Minimum width of Lot.

The parcel subdivision proposes dividing a 2.8 acre vacant parcel, into five residential lots zoned as residential estates. Access to each lot will be from North Avenue. As part of the project the applicant will be required to install curbs, gutter, and sidewalks to city standards, install water and sewer services to each lot, and improve existing storm water drainage. The five lots consist of two lots at .65 acres, two lots at .60 acres, and one lot at .65 acres. The project applicant has indicated to staff that the intent of the subdivision is to develop single family residential dwelling units in compliance with the standards of the Residential Estate (RE) zoning district. When construction of single family dwellings is ready to move forward the applicant will have to submit separate building and architectural review plans for approval.

VARIANCE REQUEST

The minimum interior lot size for Residential Estate lots is 100 ft width with a net area for each lot of 15,000 square feet. The proposed lots are 99 ft width for each lot. During the preliminary mapping stage, the applicant's desire was to create similarly sized lots across the land division. Due to the unusual eastern property line, creating equally wide lots would not have been feasible because the total linear lot frontage was 5 feet short of the required 100 foot width. The proposed lots exceed the minimum lot size of 15,000 square feet.

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 creates five Residential Estate parcels (R-E) with the potential for use as permitted in the Gustine Zoning and Subdivision Code.

The City Engineer has reviewed the proposal 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. In addition the City Engineer has placed appropriate conditions on the tentative map with regard to infrastructure upgrades (curb, gutter, sidewalk etc) that must be satisfied prior to Final Map approval. Separate encroachment permit will be required prior to any off site construction.

With regard to the variance request; the minor variation and unusual lot dimension staff believes this to be a reasonable request. This is especially the case since it will create a uniform lot width within this land division which will aid in creating symmetry when the parcels build out.

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 stated in findings of approval.

An approved Tentative Map is valid for 24 months after its effective date except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related security and improvement agreements, have been filed the City Engineer in compliance with Chapter 4-62 (Parcel Maps and Final Maps); or
- B. An extension of time has been granted in compliance with Section 4-61-140.

Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed and fees are paid.

VARIANCE FINDINGS/REQUIREMENTS:

The Planning Commission may grant variances from development standards provided that:

1) **No special privileges.** A Variance shall not be granted that would have the effect of granting a special privilege(s) not shared by other property owners in the vicinity and under identical zoning districts.

2) **Does not extend to uses.**

a. The power to grant Variances does not extend to allowable land uses. In no case shall a Variance be granted to allow a use of land or structure not otherwise allowed in the zoning district in which the subject property is located.

b. The use of land or structure not in conformity with the regulations of the subject zoning district shall not be allowed by the granting of a Variance.

c. Flexibility in allowable land uses is provided in Section 4-52-050 (Use Permits).

3) **Does not extend to procedures.** A Variance shall not be granted to allow an adjustment to the procedural requirements of this Zoning and Subdivision Code.

In order to authorize a variance the Planning Commission must make the following findings (for each variance separately):

General findings.

a. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning and Subdivision Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

b. Granting the application is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the application is sought; and

c. The application is consistent with the General Plan and any applicable specific plan.

Based on staffs analysis previously state in this staff report, and the minor nature of the variance (1' per lot) the request generally conforms to the findings of a variance. In addition, there are lots in the immediately area with similar frontage widths (some smaller) so the granting of this request would not grant a special privilege.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Staff has determined that the proposed project is exempt from the provisions of CEQA under §15332 Infill Development Project.

RECCOMENDED ACTIONS:

Planning Commission approve the attached resolution finding the project exempt from the provisions of CEQA, approving the requested variance and 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) Proposed Map, Existing Parcel Map

APPROVED BY:


SEAN SCULLY, CITY MANAGER

RESOLUTION 2016-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GUSTINE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE PARCEL MAP 2016-01 FOR THE SUBDIVISION OF APPROXIMATELY 2.8 ACRES INTO FIVE PARCELS ON ASSESSOR'S PARCEL NUMBER: 020-191-019 AND APPROVING A VARIANCE REQUEST OF 1' REDUCTION IN LOT WIDTH FOR EACH OF THE 5 PARCELS IDENTIFIED.

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 R-E (Residential Estates) 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 2016-01 for the subdivision of approximately 2.8 acres of land into five 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

3. The findings within 4-52-060 (Variance Findings) are hereby made by the Planning Commission, thereby approving the variance request.

Conditions of Approval:

1. The Tentative Parcel Map shall be consistent with the Gustine Municipal Code and the California Subdivision Map Act.
2. If needed, 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. Prior to Final Map submittal all required frontage improvements along with any additional off site required public improvements (as required by the City Engineer) shall be completed to City standard.
5. Sewer service laterals shall connect to the 12" sewer main rather than the 6" sewer line.
6. Curb and gutter on the West Side of the project shall connect to the existing curb and gutter.
7. The curb and gutter on the East side of the project shall extend to the storm drain catch basin.
8. The existing catch basin shall be removed and reconstructed with a catch basin that is designed and constructed to City standard.
9. Any and all applicable parcel/final map processing fees shall be submitted prior to final recordation of map.
10. An access easement over the Canal reservation shall be provided before the final parcel map can be recorded.
11. At the request of CCID, the applicant shall detach the property from the CCID district prior to Final Map approval (this has been previously discussed and agreed to by the applicant).
12. All irrigation and/or drainage facilities in the area must be identified by the developer and protected from impact or interruption according to CCID specifications.

