

CITY OF MENDOTA

"Cantaloupe Center Of The World" **AMENDED**

JUAN LUNA
Chair
ALBERT ESCOBEDO
RAMIRO ESPINOZA
MARTIN GAMEZ
JONATHAN LEIVA

**CITY OF MENDOTA
PLANNING COMMISSION
AGENDA**
City Council Chambers
Mendota, CA 93640
REGULAR MEETING
December 20, 2016
6:30 P.M.

VINCE DiMAGGIO
City Manager
CRISTIAN GONZALEZ
Public Works/Planning Director
JEFF O'NEAL
City Planner

The Mendota City Planning Commission welcomes you to its meetings, which are scheduled for the 3rd Tuesday every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Planning Commissioners may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phone off. Thank you for your respect and consideration.**

Any public writings distributed by the City of Mendota to at least a majority of the Planning Commission regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

FINALIZE THE AGENDA

1. Adoption of final Agenda.

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular meeting of September 20, 2016.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

PUBLIC HEARING

1. Public Hearing to adopt **Resolution No. PC 16-06**, recommending the City Council approve Application No. 16-01, consisting of a rezone, Tentative Parcel Map No. 16-01, with an accompanying finding of consistency with the Final Environmental Impact Report.
 - a. *Receive report from City Planner O'Neal*
 - b. *Inquiries from Planning Commissioners to staff*
 - c. *Chair Luna opens the public hearing*
 - d. *Once all comment has been received, Chair Luna closes the public hearing*
 - e. *Commission considers Resolution No. PC 16-06 for adoption*

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

The public is invited to speak to the Planning Commission at this time about any item that is not on the Agenda. Please limit your comments to five (5) minutes. Please note that the Planning Commission cannot take action on any item not listed on the agenda.

PLANNING DIRECTOR UPDATE

PLANNING COMMISSIONERS' REPORTS

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota Planning Commission Regular Meeting of Tuesday, December 20, 2016 was posted on the outside bulletin board of City Hall, 643 Quince Street on Friday, December 16, 2016 at 10:58 a.m.



Celeste Cabrera, Deputy City Clerk

by Commissioner Espinoza; unanimously approved (4 ayes, absent: Luna and Quintanar).

PUBLIC HEARING

1. Public Hearing to adopt **Resolution No. PC 16-05**, recommending the City Council approve Application No. 16-01, Tentative Parcel Map. 16-01, a general plan amendment, and rezone, with accompanying negative declaration.

Chairperson Pro Tem Gamez introduced the item and City Planner O'Neal summarized the report including the location of the property; the current zoning designations of the property; the process and requirements to amend the General Plan; the zoning designations that each portion of the property will be converted to; and the various findings the Planning Commission needs to make in order to forward a recommendation to the City Council.

Discussion was held on individuals accessing the property through Highway 33; the possibility of adding the condition that the property owner needs to place fencing around the property; what the property owner plans to do with the property; the 20 feet easement that the City is requesting for line access; and the possibility of adding a condition of a setback from the fire department building.

At 7:09 p.m. Chairperson Pro Tem Gamez opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

Discussion was held on whether the property owners will develop the property.

A motion was made to adopt Resolution No. PC 16-05 with the condition that the property owner place a barrier around the property to prevent vehicles from driving on it by Commissioner Escobedo, seconded by Commissioner Leiva; approved (3 ayes, no: Gamez, absent: Luna and Quintanar).

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

None offered.

PLANNING DIRECTOR UPDATE

Public Works & Planning Director Gonzalez reported that the City Council approved the Planning Commission's recommendation in regards to Resolution No. PC 16-04 and provided an update on the development of a Dollar Tree store.

Discussion was held on discussing the issues of adding additional traffic control mechanisms on state routes in the City at a future Public Safety Sub-Committee meeting.

Chairperson Pro Tem Gamez inquired on the possibility of Caltrans constructing a roundabout at the intersection of Oller and Derrick Avenues.

PLANNING COMMISSIONERS' REPORTS

Commissioner Leiva inquired on installing a traffic signal at the intersection of Oller Avenue and 7th Street.

ADJOURNMENT

At the hour of 7:21 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Escobedo, seconded by Commissioner Leiva unanimously approved (4 ayes, absent: Luna and Quintanar).

Martin Gamez, Chairperson Pro Tem

ATTEST:

Matt Flood, City Clerk

DATE: December 20, 2016

TO: City of Mendota Planning Commission

FROM: Jeffrey O’Neal, AICP
City Planner

SUBJECT: A public hearing to consider Revised Application No. 16-01, consisting of Tentative Parcel Map No. 16-01 and a Rezone to R-1, with an accompanying finding of consistency with the Mendota General Plan, and forwarding a recommendation to the City Council

Executive Summary

The applicant proposes to amend the zoning of an existing legal lot northeast of McCabe and Sorensen Avenues to R-1 and subdivide it into two lots. The smaller lot would contain an existing home, and the larger would remain vacant. No development of the site is proposed at this time. The change of zone and the creation of the parcel map are consistent with the planned land use of Medium Density Residential. Staff recommends that the Planning Commission adopts Resolution No. PC 16-06, recommending that the City Council find the project consistent with the General Plan and approve the rezoning and tentative parcel map.

Background

Owner/Applicant: Alan and Eric Hansen
837 Oller Street
Mendota, CA 93640

Submitted by: Dale G. Mell & Associates
Dale G. Mell, PLS
2090 N. Winery Avenue
Fresno, CA 93703

Location: Northeast corner of McCabe and Sorensen Avenues
191 Sorensen Avenue
APN 012-200-26
See attached map and photo

Site Size: 7.79± acres

Zoning: R-1 Single-Family/Medium Density Residential District
R-3 High Density Multiple-Family Residential District
C-3 Central Business and Shopping District

General Plan: Medium Density Residential

Existing Use: Single-family residence, vacant

Adjacent Uses: North – Storm basin, fallow agriculture; R-1, AE-20 (Fresno County)
South – Single-family residential, school; R-1, P-F
East – Commercial uses, fire department; C-3, C-1
West – Single-family residential; R-1

Street Access: Sorensen Avenue, McCabe Avenue

The tentative parcel map was originally scheduled for Planning Commission consideration at its April 19, 2016 meeting. Due to the need for an accompanying general plan amendment, rezone, and CEQA analysis, that hearing was cancelled. Following completion of the additional processes, which included

correspondence with Native American Tribes pursuant to SB 18, the Planning Commission conducted a public hearing on September 20, 2016 to consider:

- Amending the General Plan Land Use from Medium Density Residential to High Density Residential;
- Amending the Zoning Map to reflect the entirety of the parcel as R-3 High-Density Multiple Family Residential;
- Approval of a tentative parcel map to create of one 18,683-square-foot parcel and one 7.36-acre parcel from the existing 7.79-acre parcel; and
- A negative declaration, finding that the project did not have the potential to significantly impact the environment.

The Planning Commission adopted Resolution No. PC 16-05, recommending that the City Council approve the overall project as proposed. On October 9, 2016, the City Council considered introduction and waiver of the first reading of Ordinance No. 16-09, which following adoption would have rezoned the entirety of the site from a mix of R-1, R-3, and C-3 to R-3. After a detailed discussion involving general plan and zoning consistency, potential future development plans, and the acknowledged significant traffic concerns in the vicinity of the project site, the City Council denied the ordinance by a 4-0 vote with one recusal. Said denial effectively mooted any future consideration of the general plan amendment, and resulted in this revised proposal to amend the zoning map to reflect the property as R-1.

