

**REGULAR MEETING AGENDA  
CITY OF MADERA  
PLANNING COMMISSION**

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
September 12, 2017  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

Commissioner Kenneth Hutchings (Chairperson)  
Commissioner Robert Gran, Jr. (Vice Chairperson)  
Commissioner Jim DaSilva  
Commissioner Bruce Norton  
Commissioner Pamela Tyler  
Commissioner Israel Cortes  
Commissioner Richard Broadhead

**INTRODUCTION OF STAFF**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

**MINUTES**

Minutes of August 8, 2017

**CONSENT ITEMS**

- 1. CUP 2016-19 and SPR 2016-34 - Cubano Grill & Café Outdoor Dining Extension**  
Consideration of a request for a time extension for a conditional use permit and site plan review to allow for outdoor dining as a component of a restaurant.

**PUBLIC HEARING ITEMS**

- 1. VAR 2017-04 – Pond Place Setback Variance**  
A continued public hearing to consider a variance from the setback requirements of the R1 (Residential) Zone District in order to allow for less than the required fifteen foot rear yard structural setback on property located at the northwest

corner of Stadium Road and El Monte Avenue (805 El Monte Avenue) in the R1 (Low Density) Zone District with an LD (Low Density) General Plan land use designation (APN: 012-440-019).

**2. GPA 2017-02 and REZ 2017-04 – County Campus General Plan Amendment and Prezoning**

A noticed public hearing to consider a General Plan Amendment and Prezoning of approximately 40 acres of land located at the southeast corner of Tozer Street (Road 28) and Sunrise Avenue (Avenue 14½). The property is proposed to be prezoned into the PF (Public Facility) Zone District. The proposed General Plan amendment would change the General Plan land use designation from the LD (Low Density), MD (Medium Density) and NMU (Neighborhood Mixed Use) land use designation to the P&SP (Public and Semi-Public) land use designation.

**3. SPR 2017-25 – Freedom Industrial Park Building**

A noticed public hearing to consider a site plan review to allow for the construction of two industrial shell structures encompassing approximately 75,240 square feet located within the Freedom Industrial Park at the northwest corner of West Pecan Avenue and South Pine Street (1959 Independence Drive) in the I (Industrial) Zone District, with an I (Industrial) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission (APN: 009-331-018 and 019).

**4. TSM 2005-15 MOD – Sienna Estates Amendment**

A noticed public hearing to consider amendment of the conditions of approval for Tentative Subdivision Map 2005-15, which allows for the development of the Sienna Estates Subdivision, a 138 lot phased tentative subdivision map. The project site is located on the north side of Storey Road, approximately 1700 feet east of its intersection with State Route 145, in the PD-4500 (Planned Development) Zone District with an MD (Medium Density) General Plan land use designation.

**5. REZ 2017-02 and PPL 2017-04 – Linden Street Residential Complex**

A noticed public hearing to consider a rezone of two (2) parcels (APNs: 006-360-013 and 014) encompassing approximately 1.4 acres from the PD-1500 (Planned Development) Zone District to the PD-2000 (Planned Development) Zone District, and a precise plan to allow for the development of twenty-two (22) multi-family residential units. The property is located on Linden Street, approximately 625 feet north of the intersection of Linden Street and Sunset Avenue, in the PD-1500 (Planned Development) Zone District and HD (High-Density Residential) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission.

**6. PPL 2017-03 – Sierra Vista Homes Lots 3-6**

A noticed public hearing to consider a precise plan to allow for the development of four (4) parcels within the Sierra Vista Homes subdivision located east on South D Street between East 14<sup>th</sup> Street and East Olive Avenue (1011, 1015, 1019 and 1023 South D Street) in the PD-3000 (Planned Development) Zone District with an MD (Medium Density Residential) General Plan land use designation (APNs: 011-202-016, 017, 018 and 019).

**7. CUP 2017-16 and SPR 2017-28 – Wal-Mart Temporary Outdoor Storage**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the temporary placement of up to ten (10) storage containers during the 2017 holiday sales season. Wal-Mart is located north on West Cleveland

Avenue, approximately 1,000 feet east of the intersection of North Schnoor Avenue and West Cleveland Avenue (1977 West Cleveland Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-160-014).

**8. CUP 2015-26 MOD – Madera’s Finest Car Wash Revocation**

A noticed public hearing to consider revocation of Conditional Use Permit 2015-26 MOD, which allows for a car wash and auto detailing use on the property located at the southwest corner of East 6<sup>th</sup> Street and South E Street (96 East 6<sup>th</sup> Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-152-007).

**NON PUBLIC HEARING ITEMS**

**ADMINISTRATIVE REPORTS**

1. Informational Workshop Regarding the City of Madera General Plan – Part 2

**COMMISSIONER REPORTS**

**ADJOURNMENT**

The next regular meeting will be held on October 10, 2017.

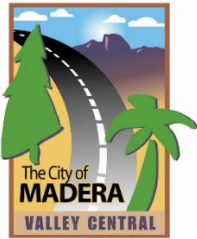
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Cubano Grill & Café Outdoor Dining Extension  
CUP 2016-19, SPR 2016-34 & Environmental Determination  
Consent Item #1 – September 12, 2017**

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**PROPOSAL:** Consideration of a request for a time extension for a conditional use permit and site plan review to allow for outdoor dining as a component of a restaurant.

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<b>APPLICANT:</b>	Jorge Buenrostro	<b>OWNER:</b>	Omar Moreno
<b>ADDRESS:</b>	400 East Yosemite Avenue	<b>APN:</b>	007-165-012
<b>APPLICATION:</b>	CUP 2016-19 and SPR 2016-34	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located at the southeast corner of East Yosemite Avenue and South B Street.

**STREET ACCESS:** The site has access to East Yosemite Avenue and South B Street.

**PARCEL SIZE:** Approximately 5,100 square feet

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

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**SITE CHARACTERISTICS:** The site is surrounded by a mix of commercial, office and residential uses. Businesses and governmental agencies in close proximity to the property include the Social Security Administration office, the Successor Agency, a Quickeroo specialty grocery store, a Bank of America and a Camarena Health Center. A mix of all residential densities are located south of the property and a majority of single family residences are located north of the property.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

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**SUMMARY:** The applicant and property owner have requested a one year extension of Conditional Use Permit 2016-19 and Site Plan Review 2016-34. The submitted letter for extension states that all work will be completed within the one year extension period. Currently, no construction activity has commenced, but a building permit was submitted in January of 2017 for the outdoor dining courtyard.

## **APPLICABLE CODES AND PROCEDURES**

### MMC § 10-3.1311 Termination and Revocation

Any use permit granted by the City must be utilized within twelve (12) months after the effective date. Failure to utilize such use permit within the 12-month period shall render the use permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit.

The Planning Commission, in considering the time extension request, may approve, deny, or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the conditional use permit for further consideration by the Planning Commission.

## **PRIOR ACTION**

On August 16, 2017, the Planning Commission approved Conditional Use Permit 2016-19 and Site Plan Review 2016-34, subject to the conditions of approval. The approval allowed for an outdoor dining courtyard in conjunction with a restaurant on a property in the C1 (Light Commercial) Zone District.

## **ANALYSIS**

### Background

There has been no construction activity since the Planning Commission approved Conditional Use Permit 2016-19 in August. The applicant submitted a building permit in January of 2017 for the proposed project, but that permit has not been issued.

### Extension

The property owner provided staff a written letter for a one year extension request to the Planning Commission on August 14, 2017. The letter states that all required work will be completed within the one year extension. As there have not been substantive changes in the City's Zoning Ordinance over the past year, a new application for the same project would likely generate similar conditions. Therefore, a time extension rather than a re-filing is appropriate.

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of outdoor dining as a component of a restaurant is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...;*

## **RECOMMENDATION**

The information presented in this report supports approval of an extension of Conditional Use Permit 2016-19 and Site Plan Review 2016-34. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve the extension of Conditional Use Permit 2016-19 and Site Plan Review 2016-34, subject to the findings and conditions of approval outlined in this report.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review request, determining to either:

- approve the extension with or without conditions
- continue the hearing, or
- deny the extension

Any action by the Commission approving or denying the extension is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to approve the time extension of Conditional Use Permit 2016-19 and Site Plan Review 2016-34, based on and subject to the findings and original conditions of approval (attached) for the project:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- As required per section 10-3.1311(A) (Termination and Revocation) of the Madera Municipal Code, a written request for extension of Conditional Use Permit 2016-19 was submitted to the Planning Department within the required twelve (12) month period.
- Outdoor dining in association with a restaurant is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- Parking standards are exempt per section 10-3.1205(B) of the Madera Municipal Code.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City. The use is deemed to be a compatible use that is consistent with the zoning for the site.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2016-19 and Site Plan Review 2016-34 to the October 10, 2017 Planning Commission hearing, based on and subject to the following (specify):

**(OR)**

Motion 3: Move to deny the application for Conditionals Use Permit 2016-19 and Site Plan Review 2016-34 based on and subject to the following findings (specify)

**ATTACHMENTS**

- Aerial Photo
- Site Plan
- Elevations
- Extension Letter
- Original Conditions of Approval

