

PLANNING COMMISSION AGENDA

ORANGE COVE PLANNING COMMISSION SPECIAL MEETING

**Tuesday, January 24, 2023
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. Administration

- SUBJECT:** PUBLIC HEARING – Conditional Use Permit No. 2023-01 (502 9th Street)

Recommendation: Conduct a public hearing and approve Resolution No. PC 2023-01 approving Conditional Use Permit No. 2023-01 (Rudy Rabino) to allow construction of a single family residential dwelling on property zoned for Mixed Use (M-U), located on the southeast corner of 9th Street and "E" Street, Orange Cove, CA 93646 APN: 375-175-08, and to approve an exemption under CEQA Guidelines Sec. 15303 Class 3 (A) Exemption (New construction or conversion of small structures.

2. **SUBJECT:** PUBLIC HEARING - Variance No. 2022-01 (1000 12th Street)

Recommendation: Conduct a Public Hearing and approve Resolution No. PC 2023-02, approving Variance No. 2023-01 (Pasqual Jaime) to allow reduced setback standards for construction of a single-family residential dwelling on property zoned for Single-Family Residential Use (R-1-6), located on the Southeast corner of 12th Street and "J" Street, Orange Cove, CA, APN 378-182-15, and to approve an exemption under CEQA Guidelines Sec. 15305 Class 5 Exemption (Minor Alterations in Land Use Limitations).

D. 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.



Meeting Date: 1/24/23

Agenda Item: ____

Orange Cove Planning Commission Meeting

REPORT TO: Orange Cove Planning Commission

REPORT FROM: Shun Patlan, Planner *[Signature]* Reviewed By: _____

AGENDA ITEM: Conditional Use Permit 2022-01

ACTION REQUESTED: ____ Ordinance ☒ Resolution ____ Motion ____ Receive/File

RECOMMENDED ACTION BY PLANNING COMMISSION

1. That the Planning Commission adopt Resolution 2023-01, approving Conditional Use Permit No. 2022-01 (Rudy Rabino) to allow construction of a single-family residential dwelling on property zoned for Mixed Use (M-U), located on the southeast corner of 9th St. and E St., Orange Cove, CA 93646, APN: 375-175-08, and to approve an exemption under CEQA Guidelines Sec. 15303 Class 3 (A) Exemption (New construction or conversion of small structures).

EXECUTIVE SUMMARY

The applicant, Rudy Rabino, is seeking approval of a conditional use permit to construct a single-family dwelling on property zoned for Mixed Use (M-U), located on the southeast corner of 9th Street and E Street, APN: 375-175-08. This planning application constitutes a “project” under the California Environmental Quality Act (CEQA), however is exempt from environmental review under Section 15303 of the CEQA Guidelines, which applies to new construction or conversion of small structures.

The proposed project is located on property zoned for Mixed Use (M-U). The purpose of the Mixed-Use district represents a commercial zoning classification that permits a vertical or horizontal mix of commercial and residential uses on the same lot or within the same building. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities. Orange Cove Municipal Code section 17.33.013 (17) permits “Residential—freestanding attached or detached

single family home; multifamily (two-plus units)” within the M-U district, subject to a conditional use permit.

The subject property is a lot of approximately 7,500 sq. ft. and contains an existing single-family dwelling of approximately 704 sq. ft. in suboptimal condition. The applicant proposes to demolish the existing structure and replace it with a new single-family dwelling.

Staff has determined that the subject property is within the planning area of the Orange Cove General Plan. The proposed project is consistent with the land use designation of the General Plan and the development standards of the M-U district.

The proposed project is subject to a Class 3 (A) exemption from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15303. Staff has prepared a Notice of Exemption to be adopted in conjunction with the Conditional Use Permit.