The foregoing resolution was introduced at a special meeting of the Planning Commission of the City of Gustine held on the 24th day of May 2016, 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:

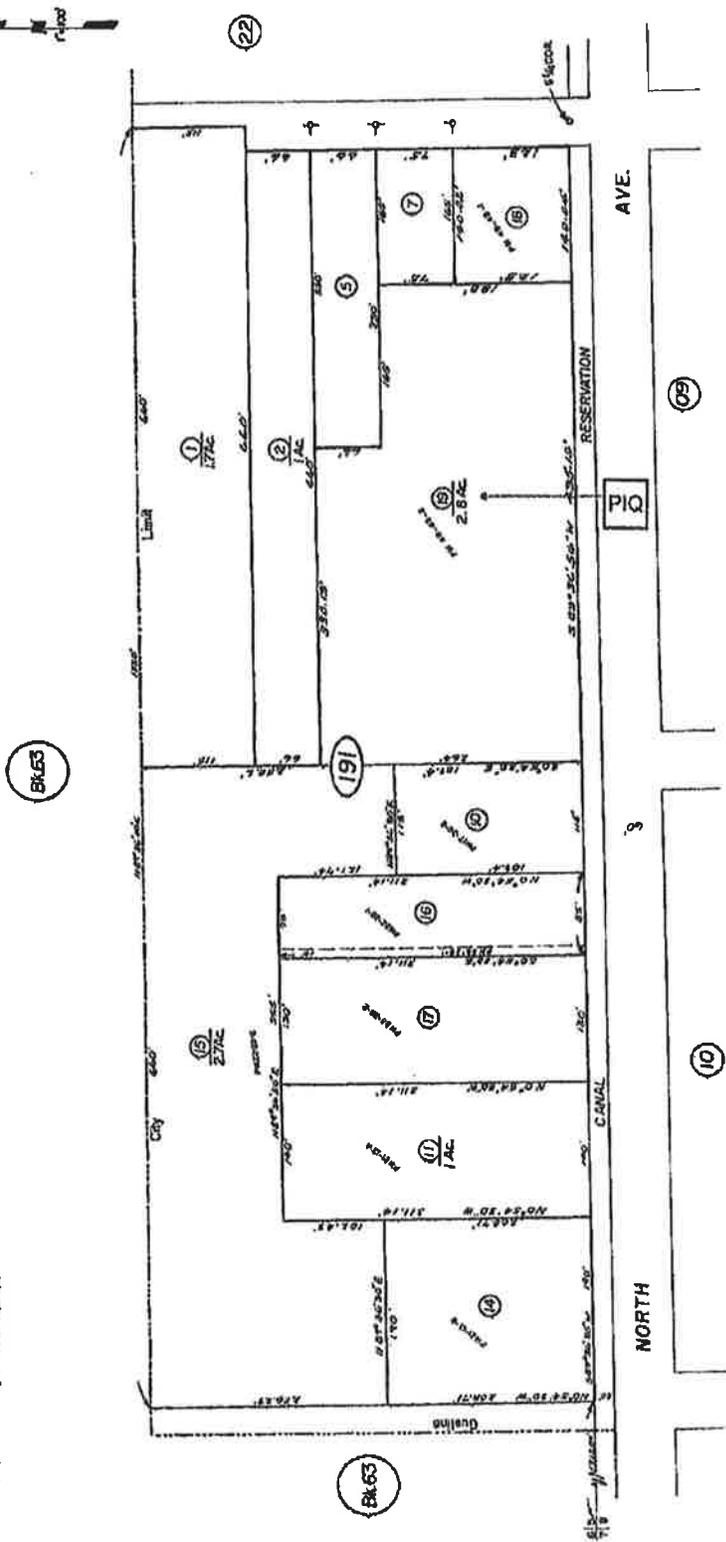
Mike Gandy, Chair

ATTEST:

Melanie Correa, Deputy City Clerk

FOR. SEC. 5, T.8S. R.9E., M.D.B.&M. Tax Rate Area 002-014 20-19 002-015

NOTE - This map is for Assessment purposes only. It is not to be construed as portraying any warranty or distribution of land for purposes of zoning or subdivision law.



Assessor's Map Bk. 20-Pg.19 County of Merced, Calif. 1954

NOTE - Assessor's Block Numbers Shown in Ellipses Assessor's Parcel Numbers Shown in Circles

REVISED 11-73 3-78 6-83 2-20-00

Existing

Exhibit B