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**Title:** Adopt a resolution to approve a Tentative Parcel Map on a 0.38-acre parcel creating two parcels at 239 North Walnut Avenue (APN: 217-600-10), subject to conditions

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 -- Vicinity Map, 2. Attachment 2 -- Resolution 1576, 3. Attachment 2a -- Exhibit A - Site Plan, 4. Attachment 2b -- Exhibit B to Resolution - Conditions of Approval, 5. Attachment 3 -- Public Hearing Notice, 6. Staff Report Cover Sheet

Date	Ver.	Action By	Action	Result
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**Planning Commission Agenda**

**Memo to:** Manteca Planning Commission

**From:** Chris Erias, Development Services Director

**Prepared by:** Mallorie Fenrich, Associate Planner

**Date:** September 16, 2021

**Subject:** 239 North Walnut Avenue Tentative Parcel Map (SDN 21-67)

Adopt a resolution to approve a Tentative Parcel Map on a 0.38-acre parcel creating two parcels at 239 North Walnut Avenue (APN: 217-600-10), subject to conditions

**Background:**

APPLICATION NUMBER: SDN 21-67

LOCATION: 239 North Walnut Avenue (APN: 217-600-10)

**APPLICANT:** J.B. Anderson Land Use Planning  
c/o Roman Acosta  
139 S. Stockton Avenue  
Ripon, CA

**PROPERTY OWNER:** James Marini

**ZONING:** Limited Multiple-Family Dwelling (R-2)

GENERAL PLAN: Medium Density Residential (MDR)

CEQA STATUS: Exempt, per Section 15315, *Minor Land Divisions*

PROJECT DESCRIPTION:

The proposed project is a Tentative Parcel Map for a 0.38-acre property located at 239 North Walnut Avenue (APN: 217-600-10). The Tentative Parcel Map will subdivide the existing 0.38-acre parcel into two parcels, Parcel 1 totaling 0.2 acres and Parcel 2 totaling 0.17 acres. This Tentative Parcel Map will create two R-2 zoned lots, facilitating the construction of a duplex on Parcel 2.

**SITE DESCRIPTION**

The property is designated Medium Density Residential (MDR) on the General Plan land use designation map, and has a zoning designation of Limited Multiple-Family (R-2). The site is surrounded by Neighborhood Commercial-zoned properties to the north and west, and by R-2-zoned properties to the east and south. The site is currently developed with an existing home with a detached garage facing Walnut Avenue. The existing home will have a future addition and an attached garage. The existing detached garage will be converted into an accessory dwelling unit.

**GENERAL PLAN CONFORMANCE**

The site has an existing MDR land use designation. This designation supports smaller scale multi-family developments, including townhomes, duplexes, and cluster housing. Through the subdivision of this larger 0.38-acre parcel into two smaller lots for the construction of additional housing, this Tentative Parcel Map is in conformance with the intent of the MDR land use designation.

The MDR density standard requirement is 8.1 to 15 dwelling units per acre. The existing single family home is proposed to remain on Parcel 1. The newly created Parcel 2 will comply with General Plan and zoning of the site by constructing a future duplex. The density of Parcel B with the duplex will be 11.7 dwelling units per acre, approximately mid-range of the required MDR density range.

In addition to conforming to the land use designation, this Tentative Parcel Map is also consistent with the following General Plan goals and policies:

- 1. Land Use Policy LU-P-49: The City shall give priority to in-fill development and new development contiguous to existing developed areas, whenever practical.**

*Analysis: Subdividing this lot will provide an infill development opportunity for a new duplex development to be built in the City of Manteca.*

**2. Goal CD-1: Retain the compact and cohesive community form of the City.**

*Analysis: Infill development is a compact form of growth for the City, which often better fits into existing neighborhoods. By subdividing the existing lot into two residential lots, the City is enabling growth without disrupting the existing neighborhood characteristics or dynamics.*

**ZONING CODE CONFORMANCE**

The R-2 zoning district also supports the development of smaller-scale multi-family developments like duplexes and townhomes. The proposed parcel map facilitates the higher and better use of the existing R-2 parcel by allowing the division of the land, thus creating the opportunity for construction of additional housing in the City. As such, the proposed Tentative Parcel Map is in conformance with the R-2 zoning district.

**TENTATIVE PARCEL MAP FINDINGS:**

The subdivision of land is governed by the Subdivision Map Act and Title 16 of the Manteca Municipal Code. Chapter 16.15.030.C. identifies the Planning Commission as the approving authority for Tentative Parcel Maps. The Commission may approve a Tentative Parcel Map if the Subdivision Map Act findings from Section 66474 of the Map Act can't be made, in addition to the two findings in Chapter 16.15.040 of the Municipal Code. The Subdivision Map Act findings and the additional findings in Section 16.15.040 of the Municipal Code are discussed below.

