Special Meeting of the City of Avenal Planning Commission

VIA ZOOM VIDEO/WEB CONFERENCING:
Web Link: bit.ly/AvenalCouncil or use https://us02web.zoom.us/j/87243440488
Or by calling +1 669 900 6833 and use meeting ID 872 4344 0488 to join.

Monday, August 8, 2022
5:00 P.M.

Commissioners

Lymari Larrios – Chair
Donna Elliot – Vice Chair
Amado Cervantes
Tyler Naranjo

Ex-Officio Members:
Mayor Alvaro Preciado
Brian Skaggs, City Engineer
Rob Williams, Public Works Director

Staff
Kao Nou Yang, Community & Economic Development Director
Maria Ortiz, City Clerk
Moses Diaz, City Attorney

Last Adopted Resolution: 2022-01

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AGENDA

1. **CALL TO ORDER: Vice-**Chair Donna Elliot

2. **APPROVAL OF MINUTES:** July 12, 2022

3. **PUBLIC COMMENT/ ANNOUNCEMENTS/ UNSCHEDULED APPEARANCES:**

   Any person may directly address the Planning Commission at this time on items on the agenda or on any other items of interest to the public within the subject matter jurisdiction of the Planning Commission. State Law prohibits any member of the Commission from commenting or taking action on matter not on the agenda. Comment limited to three (3) minutes per person.

4. **OLD BUSINESS:** None

5. **NEW BUSINESS:**

   A. **Comprehensive Zoning and Subdivision Ordinance Update Workshop – Presented by QK**
      i. Presentation – QK
      ii. Discussions / Comments – No Action Needed Informational Only

6. **PUBLIC HEARINGS:**

   A. **Variance No. 22-01 (Hernandez- Garcia) –** The applicant is proposing a side to street variance of one (1') foot in order to fit the new single family residential dwelling once the existing dwelling.

      i. Staff Report
      ii. Public Hearing
      iii. Discussion / Action

7. **ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE COMMENTS:**

   A. **Economic /Community Development Activity Update**
      i. Discussion

8. **COMMENTS:**

   A. **Planning Commissioners**

   B. **Staff Comments / Correspondence**

9. **ADJOURNMENT – NEXT MEETING September 12, 2022**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office (559) 386-5766. Notice 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.0235.02.35.104 AA Title II]. **A special live viewing of this meeting will be hosted online at https://www.facebook.com/avenalcommunity/.**

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Planning Department's Office located at City Hall, 919 Skyline Blvd., Avenal, California, during normal business hours.

AVENAL PLANNING COMMISSION REGULAR MEETING AVENAL THEATER: 233 E. KINGS STREET

Monday, July 11, 2022
6:00 P.M.

MINUTES

1. CALL TO ORDER:

Chair Larios opened the regular Planning Commission Meeting at 6:01 p.m.

Commissioners Present:	Elliott, Larios, Naranjo, Cervantes
Commissioners Absent:	None.
Staff Present:	Mayor Preciado, City Manager Lopez, City Clerk Ortiz, Director Yang,

2. APPROVAL OF MINUTES: February 7, 2022

i. February 7, 2022, Minutes motion to approve by Commissioner Naranjo, second by Commissioner Elliott. Motion carried 4-0.

3. PUBLIC COMMENT/ ANNOUNCEMENTS/ UNSCHEDULED APPEARANCES: None.

4. PUBLIC HEARING:

A. **Tentative Tract Map No. 21-01 / Variance 21-01 (Oasis Valley) –** A proposal to divide approximately 24.63 acre into 111 single residential lots located within the Northwestern part of Avenal, CA, generally located north of San Benito Street and West of "A" Avenue, Avenal. Assessor's Parcel No.

The project shall include construction of 111 Single Family Residents. 1 lot for stormwater detention basin, and a 2-lot pocket park. All street improvements shall be constructed to conform to City's Improvement Standards.

i. Staff Report
ii. Public Hearing
iii. Discussion / Action

Community Development Director Yang reported that the City of Avenal Community Development received an application for a land development permit that proposed to divide approximately 24.63 acre into 111 single residential lots located within the Northwestern part of Avenal, CA, generally located north of San Benito Street and West of "A" Avenue, Avenal. The project shall include construction of 111 Single Family Residents. 1 lot for stormwater detention basin, and a 2-lot pocket park. All street improvements shall be constructed to conform to City's Improvement Standards. Each Residential lot shall be wood frame construction with a 2-car garage and driveway permitting 2 vehicle parking. The applicant is also proposing a variance to reduce the minimum lot width to 50-feet (50') and a reduction of the minimum lot size to 5,000 square feet for a 15% of the total lots proposed.