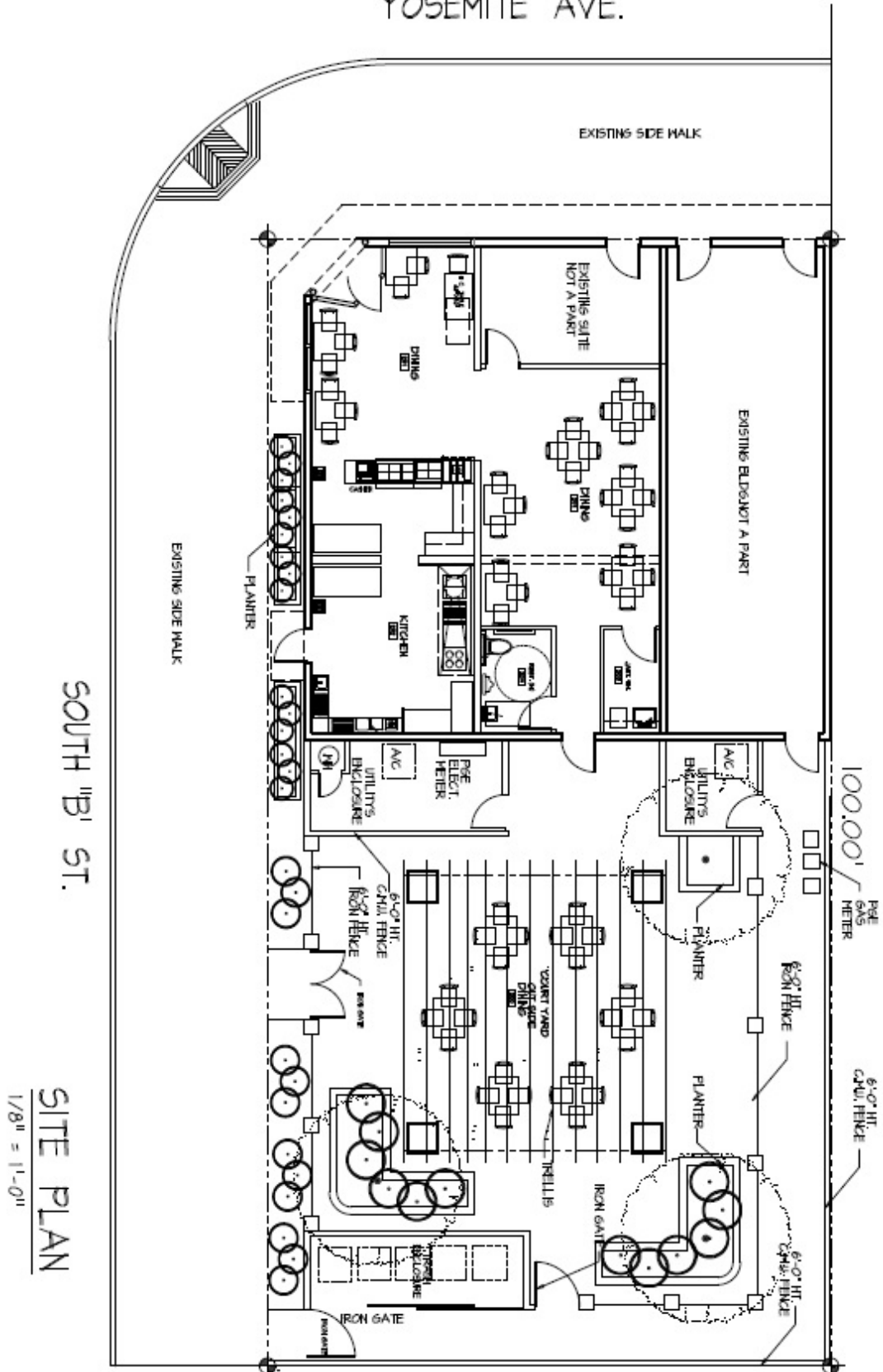
# Aerial Photo





# Site Plan

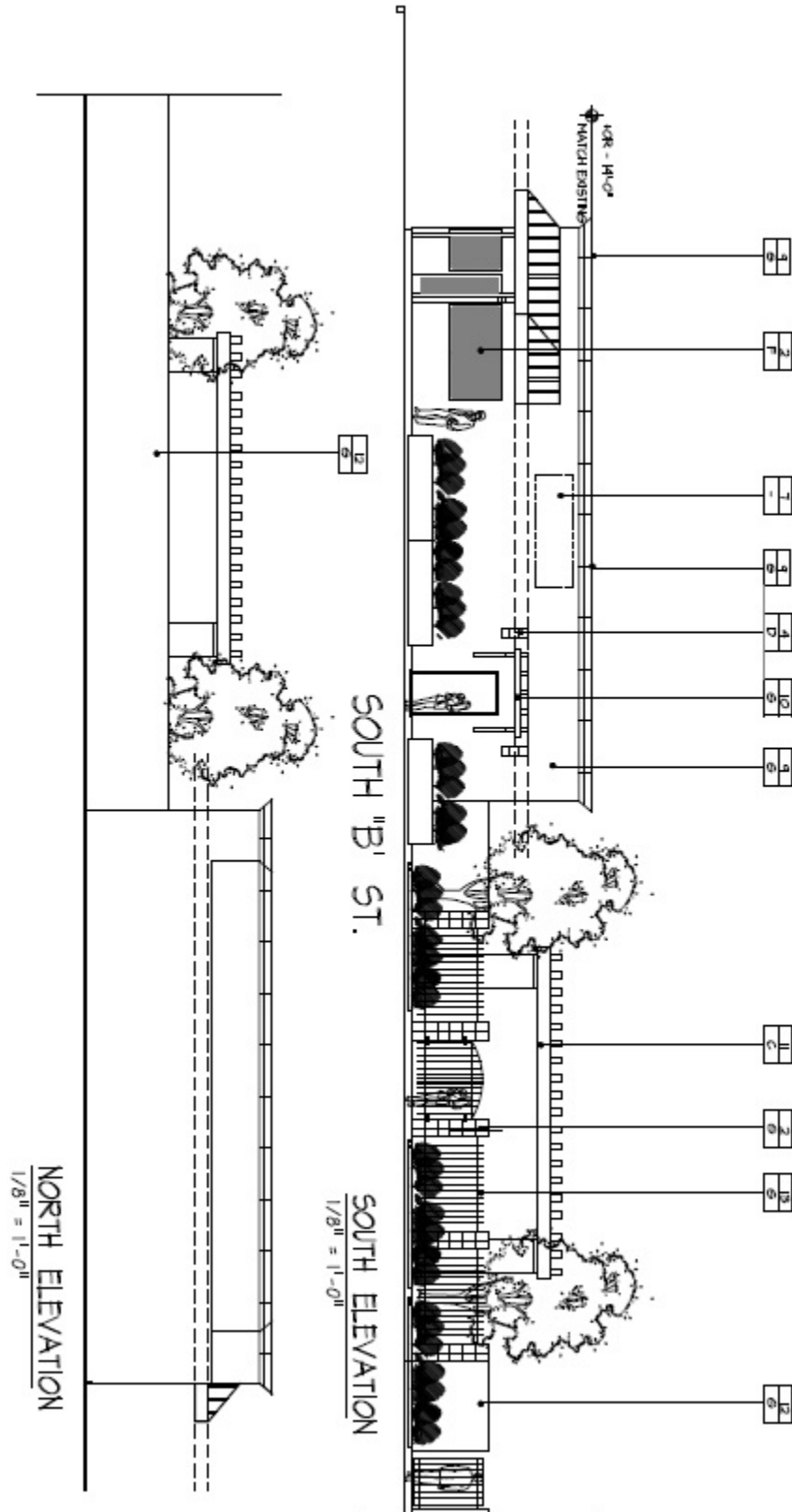
YOSEMITE AVE.

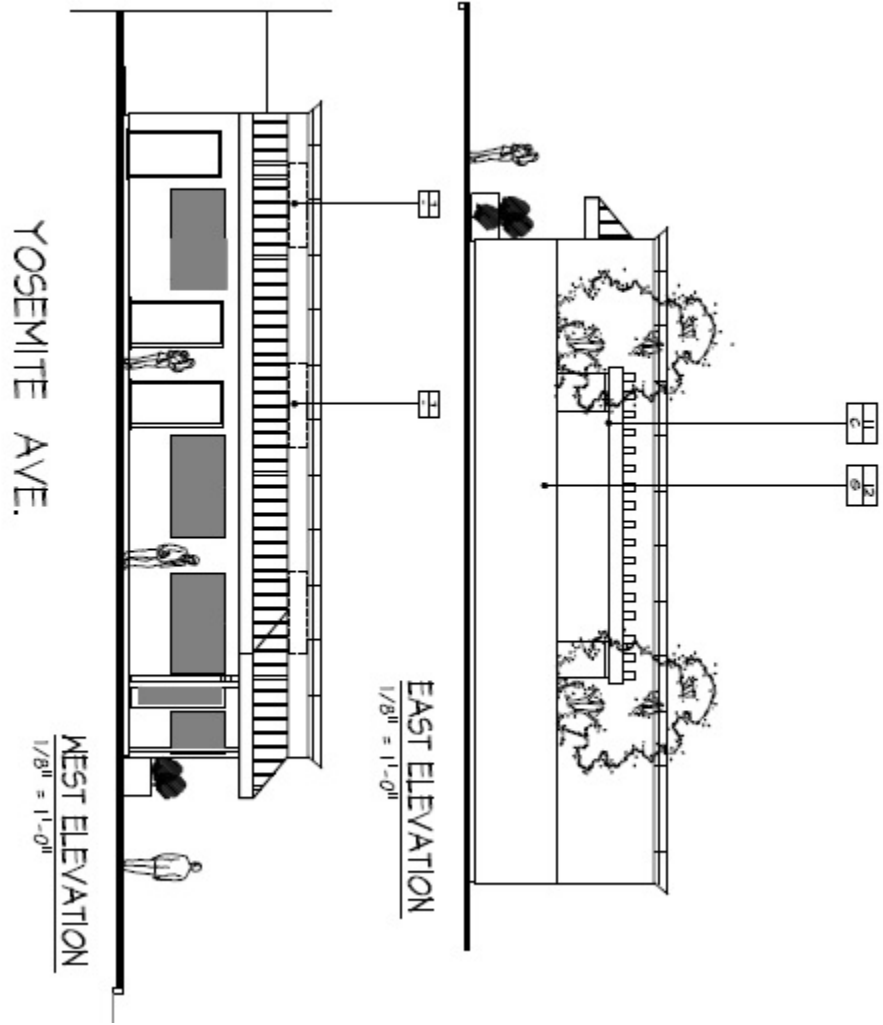


SOUTH 'B' ST.

SITE PLAN  
1/8" = 1'-0"

# Elevations





## Extension Letter

August 14, 2017

Omar Moreno  
1651 Camino Ln,  
Madera, CA, 93637  
[omw885@gmail.com](mailto:omw885@gmail.com)

Dear City of Madera Planning Department,

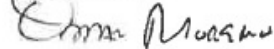
I would like to request a one year extension for Permit 216-19 and Site Plan Review 2116-34 to allow for an outdoor dining as a component of a new restaurant located on 400 E Yosemite Ave, Madera, CA 93637.

Mr. Buenrostro and I will make sure Cubano Café & Grill Outdoor Dining is completed and fully operational within the granted extension period.

Thank you very much

Sincerely,

Omar Moreno



## Original Conditions of Approval

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### CUBANO CAFÉ & GRILL OUTDOOR DINING

CONDITIONAL USE PERMIT (CUP 2016-19)  
SITE PLAN REVIEW (SPR 2016-34)

CITY OF MADERA, CALIFORNIA

The City of Madera Planning Commission, at its special meeting of August 16, 2016 approved Conditional Use Permit 2016-19 and Site Plan Review 2016-34 to allow for outdoor dining as a component of a new restaurant. The property is located at the southeast corner of East Yosemite Avenue and South B Street with a C (Commercial) General Plan land use designation and a C1 (Light Commercial) Zone District. APN: 007-165-012

#### Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- Outdoor dining in association with a restaurant is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- Parking standards are exempt per section 10-3.1205(B) of the Madera Municipal Code.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

#### CONDITIONS OF APPROVAL

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-19 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.