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

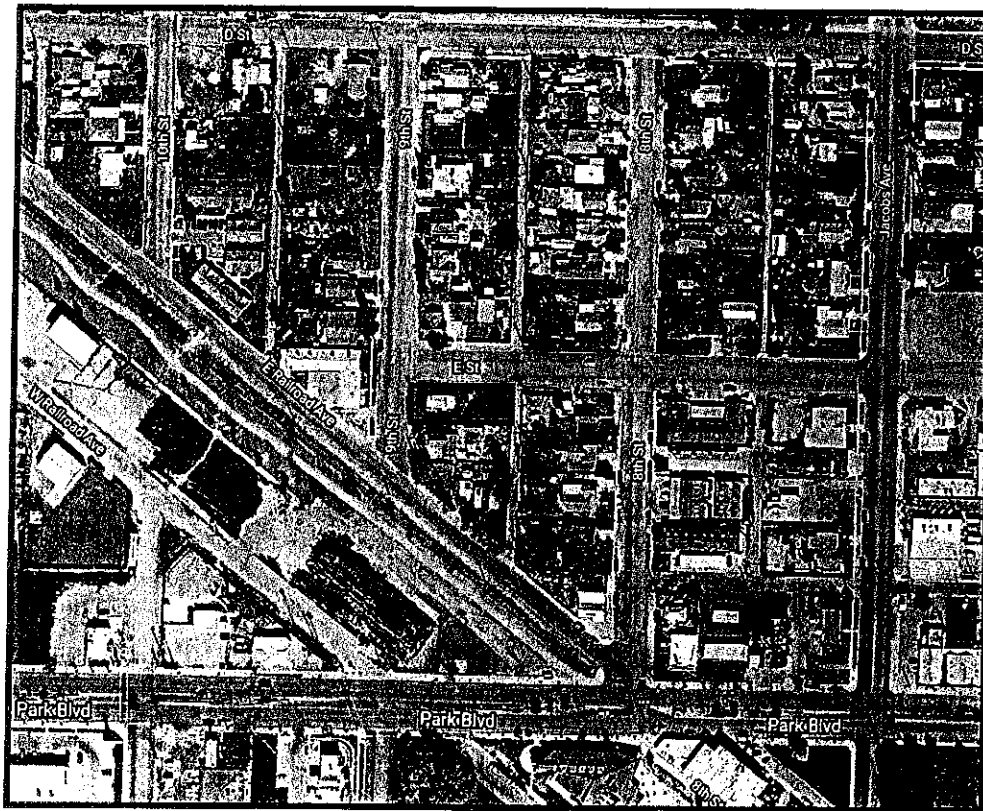
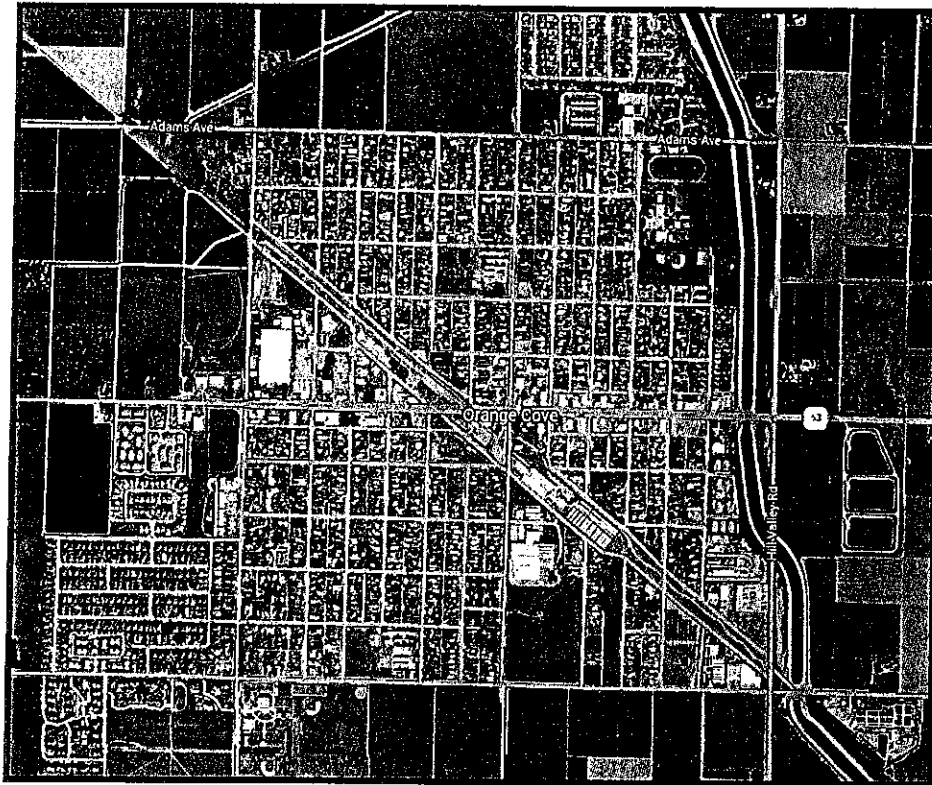
Approval of the Orange Cove General Plan, Land Use Element which details policy and design guidelines for the subject property as well as surrounding properties.