Community Development Director Yang recommended that the Commission, approve Tentative Tract No. 993 as described above and adopt Planning Commission Resolution No. 2022-01. Approval of this Resolution will:

1. Find that the proposed project may have significant adverse impacts on the environment;

however, those impacts can be mitigated to an insignificant level by implementing the Mitigation Monitoring & Reporting Program (MMRP) attached to the resolution as Exhibit "A," and approves a ***Mitigated Negative Declaration***.

2. Find that the project is consistent with the *General Plan and Zoning Ordinance.*

3. Approve the project with specified conditions of approval.

The approval of Tentative Tract No. 993 shall become effective upon the expiration of ten (10) days following the date on which Tentative Tract No. 993 was approved unless an appeal is filed, or the City Council acts to review the decision of Planning Commission.

Tentative Tract No. 993 shall lapse and shall become null and void three (3) years following the date on which Tentative Tract No. 993 became effective, unless prior to the expiration of three (3) years a final map is recorded. A Tentative Tract may be renewed for a period or periods of time not exceeding a total of three (3) years if an application **(by letter)** for an extension of time for the Tentative Tract is filed with the Community & Economic Development Department prior to the permit's expiration date. However, the total extension time may not be more than three (3) years beyond the end of the original approval.

For the information of the applicant, compliance with other adopted rules and regulations of any local or state regulatory agency shall be required by Planning Commission. These include, but are not limited to, the following:

Chair Larios opened Public Hearing for Tentative Tract Map No. 21-01 / Variance 21-01 (Oasis Valley) at 6:03 pm.

Lou Gravelle concerned does the city have enough water for new homes.

City Manager Lopez commented that the City of Avenal is allocated water through USBR about 2,400-acre feet of water. The city has always conserved water and as Mrs. Elliott mentioned she received a notice regarding watering days and fines when not following the guidelines. That how the city shows USBR or due diligence to comply with water conservation measures and allow the city to obtain necessary water.

Alvaro Preciado asked regarding assessment for property. City Manager Lopez reported that Kings County Assessors does assessments. Also, city assessment is down 17% due to the assessment to the oil fields within the city and new development.

After a brief, discussion the following action was taken.

RESOLUTION NO. 2022-01: IN THE MATTER OF TENTATIVE TRACT MAP NO. 993 / VARIANCE NO. 21-01 (CILENTO LINDO NO. 3). Commissioner Naranjo motioned to approve, second by Vice Chair Elliott, and carried.

Roll Call Vote
AYES: Naranjo, Elliott, Cervantes, Larios.
NOES: None.
ABSTAIN: None.
ABSENT: None.

5. OLD BUSINESS: NONE

6. NEW BUSINESS: NONE

7. ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE COMMENTS:

A. Economic /Community Development Activity Update

i. Discussion

ii. Director Yang gave an overview of some of the projects and works that the Community Development Director Yang Department is working on such as the Comprehensive Zoning and Subdivision Ordinance update by QK.

8. COMMENTS

A. Planning Commissioners Comment: None

B. Staff Comments:

ADJOURNMENT

There being no further business the meeting was adjourned at 6:53 p.m.

CITY OF AVENAL PLANNING COMMISSION
STAFF REPORT

Variance No. 22-01
August 8, 2022

APPLICANT:
Self-Help Enterprise – Matt Fults
P.O. Box 6520
Visalia, CA 93290
(559) 802-1663

PROPERTY OWNER:
Toribio Hernandez
529 East Orange Street
Avenal, CA 93204
(559) 260-7259

Mary Guadalupe Garcia
313 North Fourth Avenue
Avenal, CA 93204
(559) 260-7259

LOCATION:
529 East Orange Street,
Assessor's Parcel Number 040-265-006

GENERAL PLAN DESIGNATION:
Low Density Residential (LDR)

ZONE DISTRICT CLASSIFICATION:
Single-Family Residential (R-1)

DISCUSSION:
The City of Avenal Community Development received an application for a variance requesting a side yard to street variance of one (1') foot in order to fit the new single-family dwelling once the existing home is demolished.

CURRENT USE OF SITE:
Currently there is an existing 1104 square foot single family dwelling that will be demolished to be rebuilt.

LAND USE SURROUNDING SITE:
Currently the property is surrounded by Single Family Dwellings to the North, east and west, and Apartments to the South.

