

AGENDA

ORANGE COVE PLANNING COMMISSION MEETING

TUESDAY, JUNE 7, 2022

MEETING AT 6:00 P.M.

**Senior Citizen Center
699 6th Street, Orange Cove, California 93646**

LIVE MEETING

**Rick Alonso, Chairman
Planning Commissioners
Rick Applegarth- Vicky Alvarado - Charles Lopez-Manuel Ferreira**

A. Call to Order/Welcome

Roll Call: Planning Commissioner and Staff
Flag Salute by Chairman Rick Alonso

B. Confirmation of Agenda

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6th Street, Orange Cove, CA 93646 during normal business hours.)

C. Consent Calendar:

1. Planning Commission Minutes of February 15, 2022

D. Administration

2. **SUBJECT:** PUBLIC HEARING – Zoning Ordinance Text Amendment

Recommendation: Conduct a public hearing and approve Resolution No. PC 2022-04 recommending approval of Zoning Ordinance Amendment 2022-392 to the Orange Cove City Council

E. Adjournment

Public Comment: Members of the public shall have an opportunity to address the City Council concerning this matter.

ADA Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the city to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at cityoforange Cove.com.

NOTICE

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the public entity conducting the hearing at, or prior to, the public hearing. (Government Code Section 65009.)

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the Planning Commission has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove Planning Commission, there is a need for civility and expedition in the carrying out of public business in order to

ensure that the public has a full opportunity to be heard and that the Commissioners has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

GENERAL RULES OF DECORUM

While any meeting of the Planning Commission is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the Planning Commission as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning Commission meeting.
3. A person, other than members of the Planning Commission and the person who has the floor, shall not be permitted to enter into the discussion unless requested by the Chairman to speak.
4. Members of the Planning Commission may not interrupt a person who has the floor and is making public comments. Members of the Planning Commission shall wait until a person completes his or her public comments before asking questions or commenting. The Chairman shall then ask the Planning Commissioners if they have comments or questions.
5. No person in the audience at a Planning Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Planning meeting.

ENFORCEMENT OF DECORUM RULES

While the Planning Commission is in session, all persons must preserve order and decorum. A person who addresses the Planning Commission

under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning meeting.

The Chairman or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Chairman or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Chairman or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Chairman or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Planning Commission may overrule the Chairman if the majority of the Planning Commission believes the Chairman or other presiding officer is not applying the rules of decorum appropriately.

MINUTES
ORANGE COVE PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 15, 2022
MEETING AT 6:30 P.M.

TELECONFERENCE
(CALL 720-740-9780 ACCESS CODE 1060550#)

Planning Commissioners
Rev. Rick Applegarth- Vicky Alvarado - Rick E. Alonso - Charles Lopez
Manuel Ferreira

A. Call to Order/Welcome

City Clerk announced the Reorganization of the Planning Commissioners. December 15, 2021 Coy Weldon resigned and Rick Alonso was appointed by the Council and Manuel Ferreira is a new Planning Commissioners as of January 12, 2022/

Planning Commissioner present: Rick Alonso, Charles Lopez, Manuel Ferreira
Commissioner absent: Applegarth and Alvarado
Staff Present: Shun Patlan and June Bracamontes

B. Confirmation of Agenda

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6th Street, Orange Cove, CA 93646 during normal business hours.)

No Changes

C. Consent Calendar:

1. Planning Commission Minutes of October 19, 2021

Upon the motion by Chairman Alonso and seconded by Member Lopez, Planning Commission approved the Consent Calendar as presented.

Yes: Alonso, Lopez, Ferreira
No: None
Absent: Applegarth and Alvarado
Abstain: None

D. Administration

2. **SUBJECT:** PUBLIC HEARING: Blossom Estates Subdivision Project and Blossom Heights Multifamily Residential Project

Blossom Estates Subdivision Project The applicant is requesting approval of application for Tentative Subdivision Map No. 6355 to subdivide vacant land into 156 residential single-family lots. The site is located approximately 450' south of South Ave., on the west side of Anchor Ave. The Assessor Parcel Numbers for the site are 378-021-28, 378-021-40, 378-021-41, 378-021-42 containing approximately 30.7 acres.