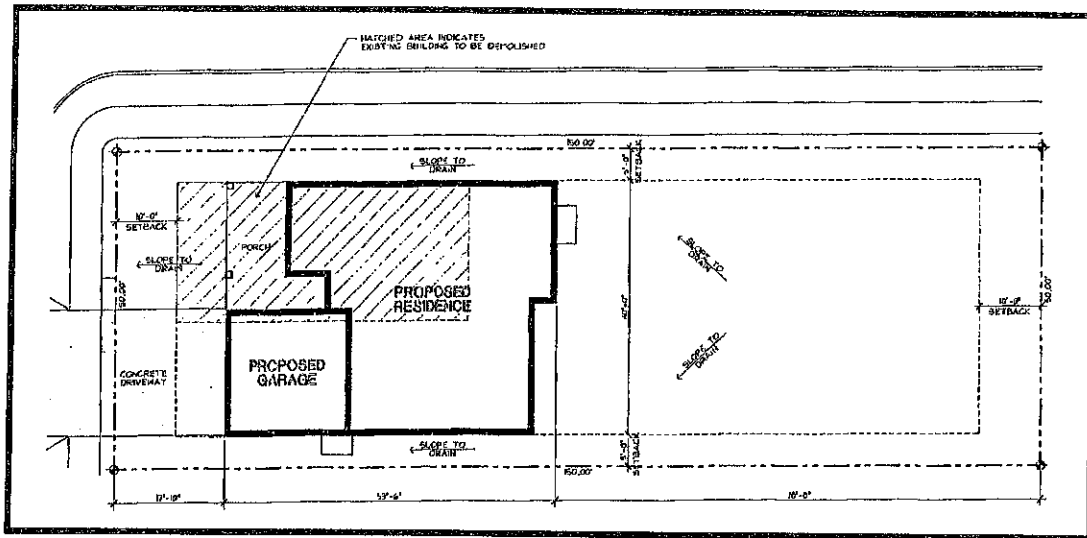
BACKGROUND

The subject property is located on the east side of 9th Street, south of E Street in Orange Cove. The APN is 375-175-08 (0.17 acres).

Detailed information on the planning application is as follows:

The proposed conditional use permit seeks to construct a single-family residential dwelling on an existing developed lot located in the northwestern quadrant of the city. The project includes installation of a new drive approach consistent with the City of Orange Cove Standard Construction Drawings, fronting onto 9th Street and providing parking and ingress/egress for the site. The scope of the project is limited to the subject property, and if approved, Conditional Use Permit 2023-01 will lapse and become void after a period of one year if no building permit is issued and will run with the land. See pictured below the subject property highlighted in red:





The existing dwelling's demands on water, sewer, and storm drain utilities are met by the City of Orange Cove's water, sewer, and storm drain infrastructure. The proposed project intends to demolish the existing single-family dwelling and replace it with a new single-family dwelling. The new proposed use will not generate new demands on utilities provided by the City and can be sufficiently served without requiring changes to the existing infrastructure.

Zoning: The site is currently zoned M-U. Surrounding zoning is as follows:

North: R-1-6, Single Family Residential

South: M-U, Mixed Use

East: M-U, Mixed Use

West: R-2A, Medium High Density Residential, One Story

Development standards for M-U district are as follows:

Lot Area: No requirement.

Lot Width: No requirement.

Lot Depth: No requirement.

Front Yard Setback: Minimum of 15 feet.

Side Yard Setback: Minimum of 5 feet

Rear Yard Setback: Minimum of 10 feet

Lot area per unit (density): Minimum lot area of 3,000 sq. ft. per residential unit.

Floor area ratio: Maximum floor to area ratio of 1.25.

Land Use: The site currently contains a single-family residential dwelling. Surrounding land uses are as follows:

North: Single-family residential dwelling
South: Single-family residential dwelling
East: Single-family residential dwelling
West: Multifamily residential dwellings

The Planning Department of the City of Orange Cove has reviewed the project and determined conditions necessary to serve the subject site. Conditions of approval have been incorporated into Resolution 2023-01 and are as follows:

General:

1. Violation of Conditional Use Permit No. 2022-01 will result in the Planning Commission review of the Conditional Use Permit and may result in initiation of revocation of the Conditional Use Permit
2. The applicant shall pay all fees as required by existing ordinances and schedules.
3. All water well(s) and septic systems that served the subject property shall be abandoned pursuant to City, County, and State standards.

Air Quality:

4. Applicant shall adhere to best management practices during construction regarding the Air District's fugitive dust rules to ensure the project does not violate the district's standards for dust emissions, pursuant to Regulation VIII, Fugitive PM 10 Prohibitions of the San Joaquin Valley Air Pollution Control District Rules and Regulations.
5. Applicant shall adhere to all energy conservation regulations for residential dwellings contained in the California Green Building Standards Code (Title 24).

Geology and Soils:

6. Applicant shall ensure that all structures be built consistent with Zone II seismic standards of the Uniform Building Code.

Water:

7. All new residential development is required to include water meters to reduce water consumption. Applicant shall ensure that water meters are installed consistent with City Standards.

Grading and Drainage:

8. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.

Park / Aesthetics:

9. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation features shall be low water consumption designs consistent with AB 1881 and Orange Cove municipal ordinances.

Prepared By: 

Approved By: _____

Reviewed: City Manager: _____ Finance: _____ City Attorney: _____

Type of Item: Council Action: Approved Denied No Action

___ Consent

___ Public hearing

___ Info Item

___ Matter Initiated by a Council Member

___ Action Item

___ Other

___ Department Report

___ Continue To: _____

___ Redevelopment Agency

Utilities:

10. All new electric, cable television, telephone, internet, etc. services shall be provided to the subject property. Connections are encouraged to be undergrounded, but not required.

Cultural Resources:

11. Applicant must comply with CEQA requirements regulating disturbance of subsurface cultural and historical resources that may be discovered during earthmoving activities, pursuant to Public Resources Code §21083.2 and §21084.1
12. Should any human remains be discovered during any part of the development process, the Fresno County Coroner must be notified immediately.

Wildfire:

13. Consistent with requirements of the local fire district, applicant will be responsible for plowing down of dry vegetation on the subject property while land is vacant to reduce fuel and decrease risk of wildfire.