ENVIRONMENTAL REVIEW:
Pursuant to Article 19 of Categorical Exemptions Section 15303 of the California Environmental Quality Act (CEQA), Class 3(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

PROJECT REVIEW:

July 20, 2022, Application submitted

July 21, 2022, Application certified complete
August 8, 2022, Planning Commission hearing

STAFF ANALYSIS: In order to approve this Variance, the Commission is first required to find that:

1. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district or districts.

2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning districts in which such property is located.

3. The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

4. The use for which the variance is applied shall be consistent with the underlying one.

With regard to these required findings, staff comments that:

1. ZONING ORDINANCE FINDINGS:

A. Chapter 9.71 Section 9.71.04 of the Zoning Ordinance states that The Planning Commission may approve or conditionally approve an application for a variance if it finds all of the following:

1) Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district or districts.

a. As per Table 9-4 (Residential Zone Requirement Standards), the minimum lot width is required to be no less than 70 feet. For a lot with a side yard setback to street, 10 feet is required on all new projects. The property in question is an established lot with a width of 50 feet on a corner lot. With such narrow space to work with we are requesting only one foot (1') of the ten feet (10') side yard setback to street be allotted a variance in order to construct new residential home.

2) The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning districts in which such property is located.

a. The granting of this variance will not constitute a grant of special privileges due to the precedent set by previous variances for the historically small lots sizes. The variance allows a new single-family residence to be constructed on the property all while maintaining the look that is consistent with the current neighborhood..

3) The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

   a. The granting of this variance will not be materially detrimental to the public health, safety, or welfare or to property or residences within the vicinity. Allowing the variance will provide safe and affordable housing for the current elderly homeowner as well as permit the construction of a new single-family residence that will improve the look of the community and increase the value of surrounding homes in the area.

4) The use for which the variance is applied shall be consistent with the underlying zone.

   a. The use for which the variance use applied to will be consistent with the underlying zone for construction single family residences. The applicant is only requesting to demolish the existing single-family residence and replace it with a new single-family residence. Nothing, other than a single family-residence shall be constructed within the (R-1) zone.

STATEMENT OF FINDINGS OF CONSISTENCY:

2. FLOOD PLAIN FINDINGS:

A. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0560C dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

RECOMMENDATIONS:

It is recommended that the Commission, approve Variance 22-01 as described above and adopt Planning Commission Resolution No. 22-02. Approval of this Resolution will:

1. The project is Categorically Exempt Class 3 from the California Environmental Quality Act (CEQA) because construction of a single-family residence, or a second dwelling unit in a residential zone is covered under this exemption in accordance with CEQA Guidelines Section 15303.

2. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district or districts.

3. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning districts in which such property is located.

4. The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

5. The use for which the variance is applied is consistent with the underlying zone.

The approval of Variance 22-01 shall become effective upon the expiration of ten (10) days following the date on which Variance 22-01 was approved unless an appeal is filed, or the City Council acts to review

the decision of Planning Commission. Variance 22-01 shall lapse and shall become null and void one (1) year following the date on which Variance 22-01 became effective, unless prior to the expiration of one (1) year a building permit is issued.