Recommendation: Planning Commission to consider approving the following Resolutions:

Planning Director Shun Patlan presented to the Planning Commission the Executive Summary; Financial Information, Prior Action/Review, and Background.

Chairman Rick Alonso opened the Public Hearing.

Per Shun Patlan there are 2 changes to the report
Name change from Martinez to Blossom Estates and Change from 150 to 156 lots

Attorney Michael Warda thanked Staff.

No further presentations

Chairman Rick Alonso closed the public hearing and requested a motion to approve Resolution No. PC 2022-01 and PC 2022-02 as presented

- a. Resolution No. PC 2022-01 adopting a Mitigated Declaration and a Mitigated Monitoring and Reporting Program for the Blossom Estates Tentative Tract Map No. 6355

Upon the motion by Member Ferreira and seconded by Member Alonso, Planning Commission approved Resolution No. PC 2022-01 adopting a

**Mitigated Declaration and a Mitigated Monitoring and Reporting Program
for the Blossom Estates Tentative Tract Map No. 6355**

Yes: Alonso, Lopez, Ferreira
No: None
Absent: Applegarth and Alvarado
Abstain: None

b. Resolution No. PC 2022-02 approving Tentative Tract Map No. 6355 (Piro Enterprises) subject to the conditions shown as Exhibit "A" herein

Upon the motion by Member Ferreira and seconded by Chairman Alonso, the Planning Commission approved Resolution No. PC 2022-02 approving Tentative Tract Map No. 6355 (Piro Enterprises) subject to the conditions shown as Exhibit "A" herein

Yes: Alonso, Lopez, Ferreira
No: None
Absent: Applegarth and Alvarado
Abstain: None

Blossom Heights Multifamily Residential Project The applicant is requesting approval of Site Plan Review, General Plan Amendment and Rezone Amendment applications to develop vacant land into 40 multifamily apartments. The site is located northeast of the intersection between Jacobs Ave. and Adams Ave. The Assessor Parcel Numbers for the site are 375-234-19, 20, & 24, containing approximately 2.9 acres.

Planning Director, Shun Patlan presented the following information for the Blossom Heights Multifamily Residential Project

1. General Plan Amendment
2. A Rezone Amendment from R16-R3
3. Site Plan review 44 units summary report

Chairman Rick Alonso opened the Public Hearing:

GLENDIA HILL

resides at 655 Adams Avenue, Orange Cove
presented she recalls a similar project in October. This is the same issue, Multi planning zoning, high traffic area, students going to the schools, Seniors on wheel chairs due to their safety Council denied the apartment complex on the corner of Jacob and Adams. Council realized this is not a good location. Asking the Planning Commissioner to deny this request due to double the traffic, McCord, Al Conner, Catholic church, and due to the health and safety for the general welfare. Its not compliant with the General Plan.
Deny the request not to rezone in compliance with the General Plan keep as a single family for the betterment for the schools.

ANDREA FIGUEROA

Have concerns for the safety asking to deny this project plus people have multiple cars. Have a lot of children walk to school. See in the future see an accident happening. A lot of Semi-Trailer travel through the street. Request for commissioners to deny

GILBERT GARCIA

Not for this project live behind the Senior Project.
Not a good idea
Agree with the other callers
Asking commissioners to deny the request.

JOAN GARCIA

Live on 9th and Adam Avenue this is a safety issue
If we have apartments will have numerous in the city
We have lived here all their lives and against it this project.

BRYON YOUNG

Well maintain project thank the Planning Commission

JOAN BULLER

645 Adams Avenue
Live across the street when the Howard Project was proposed corner on West side of Jacobs and Adams there was 100 apartments

Six (6) high density this would make it 7 less than a mile from town.
Needs to place somewhere else.