CONCLUSIONS

Conditional Use Permit 2022-01: The proposed conditional use permit to demolish the existing single-family residential dwelling and replace it with a new single-family residential dwelling is consistent with all provisions of the Orange Cove Municipal Code, and all conditions of approval recommended by staff are intended to protect the health, safety, and welfare of the residents of Orange Cove, and ensure that there is no significant impact to the environment.

Environmental Review: The “project” consists of the conditional use permit. A notice of exemption has been prepared for this project. Staff has made the finding that however is exempt from environmental review under Section 15303 of the CEQA Guidelines, Class 3 – New Construction or Conversion of Small Structures, which specifically exempts “One single-family residence, or a second dwelling unit in a residential zone”. Staff has prepared a Notice of Exemption to support this finding. Further, the EIR prepared for the Orange Cove General Plan thoroughly discussed the impacts of urbanization and residential development. The City adopted a “Statement of Overriding Consideration” regarding the EIR prepared for the Orange Cove General Plan.

ATTACHMENTS

- A. Site Plans
- B. Resolution No. 2023-01
- C. Notice of Exemption

RESOLUTION NO. 2023 - 01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE COVE APPROVING CONDITIONAL USE PERMIT 2022-01, FILED BY RUDY RABINO, TO ALLOW CONSTRUCTION AND USE OF A SINGLE-FAMILY RESIDENTIAL DWELLING ON PROPERTY ZONED FOR MIZED USE LOCATED ON THE SOUTHEAST CORNER OF 9TH STREET AND E STREET, APN: 375-175-08, AND TO APPROVE AN EXEMPTION UNDER CEQA GUIDELINES SECTION 15303, CLASS 3 (A) EXEMPTION.

WHEREAS, the Planning Commission of the City of Orange Cove did conduct a duly noticed public hearing in the Council Chambers of the Orange Cove City Hall in Orange Cove, California, on January 24th 2023, to consider Conditional Use Permit application no. 2023-01 (CUP), to allow construction and use of a single-family residential dwelling located on the southeast corner of 9th St. and E St., Orange Cove, CA 93646, APN 375-175-08; and

WHEREAS, the Planning Commission reviewed the staff report prepared for the proposed CUP which is herein incorporated by this reference; and heard public testimony offered at the public hearing on the project; and

WHEREAS, the proposed CUP is considered a project by the California Environmental Quality Act (CEQA) and is categorically exempt from environmental review pursuant to CEQA Guidelines Class 3 (A) "New Construction or Conversion of Small Structures" Exemption, 14 CCR § 15303; and

WHEREAS, currently the M-U district permits, subject to a conditional use permit, "Residential—freestanding attached or detached single family home; multifamily (two-plus units)"; and

WHEREAS, notice was duly given that the Planning Commission of the City of Orange Cove would hold the public hearing on January 24th, 2023; and,

WHEREAS, the Commission can make all the findings required for approval of Conditional Use Permit No. 2022-01, and desires to approve the same.

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of Orange Cove does hereby resolve, find, determine and order as follows:

1. The Planning Commission finds the foregoing recitals are true and correct and are incorporated herein by this reference as if set forth in full.
2. The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the Planning Commission determination of the CUP, as conditioned, is consistent with the requirements of the Orange Cove Municipal Code applicable to the CUP. Based on the evidence in the administrative record, the Planning Commission further approves, accepts as its own, and makes each one of the findings set forth below, that the proposed CUP No. 2023-01 is consistent with Orange Cove Municipal Code Section 17.52.060 as follows:

- a. Finding 1: *That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.*

The subject property is in the M-U, Mixed Use, district, for which the purposes are, “M-U zoning district represents a commercial zoning classification that permits a vertical or horizontal mix of commercial and residential uses on the same lot or within the same building. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities”. The use is consistent with the historical use of the site and is in accordance with the objectives of the zoning ordinance, and of the district in which the site is located. This finding can be made.

- b. Finding 2: *That the proposed location, structures, and uses, and the conditions under which they would be operated and maintained, will not be detrimental to the public health, safety, or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity. Such considerations should include, but are not limited to, avoidance of traffic congestion, safety of pedestrian and vehicular circulation, and esthetic values within the district.*

The proposed location, structures, and uses as well as all conditions of approval will not be detrimental to the public health, safety, or welfare, or be materially injurious to or inharmonious with properties or improvements in the vicinity. The proposed project does not change the existing use and will improve the condition of the site to meet city standards. The proposed project will result in consistent visual character and use between the subject property and surrounding sites. This finding can be made.

- c. Finding 3: *That the proposed use will comply with all the applicable provisions of this title, including but not limited to yards, coverage, height of structures, walls, and fences, landscaping, off-street parking and loading facilities, lighting, and signs.*

The proposed use will comply with all applicable provisions of the Orange Cove Municipal Code. The project as proposed meets all property development standards of the district and will bring the existing use into compliance with the parking standards for the district. This finding can be made.