**Subdivision Map Act Findings**

Under Section 66474 of the Subdivision Map Act, a legislative body of a city can only deny a tentative parcel map if any of the following findings are made:

**1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.**

*Analysis: As stated above, the proposed Tentative Map is consistent with the City's General Plan and Zoning Ordinance.*

**2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

*Analysis: The future duplex that will be constructed on the new parcel created by the proposed Tentative Map is consistent with the density requirements and housing policies of the City's General Plan and Housing Element.*

**3. That the site is not physically suitable for the type of development.**

*Analysis: The two resultant parcels are suitable for the existing single family dwelling unit to remain and the newly created Parcel 2 is of adequate size and dimensions for the construction of a future duplex.*

**4. That the site is not physically suitable for the proposed density of development.**

*Analysis: As noted above in the General Plan Conformance section, the proposed and existing uses are in conformance with the density requirements of the MDR land use designation. The site is physically suitable for this proposed density.*

**5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their**

**habitat.**

*Analysis: The project site is in an urbanized area, not located near fish or wildlife habitat, and is already developed as a residential use. Therefore, the subdivision to create two residential parcels and the proposed improvements are not likely to cause substantial environmental damage or substantially injury fish or wildlife or their habitat.*

**6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.**

*Analysis: There are no features of the subdivision design or type of improvements that are likely to cause serious public health problems. The location of the proposed duplex and ADU unit adhere to required setbacks and will be situated on site so as to avoid any conflicts with surrounding uses.*

**7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

*Analysis: As noted on the attached Tentative Parcel Map, there are no easements that will be in conflict with the proposed subdivision of land or future improvements.*

Pursuant to Municipal Code Section 16.15.040, the Planning Commission may approve or conditionally approve a Tentative Parcel Map application if it finds that the additional findings below can be made:

**1. Subject to the provisions of the California Environmental Quality Act of 1970, the state CEQA guidelines, and the city CEQA guidelines, the decision-making body shall review and consider any applicable environmental documents.**

*Analysis: This project is determined to be categorically exempt from CEQA review per Section 15315 Minor Land Divisions, as the project involves the subdivision of a single parcel in an urbanized area into two parcels for residential use. The parcel map is consistent with the General Plan (MDR) and Zoning Ordinance (R-2), no variances or exceptions are required, all services are available to the parcels, the parcel was not part of a larger subdivision within the past 2 years, and the site's slope is less than 20 percent.*

**2. In reaching a decision on the tentative parcel map, the decision-making body shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. (Ord. 936 § 1, Ex. A (part), 1992).**

*Analysis: The proposed Tentative Parcel Map will provide the opportunity to create additional housing in the City on an underutilized parcel. The subdivided parcel will promote the development of a duplex and an ADU unit. The site is located within City limits in an established neighborhood, where all utilities and City services are already located. Goal H-2 of the 2016 Housing Element Update states that infill residential development is listed as one type of development that the City will promote as a way to provide additional housing within City limits, without expanding the City's physical boundaries. This project is exactly the type of project that this policy is referring to in that more housing is being provided for the Manteca community without negatively impacting the health, safety, and welfare of existing residents or straining existing city services. The parcel map will not have a negative effect on the housing needs of the region and staff analysis has balanced the regional housing needs against the*

*public service needs of its residents and available fiscal and environmental resources.*

## **ENVIRONMENTAL STATUS**

This project is determined to be categorically exempt from CEQA review per Section 15315 *Minor Land Divisions*. This Tentative Parcel Map involves the subdivision of a single parcel in an urbanized area into two parcels for residential use. The parcel map is consistent with the General Plan MDR land use designation and the R-2 zoning district and no variances or exceptions are required. Further, all City services are available to the parcels, and the subdivided parcel was not part of a larger subdivision within the past 2 years. Finally, the site's slope is less than 20 percent. For these reasons, the proposed project is exempt from CEQA review.

## **RECOMMENDATION**

Staff finds this project to be consistent with development as proposed in the City's General Plan and meets the requirements of the City's Zoning and Subdivision Ordinances. This project was reviewed and conditioned by the appropriate City Departments and Divisions, as well as other responsible agencies and utilities. The Tentative Parcel Map shall be subject to conditions of approval found as Exhibit B to the attached resolution.

Therefore, Staff recommends the Planning Commission take the following actions:

1. Adopt Resolution No. 1576 approving Tentative Parcel Map, SDN 21-67, subject to the Conditions of Approval.

**Report prepared by:** Mallorie Fenrich, Associate Planner

## **Fiscal Impact:**

The processing of the project entitlements will have no fiscal impact on the City. All costs associated with processing the application are paid for by the developer. Outside of the development review process, the development will have an overall positive impact on the City's finances as the developer will be required to pay impact fees upon building permit issuance for the future duplex, which mitigates the impact of development on the City.

## **Documents Attached:**

1. Resolution 1576
  - 1a. Exhibit A - Site Plan
  - 1b. Exhibit B - Conditions of Approval