Howard Project is a higher end project who is going to want to buy a 350,000 home if the apartments will be built.

The other issue is the decrease in property value, invested in this community

Concern about resident's responses

Bring in home developers, No more apartments

Who Benefits with these apartments?

Need more homes

Many people are concern and dis-approve with this project

Request to Commissioners send a No Vote to the City Council and a No to the General Plan will not be amended and a No to the rezoning.

Tristan Suire

Contract City Planner for the City of Orange Cove stated the following:

1. Clarify there are 40 units for the 75 parking spaces
2. This property has been submitted to HCD. Application has been in processing.
3. Safety and Traffic concern improvements can be made with sidewalk away from the street.

Per Shun Patlan there are multi projects at other sites that could occur.

Glenda Hill

Not looking at the whole interest in large of the community. Have gone through this before Planning and Council denied. Feel doing in justice with this project don't change the zoning take it where it is zoned at and deserve the quality of life. Commissioners, please deny the rezoning, General Plan Amendment and leave as an R16.

Samuel Escobar

Former Manager of Orange Cove reminded every year the needs of the city change. We have a property Senior project rezoned to R3 then rezoned to R16. Zoning did not match at the time. Its an infill property does not have to be annexed into the city. Challenges moving the apartments to another residential that's not equality.

Joan Buller addressed Mr. Escobar if he had a financial interest in the project per Mr. Escobar, he stated No. It's a wrong place to put due to traffic has nothing to do with equality. Do not change the zoning.

Closed public hearing

Member Manuel Ferreira stated the public's comments were very good comments. There is a full number of children at Al Conners and McCord. Right now, Sheridan and Al Conner have 125 openings so more children will be added. Because of the safety of the children Mr. Ferreira denies the project.

- a. Resolution No. PC 2022-03 approving a Rezone of 2.94 acres, General Plan Amendment to redesignate the same from R-1-6 to R-3 and approve Site Plan for the proposed Blossom Heights Apartment Project subject to conditions of approval

Upon the motion by Member Ferreira and seconded by Member Lopez, the Planning Commission denied the application submitted by Brian Young and Darrell Lashinski for a Rezone of 2.94 acres, General Plan Amendment to redesignate the same from R-1-6 to R-3 and the Site Plan for the proposed Blossom Heights Apartment Project

Yes: None
No: Alonso, Lopez, Ferreira
Abstain: None
Absent: Applegarth, Alvarado

E. Adjournment

Chairman adjourned the Planning Meeting at 7:34 p.m.

Respectfully submitted,

June V. Bracamontes, City Clerk

Planning Commission:

Date: _____

Action: _____



Meeting Date: 06/07/22
Agenda Item: __

Planning Commission Meeting

REPORT TO: Orange Cove Planning Commission
REPORT FROM: Shun Patlan, Planner/Tristan Suire
AGENDA ITEM: Zoning Ordinance Text Amendment

ACTION REQUESTED: Ordinance X Resolution ___ Motion ___ Receive/File

RECOMMENDED ACTION BY PLANNING COMMISSION

1. Conduct a public hearing and Approve PC Resolution 2022-04 recommending approval of Zoning Ordinance Amendment 2022-392 to the Orange Cove City Council.

EXECUTIVE SUMMARY

The California Department of Housing and Community Development has advised the City of Orange Cove that the Orange Cove Municipal Code is in noncompliance with Government Code Section 65583.2 subdivision (h) and (i). City staff has drafted a Zoning Ordinance Amendment to achieve compliance with State standards by amending the R-3 (High Density Multiple Family Residential) district. This planning application does not constitute a “project” under the California Environmental Quality Act (CEQA), because it is categorically exempt under CEQA, Section 15061 (b)(3), the “Common Sense” exemption.