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4. Conditional Use Permit 2016-19 and Site Plan Review 2016-34 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
  5. Site Plan Review 2016-34 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
  6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-34.
  7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

#### **Building Department**

8. A building permit is required for all improvements. The tenant space and outdoor dining courtyard must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

#### **Engineering Department**

##### General

10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
12. The improvement plans for the project shall include the most recent version of the City's General Notes.
13. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Division.
14. Improvements within the State of California right-of-way require an encroachment permit from Caltrans.

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Sewer

15. The existing sewer service connection shall be upgraded to current City standards including cleanouts, if not already installed.

Streets

16. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southeast corner of East Yosemite Avenue and South B Street to current ADA standards.
17. Damaged sidewalk along East Yosemite Avenue and South B Street shall be reconstructed per current City Standards.

Water

18. Existing water service connections shall be upgraded to current City standards including installation of Automatic Meter Reading (AMR) water meters located within City right-of-way and backflow prevention device located within private property.

**Fire Department**

19. A building permit is required for all proposed changes.
20. All exterior gates in the egress path must be equipped with no locks or latches unless they are panic hardware.
21. Portable 2A10BC-rated fire extinguishers are required within 75 feet of all areas of the building, including patio dining areas.
22. Emergency lighting is required at all egress paths, including the patio.

**Planning Department**

General

23. The conditions of approval for Conditional Use Permit 2016-19 and Site Plan Review 2016-34 shall supersede all prior conditions set forth in Conditional Use Permit 1992-19.
24. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
25. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
26. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
27. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.

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### Business Operations

28. Conditional Use Permit 2016-19 allows for outdoor dining as a component of the restaurant's operations.
29. No outdoor display of merchandise shall be allowed.
30. No amplified or live performance music shall be allowed after 10:00 p.m. in the outdoor dining area.
31. Smoking shall be prohibited in the outdoor seating area, except as provided by law.
32. The sale of beer and wine for on-site consumption is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control. The applicants, its operators, and successors, shall comply with all applicable City, State, and Federal Requirements and Standards.
33. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.
34. Hours of operation for the restaurant shall be from as early as 8:00 a.m. until as late as 2:00 a.m., seven (7) days a week. Hours of operation for the outdoor dining area shall be from as early as 8:00 a.m. until as late as 11:00 p.m., seven (7) days a week.
35. All on- and off-site improvements shall be completed in advance of the utilization of the outdoor dining component of the restaurant.

### Fences and Walls

36. The developer shall construct a new trash enclosure in conjunction with the construction of the outdoor dining courtyard. The trash enclosure shall be painted to match the refreshing of the existing primary structure. The location of the trash enclosure shall be consistent with the approved site plan.
37. The trash containers/toters shall be stored inside the trash enclosure. The containers/toters may be placed on the curb in front of the street the night before the designated trash service day, and shall be moved back into the enclosure by midnight the day of service.

### Landscaping

38. A landscape and irrigation plan for on-site landscaping improvements shall be submitted by a draftsman or architect to the Planning Department for review and approval.
39. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.

### Signage

40. Existing dilapidated sign(s) shall be removed from the structure.



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41. No permanent or temporary signage shall be placed within the outdoor dining area or affixed onto the outdoor dining area fencing.
  42. All signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC Chapter 10-6.

Structures

43. Prior to the submittal of a building permit, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval, detailing building and trash enclosure colors and materials.
44. The existing structure on the site shall be reconditioned. At a minimum, all structures shall be repainted consistent with the approved colors and materials presentation board.

**ACKNOWLEDGMENT AND ACCEPTANCE OF CONDITIONS**

Prepared by the City of Madera Planning Department for:

**CUP 2016-19 & SPR 2016-34 Cubano Café & Grill Outdoor Dining:** An application for a conditional use permit and site plan review to allow for outdoor dining as a component of a new restaurant. The property is located at the southeast corner of East Yosemite Avenue and South B Street with a C (Commercial) General Plan land use designation with a C1 (Light Commercial) Zone District. APN: 007-165-012

**APPLICANT ACCEPTANCE OF CONDITIONS OF APPROVAL**

I, (please print name) \_\_\_\_\_, applicant for **CUP 2016-19 & SPR 2016-34**, hereby accept the list of conditions of approval and do hereby agree to abide by said conditions. I acknowledge that unless the acceptance of conditions of approval is received within 30 days or a letter of appeal filed, the Conditional Use Permit and/or Site Plan Review will automatically terminate possibly requiring a new application to be filed to bring the property into conformance with the Madera Municipal Code. I also acknowledge that all conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy, unless other arrangements have been made in writing with the Director of Community Development.

Date of Acceptance: 08/01/2017



Signature of Applicant (please sign in ink)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company

Date of Acceptance: 08/14/2017

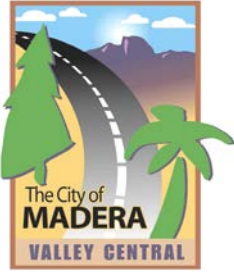


Signature of Property Owner (sign in ink)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Pond Place Setback Variance Continuance  
VAR 2017-04 and Environmental Determination  
Item #1 – September 12, 2017**

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**PROPOSAL:** An application for a variance from the setback standards of the R (Residential) Zone District to allow for an approximately five-foot, five-inch (5',5") rear yard structural setback where a minimum of fifteen (15') feet is allowed.

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<b>APPLICANT:</b>	Berry Construction	<b>OWNER:</b>	Berry Construction
<b>ADDRESS:</b>	805 El Monte Avenue	<b>APN:</b>	012-440-019
<b>APPLICATIONS:</b>	VAR 2017-04	<b>CEQA:</b>	Categorically Exempt

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**LOCATION:** The property is located at the northwest corner of Stadium Road and El Monte Avenue.

**STREET ACCESS:** The site has access to El Monte Avenue.

**PARCEL SIZE:** Approximately 0.16 acres

**GENERAL PLAN DESIGNATION:** LD (Low Density Residential)

**ZONING DISTRICT:** R1 (Low Density Residential)

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**SITE CHARACTERISTICS:** The property is located within the Pond Place Estates subdivision, which consists of twenty-nine (29) single-family residential lots. The surrounding area is characterized as a single-family residential neighborhood. A ponding basin is located to the west. A county island currently in agricultural production is located to the south.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations).

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**SUMMARY:** The applicant proposes to construct a residential structure that does not comply with the rear yard structural setback requirement of the R (Residential) Zone District. The R (Residential) Zone District allows for a minimum rear yard structural setback of fifteen (15') feet when windows face the rear property line. The applicant proposes to construct a residential structure with an approximately five-foot, five-inch (5',5") rear yard structural setback. The property abuts a Madera Irrigation District (MID) easement that impedes the construction of a residential structure in compliance with the rear yard structural setback standards of the R (Residential) Zone District. The proposed variance will recognize the non-conforming setback and allow a structure to be built with the reduced rear yard structural setback.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.508 R; Yard Requirements  
MMC § 10-3.1401 Variances

A variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses.

## **PRIOR ACTION**

Tentative Subdivision Map 2004-11 was approved on October 12, 2004 which allowed for the division of a 7.5 acre parcel into twenty-nine (29) parcels ranging between approximately 6,700 and 10,500 square feet. The final map subsequently recorded on December 27, 2005. On August 8, 2017, the Planning Commission continued the item for the next available Planning Commission hearing on September 12, 2017.

## **ANALYSIS**

### Justification for Variance

There are two (2) findings that need to be made in order to be able to grant a variance. The ordinance states those findings as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted as provided in this subchapter.
2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

The R (Residential) Zone District requires a minimum rear yard structural setback of fifteen (15') feet where windows face the rear property line, and ten (10') where no windows face the rear property line. The proposed structure has windows that face the property line. The rear yard structural setback of five-feet, five-inches (5',5") is inconsistent with the development standards of the R (Residential) Zone District.

A variance from the development standards can be supported because the site suffers from a special circumstance that deprives the property of setback privileges that other properties in the vicinity under the R (Residential) Zone District do not suffer from. The property abuts a Madera Irrigation District (MID) easement, which does not allow the construction of any structures within it. The MID easement removes approximately 563 additional square feet from the site that would allow for the construction of the proposed structure. Even though the builder is proposing their smallest available model, it still cannot be constructed consistent with the rear yard structural setback standards of the R (Residential) Zone District. Without approval of the variance, the builder's ability to construct a residence similar to and compatible with the surrounding construction would be significantly diminished.

Cumulatively, the residential property suffers from a special circumstance that other properties do not suffer from. Staff is in support of the variance to allow for a rear yard structural setback of five (5') feet where a minimum rear yard structural setback of fifteen (15') feet is required.

### Block Fence

Staff recommends the construction of the proposed block fence to be set back five (5') feet from the exterior side yard property line, consistent with the block fence on Lot 1 of the Pond Place Estates subdivision (See Exhibit 1 below for reference). The block fence should be constructed of identical materials to match the block wall constructed in association with Lot 1 of the subdivision.

### Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies, including Madera Irrigation District (MID). The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

## **RECOMMENDATION**

The information presented in this report supports approval of the variance. It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make a decision regarding the project.

## **PLANNING COMMISSION ACTION:**

The Planning Commission will be acting on the continued request for Variance 2017-04, determining to either:

- approve the application with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within fifteen (15) calendar days of the Commission's action:

Motion 1: Move to approve the application for Variance 2017-04 based on and subject to the findings and conditions of approval as listed.

### Findings:

- This project is categorically exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA) because the setback variance does not result in the creation of a new parcel.
- Because of special circumstances of the site, practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter, a variance may be granted to allow for a rear yard structural setback of five-feet, five-inches (5',5") for any proposed residential structure located at 805 El Monte Avenue, where a minimum of fifteen (15') feet is required in the R (Residential) Zone District.
- The practical difficulty and special circumstance of the site results from the inability to comply with the setback standards of the R (Residential) Zone District caused by an MID easement. Notwithstanding the easement, there is enough area to construct a new residential structure that would comply with the setback standards of the R (Residential) Zone District.

