



CITY OF MENDOTA

"Cantaloupe Center Of The World"

JUAN LUNA
Chairperson
JOSE GUTIERREZ
Vice-Chairperson
LIBERTAD LOPEZ
JOSHUA PEREZ
JESSICA SANCHEZ
JONATHAN LEIVA
Alternate Commissioner

CITY OF MENDOTA PLANNING COMMISSION AGENDA

City Council Chambers
Mendota, CA 93640
REGULAR MEETING
September 20, 2022
6:30 P.M.

CRISTIAN GONZALEZ
City Manager
Public Works/Planning Director
JEFFREY 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.

In compliance with the Americans with Disabilities Act, those requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

FINALIZE THE AGENDA

1. Adjustments to Agenda
2. Adoption of final Agenda

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular Planning Commission meeting of May 17, 2022, and the special Planning Commission meeting of August 8, 2022.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

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.

PRESENTATION

1. City Planner O'Neal to present information about Senate Bill 9 housing developments and urban lot splits.

BUSINESS

1. Commission discussion and consideration of **Resolution No. PC 22-04**, forwarding a recommendation of approval to the City Council in the matter of Application No. 22-10 a tentative parcel map for David Rivas.
 - a. *Receive report from City Planner O'Neal*
 - b. *Inquiries from Planning Commission to staff*
 - c. *Commission considers adoption of Resolution No. PC 22-04*
2. Commission discussion and consideration of **Resolution No. PC 22-05**, forwarding a recommendation of approval to the City Council in the matter of Application No. 22-11, a tentative parcel map for Jesus Torres.
 - a. *Receive report from City Planner O'Neal*
 - b. *Inquiries from Planning Commission to staff*
 - c. *Commission considers adoption of Resolution No. PC 22-05*
3. Commission discussion and consideration of **Resolution No. PC 22-06**, forwarding a recommendation of approval to the City Council in the matter of Application No. 22-12 a tentative parcel map for Denise Fuentes.
 - a. *Receive report from City Planner O'Neal*
 - b. *Inquiries from Planning Commission to staff*
 - c. *Commission considers adoption of Resolution No. PC 22-06*

PLANNING COMMISSIONERS' REPORTS

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota Planning Commission Regular Meeting of Tuesday, September 20, 2022 was posted on the outside bulletin board of City Hall, 643 Quince Street on Friday, September 16, 2022 at 5:00 p.m.



Celeste Cabrera-Garcia, City Clerk



CITY OF MENDOTA PLANNING COMMISSION MINUTES

Regular Meeting

Tuesday, May 17, 2022

6:30 p.m.

Meeting called to order by City Clerk Cabrera-Garcia at 6:31 PM.

Roll Call

Commissioners Present: Vice-Chairperson Jose Gutierrez, Commissioners Libertad Lopez, Joshua Perez and Jessica Sanchez, and Alternate Commissioner Jonathan Leiva (at 6:43 p.m.)

Commissioners Absent: Chairperson Juan Luna

Staff Present: Cristian Gonzalez, City Manager; Jeffrey O'Neal, City Planner; and Celeste Cabrera-Garcia, City Clerk

Flag Salute led by City Clerk Cabrera-Garcia

FINALIZE THE AGENDA

1. Adjustments to Agenda
2. Adoption of final Agenda

A motion was made by Vice Chairperson Gutierrez to adopt the agenda, seconded by Commissioner Perez; unanimously approved (4 ayes, absent: Luna).

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular Planning Commission meeting of September 21, 2021.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve items 1 and 2 was made by Vice Chairperson Gutierrez, seconded Commissioner Perez; unanimously approved (4 ayes, absent: Luna).

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

None offered.

BUSINESS

1. Commission discussion and consideration of **Resolution No. PC 22-01**, in the matter of Application No. 21-20 (Lot Line Adjustment No. 21-01).

City Clerk Cabrera-Garcia introduced the item and City Planner O'Neal summarized the report.

Discussion was held on the item.

A motion was made by Commissioner Lopez to adopt Resolution No. PC 22-01, seconded by Vice Chairperson Gutierrez; unanimously approved (4 ayes, absent: Luna).

PUBLIC HEARING

1. Commission discussion and consideration of **Resolution No. PC 22-02**, consisting of a recommendation to the City Council regarding a negative declaration, a General Plan Amendment, and rezoning in the matter of Application No. 21-10, the Carballo Apartments Project.

City Clerk Cabrera-Garcia introduced the item and City Planner O'Neal summarized the report.

At 6:43 p.m. Alternate Commissioner Leiva entered the Council Chambers.

Discussion was held on the item.

At 6:55 p.m. Vice Chairperson Gutierrez opened the hearing to the public.

Marcelina Quinones Durazo and Alma Durazo – commented on the item and shared their concerns about the proposed project.

Discussion was held on the item and the concerns shared by Ms. Quinones Durazo and Ms. Durazo.

Berta Sandoval - commented on the item and shared her concerns about the proposed project.

Discussion was held on the item and the concerns shared by Ms. Sandoval.

At 7:09 p.m. Commissioner Sanchez left the Council Chambers and returned at 7:10 p.m.

Jim Teague - commented on the item and shared his concerns about the proposed project.

Discussion was held on the item and the concerns shared by Mr. Teague.

Raymond Aquino - commented on the item and shared his concerns about the proposed project.

Discussion was held on the item and the concerns shared by Mr. Aquino.

Ubaldo Garcia – commented on the item and provided additional information about the project.

Discussion was held on the item and the information provided by Mr. Garcia.

Berta Sandoval – shared additional concerns she has about the proposed project.

Discussion was held on the item.

At 7:54 p.m., seeing no one else willing to comment, Vice Chairperson Gutierrez closed the hearing to the public.

Discussion was held on the item and the motion that the Planning Commission will make.

A motion was made by Commissioner Lopez to adopt Resolution No. PC 22-02, with the modification to approval recital number 3, to add a condition that any construction on the site shall be limited to one (1) story, seconded by Vice Chairperson Gutierrez.

Roll Call Vote:

Chairperson Luna: Absent; Vice-Chairperson Gutierrez: Yes; Commissioner Lopez: Yes; Commissioner Perez: Yes; Commissioner Sanchez: No; Alternate Commissioner Leiva: Yes.

Resolution No. PC 22-02 was approved by a vote of four (4) ayes (no: Sanchez; absent: Luna).

PLANNING DIRECTOR UPDATE

City Manager Gonzalez commented on the items discussed during the meeting and provided an update on new laws related to housing.

Discussion was held on the information provided by Mr. Gonzalez; the status of potential housing developments; and issues with substandard housing in the City.

Commissioner Lopez inquired about the possibility of implementing translation services for Planning Commission meetings and reported on a homeless individual staying near the Taco Bell.

Commissioner Leiva inquired on the status of Caltrans road projects along Highway 180.

PLANNING COMMISSIONERS' REPORTS

None offered.

ADJOURNMENT

At the hour of 8:21 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Perez, seconded by Vice Chairperson Gutierrez; unanimously approved (5 ayes, absent: Luna).

Jose Gutierrez, Vice Chairperson

ATTEST:

Celeste Cabrera-Garcia, City Clerk



CITY OF MENDOTA PLANNING COMMISSION MINUTES

Special Meeting

Tuesday, August 8, 2022

5:30 p.m.