Text additions are shown in underline format. Text deletions are shown in ~~strikeout~~ format (i.e., ~~strikeout~~). Changes in text are shown in **bold**. The amendment reads as follows:

“17.20.070 – Population density

~~There shall be a minimum of one thousand five hundred square feet of lot area for each dwelling unit~~

- A. There shall be a required minimum density of twenty (20) units per acre. There shall be a required maximum density of twenty-five (25) units per acre.”**

“17.20.200 – Site plan review

- A.** Before any building or structure, with the exception of a one-family dwelling, is erected on any lot in the R-3 district, a site plan pursuant to Chapter 17.56 of this code shall have been submitted to and approved by the City Manager, or his designee.

B. Multifamily development for which 20% or more of the units are affordable to lower income households shall be subject only to design review, and shall not be subject to Conditional Use Permit, Planning Unit Development, or other discretionary local government review or approval that would constitute a "project" for the purposes of Division 13 of the Public Resources Code

The proposed amendment will impact all property zoned R-3 within the jurisdiction of the City of Orange Cove. The amendment is consistent with the General Plan Land Use Element, and purposes of the R-3 district.

The Environmental Impact Report (EIR) prepared for the Orange Cove General Plan discussed the impacts associated with urbanization and residential development and adopted a "Statement of Overriding Consideration". For this particular project, staff has determined that the project is categorically exempt. There are no significant impacts beyond the environmental impacts discussed in the EIR prepared for the Orange Cove General Plan.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|-----|
| 1. Is There a Fiscal Impact? | No |
| 2. Is It Currently Budgeted? | No |
| 3. If Budgeted, Which Line? | N/A |

PRIOR ACTION / REVIEW

Approval of the Orange Cove General Plan, Land Use Element which details policy and design guidelines for the subject property as well as surrounding properties.

BACKGROUND

Location: The amendment will impact all property currently zoned R-3.

Request: The proposed amendment implements two major changes to the R-3 district. The first is a change to section 17.20.070, which governs population density. The second is an addition to section 17.20.200, which governs the Site Plan Review process. These changes in tandem will bring Orange Cove in compliance with Government Code Section 65583.2 subdivision (h) and (i). These text amendments to the Zoning Ordinance are not tied to a specific project and are not designed to impact any particular development. Likewise, the amendments will have no direct impact on utilities, infrastructure, or finances.

Section 17.20.070 will have all of the existing text removed, which set a maximum population density based on area per unit, but not a minimum. The State requires a minimum density of 20 units per acre, and also requires that agencies allow for a range of densities, so as not to be a constraint to development. Therefor the proposed new standard will set the minimum population

density to comply with the State's minimum requirement, and by permitting a range of twenty to twenty-five units per acre, will also meet the requirement for a range of densities.

Section 17.20.200 does not have any noncompliant text, and therefore will not have any text removed. However, the State requires that multifamily development must be allowed "by-right" when 20% or more of the units are affordable to lower-income households. This means that the City cannot require conditional use permits, planned unit development, or other local discretionary review or approval that would constitute a "project" for the purposes of Division 13. However, this does not exempt these projects from administrative design review. The intent of the amended ordinance as written is to provide a pathway for the aforementioned qualifying developments to be submitted without the possibility of discretionary review or approval, while maintaining the right of the City of Orange Cove to enforce basic development standards that apply to all multifamily development.

The impacts of the amendment would allow the City of Orange Cove to secure a significant portion of the units required by the Regional Housing Needs Allocation (RHNA) 197- unit shortfall that Orange Cove must accommodate for California Department of Housing and Community Development compliance, because the R-3 zone will meet requirements for shortfall rezoning.

Development standards for R-3 district are currently as follows:

Lot Area: Minimum of 6,000 feet.

Lot Width: Interior lots have a minimum width of 60 feet, corner lots have a minimum width of 65 feet, and curved lots have a minimum width of 40 feet.

