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**Planning
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Item# 4

Planning Commission Staff Report

To: Lemoore Planning Commission
From: Joseph G. Mendiola, Assistant Planner
Review Date: August 14, 2006
Subject: E.I.A No. 2006-14 / Variance No.2006-01 / Tentative Parcel Map No. 2006-03,
Application by John & Ronnette Daulton

A. General Information:

1. **Owner/Applicant:** John and Ronnette Daulton
141 Limerick
Pismo Beach, CA 93449
(805) 709-0877
2. **Engineer/Surveyor:** Landmark Surveying & Engineering
3101 Sillect Avenue, #105
Bakersfield, CA 93308
(661) 859-1923
3. **Location:** West side of Champion Street south
of Larish Street
4. **Property Descriptions:** APN # 023-130-037
5. **Site Area:** 0.80 Acres
6. **General Plan Designation:** Low – Medium Density
7. **Current Zone Classification:** R-1-10
8. **Existing Use:** Residential
9. **Proposed Use:** Residential

PLANNING COMMISSIONERS

Chairperson – Bob Clement, *Vice-Chair* - Kimberly Moss
Lisa Elgin, Sharon Kendall, Angie Mendes LeRoy, Marshall Norgaard, Mel Ormonde

B. Project Location & Description:

John and Ronnette Daulton own Assessor's Parcel No. 023-130-037, a 0.80 acre property located on the west side of Champion Street south of Larish Street. The applicants propose to divide the 0.80 acre parcel into 2 parcels. Parcel 1 will be 10,000 square feet and Parcel 2 will be 21,502 square feet. The applicants have also submitted a zone variance application to reduce the street frontage and width requirements to 25' to allow vehicular access service to the new second parcel and creating a "Flag Lot".

C. Project Review:

The Tentative Parcel Map application is reviewed to determine its compliance with the State Map Act, Lemoore Subdivision and Zoning Ordinances, as well as the City's Policies and Standards. The following findings have been determined:

1. Zoning Compliance:

The site zone designation is R-1-10 which allows one single family residence per 10,000 square foot lot. Section 9-7-B-6.B of the Zoning Ordinance requires that the minimum frontage shall "have not less than sixty feet (60') of frontage on a public street" and parcel width be at least sixty feet (60') at the front setback line. Other required minimum setbacks include a 25' front yard, 10' rear yard, and 15 feet combined side yards, with no side yard being less than 5 and the opposite side yard at a minimum 10' setback.

The proposed Parcels No. 1 and 2 will be 10,000 and 21,502 square feet respectively. The applicant has filed a variance application under Section 9-7-B-6.B to allow the frontage and width of the parcel to be 25' along Champion Street for the proposed Parcel No. 2. Presently Parcel 2 is undeveloped, does not contain any structures, and is not proposing any structures be built at this time.

2. Ingress/Egress:

Ingress and egress to the two proposed parcels will be from Champion Street, a designated local street.

3. Infrastructure:

An 8 inch City water line exists along Champion Street and services the existing residence on proposed Parcel No. 1. Service is available and can be accessed by both parcels.

A 6 inch City sewer water line exists along Champion Street and services the existing residence on proposed Parcel No. 1. Service is available and can be accessed by both parcels.

Any future development will have to ensure storm drainage flow is directed out to Champion Street and does not flow unto adjacent properties.

Fire hydrants exist on the east side of Champion street approximately 230' north and 85' south of the property, well within the 300' required by the City's Fire Department.

Curb, gutter, monolithic sidewalk, and street lights exist in the area and are adequate for the proposal.

4. Right-of-Way and Easements:

The Assessors Parcel book 23, page 13, shows a 40' right-of-way in existence adjacent to the proposed parcel map. It appears that 30' of right-of-way exists on the westerly side of Champion and only 10' of right-of-way exist on the eastern side of the street. In order to clarify the right-of-way in place, the Final Parcel Map should identify the right-of-way from the street centerline on both sides of the street. If the right-of-way adjacent to the lot is not 30', than dedications will need to be made so that the eastern half of the street along the proposed parcel shall be 30' of right-of way.

No easements are identified on the parcel, however a 10' public utility easement is usually required in back of the right-of-way and should be allocated on the Final Parcel Map.

D. Variance Review:

The Tentative Parcel Map proposes to create an additional parcel and give permanent vehicular access to Parcel 2 via the 25' access. The applicant is proposing that the site frontage and width requirements on Parcel No. 2 be reduced to 25' along the first 125' of depth of the lot thus creating a "flag lot".

The following findings are made in accordance with the following section of Chapter 15, Article F. Variances, sections 9-15-F-3 subsections F1a, F1b, and F1c:

Criteria under F1a – Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship, inconsistent with the objective of this Title.

Strict adherence to the R-1-10 portion of the Zoning Ordinance Section 9-7B-6:B.1, causes a practical difficulty because a 60' wide drive approach to access the existing location of a single family housing unit, 125' feet from the street, does not make practical sense. The creation of a "flag lot" which gives "fee title" rights to the owner of Parcel No. 2 thus providing permanent access to the new parcel allow for future improvements would be more appropriate use of the land and the intention of the Zoning Ordinance.

Criteria under F1b – There are special circumstances or conditions applicable to the property involved such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

The original parcel is 31,500 square feet in total area, 300' deep, and contains a single-family residence on the very front portion of the lot. The parcel is not wide enough to meet the required frontage to divide the parcel in half with the required frontage. There presently exist several parcels though the City of Lemoore in similar zoning districts that have had similar circumstances and have been allowed to reduce the frontage requirements to create a "flag lot" such as what is being proposed by the applicant. Not allowing the applicant to proceed with the variance request would deprive the applicant of privileges enjoyed by the owners of similar properties.

Criteria under F1c – The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

This same type of activity has been granted in other similarly situated areas, therefore the granting of the variance will allow the property to be utilized under the same rights now being exercised by other areas with similar zoning districts within the City of Lemoore.

E. Environmental Impact Assessment:

Division of land into four or fewer parcels is generally categorically exempt from California Environmental Quality Act as per Section 15315 of the State Guidelines unless access to the proposed parcels is not available or the proposal involves a variance. Because of the variance, staff needed to conduct a preliminary environmental impact assessment of the project in accordance with the California Environmental Quality Act, and it was determined that the project could not have any significant adverse impacts on the environment and a negative declaration finding should be made. **As this determination requires publication 21 days prior to the Planning Commission determination, staff requests that the environmental determination be made at the September 11, 2006 Planning Commission meeting.**

F. Recommendation:

Staff makes the following recommendations:

- a. **After listening to the staff report, the Commission should open the noticed public hearing, take comments, close the public hearing, and continue the item to the September 11, 2006 meeting.**
- b. At the September 11, 2006 Planning Commission meeting, adopt a Negative Declaration pursuant to the California Environmental Quality Act.
- c. At the September 11, 2006 Planning Commission meeting, approve Variance No. 2006-01 excluding Parcel 2 from Section 9-7B-6:B of the Zoning Ordinance as it relates to minimum frontage and width requirements and the Tentative Parcel map No. 2006-03 by adopting Resolution 2006-05.