3. The City has performed a preliminary environmental assessment of this project and the Planning Commission determines that the project falls within the Class 3 (A) Categorical Exemption pursuant to CEQA Guidelines Section 15303, as the project consists of one single-family residence, or a second dwelling unit in a residential zone.
4. For all the foregoing reasons, and each of them, the Planning Commission approves Conditional Use Permit No. 2023-01, as conditioned. As such, the Planning Commission also adopts a Class 3 (A) Categorical Exemption for this project.
5. Conditions of Approval

General:

1. Violation of Conditional Use Permit No. 2022-01 will result in the Planning Commission review of the Conditional Use Permit and may result in initiation of revocation of the Conditional Use Permit
2. The applicant shall pay all fees as required by existing ordinances and schedules.
3. All water well(s) and septic systems that served the subject property shall be abandoned pursuant to City, County, and State standards.

Air Quality:

4. Applicant shall adhere to best management practices during construction regarding the Air District's fugitive dust rules to ensure the project does not violate the district's standards for dust emissions, pursuant to Regulation VIII, Fugitive PM 10 Prohibitions of the San Joaquin Valley Air Pollution Control District Rules and Regulations.
5. Applicant shall adhere to all energy conservation regulations for residential dwellings contained in the California Green Building Standards Code (Title 24).

Geology and Soils:

6. Applicant shall ensure that all structures be built consistent with Zone II seismic standards of the Uniform Building Code.

Water:

7. All new residential developments are required to include water meters to reduce water consumption. Applicant shall ensure that water meters are installed consistent with City Standards.

Grading and Drainage:

8. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.

Park / Aesthetics:

9. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation features shall be low water consumption designs consistent with AB 1881 and Orange Cove municipal ordinances.

Utilities:

10. All new electric, cable television, telephone, internet, etc. services shall be provided to the subject property. Connections are encouraged to be undergrounded, but not required.

Cultural Resources:

11. Applicant must comply with CEQA requirements regulating disturbance of subsurface cultural and historical resources that may be discovered during earthmoving activities, pursuant to Public Resources Code §21083.2 and §21084.1
12. Should any human remains be discovered during any part of the development process, the Fresno County Coroner must be notified immediately.

Wildfire:

13. Consistent with the requirements of the local fire district, applicant will be responsible for plowing down of dry vegetation on the subject property while land is vacant to reduce fuel and decrease risk of wildfire.

* * * * *

The foregoing resolution was adopted upon a motion by Commissioner _____, Commissioner _____ seconded the motion at a special meeting of the Orange Cove Planning Commission on the 24th of January, 2023, and carried by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair

City Clerk



Meeting Date: 1/24/23

Agenda Item: ____

Orange Cove Planning Commission Meeting

REPORT TO: Orange Cove Planning Commission

REPORT FROM: Shun Patlan, Planner REVIEWED BY: _____

AGENDA ITEM: Variance 2022-01

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☐ Motion ☐ Receive/File

RECOMMENDED ACTION BY PLANNING COMMISSION

1. That the Planning Commission adopt Resolution 2023-02, approving Variance No. 2022-01 (Pasqual Jaime) to allow reduced setback standards for construction of a single-family residential dwelling on property zoned for Single-Family Residential use (R-1-6), located on the southeast corner of 12th St. and J St., Orange Cove, CA 93646, APN: 378-182-15, and to approve an exemption under CEQA Guidelines Sec. 15305 Class 5 Exemption (Minor Alterations in Land Use Limitations).

EXECUTIVE SUMMARY

The applicant, Pasqual Jaime, is seeking approval of a Variance to allow reduced setback standards for construction of a single-family dwelling on property zoned for Single-Family Residential use (R-1-6), located on the southeast corner of 12th Street and J Street, APN: 378-182-15. This planning application constitutes a "project" under the California Environmental Quality Act (CEQA), however is exempt from environmental review under Section 15305 of the CEQA Guidelines, which applies to new construction or conversion of small structures.

The proposed project is located on property zoned for Single-Family Residential use (R-1-6). The purpose of the Single-Family Residential district is to provide living areas within the city where development is limited primarily to low density concentrations of one-family dwellings. Orange Cove Municipal Code section 17.12.020 (A) permits "One-family dwellings, but not more than one dwelling per lot, except in a planned unit development" within the R-1-6 district.

The subject property is a corner lot of approximately 4,000 sq. ft. and contains no existing structures. The lot is substandard, not meeting the minimum lot size requirement of 6,000 sq. ft., nor the minimum lot width requirement of 65 ft., which is 40 feet wider than the existing conditions on site. Given that the lot width is only 25 ft., and the side yard setbacks for the R-1-6 district require 10 ft. on the street side and 5 ft. on the interior side, there remains only a narrow, 10 ft. band of buildable area on the subject property.

Chapter 54 of the Orange Cove Municipal Code describes the purposes and procedure for a Variance, which allows certain development standards to be abridged, under exceptional circumstances. The grounds to issue a variance lies in the ability of the applicant to demonstrate three facts regarding the circumstances of the project, which the Commission must make findings on.