Meeting called to order by City Clerk Cabrera-Garcia at 6:31 PM.

Roll Call

Commissioners Present: Vice-Chairperson Jose Gutierrez, Commissioners Libertad Lopez, Jessica Sanchez, and Alternate Commissioner Jonathan Leiva

Commissioners Absent: Chairperson Juan Luna and Commissioner Joshua Perez

Staff Present: Cristian Gonzalez, City Manager; Jeffrey O'Neal, City Planner; and Celeste Cabrera-Garcia, City Clerk

Flag Salute led by Vice Chairperson Gutierrez

FINALIZE THE AGENDA

1. Adjustments to Agenda
2. Adoption of final Agenda

A motion was made by Commissioner Leiva to adopt the agenda, seconded by Commissioner Lopez; unanimously approved (4 ayes, absent: Luna and Perez).

MINUTES AND NOTICE OF WAIVING OF READING

1. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve item 1 was made by Commissioner Leiva, seconded Commissioner Sanchez; unanimously approved (4 ayes, absent: Luna and Perez).

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

None offered.

PUBLIC HEARING

1. Commission discussion and consideration of **Resolution No. PC 22-03**, forwarding a recommendation to the City Council in the matter of Application No. 21-14, Tentative Parcel Map No. 22-04.

Vice-Chairperson Gutierrez introduced the item and City Planning O'Neal summarized the report.

Discussion was held on the item.

At 5:59 p.m. Vice Chairperson Gutierrez opened the public hearing.

Doris Renfro – requested additional information about the project.

Discussion was held on Ms. Renfro's request.

Anna Barcus – stated that she was representing the applicant and would be able to answer any questions the Commission may have.

At 6:04 p.m., seeing no additional individuals willing to comment, closed the public hearing.

A motion was made by Commissioner Leiva to adopt Resolution No. PC 22-03, with the specification that the approval included the Tentative Parcel Map that demonstrated two lot parcels and a remainder parcel, seconded by Commissioner Sanchez; unanimously approved (4 ayes, absent: Luna and Perez).

ADJOURNMENT

At the hour of 6:06 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Leiva, seconded by Commissioner Lopez; unanimously approved (4 ayes, absent: Luna and Perez).

Jose Gutierrez, Vice Chairperson

ATTEST:

Celeste Cabrera-Garcia, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE CHAIRPERSON AND COMMISSIONERS
FROM: JEFFREY O'NEAL, AICP, CITY PLANNER
BY: RAFAEL SANCHEZ, ASSISTANT CITY PLANNER
SUBJECT: APPLICATION NO. 22-10, TENTATIVE PARCEL MAP NO. 22-01 (RIVAS)
DATE: SEPTEMBER 20, 2022

ISSUE

Shall the Planning Commission adopt Resolution No. PC 22-04, forwarding a recommendation to the City Council that it approves Tentative Parcel Map No. 22-01?

BACKGROUND

The Planning and Building Department has received an application for a Tentative Parcel Map (TPM) which proposes to subdivide the subject property into two lots. The existing property is currently vacant and undeveloped. At this time, no new development is being proposed, nor is a land use change or rezone proposed.

<u>Applicant/Owner:</u>	David Rivas
<u>Representative:</u>	Daniel Jauregui, Tri City Engineering, Inc.
<u>Location:</u>	(APN 013-223-19) Quince Street and Ninth Street See attached map and photo
<u>Site Size:</u>	0.17 acres (7,500 SF)
<u>General Plan:</u>	Medium Density Residential
<u>Zoning:</u>	R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot)
<u>Existing Use:</u>	Vacant
<u>Surrounding Uses:</u>	Northeast – Residential; R-1 Southeast – Residential; R-1 Southwest – Residential; R-1 Northwest – Residential; R-1
<u>Street Access:</u>	Quince Street and public alleyway

ANALYSIS

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.

TPM No. 22-01 proposes to subdivide the approximately 0.17-acre (7,500-SF) parcel into two parcels identified as “Parcel A” and “Parcel B” (see attachment 1). 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. Both Parcel 1 and Parcel 2 would contain approximately 0.085 acres (3,750 SF). No further development of or land use entitlements for any of the resultant parcels is being contemplated; any future development and/or new uses could be subject to the appropriate land use application(s).

Senate Bill 9 (SB9) went into effect on January 1, 2022. This bill allows for a one-time lot split of an existing single family residential parcel into two parcels. An application for an urban lot split under SB9 must be considered ministerially, without discretionary review or a hearing. The public official(s) merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgement in reaching a final decision. The table below provides lot split requirements and compliance under SB9 for the proposed lot split:

Requirement	Analysis
<u>Urban Setting/ Single Family Zoning</u> The property is located in a single-family residential zone located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.	Property is located within the R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot) Zone District.
<u>Lot Size/Ratio</u> The urban lot split would not result in any of the following <ul style="list-style-type: none"> • The creation of a lot less than 1,200 square feet. • The creation of a lot that is less than 40% or more than 60% of the original lot size 	The proposed lot split will split a 7,500 square foot lot into two 3,750 square foot lots (50%/50%). The resulting lots are not required to conform to the R-1 standards for area or dimensions.
<u>No Previous Lot Split</u> The lot cannot have been not previously subdivided under SB9	No previous SB9 Lot Split has occurred on the subject property.
<u>No adjacent lot splits</u> The property owner, or a person working in concert with the property owner, is not proposing an urban lot split on an adjoining lot.	Property owner is not proposing a lot split on an adjacent lot.
<u>Public Street Access</u> Each lot created by the urban lot split would have direct access to a public street, or would have access to a public street through an easement.	Parcel A would have access through an alley and Parcel B will have direct access to Quince Street.
<u>Subdivision Map Act Compliance</u>	Review determined compliance

The urban lot split will comply with all requirements of the Subdivision Map Act, except as otherwise expressly provided in SB9	
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ENVIRONMENTAL

The first step in complying with the California Environmental Quality Act (CEQA) is to determine whether the activity in question constitutes a “project” as defined by CEQA, Public Resources Code Section 21000, et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, 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 qualifies as a project under CEQA because it involves the issuance to a person of a “lease, permit, license, certificate, or other entitlement for use” as described in CEQA Guidelines Section 15378.

Under Government Code Section 66411.7 (a)(1), SB9 approvals are considered to be ministerial actions. CEQA Guidelines Section 15268 indicates that ministerial actions are exempt from the CEQA review process. Therefore, the project is exempt from CEQA.

PUBLIC NOTICE

A notice of public hearing is not required for urban residential lot splits subject to SB9.

PLANNING COMMISION FINDINGS

Parcel maps for residential urban lot splits must meet certain requirements contained in Government Code 66411.7 (a) in order to be approved. These requirements are discussed below:

FINDING A: The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

The proposed subdivision would divide the existing parcel into two smaller parcels of equal size. The project would split a parcel of 7,500 SF into two parcels of 3,750 SF.

FINDING B: Both newly created parcels are no smaller than 1,200 square feet.

As discussed above, the two newly created parcels would each be 3,750 SF in size.

FINDING C: The parcel is located within a single-family zone district.

The existing and resulting parcels would be located within the R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot) zone district.

FINDING D: The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel

wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

The proposed lot split would be located within the city limits of the City of Mendota.