Project Proposal & Discussion

Application No. 16-01 as revised consists of two components: a zoning map amendment (rezone) and Tentative Parcel Map No. 16-01. Tentative Parcel Map No. 16-01 proposes to subdivide the approximately 7.79-acre parcel into two parcels of approximately 18,683 square feet (0.43 acres) and 7.36 acres, respectively. The California Subdivision Map Act (Map Act; CA Government Code Section 66410, *et seq.*) establishes much of the procedure for subdivision of land. Other components are contained within Title 16 (Subdivision Ordinance) of the Mendota Municipal Code.

The map identified the smaller parcel as Proposed Parcel 1 and the larger as the Unsubdivided Remainder. For the purpose of future reference to the parcels following recordation of the parcel map, staff recommends that the parcels formally be called Parcel 1 and Parcel 2. They will be referred to as such throughout this report. An existing single-family residence would remain on Parcel 1.

Rezone

Govt. Code Section 65860 requires that zoning be consistent with the General Plan. The process to amend the Zoning Ordinance, including the Official Zoning Map, is contained within Government Code Sections 65853-65857, as well as within MMC Section 17.08.040. The Planning Commission is required to conduct a noticed public hearing to consider the proposal, following which it may make a recommendation to the City Council. The City Council then conducts a noticed hearing and considers the proposal.

The site currently contains three zones as illustrated in **Figure 1**. Most of the site is zoned R-1 (Single-Family/Medium Density Residential District; 5.15 acres), including the location of the existing dwelling. Other portions of the site are zoned R-3 (High Density Multiple-Family Residential District; 2.00 acres) and C-3 (Central Business and Shopping District; 0.64 acres). The project proposes to amend the R-3 and C-3 areas so that the entirety of the site is zoned R-1. The new zoning would provide consistency with

the current General Plan Land Use designation of Medium Density Residential. This would ultimately accommodate the construction of single-family dwellings.

Tentative Parcel Map

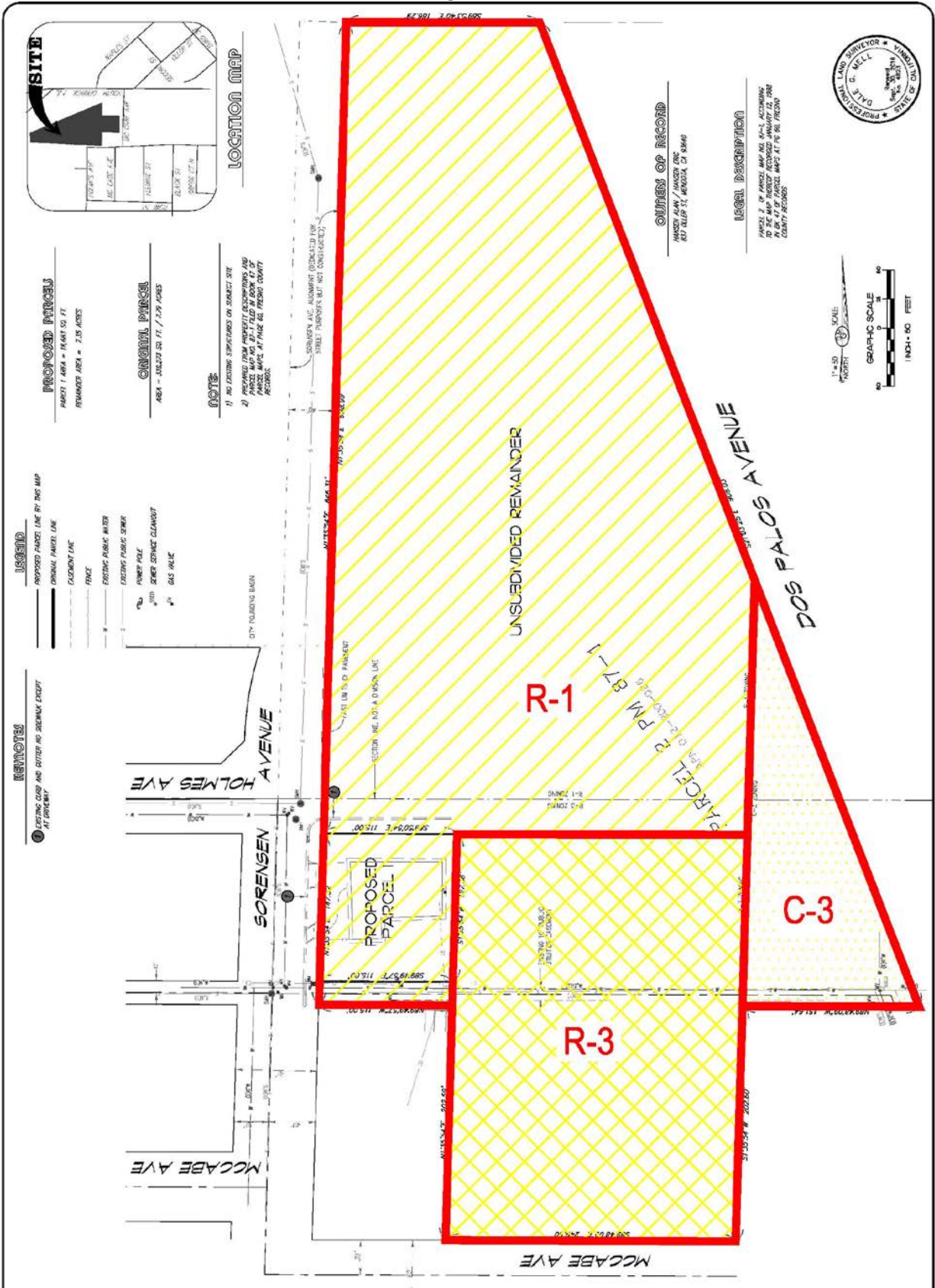
The California Subdivision Map Act (Government Code Section 66410, *et seq.*) establishes most of the procedures for subdivision of land. Other components are contained within Title 16 (Subdivision Ordinance) of the Mendota Municipal Code. Generally, a parcel map is required in order to subdivide land into four or fewer parcels. Note the distinction of a “tentative parcel map” versus simply a “parcel map”. As indicated in the Map Act, a parcel map is immediately recordable following its approval, while approval of a tentative map is only the first step in a two-step process. The Subdivision Ordinance provides applicants the option of submitting a parcel map or a tentative parcel map. This allows the City flexibility in applying conditions of approval while granting the subdivider an additional year (two instead of one) during which to record a final map or parcel map. Although the Subdivision Ordinance indicates that tentative parcel maps are valid for one year following approval, the Map Act indicates that they are valid for two years, and is the controlling law.

The relevant component of the overall project consists of Tentative Parcel Map No.16-01 (attached), which proposes to subdivide the approximately 7.79-acre parcel into two parcels identified as “Proposed Parcel 1” and “Unsubdivided Remainder”. For the purpose of future reference to the parcels following recordation of the parcel map, staff recommends that the parcels formally be called Parcel 1 and Parcel 2. They will be referred to as such throughout this report. The two parcels would contain approximately 18,683 square feet (0.43 acres) and 7.36 acres, respectively. An existing single-family residence would remain on Parcel 1. The proposed R-1 zone district has a minimum area requirement of 6,000 square feet, a minimum width of 60 feet, and a minimum depth of 100 feet. The proposed parcels exceed the minimum requirements, and following completion of the zoning amendment, the onsite use will remain in conformance.¹ No further development of or land use entitlements for either resultant parcel is being contemplated; any future development and/or new uses could be subject to the appropriate land use application(s) (tentative map, parcel map, etc. as circumstances dictate for the project[s] that may be proposed). The project would require the owner to dedicate new and expanded public utilities easements to accommodate existing City water and sewer lines that cross the property. The map also illustrates Parcel 2 as having a peninsula or panhandle that extends to Sorensen Avenue south of Parcel 1. Staff recommends that the peninsula be included as part of Parcel 1 instead.