1. *That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this title deprives the subject property of privileges in the vicinity and under identical zone classification.*

The subject property is a legal, non-conforming lot with regards to its area and width. The property is oriented parallel to the other lots on the block, and is a corner lot, meaning it is subject to more stringent side yard setback standards on the side that shares a property line with the public right-of-way. Property directly east of the subject property, and under identical zone classification, has been permitted the privilege of building within 5 feet of the very same property line shared with the public right-of-way. A variance is required because the subject property is otherwise deprived of this privilege, as there would not be sufficient buildable area on the site to construct a single-family dwelling. This finding can be made.

2. *That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.*

The subject property is located in an otherwise built-out single-family residential neighborhood, which has multiple instances of corner lots that have residential structures within 10 feet of the street-side side yard area. Also, the addition of a single-family residential structure on a currently vacant lot will represent a boon to public welfare and safety. The proposed project will not be materially injurious to the property or improvements in the vicinity of the subject property. This finding can be made.

3. *That the granting of such variance will not adversely affect the general plan or the purposes of this title.*

The granting of this variance will only reduce one of the setback standards by 50%, and in such a way that many other properties in the district have historically done. The development of infill lots for single-family residential use is consistent with the goals of the General Plan, and variance will result only in development that is consistent with the purposes of the Zoning Ordinance. This finding can be made.

Staff has determined that the subject property is within the planning area of the Orange Cove General Plan. The proposed project is consistent with the land use designation of the General Plan and the development standards of the R-1-6 district.

The proposed project is subject to a Class 5 exemption from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15305. Staff has prepared a Notice of Exemption to be adopted in conjunction with the Variance

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

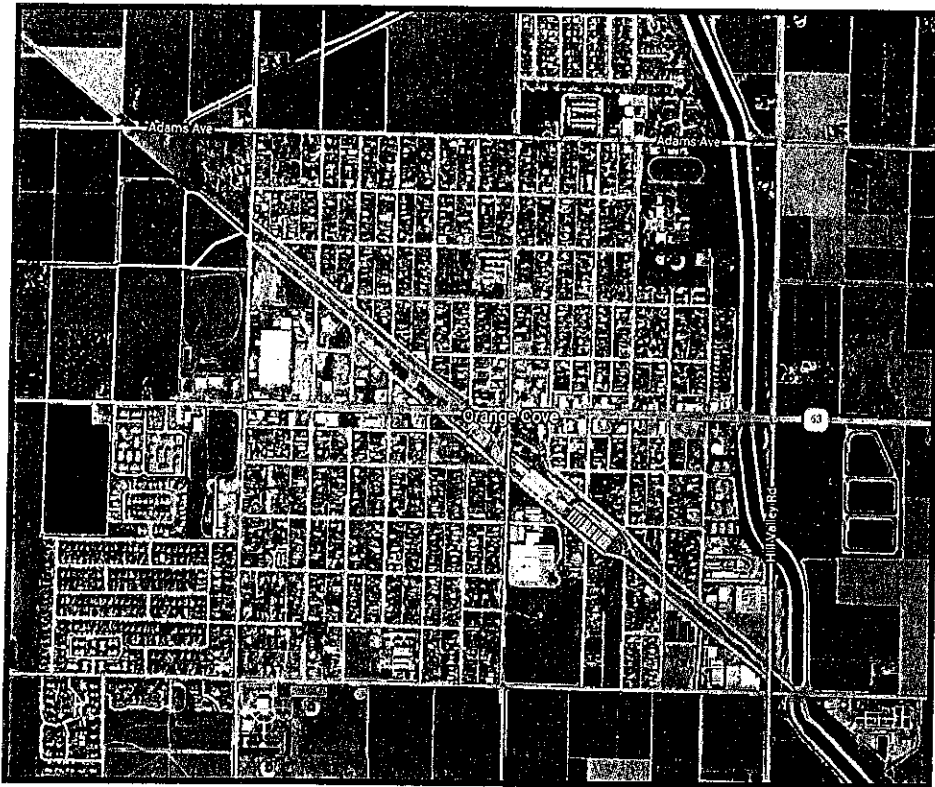
Approval of the Orange Cove General Plan, Land Use Element which details policy and design guidelines for the subject property as well as surrounding properties.

BACKGROUND

The subject property is located on the east side of 12th Street, south of J Street in Orange Cove. The APN is 378-182-15 (0.09 acres).

Detailed information on the planning application is as follows:

The proposed variance located in the southwestern quadrant of the city. The scope of the project is limited to the subject property, and if approved, Variance 2022-01 will lapse and become void after a period of one year if no building permit is issued and will run with the land. See pictured below the subject property highlighted in red:



The addition of one single-family dwelling's demands on water, sewer, and storm drain utilities can be met by the City of Orange Cove's water, sewer, and storm drain infrastructure. The proposed project intends to develop a new single-family dwelling, which are not considered to generate a significant impact. The new proposed use can be sufficiently served without requiring changes to the existing infrastructure.