FINDING E: The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

The proposed subdivision would satisfy the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

FINDING F: The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

- (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.**
- (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.**
- (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.**
- (iv) Housing that has been occupied by a tenant in the last three years.**

The project site is vacant and has not been developed in the past. No demolition activity or removal of housing would result from the proposed subdivision.

FINDING G: The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

The subject parcel is not located within a historic district or is a property included on the State Historic Resources Inventory, nor is it a site that is designated or listed by the City of Mendota or County of Fresno as a landmark or historic property or district pursuant to a City or County ordinance.

FINDING H: The parcel has not been established through prior exercise of an urban lot split.

An urban lot split has not occurred for the subject property within the past.

FINDING I: Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.

The property owner of the subject parcel, nor any other person has acting in concert with the owner has previously subdivided an adjacent parcel using an urban lost split.

FISCAL IMPACT

Review and processing of the planned development permit, engineering plans, and building plans are paid for by the applicant, and the project is responsible for payment of development impact fees. No development has been proposed. Any future development would be responsible for payment of fees consistent with the appropriate standards at the time of application.

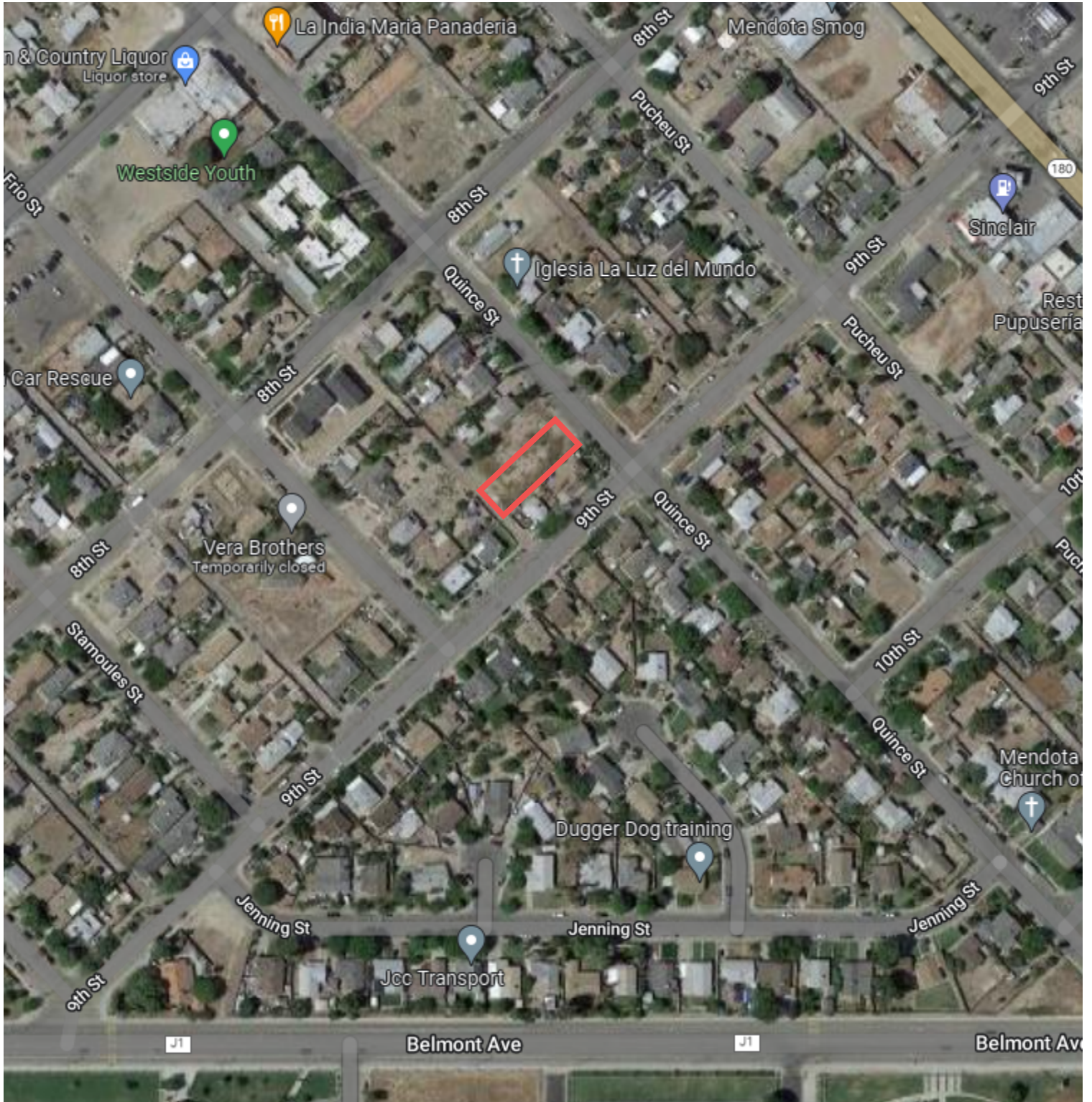
RECOMMENDATION

Staff recommends that the Planning Commission adopts Resolution No. PC 22-04, recommending approval of Tentative Parcel Map No. 22-01 to the City Council.

Attachment(s):

1. Project Site Aerial Photo
2. Resolution No. PC 22-04

Aerial Image



APN 013-223-19

Application No. 22-10, David Rivas

Existing Parcel - APN 013-223-19



Resulting Parcels

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

**A RESOLUTION OF THE PLANNING COMMISSION RESOLUTION NO. PC 22-04
OF THE CITY OF MENDOTA FORWARDING A REC-
COMENDATION TO THE MENDOTA CITY COUNCIL
IN THE MATTER OF APPLICATION NO. 22-10, TEN-
TATIVE PARCEL MAP NO. 22-01 (APN 013-223-19)**

WHEREAS, on June 7, 2022, the City received a request for a tentative parcel map by Tri City Engineering on behalf of the applicant and property owner, David Rivas; and

WHEREAS, the proposal has been designated Application No. 22-10, consisting of Tentative Parcel Map No. 22-01; and

WHEREAS, Application No. 22-10 proposes to subdivide an existing parcel of approximately 0.17 acres (APN 013-223-19) into two smaller parcels of approximately 0.085 acres (3,750 SF) each, respectively, said subdivision of property subject to the provisions of Government Code Section 66410, et seq.; and

WHEREAS, no development is proposed at the project site at this time; and

WHEREAS, the project has satisfied the requirements of Government Code 66411.7 (a); and

WHEREAS, at a regular meeting on September 20, 2022 the Mendota Planning Commission considered Application No. 22-10; and

WHEREAS, approval of a tentative parcel map consists of a “lease, permit, license, certificate, or other entitlement for use”, and is therefore 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 Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS, as the agency primarily responsible for carrying out or approving said project, the City of Mendota assumes the role of lead agency pursuant to CEQA; and

WHEREAS, the project is considered a residential urban lot split under California Senate Bill 9; and

WHEREAS, California Senate Bill 9 residential urban lot splits are processed ministerially in accordance with Government Code Section 66411.7 (b)(1); and

WHEREAS, ministerial projects are exempt from CEQA under CEQA Guidelines Section 15268; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Mendota hereby recommends that the Mendota City Council takes the following actions:

1. Finds that Application No. 22-10, consisting of Tentative Parcel Map No. 22-01, is exempt from the California Environmental Quality Act under Government Code Section 15268.
2. Approves Application No. 22-10, consisting of Tentative Parcel Map No. 22-01, substantially as illustrated in Exhibit "A" hereto and subject to the conditions contained in Exhibit "B" hereto.