The Subdivision Ordinance lays out the process for tentative parcel maps as follows: the Planning Commission must conduct a public hearing and make a recommendation to the City Council. The City Council must then conduct a public hearing and make a decision on the tentative parcel map. If the City Council approves the tentative parcel map, the applicant may then file a final parcel map (technically just referred to as a “parcel map”) within 24 months. Although approval of parcel maps is typically vested with the City Council, the Subdivision Map Act provides that a City may, by ordinance, delegate the responsibility to another entity. In Mendota’s case, the authority to approve a parcel map based on an approved tentative parcel map has been delegated to the City Clerk; however, the authority to accept or reject dedications remains with the City Council. Since the tentative parcel map is conditioned to provide easements for public utilities, the Council must take action via resolution regarding those easements, if not regarding the parcel map itself. The City maintains the right to require that future development makes additional dedications (e.g. for public utilities, right-of-way, etc.) as necessitated by project-specific circumstances.

¹ Single-family residences are a permitted use in the R-1 zone district.

Figure 1



Environmental Assessment

The first step in complying with the California Environment Quality Act is to determine whether the activity in question constitutes a “project” as defined by the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.* A “project” consists of the whole of an action (i.e. not the individual pieces or components) that may have a direct or reasonably foreseeable indirect effect on the environment. The second step is to determine whether the project is subject to or exempt from the statute. This proposal both qualifies as a project under CEQA and is subject to CEQA. It involves the issuance to a person of a “lease, permit, license, certificate, or other entitlement for use” and involves amendment to the Zoning Ordinance, which action is expressly considered to be a “project” pursuant to CEQA Guidelines Section 15378.

Although there is an exemption from CEQA for “Minor Land Divisions” that applies to subdivisions resulting in four or fewer parcels, the minor land division must be within an “urbanized area”, essentially defined as a concentrated area of 50,000 or more persons. The CEQA Guidelines also contain a provision within Section 15061(b)(3) often referred to as the “General Rule” exemption, which may be used when it can be seen with certainty that there is no possibility that a project could have a significant effect on the environment. While it could be argued that a change to the Zoning Maps and subdivision of the land without further development could not have any significant effect on the environment, a slightly more comprehensive evaluation was performed because CEQA requires that an agency examine both direct and reasonably foreseeable indirect impacts from a project.

After review and consideration of the project as revised, staff supports a finding consistent with CEQA Guidelines Sections 15183(a) and (i), which state:

“(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are particular to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.”

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.”

These Guidelines Sections are based upon Public Resources Code Section 21083.3, *et seq.*, which provides statutory exemption from CEQA for projects meeting the required criteria.

Prior to adoption of the 2005-2025 General Plan Update, the City Council certified the Final Environmental Impact Report prepared in conjunction with the General Plan. The EIR identified, analyzed, and proposed all feasible mitigation to reduce potentially significant environmental impacts to less than significant levels, unless said impacts were unable to feasibly be so mitigated. The City Council made findings and adopted a Statement of Overriding Considerations indicating that, although adoption and implementation of the General Plan could result in significant and unavoidable impacts, the benefits of the General Plan outweighed these impacts.

Thus, given that the proposed rezoning is consistent with and serves to implement the General Plan for which an EIR was certified, and that it would create two parcels not identified for imminent or foreseeable development and therefore would not result in significant impacts particular to either of the sites, staff recommends a finding that the proposed action is not subject to any additional environmental review, and is statutorily exempt from CEQA under Public Resources Code Section 21083.3(b). It should be noted that any future proposals for development or otherwise requiring discretionary action on the City's part related to the affected parcels will be subject to review under CEQA at that time.

Public Notice

A notice of public hearing regarding the tentative parcel map and the rezone was published in the December 7, 2016 edition of the *Firebaugh-Mendota Journal*. On September 9, 2016, a notice of public hearing was individually mailed to record owners of all property within 300 feet of the exterior boundary of the project site and placed within the City Hall bulletin window.

Planning Commission Findings

Section 17.08.050 of the Mendota Municipal Code, based on Government Code Section 66474, requires that the Planning Commission and/or City Council disapprove the map under certain circumstances. Accordingly, the following findings have been made contrary to the requirements for denial:

FINDING No. 1: THE PROPOSED SUBDIVISION, ALONG WITH ITS DESIGN AND IMPROVEMENTS, IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND ANY APPLICABLE SPECIFIC PLANS.

The proposed subdivision meets the requirements of the General Plan. The land is designated as Medium Density Residential within the Land Use Element of the General Plan. The project proposes to subdivide vacant residential land into two smaller parcels with no imminent proposition for development of either property, accounting for the opportunity for future single-family development on the larger parcel. The proposed subdivision consists of lots in a configuration suitable for future residential development consistent with the Medium Density Residential designation, and conditions of approval will ensure that future development of the overall site maintains the appropriate General Plan standards. The site is not within any specific plan area.

FINDING No. 2: THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF PROPOSED DEVELOPMENT.

The General Plan identifies the site for medium density (i.e. single-family) residential development. No specific project or development of the site has been proposed at this time; however, the land is flat, level, and regularly-shaped (i.e. no panhandles, odd angles, curved parcel boundaries, etc.). Regulatory and practical lot coverage limitations will ensure that future development of the site maintains appropriate density.

FINDING No. 3: THE PROPOSED DESIGN AND IMPROVEMENTS ARE NOT LIKELY TO CAUSE ENVIRONMENTAL DAMAGE OR HEALTH CONCERNS.

The proposed subdivision is not likely to result in environmental damage or health concerns because conditions of approval, both for the subdivision and for future development proposals, will ensure that activities conform to applicable health, safety, noise, and nuisance standards.

FINDING No. 4: THE DESIGN OF THE SUBDIVISION WILL NOT CONFLICT WITH PUBLIC EASEMENTS FOR ACCESS THROUGH OR USE OF THE PROPERTY WITHIN THE SUBDIVISION.

Easements for the public at-large exist as public rights-of-way (Sorensen Avenue, McCabe Avenue, and Dos Palos Avenue) abutting the project site to the west, south, and east, respectively. The design and improvement of the proposed subdivision will not affect the public's use of those easements. There is an existing 10-foot-wide public utilities easement running generally west-to-east that contains City water and sewer lines. This easement will be expanded by approximately five feet to each side to provide a standard 20-foot public utilities easement. Future development of the site will be required to respect all existing easements, and/or relocate said easements and the utilities they contain based upon review of said development.

Recommendation

It is recommended that the Mendota Planning Commission adopts Resolution No. PC 16-06, recommending that the City Council find that the proposal as amended is consistent with the Final EIR certified prior to adoption of the General Plan and approve the rezone and tentative parcel map contained within Application No. 16-01 subject to the following conditions of approval:

As may be used herein, the words "subdivider", "owner," "operator", and "applicant" shall be interchangeable. Conditions of approval related to future development of the project site are either expressly (i.e. specific references using the term "future development" or similar) or impliedly (i.e. referring to activities that could only occur during site development) related, and shall be applicable at the time of approval of said future development.