Zoning: The site is currently zoned R-1-6. Surrounding zoning is as follows:

North: R-1-6, Single Family Residential
South: R-1-6, Single Family Residential
East: R-1-6, Single Family Residential
West: R-1-6, Single Family Residential

Development standards for R-1-6 district are as follows:

Lot Area: Minimum 6,000 square feet
Lot Width: Minimum 65 feet (corner lot)
Lot Depth: Minimum 100 feet (local street)
Front Yard Setback: Minimum of 20 feet
Side Yard Setback: Minimum of 5 feet interior, 10 feet street-side (corner lot)
Rear Yard Setback: Minimum of 20 feet

Land Use: The site currently contains a single-family residential dwelling. Surrounding land uses are as follows:

North: Church
South: Single-family residential dwelling
East: Single-family residential dwelling
West: Single-family residential dwelling

The Planning Department of the City of Orange Cove has reviewed the project and determined conditions necessary to serve the subject site. Conditions of approval have been incorporated into Resolution 2023-02 and are as follows:

General:

1. Violation of Variance No. 2022-01 will result in the Planning Commission review of the Variance and may result in initiation of revocation of the Variance.
2. The applicant shall pay all fees as required by existing ordinances and schedules.
3. All water well(s) and septic systems that served the subject property shall be abandoned pursuant to City, County, and State standards.

4. A five (5) foot street-side side yard setback will be required to be maintained in lieu of the normal ten (10) foot setback reduced by this variance.

Air Quality:

5. Applicant shall adhere to best management practices during construction regarding the Air District's fugitive dust rules to ensure the project does not violate the district's standards for dust emissions, pursuant to Regulation VIII, Fugitive PM 10 Prohibitions of the San Joaquin Valley Air Pollution Control District Rules and Regulations.
6. Applicant shall adhere to all energy conservation regulations for residential dwellings contained in the California Green Building Standards Code (Title 24).

Geology and Soils:

7. Applicant shall ensure that all structures be built consistent with Zone II seismic standards of the Uniform Building Code.

Water:

8. All new residential development is required to include water meters to reduce water consumption. Applicant shall ensure that water meters are installed consistent with City Standards.

Grading and Drainage:

9. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.

Park / Aesthetics:

10. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation features shall be low water consumption designs consistent with AB 1881 and Orange Cove municipal ordinances.

Utilities:

11. All new electric, cable television, telephone, internet, etc. services shall be provided to the subject property. Connections are encouraged to be undergrounded, but not required.

Cultural Resources:

12. Applicant must comply with CEQA requirements regulating disturbance of subsurface cultural and historical resources that may be discovered during earthmoving activities, pursuant to Public Resources Code §21083.2 and §21084.1
13. Should any human remains be discovered during any part of the development process, the Fresno County Coroner must be notified immediately.

Wildfire:

14. Consistent with requirements of the local fire district, applicant will be responsible for plowing down of dry vegetation on the subject property while land is vacant to reduce fuel and decrease risk of wildfire.

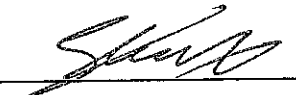
CONCLUSIONS

Variance 2022-01: The proposed variance is to reduce the street-side side yard minimum setback standard from 10 feet to 5 feet, in order to construct a single-family residential dwelling on an existing vacant lot, consistent with all provisions of the Orange Cove Municipal Code. All conditions of approval recommended by staff are intended to protect the health, safety, and welfare of the residents of Orange Cove, and ensure that there is no significant impact to the environment.

Environmental Review: The "project" consists of the Variance. A notice of exemption has been prepared for this project. Staff has made the finding that however is exempt from environmental review under Section 15305 of the CEQA Guidelines, Class 5 – Minor Alterations in Land Use Limitations. Staff has prepared a Notice of Exemption to support this finding. Further, the EIR prepared for the Orange Cove General Plan thoroughly discussed the impacts of urbanization and residential development. The City adopted a "Statement of Overriding Consideration" regarding the EIR prepared for the Orange Cove General Plan.

ATTACHMENTS

- A. Resolution No. 2023-02
- B. Notice of Exemption

Prepared By: 	Approved By: _____
<hr/>	
Reviewed: City Manager: _____	Finance: _____ City Attorney: _____
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Type of Item:	Council Action: Approved Denied No Action
___ Consent	___ Public hearing
___ Info Item	___ Matter Initiated by a Council Member
___ Action Item	___ Other
___ Department Report	___ Continue To: _____
___ Redevelopment Agency	

RESOLUTION NO. 2023 -02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE COVE APPROVING VARIANCE 2022-01, FILED BY PASQUAL JAIME, TO ALLOW REDUCED SETBACK STANDARDS FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL DWELLING ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF 12TH STREET AND J STREET, APN: 378-182-15, AND TO APPROVE AN EXEMPTION UNDER CEQA GUIDELINES SECTION 15305, CLASS 5 EXEMPTION.