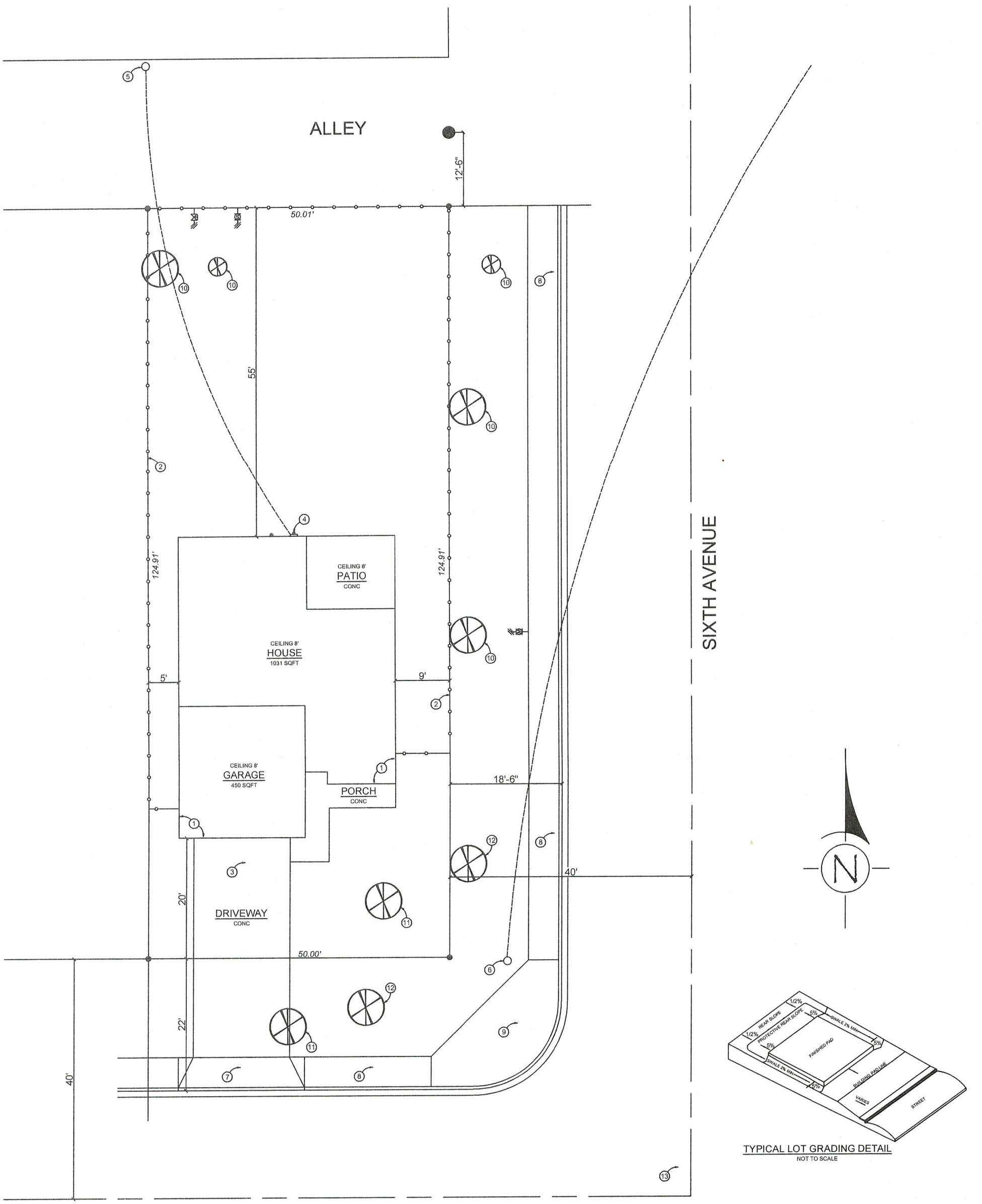
Any variance granted may include such terms and conditions as deemed necessary or appropriate by the decision-making authority to affect the purpose of the Chapter. If no additional terms or conditions are specified, the variance shall be considered unconditional and valid for an indefinite period.

If the development for which a variance has been approved pursuant to this Chapter has not commenced, or permits for each development have not been issued, within one (1) year of the granting of the variance, the variance shall become null and void and of no effect, unless an extension has been granted by the decision making authority, upon the written request for an extension before the expiration of the one (1) year period. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to Section 9.75.

PREPARATION:

Prepared by the City of Avenal Community & Economic Development Department – Planning Division (Kao Nou Yang) on August 5, 2022. Copies are available for review at the City of Avenal Community & Economic Development- Planning Division, Avenal, California, or at the City Clerk's Office, Avenal, California.



TYPICAL LOT GRADING DETAIL
NOT TO SCALE

KEYNOTES:

(#) → INDICATES PLAN KEYNOTES

1. 2X6 STUDS EXTERIOR WALLS AT 16" O.C. WITH BATT. INSULATION & SHEETROCK 8' CEILING HEIGHT
2. 6' CEDAR/REDWOOD FENCE WITH METAL KING POSTS AND GRASSBOARD W/ 4' WALK GATE
3. CONCRETE DRIVEWAY FOR OFF STREET PARKING
4. LOCATION OF ELECTRICAL PANEL GAS METER - VERIFY WITH UTILITY COMPANY. PANELS CAN BE ADJUSTED PER STUD LOCATION AND OR MIN. REQ. BY UTILITY COMPANY.
5. EXISTING PG&E POWER POLE LOCATED IN REAR ALLEY
6. EXISTING STREETLIGHT FED BY POWER POLE ON EAST SIDE OF SIXTH AVE. ALLEY
7. DRIVE APPROACH AS PER CITY STANDARD DETAIL
8. EXISTING 5' CITY SIDEWALK
9. EXISTING H.C. WALK APPROACH W/ TRUNCATED DOMES
10. EXISTING TREES TO REMAIN THROUGHOUT CONSTRUCTION
11. EXISTING PALM TREES TO BE REMOVED DURING CONSTRUCTION
12. NEW TREES TO BE INSTALLED AS PER CITY STANDARD DETAIL FOR NEW LANDSCAPING
13. FIRE HYDRANT APPROX. 300 FEET TO THE EAST LOCATED ON THE SOUTHWEST CORNER OF E. ORANGE STREET AND S. SEVENTH AVE.