General

1. Approval of Tentative Parcel Map No. 16-01 is reliant upon City Council enactment of an ordinance to amend the zoning of the entirety of the subject site to R-1 Single-Family/Medium Density Residential District to provide consistency with the General Plan Land Use designation of Medium Density Residential.
2. Tentative Parcel Map No. 16-01 shall be valid for a period of 24 months from the date of its approval or conditional approval by the City Council. Extensions to this period may be requested pursuant to Section 66453.3 of the California Subdivision Map Act.
3. As determined necessary by the City Engineer, a subdivision agreement shall be executed between the City of Mendota and the subdivider prior to or concurrently with City Council consideration of the tentative parcel map. This agreement allows for the deferral of certain improvements and fees until the development of individual parcels as outlined herein or in the individual development proposals as determined by the City Engineer. A subdivision agreement certificate shall be placed on the map to reference the recording information of the subdivision agreement.
4. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may formally submit a final parcel map (Parcel Map).
5. The Parcel Map shall be prepared in accordance with Chapter 2, Article 3 of the Subdivision Map Act by a California-licensed land surveyor or civil engineer qualified to perform such service.

6. The Parcel Map submittal shall include parcel closures and a preliminary title report dated no more than thirty (30) days prior to submission to the City Engineer. Copies of all easement documents referenced in the preliminary title report shall accompany the submittal. All parcel map fees and recording fees shall be paid as required by the City of Mendota and the County of Fresno prior to recordation of the map. The owner shall provide the City with a Land Division or Subdivision Guarantee and a Fresno County Tax Compliance Certification Request prior to the City submitting the Parcel Map to the Clerk to the Board of Supervisors.
7. The Parcel Map shall reflect two numbered parcels consistent with the approved Tentative Parcel Map, except as may be modified herein and as follows: "Proposed Parcel 1" shall be "Parcel 1" and "Unsubdivided Remainder" shall be "Parcel 2". References to particular parcels herein shall use the parcel numbers as indicated in this paragraph.
8. Owner shall make an irrevocable offer of dedication for public utilities purposes 20 feet in width and centered on the centerline of the existing public utilities easement dedicated and accepted as part of Parcel Map No. 87-01. Where a width of 20 feet would require that the easement encroach on property that is not a part of Parcel Map No. 16-01, the easement shall be reduced in width such that it is collinear with the adjoining property line over which it would otherwise encroach for a distance equal to the length of said line. Said easement shall extend from the eastern right-of-way line of Sorensen Avenue east to the western right-of-way line of Dos Palos Avenue as identified of record.
9. The Parcel Map shall reflect that the 19.5-foot-wide by 115.00-foot-long area immediately abutting the easterly right-of-way line of Sorensen Avenue and the southerly line of Parcel 1 is included as part of Parcel 1 and is correspondingly not included as a part of Parcel 2. This area shall either be fenced along with the northerly portion of Parcel 1 or the owner shall provide a palliative surfacing or ground cover suitable to the City Engineer to minimize dust and nuisance vegetation.
10. Future development of the project site shall comply with all applicable provisions of the City of Mendota General Plan Update 2005-2025 and the Mendota Municipal Code, including but not limited to: potable water protection regulations (Chapter 13.24), business licensing requirements (Title 5), and Building Code Standards (Title 15); the Subdivision Ordinance (Title 16); and the regulations of the applicable zone district(s) and other relevant portions of the Zoning Ordinance (Title 17), including but not limited to acquisition of a conditional use permit and/or approval of a site plan; and the City of Mendota Standard Specifications and Standard Drawings.
11. Construction drawings including but not limited to building and improvement plans; site, grading, irrigation, lighting, and landscaping shall be submitted to the Building Department and/or to the City Engineer as appropriate for review and approval. A building permit or permits, including payment of applicable fees, shall be acquired prior to start of any construction activities.
12. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
13. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.

14. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on McCabe Avenue, Sorensen Avenue, and Derrick Avenue (State Route 33).
15. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
16. Any work within, across, above, beneath or otherwise affecting Caltrans, County of Fresno, or other agency right-of-way, property, or operations shall be subject to applicable provisions of said other agency, including but not limited to acquisition of encroachment permits, dedication or right-of-way, or other requirements.
17. It shall be the responsibility of the owner/developer to grant easements as necessary for the installation and maintenance of private utilities, including but not limited to: electricity, gas, telephone, and cable television.
18. Any work within, across, above, beneath or otherwise affecting right-of-way, property, and/or easements owned by or granted to purveyor(s) of private utilities shall be subject to the applicable provisions of said purveyor(s).
19. Prior to issuance of a certificate of occupancy for new development, all conditions of approval shall be verified as complete by the Planning Department. Any discrepancy or difference in interpretation of the conditions between the owner/applicant and the Planning Department shall be subject to review and determination by the Planning Commission.
20. Development shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
21. Development shall comply with the requirements of the Fresno County Fire Protection District/CalFire.
22. The owner of the project site, or of individual parcels created, shall be responsible for the ongoing and long-term maintenance of all onsite amenities to ensure that nuisance complaints are not received by the City.
23. Connection points for water and wastewater shall be determined by the City Engineer during review of future development proposals. Connections shall be made in accordance with City of Mendota standards and shall be coordinated with the Director of Public Utilities.
24. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures.
25. All City of Mendota Planning, Building, and Engineering fees and costs shall be paid in full to the City prior to recordation of a Parcel Map.
26. Excluding the continued use of the existing single-family residence for single-family residential purposes, future applicants intending to construct on, operate on, or otherwise occupy the

parcels created by the Parcel Map shall be responsible for payment of City of Mendota Application Fees, Plan Check and Engineering Fees, Building Fees, and/or Development Impact Fees in amounts to be determined during review, processing, and approval of their respective projects. In the event that the owner of the single-family residence proposes to undertake any new activities normally subject to any of all of the above fees, said fees would become payable as related to said activities.

27. Development shall be responsible for payment of fees to Mendota Unified School District and shall provide the City with evidence of payment, or evidence of the District's determination that no fees are required, prior to issuance of a certificate of occupancy.
28. Development shall be responsible for payment of Fresno County Regional Transportation Mitigation Fees and Fresno County Public Facilities Impact Fees and shall provide the City with evidence of payment, or evidence of the County's determination that no fees are required, prior to issuance of a certificate of occupancy.

Staff Further Recommends:

1. That the Planning Commission Chair request a report from staff, and ask for any clarification as needed by the Commission;
2. That the Chair open a public hearing, requesting any public comments in favor of, opposed to, or otherwise regarding the proposed project. Upon conclusion of testimony, ask the Commission for a consensus that sufficient information has been obtain to close the public portion of the hearing. The Chair may then close the public hearing.
3. That the Chair ask the Commission for action on the application. The Commission may then render a decision based on the merits of the proposal, staff comments, and any public testimony received. A resolution containing the conditions of approval is attached.