WHEREAS, the Planning Commission of the City of Orange Cove did conduct a duly noticed public hearing in the Council Chambers of the Orange Cove City Hall in Orange Cove, California, on January 24th, 2023, to consider Variance application no. 2022-01 (Variance), seeking to reduce the street-side side yard minimum setback standard from 10 feet to 5 feet, in order to construct a single-family residential dwelling on an existing vacant lot located on the southeast corner of 12th St. and J St., Orange Cove, CA 93646, APN 378-182-15; and

WHEREAS, the Planning Commission reviewed the staff report prepared for the proposed Variance which is herein incorporated by this reference; and heard public testimony offered at the public hearing on the project; and

WHEREAS, the proposed Variance is considered a project by the California Environmental Quality Act (CEQA) and is categorically exempt from environmental review pursuant to CEQA Guidelines Class 5 “Minor Alterations in Land Use Limitations” Exemption, 14 CCR § 15305; and

WHEREAS, currently the R-1-6 district permits “One-family dwellings, but not more than one dwelling per lot, exempt in a planned unit development”; and

WHEREAS, notice was duly given that the Planning Commission of the City of Orange Cove would hold the public hearing on January 24th, 2023; and,

WHEREAS, the Commission can make all the findings required for approval of Variance No. 2022-01, and desires to approve the same.

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of Orange Cove does hereby resolve, find, determine and order as follows:

1. The Planning Commission finds the foregoing recitals are true and correct and are incorporated herein by this reference as if set forth in full.
2. The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the Planning Commission determination of the Variance, as conditioned, is consistent with the requirements of the Orange Cove Municipal Code applicable to the Variance. Based on the evidence in the administrative record, the Planning Commission further approves, accepts as its own, and makes every one of the findings set forth below, that the

proposed Variance No. 2022-01 is consistent with Orange Cove Municipal Code Section 17.54.040 as follows:

- a. Finding 1: *That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this title deprives the subject property of privileges in the vicinity and under identical zone classification.*

The subject property is a legal, non-conforming lot with regards to its area and width. The property is oriented parallel to the other lots on the block, and is a corner lot, meaning it is subject to more stringent side yard setback standards on the side that shares a property line with the public right-of-way. Property directly east of the subject property, and under identical zone classification, has been permitted the privilege of building within 5 feet of the very same property line shared with the public right-of-way. A variance is required because the subject property is otherwise deprived of this privilege, as there would not be sufficient buildable area on the site to construct a single-family dwelling. This finding can be made.

- b. Finding 2: *That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.*

The subject property is in an otherwise built-out single-family residential neighborhood, which has multiple instances of corner lots that have residential structures within 10 feet of the street-side side yard area. Also, the addition of a single-family residential structure on a currently vacant lot will represent a boon to public welfare and safety. The proposed project will not be materially injurious to the property or improvements in the vicinity of the subject property. This finding can be made.

- c. Finding 3: *That the granting of such variance will not adversely affect the general plan or the purposes of this title.*

The granting of this variance will only reduce one of the setback standards by 50%, and in such a way that many other properties in the district have historically done. The development of infill lots for single-family residential use is consistent with the goals of the General Plan, and variance will result only in development that is consistent with the purposes of the Zoning Ordinance. This finding can be made:

3. The City has performed a preliminary environmental assessment of this project and the Planning Commission determines that the project falls within the Class 5 Categorical Exemption pursuant to CEQA Guidelines Section 15305, as the project consists of minor alternations in land use limitations in areas with an average slope of less than twenty (20) percent, which do not result in any changes in land use or density.

4. For all the foregoing reasons, and each of them, the Planning Commission approves Variance No. 2022-01, as conditioned. As such, the Planning Commission also adopts a Class 5 Categorical Exemption for this project.
5. Conditions of Approval

General:

1. Violation of Variance No. 2022-01 will result in the Planning Commission review of the Variance and may result in initiation of revocation of the Variance.
2. The applicant shall pay all fees as required by existing ordinances and schedules.
3. All water well(s) and septic systems that served the subject property shall be abandoned pursuant to City, County, and State standards.
4. A five (5) foot street-side side yard setback will be required to be maintained in lieu of the normal ten (10) foot setback reduced by this variance.

Air Quality:

5. Applicant shall adhere to best management practices during construction regarding the Air District's fugitive dust rules to ensure the project does not violate the district's standards for dust emissions, pursuant to Regulation VIII, Fugitive PM 10 Prohibitions of the San Joaquin Valley Air Pollution Control District Rules and Regulations.
6. Applicant shall adhere to all energy conservation regulations for residential dwellings contained in the California Green Building Standards Code (Title 24).

Geology and Soils:

7. Applicant shall ensure that all structures be built consistent with Zone II seismic standards of the Uniform Building Code.

Water:

8. All new residential developments are required to include water meters to reduce water consumption. Applicant shall ensure that water meters are installed consistent with City Standards.

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Wildfire:

14. Consistent with the requirements of the local fire district, applicant will be responsible for plowing down of dry vegetation on the subject property while land is vacant to reduce fuel and decrease risk of wildfire.

* * * * *

The foregoing resolution was adopted upon a motion by Commissioner _____, Commissioner _____ seconded the motion at a special meeting of the Orange Cove Planning Commission on the 24th of January, 2023, and carried by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair

City Clerk