Lot Depth: Lots facing local streets have a minimum depth of 100 feet.

Front Yard Setback: Minimum of 30 feet, except for special conditions.

Side Yard Setback: Interior lots have a minimum side yard of 10 feet, except for special conditions.

Rear Yard Setback: Minimum of 20 feet.

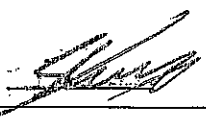
Lot Coverage: Maximum lot area covered by buildings or structures is 30%.

Population Density: Minimum 1,500 square feet of lot area per dwelling unit.

Building Height: Maximum three stories, or 40 feet in height.

ATTACHMENTS

1. Resolution PC No. 2022-04 recommending approval of Zoning Ordinance Amendment 2022-392 to the Orange Cove City Council.
2. Ordinance No. 2022-392, amending Sections 17.20.070 and 17.20.200 of the Orange Cove Municipal Code pursuant to Government Code Section 65583.

Prepared by: 

Approved by: _____

REVIEW: City Manager: _____

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

____ Consent
____ Info Item
____ Action Item
____ Department Report
____ Redevelopment Agency

____ Public Hearing
____ Matter Initiated by a Council
Member
____ Other
____ Continued to: _____

ORDINANCE NO. 2022 –392

AN ORDINANCE OF THE CITY OF ORANGE COVE AMENDING TITLE 17 - ZONING, OF THE ORANGE COVE MUNICIPAL CODE, BY ADDING TEXT AMENDMENTS TO CHAPTER 17.20 – R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT, PURSUANT TO GOVERNMENT CODE SECTION 65583.

The City Council of the City of Orange Cove does ordain as follows:

Section 1. The City Council of the City of Orange Cove hereby amends Title 17 – Zoning, of the Exeter Municipal Code, by amending the text of Chapter 17.20, Sections 17.20.070 and 17.20.200– R-3 High Density Multiple-Family Residential district; and

Section 2. The City Council of the City of Orange Cove has determined that the proposed amendments to the Municipal Code are consistent with the General Plan; and

Section 3. All ordinances and parts thereof of the City of Orange Cove Municipal Code in conflict herewith are hereby repealed; and

Section 4. This ordinance shall take effect (30) days after adoption. Prior to the expiration of fifteen (15) days from the passage hereof, this Ordinance shall be published once in a local paper of general circulation and delivered within Exeter, together with the names of the members of the City Council voting for and against the matter.

Section 6. Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions or this ordinance.

Section 7. The City Council of the City of Orange Cove hereby codifies the amendments made to Chapter 17.20 of Title 17 (R-3 High Density Multiple-Family Residential District) attached in Exhibit “A” of this Ordinance. Text additions are shown in underline format. Text deletions are shown in ~~strikeout~~ format (i.e., ~~strikeout~~). Changes in text are shown in **bold**.

The foregoing Ordinance No. 2022–392 was considered by the City Council of the City of Orange Cove upon a motion of Council member _____, second by Council member _____ at a regular meeting of the Orange Cove City Council on the 8th of June 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Exhibit "A"

"17.20.070 – Population density

~~There shall be a minimum of one thousand five hundred square feet of lot area for each dwelling unit~~

A. There shall be a required minimum density of twenty (20) units per acre. There shall be a required maximum density of twenty-five (25) units per acre."

"17.20.200 – Site plan review

A. Before any building or structure, with the exception of a one-family dwelling, is erected on any lot in the R-3 district, a site plan pursuant to Chapter 17.56 of this code shall have been submitted to and approved by the City Manager, or his designee.

B. Multifamily development for which 20% or more of the units are affordable to lower income households shall be subject only to design review, and shall not be subject to Conditional Use Permit, Planning Unit Development, or other discretionary local government review or approval that would constitute a "project" for the purposes of Division 13 of the Public Resources Code"

APPROVED: _____
Mayor, Victor P. Lopez

ATTEST: _____
Secretary