**City of Mendota Application No. 16-01
APN 012-200-26 191 Sorensen Ave.**

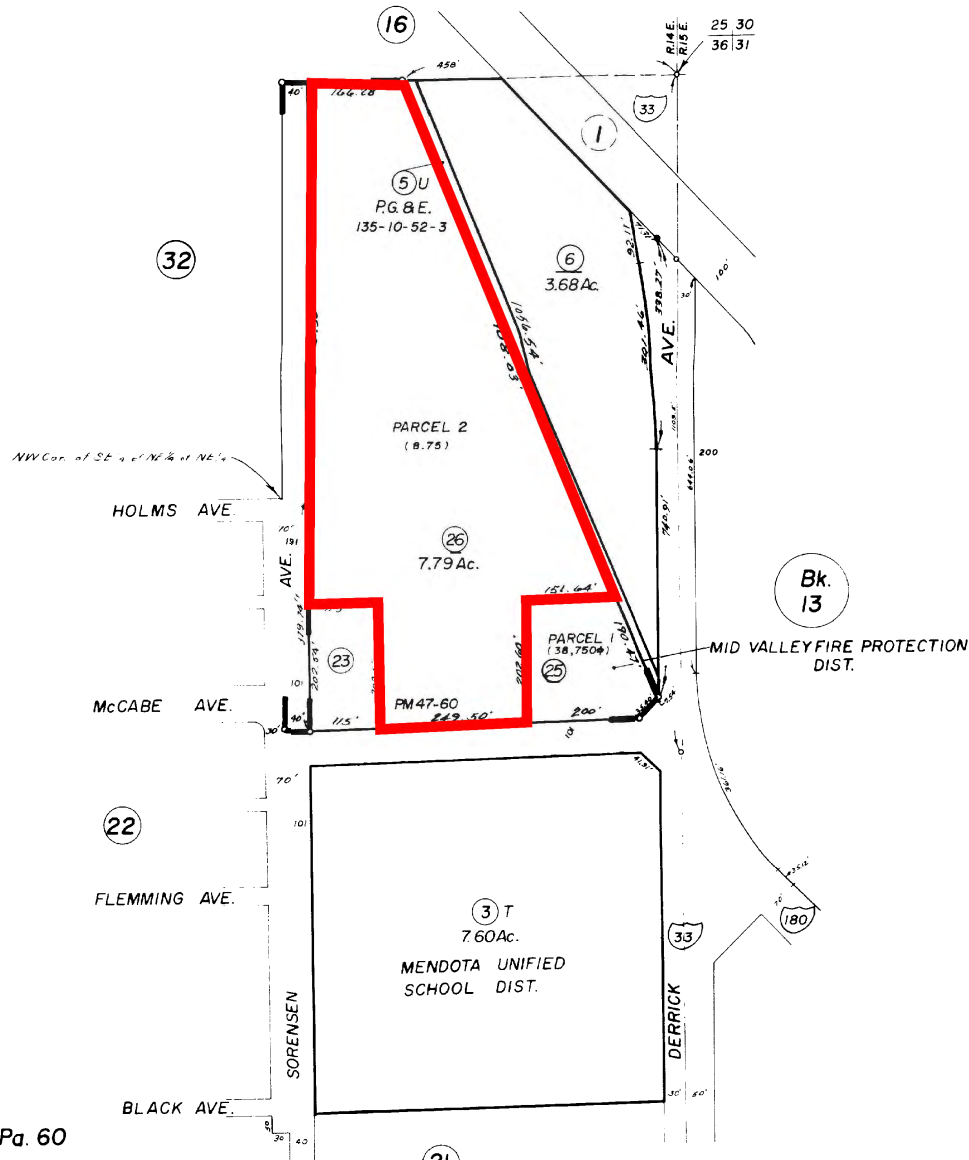
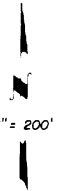
 **Project Site**

— NOTE —
 This map is for Assessment purposes only.
 It is not to be construed as portraying legal
 ownership or divisions of land for purposes
 of zoning or subdivision law.

POR. SEC. 36, T.13 S., R.14 E., M.D.B.&M.

Tax Area
 12-001

12-20



Agricultural Preserve
 Parcel Map No. 87-1, Bk. 47, Pa. 60

1961

Assessor's Map Bk. 12 -Pg. 20
 County of Fresno, Calif.



City of Mendota Application No. 16-01
 APN 012-200-26 191 Sorensen Ave.

 Project Site

KEYNOTES

● EXISTING CURB AND GUTTER NO SIDEWALK EXCEPT AT DRIVEWAY

LEGEND

- PROPOSED PARCEL LINE BY THIS MAP
- ORIGINAL PARCEL LINE
- EASEMENT LINE
- FENCE
- EXISTING PUBLIC WATER
- EXISTING PUBLIC SEWER
- POWER POLE
- S-500 SEWER SERVICE CLEANOUT
- G-1 GAS VALVE
- POUNDING BASIN

PROPOSED PARCELS

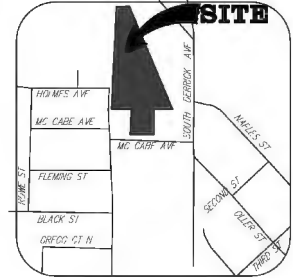
PARCEL 1 AREA = 18,883 SQ. FT.
REMAINDER AREA = 7.35 ACRES