## **CONDITIONS OF APPROVAL**

### **Engineering Department**

#### **General**

1. All off-site improvements shall be completed prior to issuance of a building permit.
2. Impact fees shall be paid at time of building permit issuance.
3. Improvements within the City right-of-way require an Encroachment permit from the Engineering Division.
4. Currently, the Pond Place subdivision public improvements have not been accepted by the City and are not at present entitled to currently on-going typical street maintenance that includes street sweeping and street lighting. The buyer of this property shall be alerted to the current status and that such maintenance, while it may be occurring, cannot be guaranteed in the future.

### **Planning Department**

#### **Variance**

5. Variance 2017-04 provides for a five-foot, five-inch (5',5") rear yard structural setback for any proposed residential structure from the requirements of the R (Residential) Zone District for the property located at 805 El Monte Avenue.
6. A block fence shall be constructed five (5') feet from the exterior side yard property line along the Stadium Road frontage. The material shall be consistent with and identical to Lot 1 of the Pond Place Estates subdivision (See Exhibit 1 for reference).

**(OR)**

**Motion 2:** Move to continue the public hearing for Variance 2017-04 to October 10, 2017, to allow the following information to be provided or for the following reason(s): (specify)

**(OR)**

**Motion 3:** Move to deny the application for Variance 2017-04 based on the following findings: (specify)

## **ATTACHMENTS**

Aerial Photo  
Site Plan  
Exhibit 1 (See Condition 6 for reference)  
Madera Irrigation District (MID) Comments

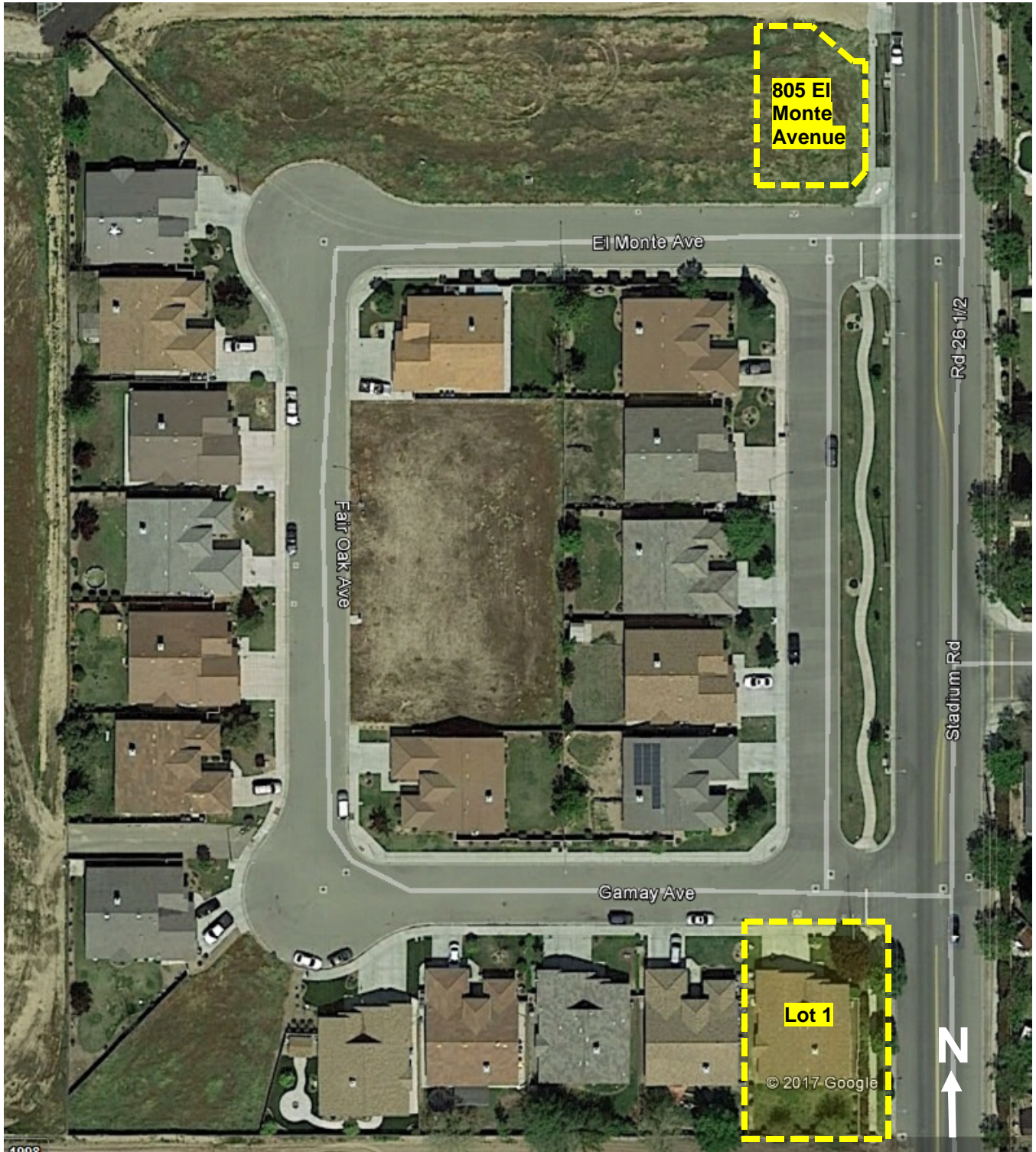
Aerial Photo







Exhibit 1



# Madera Irrigation District Comments



## CITY OF MADERA PROJECT REVIEW

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5434  
rholt@cityofmadera.com

From: Planning Division

Date: August 9, 2017

To: **City Departments/Division**

- Chief Building Official
- City Engineer
- Interim Fire Official
- Police Chief
- Public Works Director
- Parks & Community Services Director

- Airport Director
- EDC Director
- Successor Director
- Neighborhood Revitalization Coordinator
- Other

**Outside Agencies:**

- PG&E
- AT&T
- CalTrans
- County Assessor's Office
- Madera Unified School District
- Madera County LAFCO
- Madera Downtown Association
- Air Pollution Control
- Madera Irrigation District

- Madera County RMA
- County Transportation Commission
- Crop Duster's Association
- U.S. Army Corps of Engineers
- Department of Fish & Game
- Madera County LAFCO/Olivia
- U.S. Fish and Wildlife Service
- Environmental Protection Agency
- San Joaquin Valley Information Center

The following project is being distributed for your review and comment. Return comments to project manager, Rob Holt.

**VAR 2017-04 Pond Place Setback Variance  
805 El Monte Avenue**

An application for a variance from the yard requirements of the R (Residential) Zone District to allow for a rear yard structural setback of five-feet (5', 5") five-inches where a minimum of fifteen (15') feet is allowed, located at the northwest corner of Stadium Road and El Monte Avenue (805 El Monte Avenue) in the R1 (Low Density Residential) Zone District, with an LD (Low Density Residential) General Plan land use designation (APN: 012-440-019).

**Comments (written response or emailed) due by August 23, 2017.**

**MID Facilities is clear from rear yard structural setback.**

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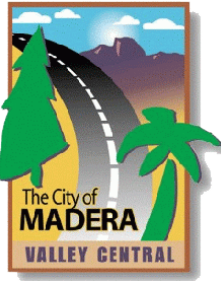
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CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: County Campus General Plan Amendment & Rezoning  
GPA 2017-02 & REZ 2017-04 and Environmental Determination  
Item #2 – September 12, 2017**

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**PROPOSAL:** An application for General Plan Amendment and Rezoning of approximately 40 acres of land located at the southeast corner of Tozer Street (Road 28) and Sunrise Avenue (Avenue 14½). The property is proposed to be rezoned into the PF (Public Facility) Zone District. The proposed General Plan amendment would change the General Plan land use designation from the LD (Low Density), MD (Medium Density) and NMU (Neighborhood Mixed Use) land use designation to the P&SP (Public and Semi-Public) land use designation.

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<b>APPLICANT:</b>	Madera H&HS 1, LLC	<b>OWNER:</b>	County of Madera
<b>ADDRESS:</b>	Multiple Addresses	<b>APN:</b>	035-221-003, 015, 016, & 017
<b>APPLICATION:</b>	GPA 2017-02 & REZ 2017-04	<b>CEQA:</b>	Mitigated Negative Declaration

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**LOCATION:** The project site is located at the southeast corner of Tozer Street (Road 28) and Sunrise Avenue (Avenue 14½).

**STREET ACCESS:** The project site abuts to the Avenue 14½ (Sunrise Avenue) and Tozer Street (Road 28) frontages.

**PARCEL SIZE:** Approximately forty (40) acres.

**GENERAL PLAN DESIGNATION:** LD (Low Density), MD (Medium Density) and NMU (Neighborhood Mixed Use)

**ZONING DISTRICT:** County

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**SITE CHARACTERISTICS:** The project site is partially developed with a fleet services facility and a solar electricity generation facility. Additional county facilities are located to immediately south as part of an additional forty-acre government services campus (rezoned in 2012). A school site is immediately west of the project site. Varying densities of rural residential development as well as lands in agricultural production are located to the north and west.

**ENVIRONMENTAL REVIEW:** An initial study and mitigated negative declaration were prepared and adopted by the County of Madera as a precursor to development of the site. That 2014 CEQA document “evaluates all aspects of the project necessary to support the proposal.”

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**SUMMARY:** The proposed General Plan Amendment and Rezoning provide consistency between the Zoning Ordinance and the Madera General Plan, providing for the eventual expansion of the county’s government services campus.

## **APPLICABLE CODES AND PROCEDURES**

GC § 65358, General Plan Amendments  
MMC § 10-3.1501-06 Amendments  
MMC § 10-3.303 Annexation Policy

**PRIOR ACTION:** None

## **ANALYSIS**

### Background

The County of Madera proposes an expansion of the county's government services campus on the lands currently under consideration for General Plan amendment and rezoning. In order to fully develop the property, the county wishes to annex into the City in order to connect to City services. The proposed campus expansion would be developed consistent with the City's development standards. Rezoning is required to be completed in advance of formal application for annexation into the City.

### General Plan Amendment

The General Plan currently designates the project site as LD (Low Density), MD (Medium Density) and NMU (Neighborhood Mixed Use). The LD and MD designations provides for a variety of residential development, ranging from traditional single family residential development to small-lot single family residential and lower density multifamily apartments. The applicant has requested a change in General Plan land use designation to the P&SP (Public and Semi-Public) land use designation. The P&SP land use designation would provide consistency between the proposed PF (Public Facility) Zone District and the expected continual development of the county's governmental services campus.

