

CITY OF SAN JUAN BAUTISTA

STAFF REPORT

MEETING DATE: October 1, 2012

TO: Planning Commission

FROM: Planning Staff

SUBJECT: **Application for Tentative Map 901 3rd St. MS 2013-91**

**APPLICANT/
OWNER:** Kraig Klauer/Kathleen Manning

REQUEST: The applicant is requesting approval of a Tentative Map requesting to subdivide a 14,189 sq ft parcel into two lots consisting of Parcel 1. 7,199 sq ft and Parcel 2. 6,990 sq ft at 903 3rd Street (San Benito County Assessor's Parcel 002-290-019).

LOCATION: 903 3rd Street — APN # 002-290-019

STAFF: Matt Leal, Assistant Planner – 623 - 4661
Roger Grimsley, City Manager

PROJECT DESCRIPTION:

The applicant is requesting approval of a Minor Subdivision of a 14,189 sq ft parcel into two lots consisting of Parcel 1. 7,199 sq ft and Parcel 2. 6,990 sq ft at 903 3rd Street (San Benito County Assessor's Parcel 002-290-019). The site is located in the R-2 Medium Density Zoning Parcel 2 contains a small single family home with an existing shed.

Site description:

Parcel 2 would continue to use existing driveway access from 3rd Street. Parcels 1 would have to expand the current driveway to get access from 3rd Street. No modifications would be made to the current configuration of traffic flow on or directly off-site as a result of the minor subdivision application. The site is underutilized and the area that is planned to be split is partially cover by AC parking that will need to be removed.

RECOMMENDATION: Staff recommends that the Planning Commission review the applicant's request; receive all written and oral testimony regarding the proposal, and approve Minor Subdivision subject to the findings and conditions contained in the draft resolution.

Conditions of Approval: Klauer Minor Subdivision

1. The applicant file an application for a minor subdivision and receive approval
2. The applicant pay all fees including but not limited to parcel map planning fee, CEQA processing fee,
3. The applicant record and file a final parcel map with the County Records Office and pay all recording fees, property taxes, document fees and title guarantee fees.
4. The applicant install water, sewer services to lot and pay all hookup fees, impact fees, installation costs and connection costs.
5. The applicant remove existing concrete driveway on Third Street and replace with new 25' wide driveway conforming to City standards.
6. The applicant install monolithic 5' wide concrete sidewalk along Monterey and 3rd Streets to parcels boundaries.
7. The applicant shall install a handicap ramp at corner of Monterey and 3rd Street.
8. The applicant shall install underground electrical and communication services to parcel.
9. The applicant shall remove exiting drive curb cut at southeast corner of parcel and replace with vertical face curb and gutter.
10. The applicant shall install a fire sprinkler service lateral to parcel conforming to City standards.
11. The applicant shall plant 3 City approved trees with two along Monterey St and one along 3rd St
12. The project applicant shall implement the following MBUAPCD-recommended Best Construction Practices (BCPs) during construction, as determined necessary by the City of San Juan Bautista to minimize dust generation.
13. When construction is proposed, the project applicant shall implement the following MBUAPCD-recommended Best Construction Practices (BCPs) during construction, as determined necessary by the City of San Juan Bautista to minimize dust generation:
 - Water all active construction areas at least twice daily. Frequency shall be based on the type of operation, soil, and wind exposure.
 - Prohibit all grading activities during periods of high wind (over 15 mph).
 - Sweep streets if visible soil material is carried out from the construction site.
 - Post a publicly visible sign, which includes the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within two hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be included on the sign to ensure compliance with Rule 402 (Nuisance).
 - Pay all impact fees applicable to the project.
14. The applicant shall obtain a street encroachment permit prior to commencing work within public right-of-way.

Findings: CEQA

1. The project under the CEQA guidelines has been found to be Categorical Exempt under Code Sections 15315, Minor Land Divisions and 15332, In-fill Development and supporting General Plan Goals and Policies are below
2. That the Lot Division conforms to adjacent lot size residential development
3. That the Lot Division conforms to the Goal L-1 Small Town Character, Policy L-3, development of underutilized property
4. That the Lot Division conforms to Goal L-2 Growth Management, Policy L-6, development pays its fair share of the costs of expansion of public facilities
5. That the Lot Division conforms to Policy L-7, public services are available to serve the property
6. That the Lot Division conforms to Policy L-12 encourage small residential projects
7. That the Lot Division conforms to Policy L-13 provides adequate off-street parking
8. That the Lot Division conforms to Goal T-5 Bicycle, Pedestrian and Equestrian Facilities, Policy T-15 Develop continuous system of sidewalks
9. That the Lot Division meets the objectives of Housing Opportunities of the General Plan for residential infill (pg 4-34) & Policy H-6., lot splits of larger lots capable of dividing into two smaller lot meeting the required are for single family residents. (Page 4-35)
10. That the Lot Division conforms to Goal H-5 Constraints, Policy H-29 Minimize processing and approval delays for new residential projects that are consistent with General Plan Goals

Subdivision Map Act

Pursuant to the Subdivision Map Act as amended January 1, 2012, the State of California has provided criteria to grant automatic extensions on tentative map approvals. Table 1 below provides a timeline of the approvals.

- Section 66452.21(a) of the Subdivision Map Act provides an automatic 12 month extension of tentative maps that have not expired by the year 2008 and that will expire before January 1, 2011. Minor Subdivision 2003-2 qualified for this automatic extension and the approval was extended to April 26, 2009.
- Section 66452.22(a) of the Subdivision Map Act provides an automatic 24 month extension of tentative maps that have not expired on July 15, 2009, and that will expire before January 1, 2012. Because Minor Subdivision 2003-2 expired prior to July 15, 2009, it did not qualify for the automatic 24 month extension.
- If Minor Subdivision 2003-2 would have qualified for Section 66452.22(a) of the Subdivision Map Act then it would have also qualified for Section 66452.23(a) which provides another automatic 24 month extension of tentative maps that have not expired by 2011 but will expire before January 1, 2014. This would have extended the approval until April 26, 2014.

Due to not qualifying for the automatic extension pursuant to Section 66452.22(a) of the Subdivision Map Act, Minor Subdivision 2003-2 expired on April 26, 2009 and must submit for a new Minor Subdivision application.