ORIGINAL PARCEL

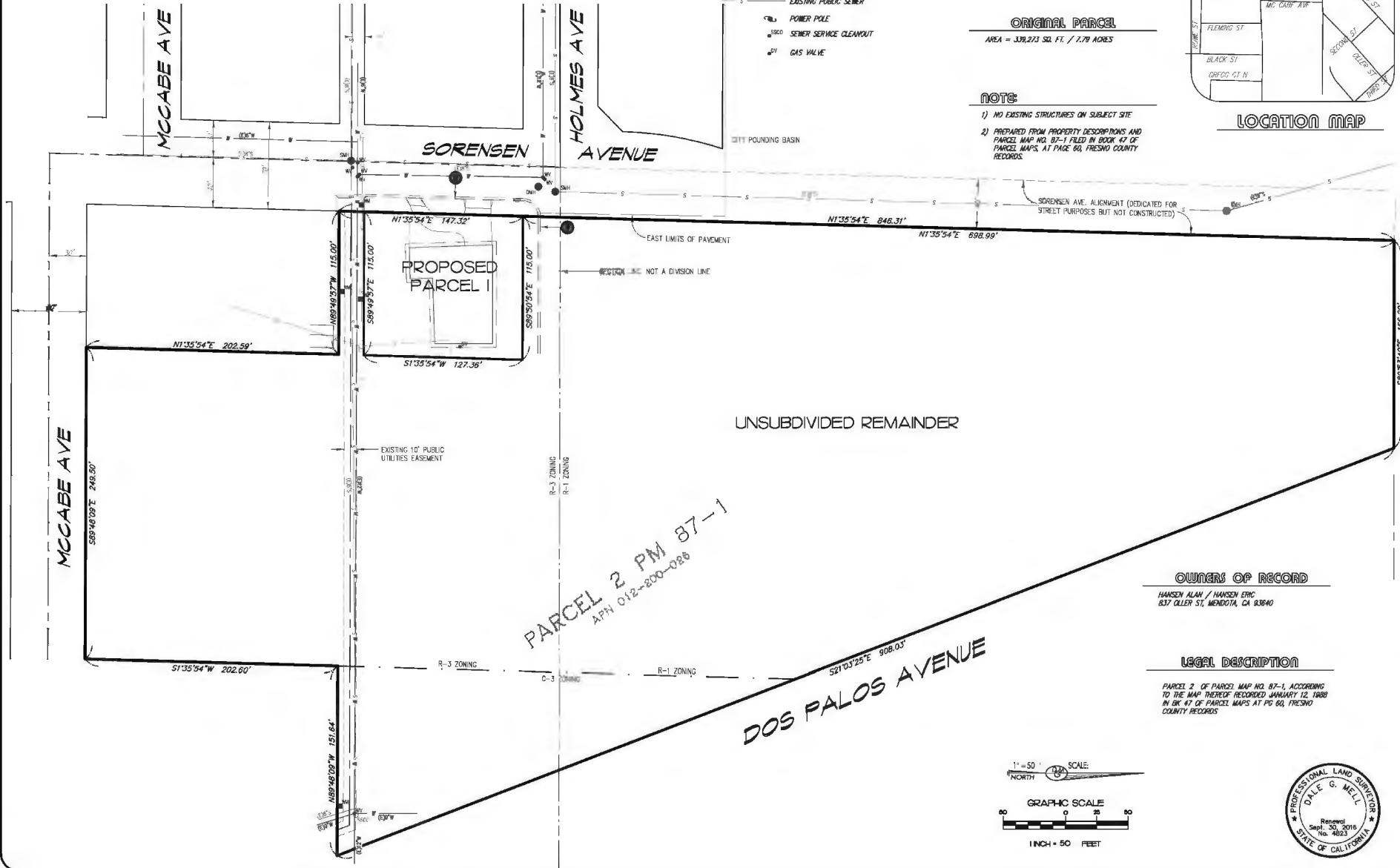
AREA = 339,273 SQ. FT. / 7.79 ACRES

NOTE

- NO EXISTING STRUCTURES ON SUBJECT SITE
- PREPARED FROM PROPERTY DESCRIPTIONS AND PARCEL MAP NO. 87-1 FILED IN BOOK 47 OF PARCEL MAPS, AT PAGE 60, FRESNO COUNTY RECORDS.



LOCATION MAP



PARCEL 2 PM 87-1
APH 012-200-028

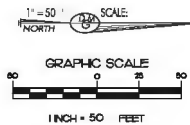
UNSUBDIVIDED REMAINDER

OWNERS OF RECORD

HANSEN ALAM / HANSEN ERIC
837 OLLER ST, MENDOTA, CA 93840

LEGAL DESCRIPTION

PARCEL 2 OF PARCEL MAP NO. 87-1, ACCORDING TO THE MAP THEREOF RECORDED JANUARY 12, 1988 IN BOOK 47 OF PARCEL MAPS AT PG 60, FRESNO COUNTY RECORDS



TENTATIVE PARCEL MAP 16-01

OF 836 OLLER STREET, MADERA, CA 93640

PREPARED FOR:
HARRY HANSEN
837 OLLER ST.
MENDOTA, CA 93840

PREPARED BY:
DALE G. WELL
& ASSOCIATES
ENGINEERING & SURVEYING SERVICES
2000 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(509) 292-0444 / FAX 291-1726

JOB # 15-089
DRAWN BY: J. WILKINSON
CHECKED BY: DON
SCALE: 1" = 50'
DATE: 11/20/15
JOB # 15-089/FH
DATE OF SURVEY:
REV. 02/28/16 JH

SHEET 1 OF 1

**PLANNING COMMISSION
OF THE CITY OF MENDOTA
FRESNO COUNTY, CALIFORNIA**

RESOLUTION No. PC 16-06

**A RESOLUTION OF THE CITY OF MENDOTA PLANNING COMMISSION FORWARDING A
RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF APPLICATION NO. 16-01, CONSISTING
OF A REZONING OF APN 012-200-26 TO THE R-1 SINGLE-FAMILY/MEDIUM DENSITY ZONE DISTRICT
AND TENTATIVE PARCEL MAP NO. 16-01, WITH AN ACCOMPANYING FINDING OF CONSISTENCY WITH
THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED IN CONJUNCTION WITH THE GENERAL PLAN
UPDATE 2005-2025**

WHEREAS, on March 16, 2016, the City of Mendota formally accepted Application No. 16-01, submitted by Dale G. Mell, PLS on behalf of property owners Alan Hansen and Eric Hansen; and

WHEREAS, Application No. 16-01 consists of Tentative Parcel Map No. 16-01, which proposes to subdivide an existing parcel of approximately 7.79 acres (Parcel 2 of Parcel Map No. 87-1; Assessor's Parcel Number 012-200-26) into two smaller parcels of approximately 0.43 acres and 7.36 acres, respectively, said subdivision of property subject to the provisions of Government Code Section 66410, *et seq.*; and

WHEREAS, Application No. 16-01 also proposes to amend the Official Zoning Map to reflect the subject property as R-1 Single-Family/Medium Density Residential, said amendment subject to the provisions of Government Code Sections 65853-65857; and

WHEREAS, each of the processes requested as part of Application No. 16-01 constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* ("CEQA") and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.*; and

WHEREAS, prior to adoption of its General Plan Update 2005-2025, the Mendota City Council certified an environmental impact report, made findings, and adopted a statement of overriding considerations indicating that although adoption and implementation of the General Plan could result in significant and unavoidable impacts, the benefits of the General Plan outweighed these impacts; and

WHEREAS, CEQA Guidelines Sections 15183(a) and (i) state:

"(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are particular to the project or its site.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section."; and

WHEREAS, Application No. 16-01 proposes to rezone the subject site in a manner consistent with the adopted General Plan Land Use designation of Medium Density Residential and the Planning Commission finds that, since no development of either resultant parcel is being contemplated, it cannot

be fairly argued, nor is there any substantial evidence in the record, that the project could have a significant effect on the environment, either directly or indirectly; and

WHEREAS, the City of Mendota is the custodian of the documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendation is based, and Mendota City Hall, 643 Quince Street, Mendota, CA is the location of this record; and

WHEREAS, at a regular meeting on December 20, 2016, the Mendota Planning Commission did conduct a public hearing to consider Application No. 16-01; and

WHEREAS, on December 7, 2016 notice of said public hearing was published in the Firebaugh-Mendota Journal, and on December 9, 2016 notice was individually mailed via the U.S. Postal Service to the record owners of property located within 300 feet of the exterior boundary of the project site and posted in the City Hall bulletin window; and

WHEREAS, the Planning Commission has made the following preliminary findings pursuant to the California Subdivision Map Act and Title 16 of the City of Mendota Municipal Code (Subdivision Ordinance), said findings substantiated by evidence in the record:

1. The proposed subdivision, along with its design and improvements, is consistent with the City's General Plan and any applicable specific plans.
2. The site is physically suitable for the type and density of proposed development.
3. The proposed design and improvements are not likely to cause environmental damage of health concerns.
4. The design of the subdivision will not conflict with public easements for access through or use of the property within the subdivision.

NOW, THEREFORE BE IT RESOLVED that the Mendota Planning Commission does hereby recommend that the Mendota City Council take the following actions:

1. Find that the project as proposed is exempt from additional review under the California Environmental Quality Act pursuant to Public Resources Code Section 21083.3, *et seq.*;
2. Approve a change of zone from the R-1 Single-Family/Medium Density Residential, R-3 High Density Multiple-Family Residential District, and C-3 Central Business and Shopping District to the R-1 Single-Family/Medium Density Family Residential District as illustrated in Attachment "A"; and
3. Validate the preliminary findings of the Planning Commission and approve Tentative Parcel Map No. 16-01 as attached hereto as Attachment "B" and subject to the following conditions of approval:

As may be used herein, the words "subdivider", "owner," "operator", and "applicant" shall be interchangeable. Conditions of approval related to future development of the project site are either expressly (i.e. specific references using the term "future development" or similar) or impliedly (i.e. referring to activities that could only occur during site development) related, and shall be applicable at the time of approval of said future development.