### Rezoning

The project site is proposed to be rezoned into the PF (Public Facility) Zone District. The PF Zone District is designed to provide land for the development of offices and/or facilities owned and operated by city, county, state, or federal governmental agencies, and public school districts. Examples of development found in the PF (Public Facilities) Zone District include civic centers, fire and police stations, libraries and post offices, and schools. The PF Zone District is the correct zone for the continual development of the county's governmental services campus.

### Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the governmental campus. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the widening of Tozer Street (Road 28) and Sunrise Avenue (Avenue 14½) to complete the City's half-street cross section for arterial streets. The applicant should anticipate that the completion of all improvements will be required as a part of any agreement to obtain City water and sewer for the project.

### CEQA

Although the anticipated development of the governmental campus is not under consideration by the Planning Commission, the General Plan amendment and rezoning currently under review act as first steps in the further development of the site, and are subject to compliance with the California Environmental Quality Act (CEQA). The County, acting as the lead agency per CEQA, prepared a mitigated negative declaration in 2014 in support of the development of a solar facility on the project site. That document also addressed the future development of

additional county office facilities. Therefore, no further CEQA documentation is required as a component of this General Plan amendment and rezoning request.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

The project supports one of the four core vision statements in the Vision Plan, “A Well-Planned City,” which envisions “providing efficient services” as a “significant concern for a rapidly growing community,” and “open communications between the community and City/County government and within those governments [as] vital to a healthy city.” Rezoning and General Plan conformance in advance of the development of the governmental campus directly supports this core vision statement.

### **RECOMMENDATION**

The proposed project provides compatibility between the General Plan and existing and proposed land uses, and establishes rezoning consistent with the General Plan. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt a resolution recommending approval of the requested General Plan amendment and introduction of an ordinance rezoning the subject property.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on General Plan Amendment 2017-02 and Rezone 2017-04.

Motion 1: Move to adopt a resolution recommending to the City Council approval of the requested General Plan amendment and introduction of an ordinance rezoning the subject property, with the findings as stated below:

#### Findings

- The proposed General Plan Amendment will provide consistency between the General Plan and Zoning Ordinance.
- The proposed rezoning will zone affected properties in a manner consistent with the existing and proposed land use.

#### **(OR)**

Motion 2: Move to continue the public hearing on General Plan Amendment 2017-02 and Rezone 2017-04 to the October 10, 2017 Planning Commission meeting.

#### **(OR)**

Motion 3: Move to deny the application for General Plan Amendment 2017-02 and Rezone 2017-04, based on the following findings: (specify)

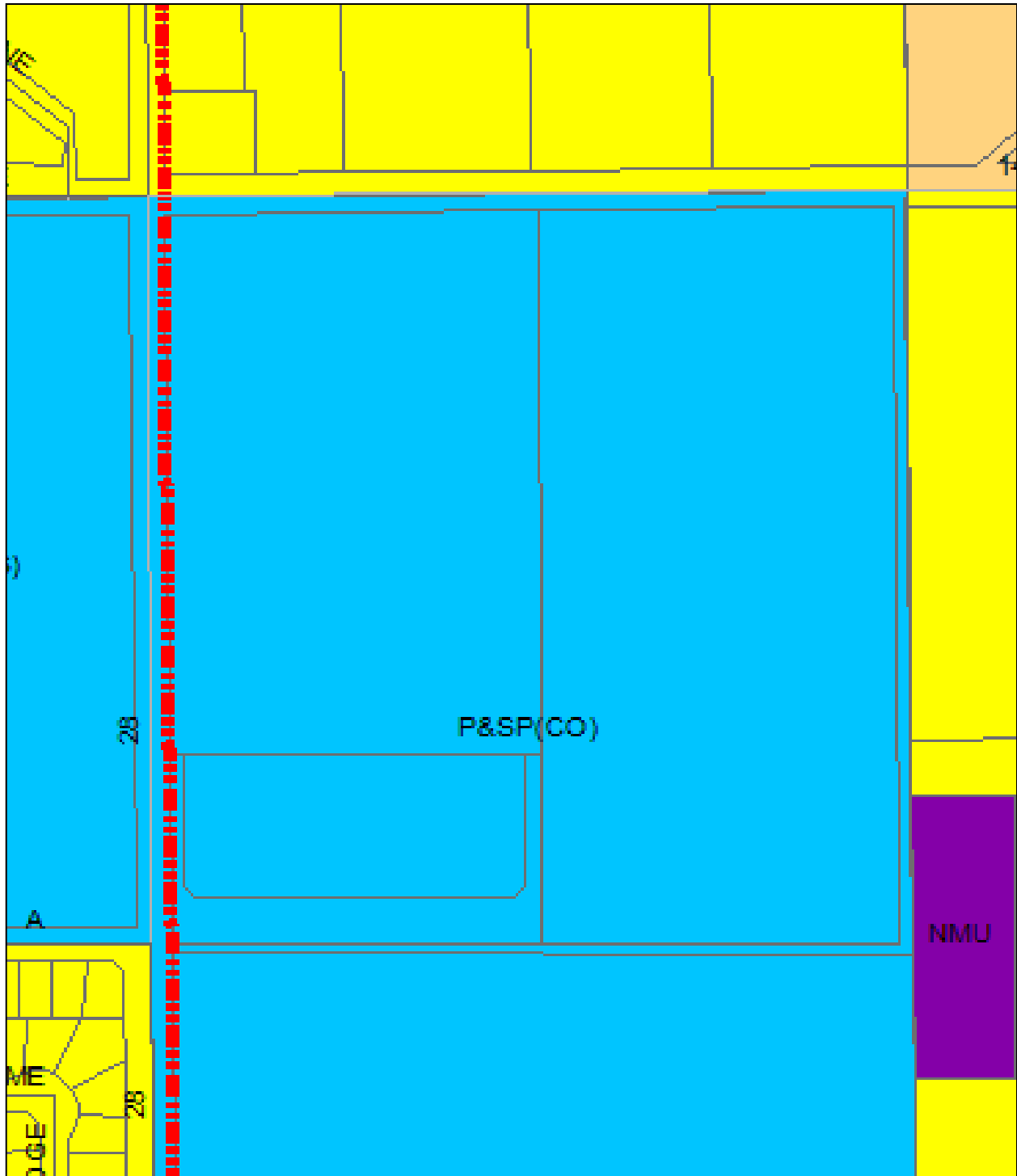
### **ATTACHMENTS**

Aerial Image  
Exhibit A – General Plan Amendment  
Exhibit B – Rezoning Area  
Resolution of Recommendation to the City Council  
Draft Ordinance

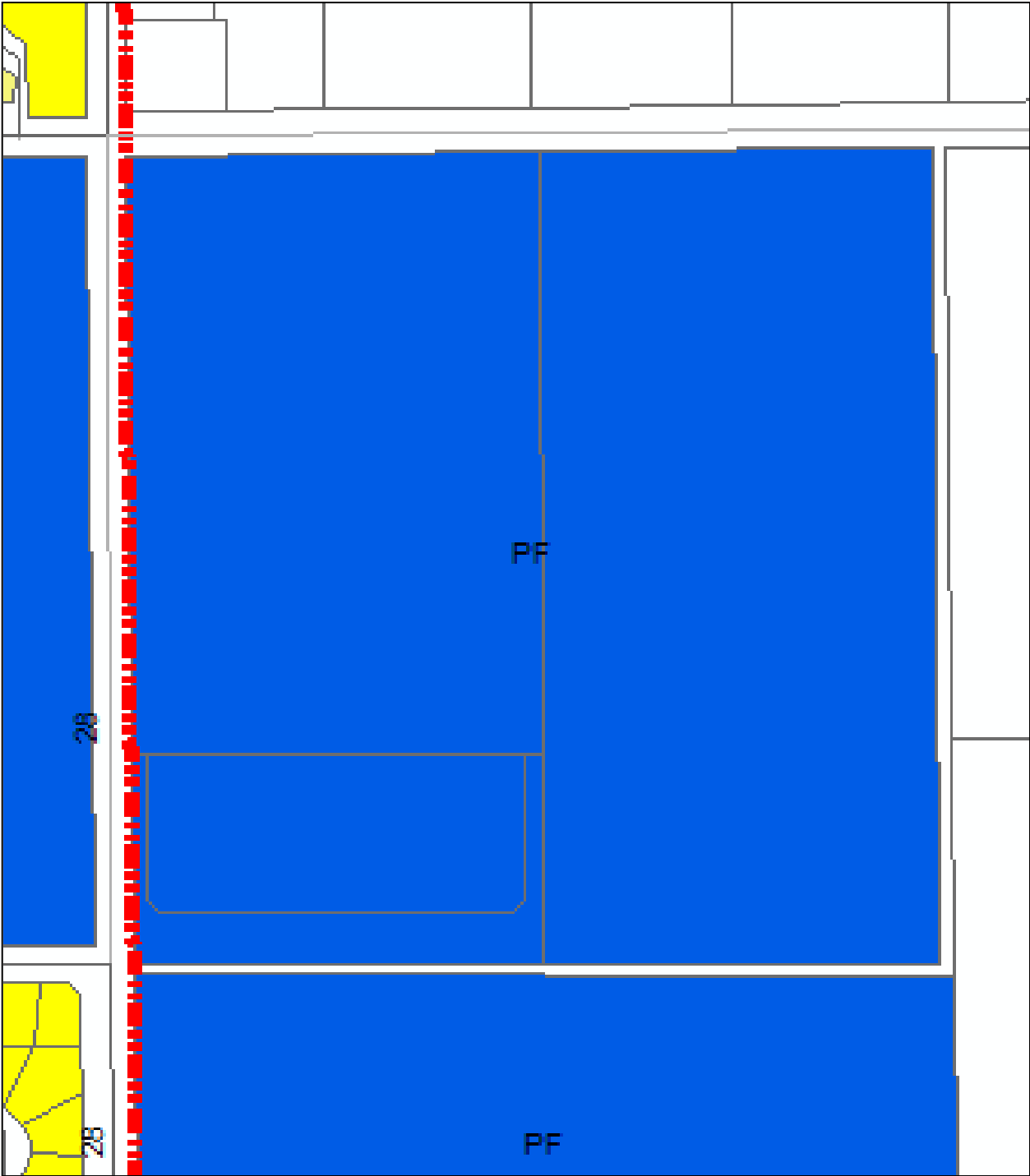
# Aerial Photo



# General Plan Map



# Zoning Map





**RESOLUTION NO. 1819**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA APPROVAL OF AN AMENDMENT OF THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY FORTY ACRES FROM THE LD (LOW DENSITY), MD (MEDIUM DENSITY) AND NMU (NEIGHBORHOOD MIXED USE) TO P&SP (PUBLIC AND SEMI-PUBLIC) GENERAL PLAN LAND USE DESIGNATION AND THE PREZONING OF THE PROPERTY TO THE PF (PUBLIC FACILITY) ZONE DISTRICT

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various plans; and

WHEREAS, the planning area for the General Plan includes the City limits, the City's sphere of influence, and an area outside the sphere of influence; and

WHEREAS, the City has initiated an amendment to the Madera General Plan amending the land use designations for approximately forty acres of property immediately adjacent to the City limits to ensure that the general plan designation is consistent with the anticipated utilization of the land as a county government campus; and

WHEREAS, the City has initiated a prezoning of the property to the PF (Public Facility) Zone District to provide consistency with the proposed General Plan land use designation and the proposed utilization of the land as a county government campus; and

WHEREAS, the prezoning of the subject property will allow the submittal of an annexation application for the approximately forty acres to the Madera Local Agency Formation Commission; and

WHEREAS, the County of Madera, acting as a lead agency, has adopted a mitigated negative declaration which addressed the future development of additional county office facilities on the project site, in compliance with the California Environmental Quality Act; and

WHEREAS, the City agrees that no subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city finds at a public hearing that a substantial change has occurred in circumstances that necessitates a departure from the pre-zoning in the application to the commission.