Juan Luna, Chairperson

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a special meeting of said Commission, held at Mendota City Hall on the 20th day of September, 2022, by the following vote:

AYES:

NOES:

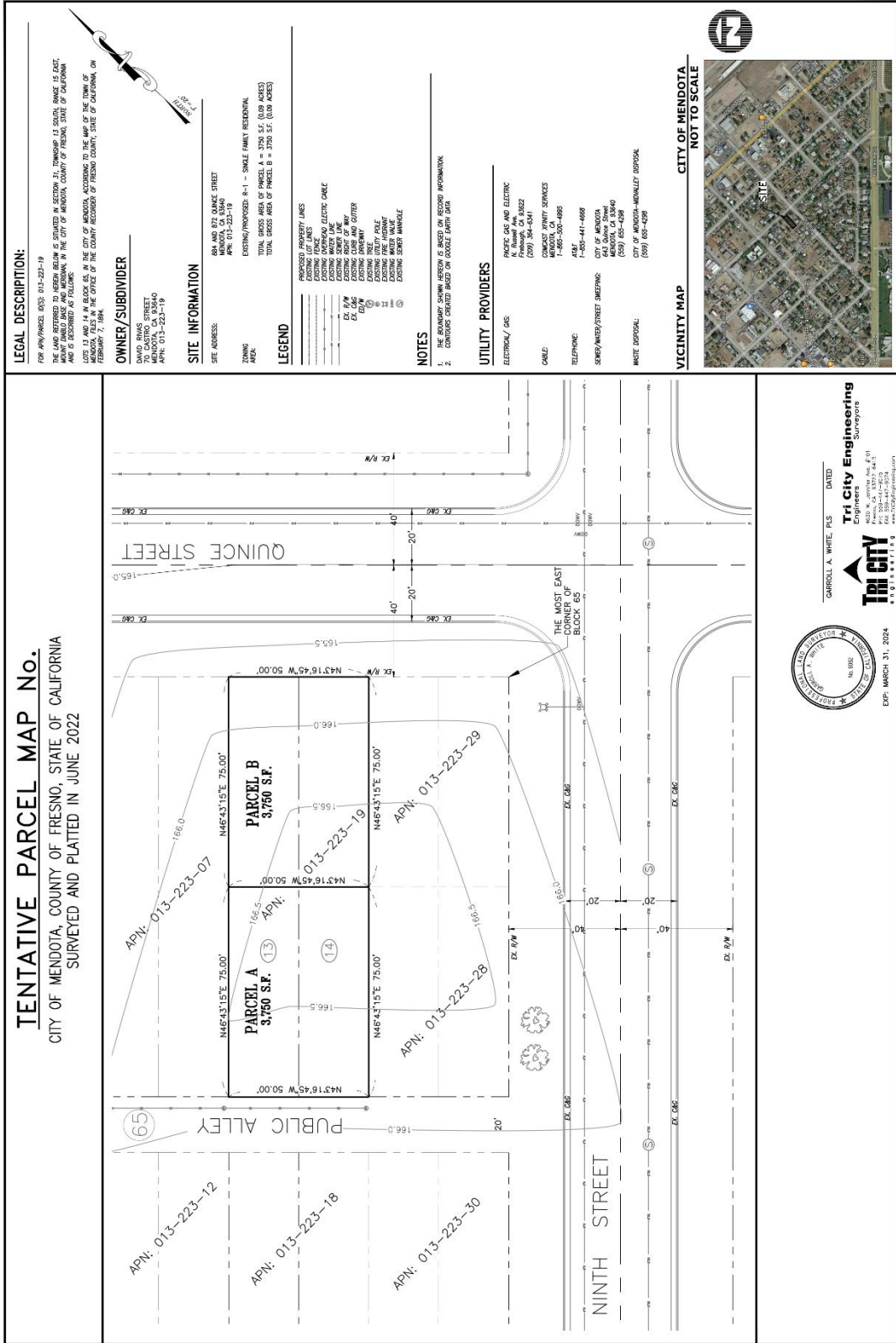
ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, MPA, CMC
City Clerk

Exhibit "A"

Resolution No. PC 22-04



GABRIEL A. WHITE, PLS. DATED: _____

Tri City Engineering
Surveyors
1001 N. Center Ave., #201
Fresno, CA 93702, 44-31
Phone: (209) 432-7443
Fax: (209) 432-7443
www.tricityeng.com

DIP: MARCH 31, 2024

Exhibit “B”
Resolution No. PC 22-04

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. The map shall be designated “Tentative Parcel Map No. 22-01”.
2. Tentative Parcel Map No. 22-01 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. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may submit a final parcel map (“**Parcel Map No. 22-01**” or “Parcel Map” herein).
4. 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.
5. 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.
6. The Parcel Map shall reflect two numbered parcels consistent with the approved Tentative Parcel Map, except as may be modified herein and as follows: “Parcel 1” and “Parcel 2” shall be named as shown.
7. Prior to recordation, the applicant shall execute and record an affidavit, prepared by the City Attorney, indicating his intention to reside in a dwelling on one of the resulting parcels for a period of not less than three (3) years.
8. 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

Exhibit "B"
Resolution No. PC 22-04

acquisition of a conditional use permit and/or approval of a site plan; and the City of Mendota Standard Specifications and Standard Drawings.

9. 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.
10. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
11. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
12. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on abutting streets and rights-of-way.
13. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
14. 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.
15. 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.
16. 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).
17. 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.
18. Development shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
19. Development shall comply with the requirements of the Fresno County Fire Protection District/CAL FIRE.

Exhibit "B"
Resolution No. PC 22-04

20. 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.
21. 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.
22. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures.
23. 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.
24. 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.
25. 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.
26. 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.

AGENDA ITEM – STAFF REPORT

TO: HONORABLE CHAIRPERSON AND COMMISSIONERS
FROM: JEFFREY O'NEAL, AICP, CITY PLANNER
BY: RAFAEL SANCHEZ, ASSISTANT CITY PLANNER
SUBJECT: APPLICATION NO. 22-11, TENTATIVE PARCEL MAP NO. 22-02 (TORRES)
DATE: SEPTEMBER 20, 2022

ISSUE

Shall the Planning Commission adopt Resolution No. PC 22-05, forwarding a recommendation to the City Council that it approves Tentative Parcel Map No. 22-02?

BACKGROUND

The Planning and Building Department has received an application for a Tentative Parcel Map (TPM) which proposes to subdivide the subject property into two lots. The existing property is currently vacant and undeveloped. At this time, no new development is being proposed, nor is a land use change or rezone proposed.

<u>Applicant:</u>	Jesus Torres
<u>Owner:</u>	Juan Escalante
<u>Representative:</u>	Daniel Jauregui, Tri City Engineering, Inc.
<u>Location:</u>	(APN 013-075-13S) Juanita Street and Seventh Street See attached map and photo
<u>Site Size:</u>	0.17 acres (7,500 SF)
<u>General Plan:</u>	Medium Density Residential
<u>Zoning:</u>	R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot)
<u>Existing Use:</u>	Vacant
<u>Surrounding Uses:</u>	Northeast – Residential; R-1 Southeast – Residential; R-1 Southwest – Residential; R-1 Northwest – Residential; R-1
<u>Street Access:</u>	Juanita Street, Seventh Street, and public alleyway

ANALYSIS

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.