General

1. Approval of Tentative Parcel Map No. 16-01 is reliant upon City Council enactment of an ordinance to amend the zoning of the entirety of the subject site to R-1 Single-Family/Medium Density Residential District to provide consistency with the General Plan Land Use designation of Medium Density Residential.
2. Tentative Parcel Map No. 16-01 shall be valid for a period of 24 months from the date of its approval or conditional approval by the City Council. Extensions to this period may be requested pursuant to Section 66453.3 of the California Subdivision Map Act.
3. As determined necessary by the City Engineer, a subdivision agreement shall be executed between the City of Mendota and the subdivider prior to or concurrently with City Council consideration of the tentative parcel map. This agreement allows for the deferral of certain improvements and fees until the development of individual parcels as outlined herein or in the individual development proposals as determined by the City Engineer. A subdivision agreement certificate shall be placed on the map to reference the recording information of the subdivision agreement.
4. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may formally submit a final parcel map (Parcel Map).
5. The Parcel Map shall be prepared in accordance with Chapter 2, Article 3 of the Subdivision Map Act by a California-licensed land surveyor or civil engineer qualified to perform such service.
6. The Parcel Map submittal shall include parcel closures and a preliminary title report dated no more than thirty (30) days prior to submission to the City Engineer. Copies of all easement documents referenced in the preliminary title report shall accompany the submittal. All parcel map fees and recording fees shall be paid as required by the City of Mendota and the County of Fresno prior to recordation of the map. The owner shall provide the City with a Land Division or Subdivision Guarantee and a Fresno County Tax Compliance Certification Request prior to the City submitting the Parcel Map to the Clerk to the Board of Supervisors.
7. The Parcel Map shall reflect two numbered parcels consistent with the approved Tentative Parcel Map, except as may be modified herein and as follows: "Proposed Parcel 1" shall be "Parcel 1" and "Unsubdivided Remainder" shall be "Parcel 2". References to particular parcels herein shall use the parcel numbers as indicated in this paragraph.
8. Owner shall make an irrevocable offer of dedication for public utilities purposes 20 feet in width and centered on the centerline of the existing public utilities easement dedicated and accepted as part of Parcel Map No. 87-01. Where a width of 20 feet would require that the easement encroach on property that is not a part of Parcel Map No. 16-01, the easement shall be reduced in width such that it is collinear with the adjoining property line over which it would otherwise encroach for a distance equal to the length of said line. Said easement shall extend from the eastern right-of-way line of

Sorensen Avenue east to the western right-of-way line of Dos Palos Avenue as identified of record.

9. The Parcel Map shall reflect that the 19.5-foot-wide by 115.00-foot-long area immediately abutting the easterly right-of-way line of Sorensen Avenue and the southerly line of Parcel 1 is included as part of Parcel 1 and is correspondingly not included as a part of Parcel 2. This area shall either be fenced along with the northerly portion of Parcel 1 or the owner shall provide a palliative surfacing or ground cover suitable to the City Engineer to minimize dust and nuisance vegetation.
10. Future development of the project site shall comply with all applicable provisions of the City of Mendota General Plan Update 2005-2025 and the Mendota Municipal Code, including but not limited to: potable water protection regulations (Chapter 13.24), business licensing requirements (Title 5), and Building Code Standards (Title 15); the Subdivision Ordinance (Title 16); and the regulations of the applicable zone district(s) and other relevant portions of the Zoning Ordinance (Title 17), including but not limited to acquisition of a conditional use permit and/or approval of a site plan; and the City of Mendota Standard Specifications and Standard Drawings.
11. Construction drawings including but not limited to building and improvement plans; site, grading, irrigation, lighting, and landscaping shall be submitted to the Building Department and/or to the City Engineer as appropriate for review and approval. A building permit or permits, including payment of applicable fees, shall be acquired prior to start of any construction activities.
12. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
13. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
14. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on McCabe Avenue, Sorensen Avenue, and Derrick Avenue (State Route 33).
15. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
16. Any work within, across, above, beneath or otherwise affecting Caltrans, County of Fresno, or other agency right-of-way, property, or operations shall be subject to applicable provisions of said other agency, including but not limited to acquisition of encroachment permits, dedication or right-of-way, or other requirements.
17. It shall be the responsibility of the owner/developer to grant easements as necessary for the installation and maintenance of private utilities, including but not limited to: electricity, gas, telephone, and cable television.

18. Any work within, across, above, beneath or otherwise affecting right-of-way, property, and/or easements owned by or granted to purveyor(s) of private utilities shall be subject to the applicable provisions of said purveyor(s).
19. Prior to issuance of a certificate of occupancy for new development, all conditions of approval shall be verified as complete by the Planning Department. Any discrepancy or difference in interpretation of the conditions between the owner/applicant and the Planning Department shall be subject to review and determination by the Planning Commission.
20. Development shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
21. Development shall comply with the requirements of the Fresno County Fire Protection District/CalFire.
22. The owner of the project site, or of individual parcels created, shall be responsible for the ongoing and long-term maintenance of all onsite amenities to ensure that nuisance complaints are not received by the City.
23. Connection points for water and wastewater shall be determined by the City Engineer during review of future development proposals. Connections shall be made in accordance with City of Mendota standards and shall be coordinated with the Director of Public Utilities.
24. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures.
25. All City of Mendota Planning, Building, and Engineering fees and costs shall be paid in full to the City prior to recordation of a Parcel Map.
26. Excluding the continued use of the existing single-family residence for single-family residential purposes, future applicants intending to construct on, operate on, or otherwise occupy the parcels created by the Parcel Map shall be responsible for payment of City of Mendota Application Fees, Plan Check and Engineering Fees, Building Fees, and/or Development Impact Fees in amounts to be determined during review, processing, and approval of their respective projects. In the event that the owner of the single-family residence proposes to undertake any new activities normally subject to any of all of the above fees, said fees would become payable as related to said activities.
27. Development shall be responsible for payment of fees to Mendota Unified School District and shall provide the City with evidence of payment, or evidence of the District's determination that no fees are required, prior to issuance of a certificate of occupancy.
28. Development shall be responsible for payment of Fresno County Regional Transportation Mitigation Fees and Fresno County Public Facilities Impact Fees and shall provide the City with evidence of payment, or evidence of the County's determination that no fees are required, prior to issuance of a certificate of occupancy.