WHEREAS, public notice of this public hearing was given by mailed and published notice in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the staff report and documents submitted for the proposed project, evaluated the information and considered testimony received as a part of the public hearing process.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission hereby recommends that the Madera General Plan land use map be amended as specified in attached Exhibit "A".
3. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.
4. The proposed rezoning is hereby found to be consistent with all elements of the General Plan, including the land use map as amended by this application.
5. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as specified within the attached Exhibit "B".
6. This resolution is effective immediately.

Passed and adopted by the Planning Commission of the City of Madera this 12<sup>th</sup> day of September, 2017, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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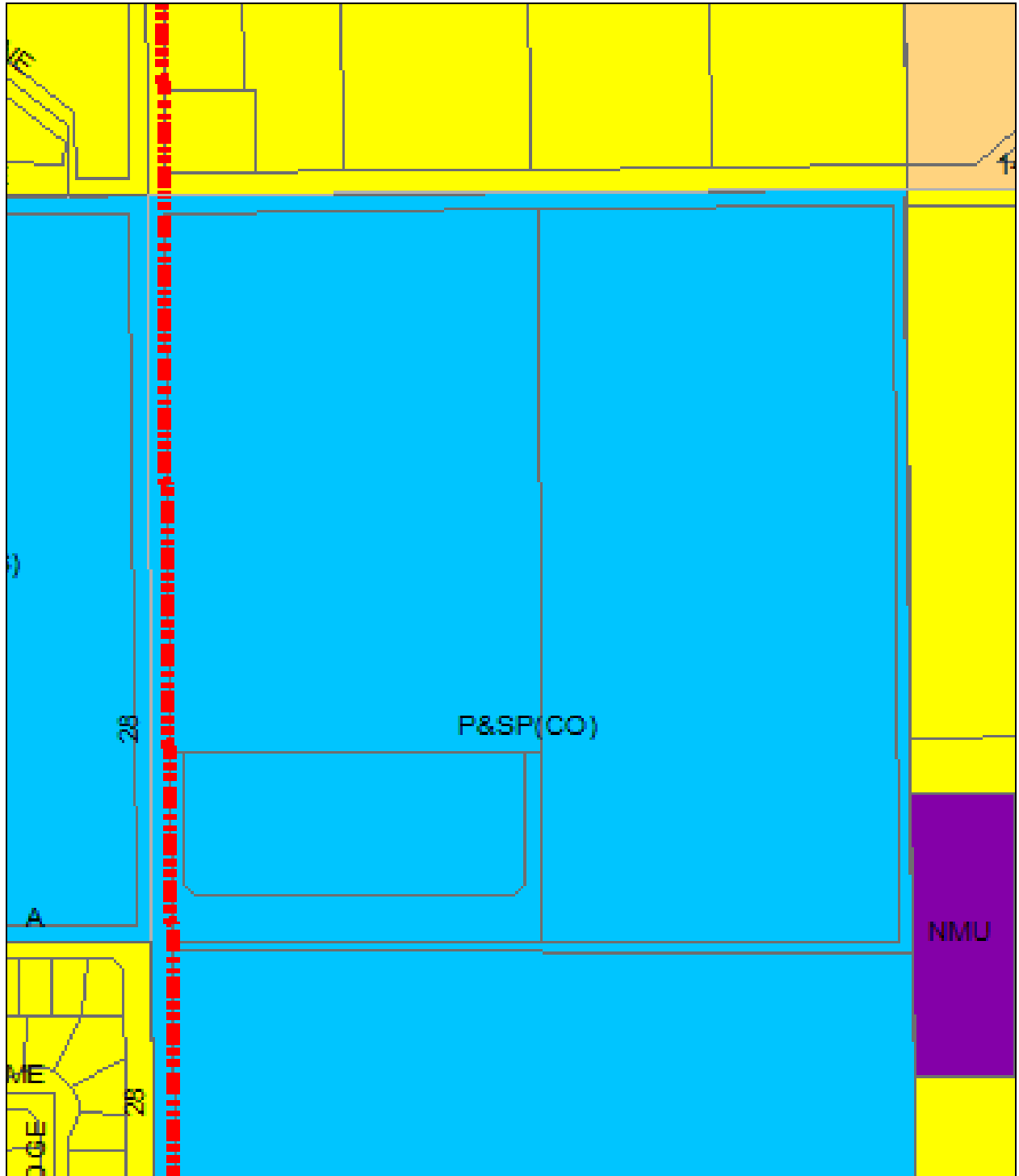
Kenneth Hutchings  
Planning Commission Chairperson

Attest:

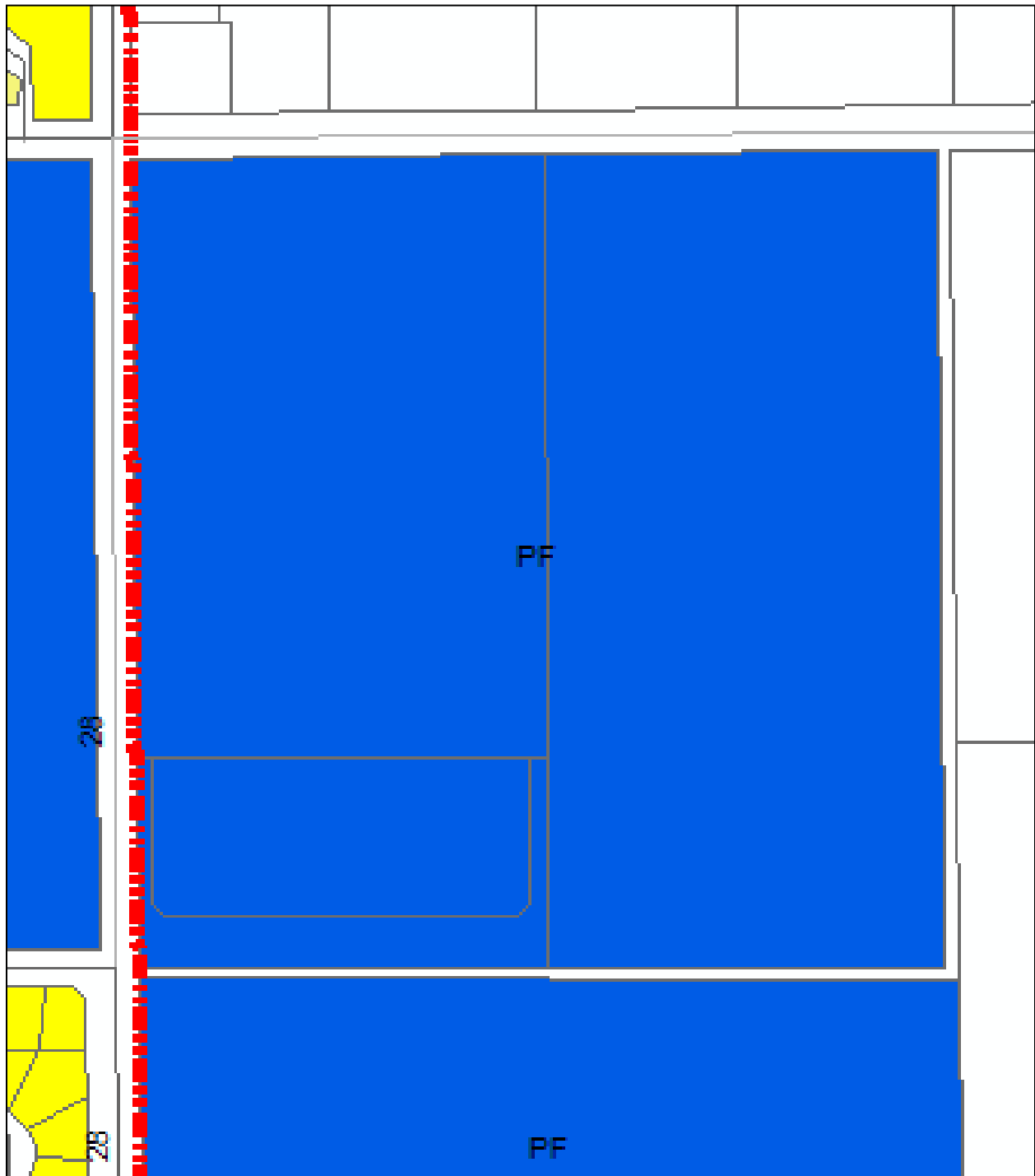
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Christopher F. Boyle  
Planning Manager

PLANNING COMMISSION RESOLUTION NO. 1819  
EXHIBIT 'A'



PLANNING COMMISSION RESOLUTION NO. 1819  
EXHIBIT 'B'



**DRAFT ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP PREZONING APPROXIMATELY FORTY ACRES LOCATED AT THE SOUTHEAST CORNER OF TOZER STREET AND SUNRISE AVENUE TO THE PF (PUBLIC FACILITY) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the prezoning of this property and have determined that the proposed prezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed prezoning is in the best interest of the City of Madera, and the Council hereby approves the prezoning based on the following findings:

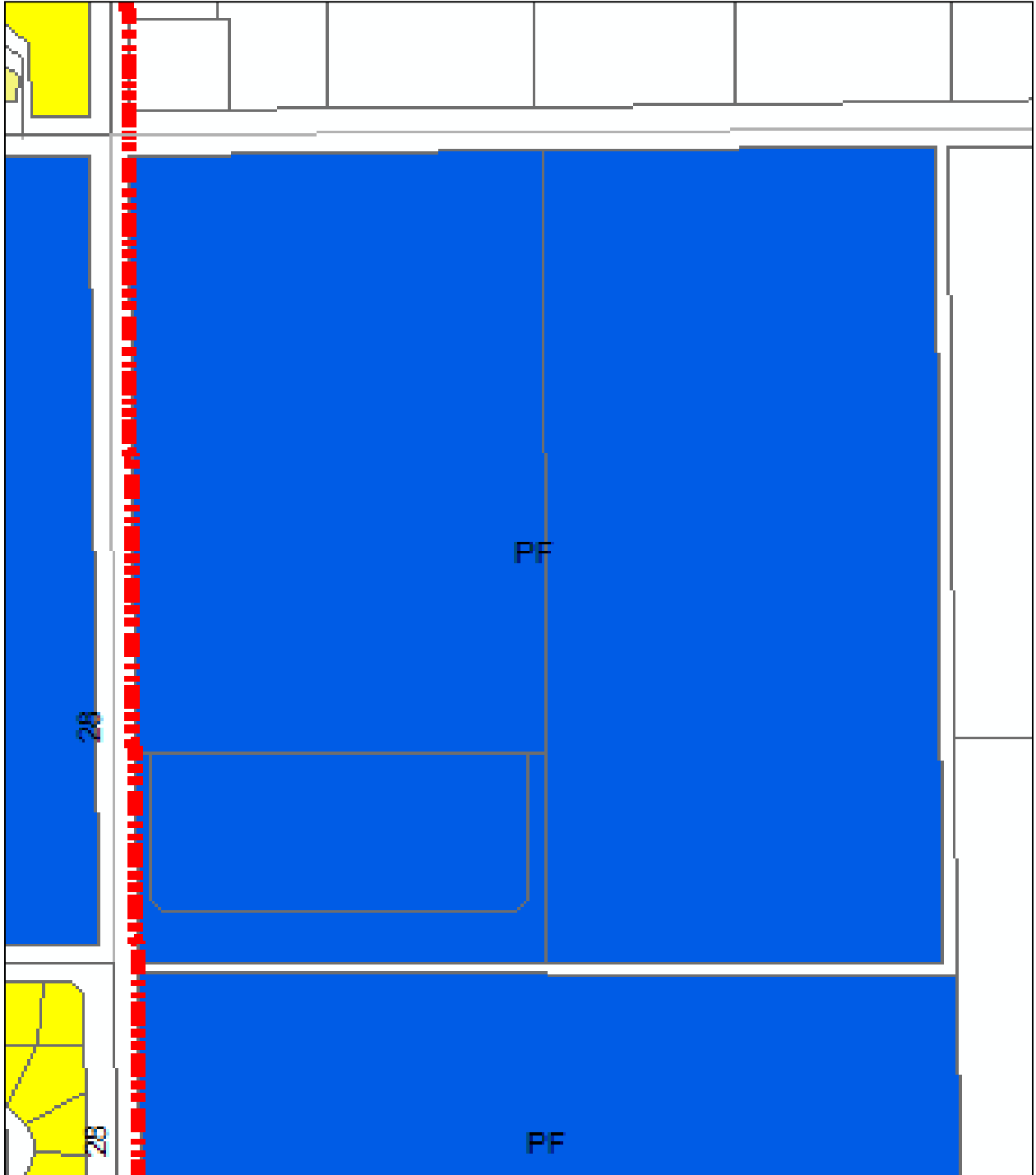
FINDINGS:

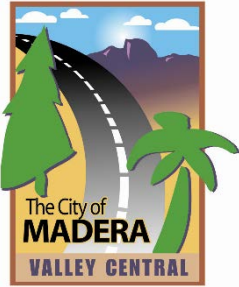
1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE.
2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. THE CITY AGREES THAT NO SUBSEQUENT CHANGE MAY BE MADE TO THE GENERAL PLAN FOR THE ANNEXED TERRITORY OR ZONING THAT IS NOT IN CONFORMANCE TO THE PREZONING DESIGNATIONS FOR A PERIOD OF TWO YEARS AFTER THE COMPLETION OF THE ANNEXATION, UNLESS THE LEGISLATIVE BODY FOR THE CITY FINDS AT A PUBLIC HEARING THAT A SUBSTANTIAL CHANGE HAS OCCURRED IN CIRCUMSTANCES THAT NECESSITATES A DEPARTURE FROM THE PRE-ZONING IN THE APPLICATION TO THE COMMISSION.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

DRAFT ORDINANCE - EXHIBIT A





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Freedom Industrial Park Buildings  
SPR 2017-25 and Negative Declaration  
Item #3 September 12, 2017**

---

**PROPOSAL:** Consideration of adoption of a negative declaration and application for a site plan review to allow for the development of two (2) industrial shell structures encompassing approximately 75,240 square feet of floor area each within the Freedom Industrial Park. A finding of General Plan conformity will also be considered.

---

<b>APPLICANT:</b>	Span Development	<b>OWNER:</b>	City of Madera/Span Development
<b>ADDRESS:</b>	1959 Independence Drive	<b>APN:</b>	009-331-018, 009-331-019
<b>APPLICATION:</b>	SPR 2017-25	<b>CEQA:</b>	Negative Declaration

---

**LOCATION:** The project site is located within Freedom Industrial Park at the northwest corner of South Pine Street and West Pecan Avenue.

**STREET ACCESS:** The site is accessed by Independence Drive.

**PARCEL SIZE:** Approximately 7.3 acres.

**GENERAL PLAN DESIGNATION:** I (Industrial)

**ZONING DISTRICT:** I (Industrial)

---

**SITE CHARACTERISTICS:** The project site is currently vacant and located within the Freedom Industrial Park. The recently developed Deerpoint Group site is immediately west of the project site. Vacant industrial parcels are located to the east and south and the Madera South High School campus is over 1,000 feet to the east.

**ENVIRONMENTAL REVIEW:** An initial study and Negative Declaration have been prepared for consideration by the Commission in conformity with the California Environmental Quality Act (CEQA) guidelines.

**SUMMARY:** The applicant is proposing the construction of two (2) multi-tenant industrial shell structures encompassing a total of approximately 75,240 square feet within the Freedom Industrial Park. The project is in conformance with the General Plan's goals and policies for industrial development, including visually interesting building facades, screened loading facilities and landscaped buffers. A negative declaration has been prepared in support of the project.



## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.4.0102 Site Plan Review; Applicability

MMC § 10-3.4.0110 Relationship to Environmental Assessment Procedures

MMC § 10-3.1002 Industrial Zones - Uses Permitted

MMC § 10-3.1202 Parking Spaces Required

A site plan approved pursuant to the provisions of the City's Zoning Ordinance shall be considered in relation to requirements of City policy governing the preparation of environmental impact assessments. It is the intent of this subchapter that an Environmental Impact Assessment be made concurrently with, and as part of, the site plan review process, and that a site plan may be approved with conditions that will permit the applicable review body to find that the proposed project will not have a significant effect on the environment and that a negative declaration should be prepared.

## **PRIOR ACTION**

The Planning Commission approved Tentative Subdivision Map 2014-01, allowing for the subdivision of the area to include the project site on March 11, 2014. The Commission approved a modification of the map's conditions of approval on July 8, 2014.

## **ANALYSIS**

### Background

The property owner proposes the construction of two (2) multi-tenant industrial shell structures encompassing approximately 75,240 square feet. The intent of the multi-tenant structures is to attract warehouse and manufacturing businesses. Because they are shell structures with no proposed tenants, there is currently no requirement for any discretionary entitlement. The proposal does require adoption of a Negative Declaration by the Planning Commission as a component of project approval. Placement of industrial tenants will be determined on a case-by-case basis.

### General Plan Conformance

The General Plan requires development in industrial areas that are visible from public roadways and/or from adjacent properties to incorporate design principles, including:

#### *Offices and enclosed structures oriented toward street frontages.*

The southern elevation of the structures are oriented toward the Independence Drive street frontage. The southern elevation of the proposed structures will include large windows and metal trellises. The primary entrances of the structures are positioned at the western elevation (west structure) and eastern elevation (east structure) adjacent to their respective parking fields. Also, an enclosed pump house with a split-faced masonry block exterior is proposed to be located in front of the loading facility.

#### *Building facades that provide visual interest*

The elevations are mirrored images which result in entrance facades facing outward with an interior area of truck loading docks and warehouse roll-up doors. Each structure's front elevation provides a metal trellis feature and large windows to provide interest and variety. The primary entrance elevation includes large windows, a complementary color scheme (gray, white and earth tone), small three-quarter ( $\frac{3}{4}$ " ) inch wall indents and wall mounted lights that cumulatively provide visual interest and break up the mass of the structures.

*Loading facilities and storage areas which are screened from public view along collectors and arterials.*

Loading facilities and storage areas are to the interior of the project site screened by the two structures. The property owner proposes a chain link fence flush with the front of the proposed structures extended to provide screening of the loading facilities from Independence Drive.

*Visually appealing fences and walls.*

Although not intrinsically attractive, the proposed chain link fencing is an acceptable material within industrial development.

*The use of landscaped buffers around parking lot.*

Landscaping is proposed south and west on the site. There is a landscape buffer proposed between the western property line and the parking field. Landscaped peninsulas are proposed within the western buffer for every five (5) parking stalls. A large landscape buffer is also proposed along the street frontage which provides contrast and variation to the front of the structures.

### Parking

The City's parking standards for a warehouse or manufacturing use requires one space for each two employees, plus one space for each 300 square feet of office space and customer net floor area. Because the project does not include any proposed businesses, an exact parking count cannot be calculated until the structures are fully occupied.

The project site proposes a parking field with enough space for sixty-four (64) parking stalls. Similar warehouse and manufacturing businesses with a similar structure size in comparison to the proposed project structures have less parking stalls in their parking field. The proposed number of parking stalls appears sufficient to serve any proposed warehouse and/or manufacturing business.

### CEQA Compliance

An initial study and Negative Declaration have been prepared for consideration by the Commission in conformity with the California Environmental Quality Act (CEQA) guidelines. It is recommended that the Planning Commission adopt the negative declaration as a component of any project approval.

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Although an industrial structure is not specifically addressed in the vision or action plans, the project cumulatively supports the statements of "A Well-Planned City" with "Good Jobs and Economic Opportunities," while promoting "A Safe, Healthy Environment," because the project represents General Plan conformant industrial development that creates jobs in an industry that focuses on efficient use of industrial resources.