TPM No. 22-02 proposes to subdivide the approximately 0.17-acre (7,524-SF) parcel into two parcels identified as “Parcel A” and “Parcel B” (see attachment 1). 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. Both Parcel 1 and Parcel 2 would contain approximately 0.086 acres (3,762 SF). No further development of or land use entitlements for any of the resultant parcels is being contemplated; any future development and/or new uses could be subject to the appropriate land use application(s).

Senate Bill 9 (SB9) went into effect on January 1, 2022. This bill allows for a one-time lot split of an existing single family residential parcel into two parcels. An application for an urban lot split under SB9 must be considered ministerially, without discretionary review or a hearing. The public official(s) merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgement in reaching a final decision. The table below provides lot split requirements and compliance under SB9 for the proposed lot split:

Requirement	Analysis
<u>Urban Setting/ Single Family Zoning</u> The property is located in a single-family residential zone located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.	Property is located within the R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot) Zone District.
<u>Lot Size/Ratio</u> The urban lot split would not result in any of the following <ul style="list-style-type: none"> • The creation of a lot less than 1,200 square feet. • The creation of a lot that is less than 40% or more than 60% of the original lot size 	The proposed lot split will split a 7,500 square foot lot into two 3,750 square foot lots (50%/50%). The resulting lots are not required to conform to the R-1 standards for area or dimensions.
<u>No Previous Lot Split</u> The lot cannot have been not previously subdivided under SB9	No previous SB9 Lot Split has occurred on the subject property.
<u>No adjacent lot splits</u> The property owner, or a person working in concert with the property owner, is not proposing an urban lot split on an adjoining lot.	Property owner is not proposing a lot split on an adjacent lot.
<u>Public Street Access</u> Each lot created by the urban lot split would have direct access to a public street, or would have access to a public street through an easement.	Parcel A would have access through an alley and Parcel B will have direct access to Quince Street.

<u>Subdivision Map Act Compliance</u> The urban lot split will comply with all requirements of the Subdivision Map Act, except as otherwise expressly provided in SB9	Review determined compliance
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ENVIRONMENTAL

The first step in complying with the California Environmental Quality Act (CEQA) is to determine whether the activity in question constitutes a “project” as defined by CEQA, Public Resources Code Section 21000, et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, 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 qualifies as a project under CEQA because it involves the issuance to a person of a “lease, permit, license, certificate, or other entitlement for use” as described in CEQA Guidelines Section 15378.

Under Government Code Section 66411.7 (a)(1), SB9 approvals are considered to be ministerial actions. CEQA Guidelines Section 15268 indicates that ministerial actions are exempt from the CEQA review process. Therefore, the project is exempt from CEQA.

PUBLIC NOTICE

A notice of public hearing is not required for urban residential lot splits subject to SB9.

PLANNING COMMISSION FINDINGS

Parcel maps for residential urban lot splits must meet certain requirements contained in Government Code 66411.7 (a) in order to be approved. These requirements are discussed below:

FINDING A: The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

The proposed subdivision would divide the existing parcel into two smaller parcels of equal size. The project would split a parcel of 7,524 SF into two parcels of 3,762 SF.

FINDING B: Both newly created parcels are no smaller than 1,200 square feet.

As discussed above, the two newly created parcels would each be 3,762 SF in size.

FINDING C: The parcel is located within a single-family zone district.

The existing and resulting parcels would be located within the R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot) zone district.

FINDING D: The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel

wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

The proposed lot split would be located within the city limits of the City of Mendota.

FINDING E: The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

The proposed subdivision would satisfy the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

FINDING F: The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

- (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.**
- (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.**
- (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.**
- (iv) Housing that has been occupied by a tenant in the last three years.**

The project site is vacant and has not been developed in the past. No demolition activity or removal of housing would result from the proposed subdivision.

FINDING G: The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

The subject parcel is not located within a historic district or is a property included on the State Historic Resources Inventory, nor is it a site that is designated or listed by the City of Mendota or County of Fresno as a landmark or historic property or district pursuant to a City or County ordinance.

FINDING H: The parcel has not been established through prior exercise of an urban lot split.

An urban lot split has not occurred for the subject property within the past.

FINDING I: Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.

The property owner of the subject parcel, nor any other person has acting in concert with the owner has previously subdivided an adjacent parcel using an urban lost split.

FISCAL IMPACT

Review and processing of the planned development permit, engineering plans, and building plans are paid for by the applicant, and the project is responsible for payment of development impact fees. No development has been proposed. Any future development would be responsible for payment of fees consistent with the appropriate standards at the time of application.

RECOMMENDATION

Staff recommends that the Planning Commission adopts Resolution No. PC 22-05, recommending approval of Tentative Parcel Map No. 22-02 to the City Council.

Attachment(s):

1. Resolution No. PC 22-05

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

**A RESOLUTION OF THE PLANNING COMMISSION RESOLUTION NO. PC 22-05
OF THE CITY OF MENDOTA FORWARDING A REC-
COMENDATION TO THE MENDOTA CITY COUNCIL
IN THE MATTER OF APPLICATION NO. 22-11, TEN-
TATIVE PARCEL MAP NO. 22-02 (APN 013-075-13S)**

WHEREAS, on June 7, 2022, the City received a request for a tentative parcel map by Tri City Engineering on behalf of the applicant Jesus Torres and property owner Juan Escalante; and

WHEREAS, the proposal has been designated Application No. 22-11, consisting of Tentative Parcel Map No. 22-02; and

WHEREAS, Application No. 22-11 proposes to subdivide an existing parcel of approximately 0.17 acres (APN 013-075-13S) into two smaller parcels of approximately 0.086 acres (3,762 SF) each, respectively, said subdivision of property subject to the provisions of Government Code Section 66410, et seq.; and

WHEREAS, no development is proposed at the project site at this time; and

WHEREAS, the project has satisfied the requirements of Government Code 66411.7 (a); and

WHEREAS, at a regular meeting on September 20, 2022 the Mendota Planning Commission considered Application No. 22-11; and

WHEREAS, approval of a tentative parcel map consists of a “lease, permit, license, certificate, or other entitlement for use”, and is therefore 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 Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS, as the agency primarily responsible for carrying out or approving said project, the City of Mendota assumes the role of lead agency pursuant to CEQA; and

WHEREAS, the project is considered a residential urban lot split under California Senate Bill 9; and

WHEREAS, California Senate Bill 9 residential urban lot splits are processed ministerially in accordance with Government Code Section 66411.7 (b)(1); and

WHEREAS, ministerial projects are exempt from CEQA under CEQA Guidelines Section 15268; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Mendota hereby recommends that the Mendota City Council takes the following actions:

1. Finds that Application No. 22-11, consisting of Tentative Parcel Map No. 22-02, is exempt from the California Environmental Quality Act under Government Code Section 15268.
2. Approves Application No. 22-11, consisting of Tentative Parcel Map No. 22-02, substantially as illustrated in Exhibit "A" hereto and subject to the conditions contained in Exhibit "B" hereto.