SELF HELP ENTERPRISES
8445 WEST ELOWIN COURT VISALIA CA 93290
PHONE (559)651-1000 FAX (559)651-3634
CONTRACTOR LICENSE: 258724

CLIENT: Toribio Hernandez	APPLICANT: Matt Fults	DATE: 07/18/2022
PROJECT ADDRESS: 529 E. Orange St., Avenal, CA 93204	PROJECT NO: 15183	DRAWN BY: MF
APN: 040-265-006-000	SCALE: 1/16" = 1'-0"	

BEFORE PLANNING COMMISSION OF THE CITY OF AVENAL
STATE OF CALIFORNIA

IN THE MATTER OF	**)**	**RESOLUTION NO. 2022-02**
VARIANCE NO. 22-01	**)**	
(Hernandez – Garcia)	**)**	**RE: 529 East Orange Street, Avenal, CA 93204**

WHEREAS the Avenal Planning Commission is charged with reviewing and approving variances for the City of Avenal; and

WHEREAS, on July 20, 2022, Self Help Enterprise, and Property Owners, Toribio Hernandez and Mary Guadalupe Garcia, filed Variance No. 22-01 requesting a side yard to street variance of one (1') foot in order to fit the new single-family dwelling once the existing home is demolished located at 529 East Orange Street; and

WHEREAS, the application was determined to be complete on July 21, 2022; and

WHEREAS, on August 8, 2022, the Planning Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, this Commission has duly reviewed the contents of Variance No. 22-01, as well as comments and testimony received from the public and interested governmental agencies; and

WHEREAS, Pursuant to Chapter 9.71 Section 9.71.04 of the Zoning Ordinance states that The Planning Commission may approve or conditionally approve an application for a variance if it finds all of the following:

1) Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district or districts.

    a) As per Table 9-4 (Residential Zone Requirement Standards), the minimum lot width is required to be no less than 70 feet. For a lot with a side yard setback to street, 10 feet is required on all new projects. The property in question is an established lot with a width of 50 feet on a corner lot. With such narrow space to work with we are requesting only one foot (1') of the ten feet (10') side yard setback to street be allotted a variance in order to construct new residential home.

2) The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning districts in which such property is located.

    a) The granting of this variance will not constitute a grant of special privileges due to the precedent set by previous variances for the historically small lots sizes. The variance allows a new single-family residence to be constructed on the property all while maintaining the look that is consistent with the current neighborhood..

3) The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

    a) The granting of this variance will not be materially detrimental to the public health, safety, or welfare or to property or residences within the vicinity. Allowing the variance will provide safe and affordable

housing for the current elderly homeowner as well as permit the construction of a new single-family residence that will improve the look of the community and increase the value of surrounding homes in the area.

4) The use for which the variance is applied shall be consistent with the underlying zone.

   a) The use for which the variance use applied to will be consistent with the underlying zone for construction single family residences. The applicant is only requesting to demolish the existing single-family residence and replace it with a new single-family residence. Nothing, other than a single family-residence shall be constructed within the (R-1) zone.

NOW, THEREFORE, BE IT RESOLVED, that this Planning Commission finds that:

1. The project is Categorically Exempt Class 3 from the California Environmental Quality Act (CEQA) because construction of a single-family residence, or a second dwelling unit in a residential zone is covered under this exemption in accordance with CEQA Guidelines Section 15303.

2. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district or districts.

3. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning districts in which such property is located.

4. The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

5. The use for which the variance is applied shall be consistent with the underlying one.

BE IT FURTHER RESOLVED THAT the City of Avenal Planning Commission approves Variance No. 22-01 per the site plan map.

The foregoing Resolution No. 2022-02 was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a special meeting held on August 8, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

City of Avenal Planning Commission

_____

Lymari Larios, Chairperson of the Planning Commission

WITNESS, my hand this ____ day of August 2022.

Kao Nou Yang
Secretary to the Planning Commission

H:\Community Development\Current Planning\Zoning\Variance - VAR\Var 22-01\PC\VAR 22-01 RES.doc