PASSED AND ADOPTED by the Planning Commission of the City of Mendota at a regular meeting held on the 20th of December, 2016 upon a motion by Commissioner _____, a second by Commissioner _____, and by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Juan Luna, Chair

Matt Flood, Secretary

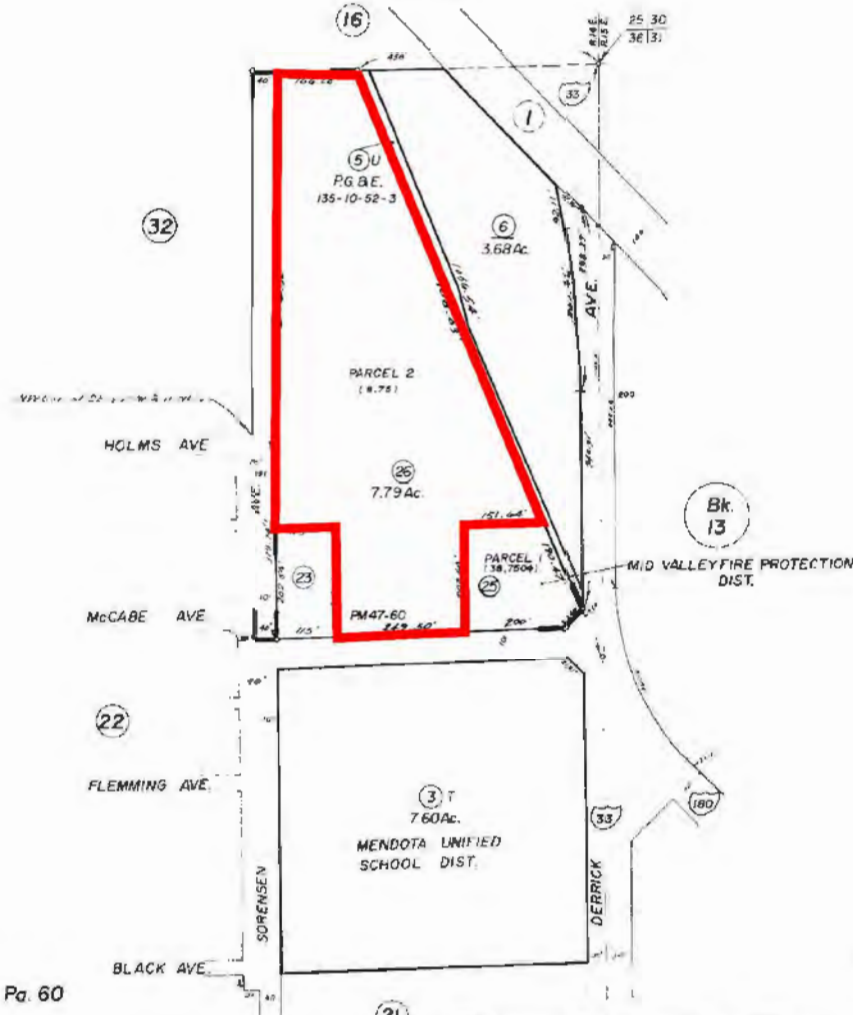
— NOTE —
This map is for Assessment purposes only
it is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

Zoning Amendment
R-1, R-3, and C-3 to R-1

ATTACHMENT A

Tax Area
12-601

12-20



Agricultural Preserve
Parcel Map No. 87-1, Bk. 47, Pa. 60

1961

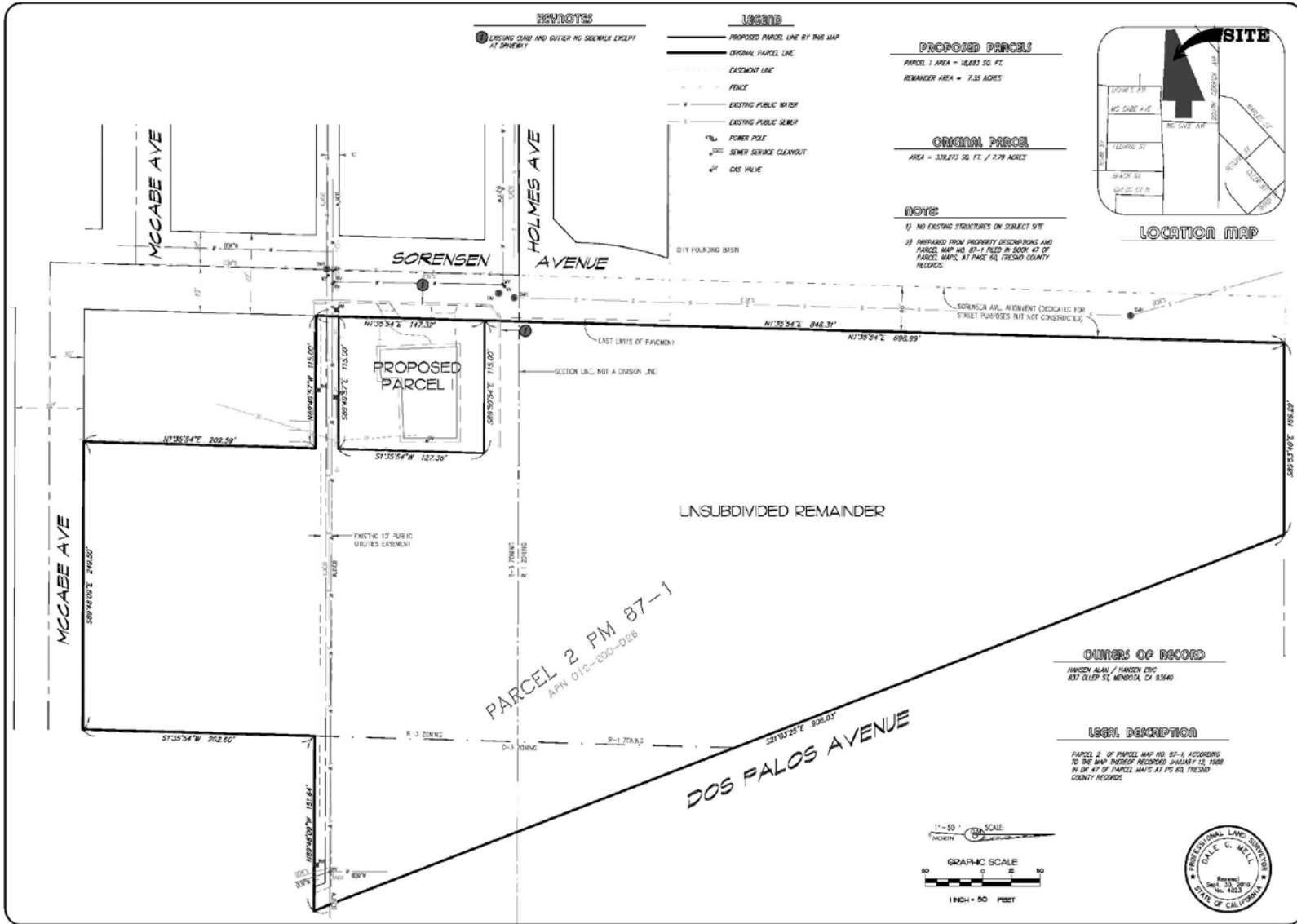
Assessor's Map Bk. 12 - Pg. 20
County of Fresno, Calif.

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

City of Mendota Application No. 16-01
APN 012-200-26 191 Sorensen Ave.

 Project Site

Attachment "B"



TENTATIVE PARCEL MAP 16-01
OF
836 OLIVER STREET, MADEIRA, CA 95040

PREPARED FOR:
HARRY HANSEN
837 OLIVER ST.
MENLOOTA, CA 93640

PREPARED BY:
DALE G. MULLER & ASSOCIATES
ENGINEERING & SURVEYING SERVICES
2800 FORTY-NINTH AVENUE, SUITE 100, MENLOOTA, CA 93640
(408) 398-1234

JOB # 15-028
DRAWN & REVISIONS
ORDERED BY: DGM
SCALE: 1" = 50'
DATE: 11/28/15
DATE OF SURVEY:
REV. 02/26/16, AV
SHEET 1 OF 1