Juan Luna, Chairperson

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a special meeting of said Commission, held at Mendota City Hall on the 20th day of September, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, MPA, CMC
City Clerk

Exhibit "A"

Resolution No. PC 22-05

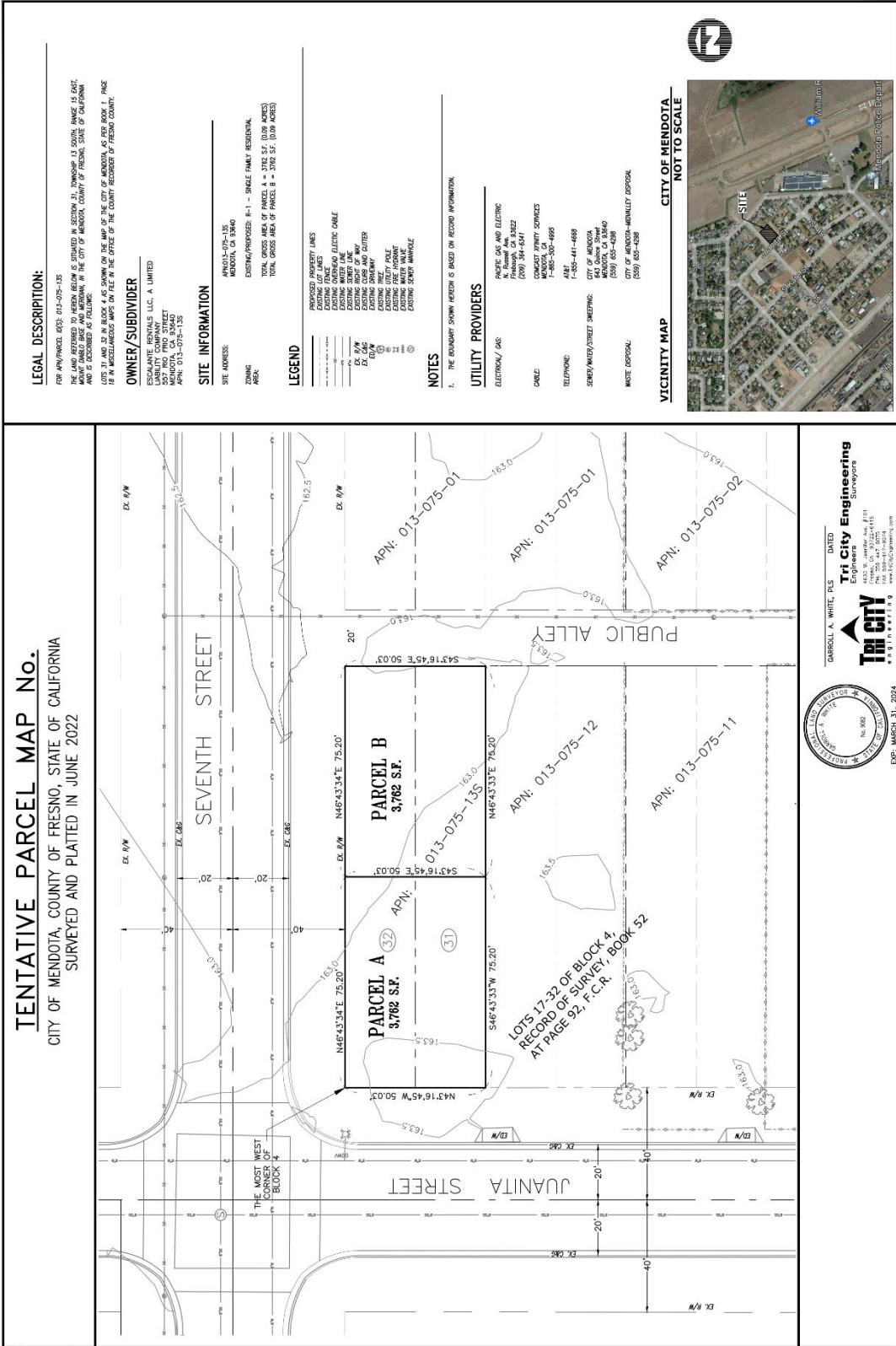


Exhibit “B”
Resolution No. PC 22-05

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. The map shall be designated “Tentative Parcel Map No. 22-02”.
2. Tentative Parcel Map No. 22-02 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. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may submit a final parcel map (“**Parcel Map No. 22-02**” or “Parcel Map” herein).
4. 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.
5. 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.
6. The Parcel Map shall reflect two numbered parcels consistent with the approved Tentative Parcel Map, except as may be modified herein and as follows: “Parcel 1” and “Parcel 2” shall be named as shown.
7. Prior to recordation, the applicant shall execute and record an affidavit, prepared by the City Attorney, indicating his intention to reside in a dwelling on one of the resulting parcels for a period of not less than three (3) years.
8. 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

Exhibit "B"
Resolution No. PC 22-05

acquisition of a conditional use permit and/or approval of a site plan; and the City of Mendota Standard Specifications and Standard Drawings.

9. 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.
10. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
11. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
12. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on abutting streets and rights-of-way.
13. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
14. 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.
15. 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.
16. 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).
17. 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.
18. Development shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
19. Development shall comply with the requirements of the Fresno County Fire Protection District/CAL FIRE.

Exhibit "B"
Resolution No. PC 22-05

20. 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.
21. 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.
22. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures.
23. 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.
24. 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.
25. 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.
26. 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.

AGENDA ITEM – STAFF REPORT

TO: HONORABLE CHAIRPERSON AND COMMISSIONERS
FROM: JEFFREY O'NEAL, AICP, CITY PLANNER
BY: RAFAEL SANCHEZ, ASSISTANT CITY PLANNER
SUBJECT: APPLICATION NO. 22-12, TENTATIVE PARCEL MAP NO. 22-03 (FUENTES)
DATE: SEPTEMBER 20, 2022

ISSUE

Shall the Planning Commission adopt Resolution No. PC 22-06, forwarding a recommendation to the City Council that it approves Tentative Parcel Map No. 22-03?

BACKGROUND

The Planning and Building Department has received an application for a Tentative Parcel Map (TPM) which proposes to subdivide the subject property into two lots. The existing property is currently vacant and undeveloped. At this time, no new development is being proposed, nor is a land use change or rezone proposed.

<u>Applicant/Owner:</u>	Denise J. Fuentes
<u>Representative:</u>	Daniel Jauregui, Tri City Engineering, Inc.
<u>Location:</u>	(APN 013-075-12) Juanita Street and Seventh Street See attached map and photo
<u>Site Size:</u>	0.17 acres (7,524 SF)
<u>General Plan:</u>	Medium Density Residential
<u>Zoning:</u>	R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot)
<u>Existing Use:</u>	Vacant
<u>Surrounding Uses:</u>	Northeast – Residential; R-1 Southeast – Residential; R-1 Southwest – Residential; R-1 Northwest – Residential; R-1
<u>Street Access:</u>	Juanita Street and public alleyway

ANALYSIS

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.

TPM No. 22-03 proposes to subdivide the approximately 0.17-acre (7,524-SF) parcel into two parcels identified as “Parcel A” and “Parcel B” (see attachment 1). 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. Both Parcel 1 and Parcel 2 would contain approximately 0.086 acres (3,762 SF). No further development of or land use entitlements for any of the resultant parcels is being contemplated; any future development and/or new uses could be subject to the appropriate land use application(s).

Senate Bill 9 (SB9) went into effect on January 1, 2022. This bill allows for a one-time lot split of an existing single family residential parcel into two parcels. An application for an urban lot split under SB9 must be considered ministerially, without discretionary review or a hearing. The public official(s) merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgement in reaching a final decision. The table below provides lot split requirements and compliance under SB9 for the proposed lot split:

Requirement	Analysis
<u>Urban Setting/ Single Family Zoning</u> The property is located in a single-family residential zone located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.	Property is located within the R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot) Zone District.
<u>Lot Size/Ratio</u> The urban lot split would not result in any of the following <ul style="list-style-type: none"> • The creation of a lot less than 1,200 square feet. • The creation of a lot that is less than 40% or more than 60% of the original lot size 	The proposed lot split will split a 7,500 square foot lot into two 3,750 square foot lots (50%/50%). The resulting lots are not required to conform to the R-1 standards for area or dimensions.
<u>No Previous Lot Split</u> The lot cannot have been not previously subdivided under SB9	No previous SB9 Lot Split has occurred on the subject property.
<u>No adjacent lot splits</u> The property owner, or a person working in concert with the property owner, is not proposing an urban lot split on an adjoining lot.	Property owner is not proposing a lot split on an adjacent lot.
<u>Public Street Access</u> Each lot created by the urban lot split would have direct access to a public street, or would have access to a public street through an easement.	Parcel A would have access through an alley and Parcel B will have direct access to Quince Street.
<u>Subdivision Map Act Compliance</u>	Review determined compliance

The urban lot split will comply with all requirements of the Subdivision Map Act, except as otherwise expressly provided in SB9	
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ENVIRONMENTAL

The first step in complying with the California Environmental Quality Act (CEQA) is to determine whether the activity in question constitutes a “project” as defined by CEQA, Public Resources Code Section 21000, et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, 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 qualifies as a project under CEQA because it involves the issuance to a person of a “lease, permit, license, certificate, or other entitlement for use” as described in CEQA Guidelines Section 15378.

Under Government Code Section 66411.7 (a)(1), SB9 approvals are considered to be ministerial actions. CEQA Guidelines Section 15268 indicates that ministerial actions are exempt from the CEQA review process. Therefore, the project is exempt from CEQA.

PUBLIC NOTICE

A notice of public hearing is not required for urban residential lot splits subject to SB9.

PLANNING COMMISION FINDINGS

Parcel maps for residential urban lot splits must meet certain requirements contained in Government Code 66411.7 (a) in order to be approved. These requirements are discussed below:

FINDING A: The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

The proposed subdivision would divide the existing parcel into two smaller parcels of equal size. The project would split a parcel of 7,524 SF into two parcels of 3,762 SF.

FINDING B: Both newly created parcels are no smaller than 1,200 square feet.

As discussed above, the two newly created parcels would each be 3,762 SF in size.

FINDING C: The parcel is located within a single-family zone district.

The existing and resulting parcels would be located within the R-1 (Single Family Medium Density Residential- Min. 6,000 SF per lot) zone district.

FINDING D: The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel

wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

The proposed lot split would be located within the city limits of the City of Mendota.

FINDING E: The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

The proposed subdivision would satisfy the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

FINDING F: The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

- (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.**
- (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.**
- (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.**
- (iv) Housing that has been occupied by a tenant in the last three years.**

The project site is vacant and has not been developed in the past. No demolition activity or removal of housing would result from the proposed subdivision.

FINDING G: The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

The subject parcel is not located within a historic district or is a property included on the State Historic Resources Inventory, nor is it a site that is designated or listed by the City of Mendota or County of Fresno as a landmark or historic property or district pursuant to a City or County ordinance.

FINDING H: The parcel has not been established through prior exercise of an urban lot split.

An urban lot split has not occurred for the subject property within the past.

FINDING I: Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.

The property owner of the subject parcel, nor any other person has acting in concert with the owner has previously subdivided an adjacent parcel using an urban lost split.

FISCAL IMPACT

Review and processing of the planned development permit, engineering plans, and building plans are paid for by the applicant, and the project is responsible for payment of development impact fees. No development has been proposed. Any future development would be responsible for payment of fees consistent with the appropriate standards at the time of application.

RECOMMENDATION

Staff recommends that the Planning Commission adopts Resolution No. PC 22-06, recommending approval of Tentative Parcel Map No. 22-03 to the City Council.

Attachment(s):

1. Resolution No. PC 22-06

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

**A RESOLUTION OF THE PLANNING COMMISSION RESOLUTION NO. PC 22-06
OF THE CITY OF MENDOTA FORWARDING A REC-
COMENDATION TO THE MENDOTA CITY COUNCIL
IN THE MATTER OF APPLICATION NO. 22-12, TEN-
TATIVE PARCEL MAP NO. 22-03 (APN 013-223-19)**

WHEREAS, on June 7, 2022, the City received a request for a tentative parcel map by Tri City Engineering on behalf of the applicant and property owner, Denise Fuentes; and

WHEREAS, the proposal has been designated Application No. 22-12, consisting of Tentative Parcel Map No. 22-03; and

WHEREAS, Application No. 22-12 proposes to subdivide an existing parcel of approximately 0.17 acres (APN 013-075-12) into two smaller parcels of approximately 0.086 acres (3,762 SF) each, respectively, said subdivision of property subject to the provisions of Government Code Section 66410, et seq.; and

WHEREAS, no development is proposed at the project site at this time; and

WHEREAS, the project has satisfied the requirements of Government Code 66411.7 (a); and

WHEREAS, at a regular meeting on September 20, 2022 the Mendota Planning Commission considered Application No. 22-12; and

WHEREAS, approval of a tentative parcel map consists of a “lease, permit, license, certificate, or other entitlement for use”, and is therefore 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 Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS, as the agency primarily responsible for carrying out or approving said project, the City of Mendota assumes the role of lead agency pursuant to CEQA; and

WHEREAS, the project is considered a residential urban lot split under California Senate Bill 9; and

WHEREAS, California Senate Bill 9 residential urban lot splits are processed ministerially in accordance with Government Code Section 66411.7 (b)(1); and

WHEREAS, ministerial projects are exempt from CEQA under CEQA Guidelines Section 15268; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Mendota hereby recommends that the Mendota City Council takes the following actions:

1. Finds that Application No. 22-12, consisting of Tentative Parcel Map No. 22-03, is exempt from the California Environmental Quality Act under Government Code Section 15268.
2. Approves Application No. 22-12, consisting of Tentative Parcel Map No. 22-03, substantially as illustrated in Exhibit "A" hereto and subject to the conditions contained in Exhibit "B" hereto.

Juan Luna, Chairperson

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a special meeting of said Commission, held at Mendota City Hall on the 20th day of September, 2022, by the following vote:

AYES:

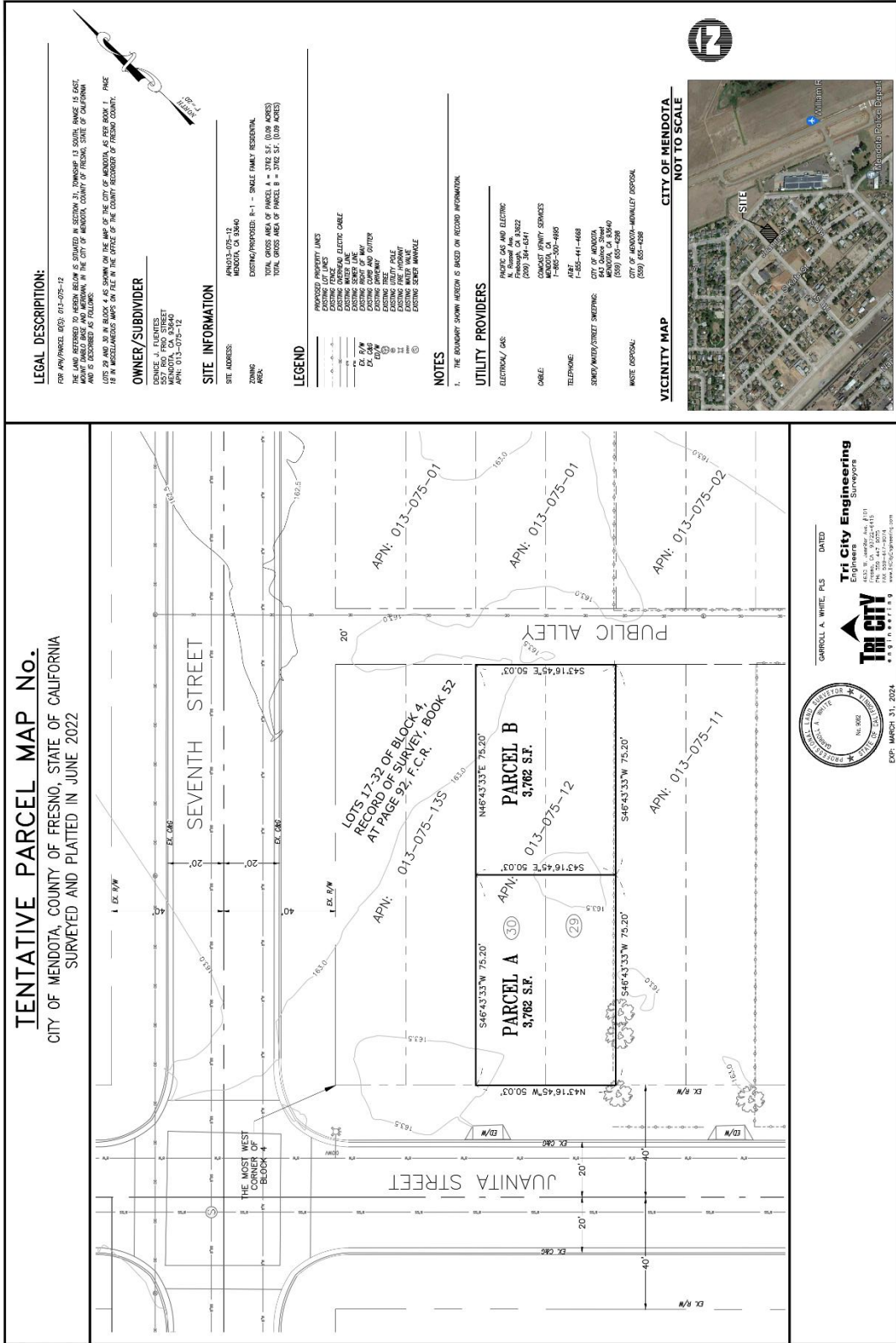
NOES:

ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, MPA, CMC
City Clerk

Exhibit "A"
Resolution No. PC 22-06



TENTATIVE PARCEL MAP No. 1
CITY OF MENDOTA, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN JUNE 2022

LEGAL DESCRIPTION:
FOR APN/Parcel 003: 013-075-12
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN SECTION 21, TOWNSHIP 13 SOUTH, RANGE 14 EAST, MOUNT Diablo BASE AND MERIDIAN IN THE CITY OF MENDOTA, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE CITY OF MENDOTA, COUNTY OF FRESNO, AND BEING 1/4 AC. IN AREA, MORE OR LESS, AS SHOWN ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA, AND BEING MORE OR LESS AS SHOWN ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

OWNER/SUBDIVIDER
OSUNCE, J. EVANES
557 1/2 7TH STREET
MENDOTA, CA 93640
APN: 013-075-12

SITE INFORMATION
SITE ADDRESS:
APN/013-075-12
MENDOTA, CA 93640
EXISTING/PURPOSE: R-1 - SINGLE FAMILY RESIDENTIAL
TOTAL GROSS AREA OF PARCEL A = 3782 S.F. (839 ACRES)
TOTAL GROSS AREA OF PARCEL B = 3782 S.F. (839 ACRES)

LEGEND
PROPOSED PROPERTY LINES
EXISTING LOT LINES
EXISTING INTERIOR ELECTRIC CABLE
EXISTING INTERIOR GAS CABLE
EXISTING SEWER LINE
EXISTING WATER MAIN
EXISTING SANITARY MAIN
EXISTING SANITARY POLE
EXISTING WATER VALVE
EXISTING SEWER MANHOLE

NOTES
1. THE BOUNDARY SHOWN HEREON IS BASED ON RECORD INFORMATION.

UTILITY PROVIDERS
ELECTRICITY/GAS:
PACIFIC GAS AND ELECTRIC
P.O. Box 10000
San Francisco, CA 94122
(415) 399-4141
CONTACT UTILITY SERVICES
1-800-330-4995
ADST
1-855-441-4688
CITY OF MENDOTA
MENDOTA, CA 93640
(559) 835-4281
CITY OF MENDOTA-MONTELEONE DISPOSAL
(559) 835-4282

WASTE DISPOSAL:
CITY OF MENDOTA-MONTELEONE DISPOSAL
(559) 835-4282

TELEPHONE:
ADST
1-855-441-4688

SEWER/WATER/STREET SINKING:
CITY OF MENDOTA
MENDOTA, CA 93640
(559) 835-4281

VICINITY MAP
CITY OF MENDOTA
NOT TO SCALE

CARROLL A. WHITE, PLS. DATED

The City Engineering
 4432 N. Juanita Ave. #101
 Mendota, CA 93640
 Phone: 559-835-4115
 Fax: 559-835-4119
 www.thecityengineers.com
 EXP: MARCH 31, 2024

Exhibit “B”
Resolution No. PC 22-06

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. The map shall be designated “Tentative Parcel Map No. 22-03”.
2. Tentative Parcel Map No. 22-03 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. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may submit a final parcel map (“**Parcel Map No. 22-03**” or “Parcel Map” herein).
4. 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.
5. 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.
6. The Parcel Map shall reflect two numbered parcels consistent with the approved Tentative Parcel Map, except as may be modified herein and as follows: “Parcel 1” and “Parcel 2” shall be named as shown.
7. Prior to recordation, the applicant shall execute and record an affidavit, prepared by the City Attorney, indicating his intention to reside in a dwelling on one of the resulting parcels for a period of not less than three (3) years.
8. 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

Exhibit "B"
Resolution No. PC 22-06

acquisition of a conditional use permit and/or approval of a site plan; and the City of Mendota Standard Specifications and Standard Drawings.

9. 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.
10. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
11. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
12. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on abutting streets and rights-of-way.
13. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
14. 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.
15. 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.
16. 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).
17. 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.
18. Development shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
19. Development shall comply with the requirements of the Fresno County Fire Protection District/CAL FIRE.

Exhibit "B"
Resolution No. PC 22-06

20. 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.
21. 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.
22. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures.
23. 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.
24. 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.
25. 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.
26. 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.