## **RECOMMENDATION**

The industrial structures will provide services that are consistent with the purpose and intent of the I (Industrial) Zone District. The anticipated development of the industrial structures will not create any significant adverse impacts. It is recommended that the Commission adopt the negative declaration and approve the site plan review, subject to the findings and conditions of approval.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the negative declaration and Site Plan Review 2017-25.

Motion 1a: Move to adopt a negative declaration, consistent with Section 15070(a) of the California Environmental Quality Act with the following findings;

### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

### **(AND)**

Motion 1b: Move to approve a Finding of Conformity with the General Plan for the City's sale of the subject property for the purpose of developing an industrial building, subject to the findings as listed below.

### Findings

- The City's sale of the subject property (APN: 009-331-018) and establishment of an industrial shell structure by the buyer is consistent with the Land Use Element of the General Plan, in which Policy LU-29 states that the inventory of industrially designated properties created by the Land Use Map is intended to support the long term fiscal viability of the City and to ensure that there are sufficient opportunities for employment generating uses to develop over time.
- The establishment of an industrial shell structure is consistent with the purposes of the General Plan's Community Design element which states that development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high-quality design principles.

### **(AND)**

Motion 1c: Move to approve Site Plan Review 2017-25 based on and subject to the findings and conditions of approval as listed below.

### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The construction of the 75,240 square foot industrial structures incorporate high quality design, including building facades that provide visual interest and the use of landscaped buffers around parking lots.

- The construction of industrial structures is consistent with the purposes of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note, this site plan review approval (SPR 2017-25) will expire one year from date of issuance, unless you take positive action to extend the approval prior to the expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. The site and/or building plans submitted for any/all building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
4. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
5. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
6. The project shall be developed in accordance with the site plan, as reviewed and approved with the site plan review. Minor modifications to the Site Plan necessary to meet regulatory or engineering constraints may be made with approval from the Planning Manager.

### **Building Department**

7. Site development shall be consistent with the approved site plan. The use of activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
8. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
9. Additional items identified as not complying with current codes and ordinances, which require correction or attention, may be identified. Any item not in conformance with current codes and ordinances shall be corrected.

## **Engineering Department**

### General

10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. Impact fees shall be paid at time of building permit issuance.
12. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
13. The developer shall pay reimbursements due to the original sub-divider, BFP Partnership, for the cost of public improvements in the amount of \$105,724.85 for Parcel No. 17 per recorded Subdivision Map 2014-S-01 within the City of Madera.
14. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
15. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
16. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
17. All off-site improvements shall be completed prior to issuance of final occupancy.

### Sewer

18. Sewer service connection(s) shall be constructed to current City standards.
19. Sewer main connections six (6") inches and larger in diameter shall require manhole installation.

### Storm Drain

20. Storm runoff from this project site is planned to go to the Pecan Avenue temporary basin located at the southwest corner of Freedom Industrial Park. Runoff volume calculations shall be provided and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
21. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.

### Streets

22. The eastern access driveway shall be better aligned with Victory Lane to prevent turn conflicts.
23. The proposed driveway approaches on Independence Drive shall be constructed per current City standards and to a maximum width of thirty-five (35') feet or in accordance with that required to accommodate the anticipated project vehicle types.

24. The developer shall record reciprocal ingress/egress and utility parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees with the Engineering Department.

#### Water

25. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within City right-of-way/public utility easement and backflow prevention device installed within private property.
26. A separate water meter and backflow prevention device shall be required for landscape area.

#### **Fire Department**

27. Building permits are required for all improvements.
28. 2A10BC-rated fire extinguishers shall be required for each 3,000 square feet of floor area and within 75 feet of travel distance of all portions of the buildings.
29. A key box shall be required.
30. Installation of fire sprinklers shall be required.
31. Installation of a fire alarm system shall be required.
32. Fire lanes shall be posted.
33. One or more on-site fire hydrants shall be required based upon the building's placement on the lot. The exact number and placement shall be based upon the final design plans. Such fire hydrants shall be capable of meeting the required fire flow.

#### **Planning Department**

##### General

34. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
35. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects adjacent properties.
36. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times. Dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
37. It is the responsibility of the property owner and project proponent to ensure that any required permits, inspections and approvals from any regulatory agency other than the City of Madera are obtained from the concerned agency prior to establishment of the use.
38. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.

39. There shall be no allowance for outdoor display and/or outdoor storage of goods, merchandise and/or materials without approval of a conditional use permit (CUP) from the Planning Commission.
40. All requirements listed herein shall be completed in advance of any request for building permit final inspection and/or final occupancy of the structures.

#### Building and Site Aesthetics

41. Prior to the issuance of building permits, the applicant is to identify on the site plan the following information for Planning Department review and approval:
  - The location of all natural gas and electrical utility meter locations
  - The location of all HVAC (heating, ventilation or air conditioning) equipment
  - The location of all compressor equipment, and mechanical and electrical equipment
42. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structures within electrical/mechanical service rooms. In no case shall electrical/mechanical equipment be located on the front elevation of the structures or in any location visible from the public right-of-way.
43. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
44. All parking lot lights/lighting shall be incorporated into landscaped areas.
45. Roof access ladders shall be located within the interior of the building or out of view from the general public.
46. The construction of buildings approved as part of site plan review shall be consistent with the approved elevations and an approved color and materials board and representative color section rendering of the proposed buildings to be reviewed and approved by the Planning Manager. Any substantial alteration shall require the approval of the Community Development Director.
47. The trellis feature attached to the front of the structures shall be constructed only of metal material. The metal trellis shall be painted of a complementary color in order to provide interest as a component of the primary structural elevations.
48. The proposed pump house shall be constructed of split-faced masonry block.

#### Landscaping

49. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
  - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
  - Landscaped areas shall be developed along all street frontages and within parking fields.
  - On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.

- Shade trees shall be planted throughout the parking lot, with a minimum of one tree per four (4) parking spaces.
  - Landscape shall be developed between the primary structure and the sidewalk abutting the street frontage.
  - The landscape plan shall include a no-less-than two-foot high hedge wherever parking stalls face the public right-of-way to reduce headlight glare onto public streets.
  - Landscaped areas are to be provided with permanent automatic irrigation systems.
  - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
50. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
51. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

#### Parking

52. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet.
53. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
54. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by ADA standards.
55. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

#### Signage

56. All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code (MMC). All permanent signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.
57. All proposed construction announcement signs shall conform to the Sign Ordinance of the Madera Municipal Code.



Walls and Fences

- 58. Trash enclosures shall be constructed of masonry block consistent with City standards with a finish color to match the primary structures. The location of the trash enclosures shall be consistent with the approved site plan.
- 59. Chain link fencing shall be installed consistent with the approved site plan and elevations. Chain link gates shall be incorporated as a component of the fencing. Slatted chain link fencing shall not be utilized.

**San Joaquin Valley Air Pollution Control District**

- 60. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project.

**(OR)**

Motion 2: Move to continue the public hearing for Site Plan Review 2017-25 to the October 10, 2017 Planning Commission for the following reasons: (specify)

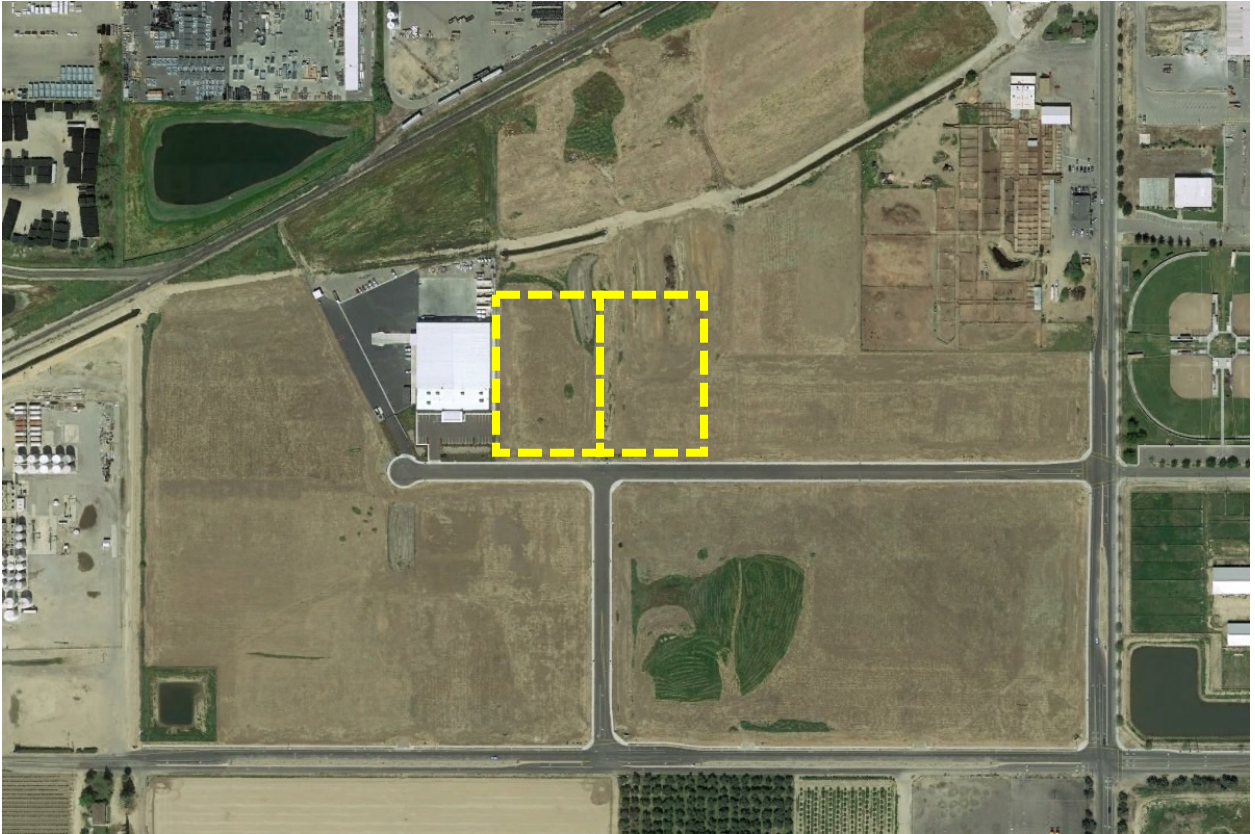
**(OR)**

Motion 3: Move to deny Site Plan Review 2017-25, based on and subject to the following findings: (specify)

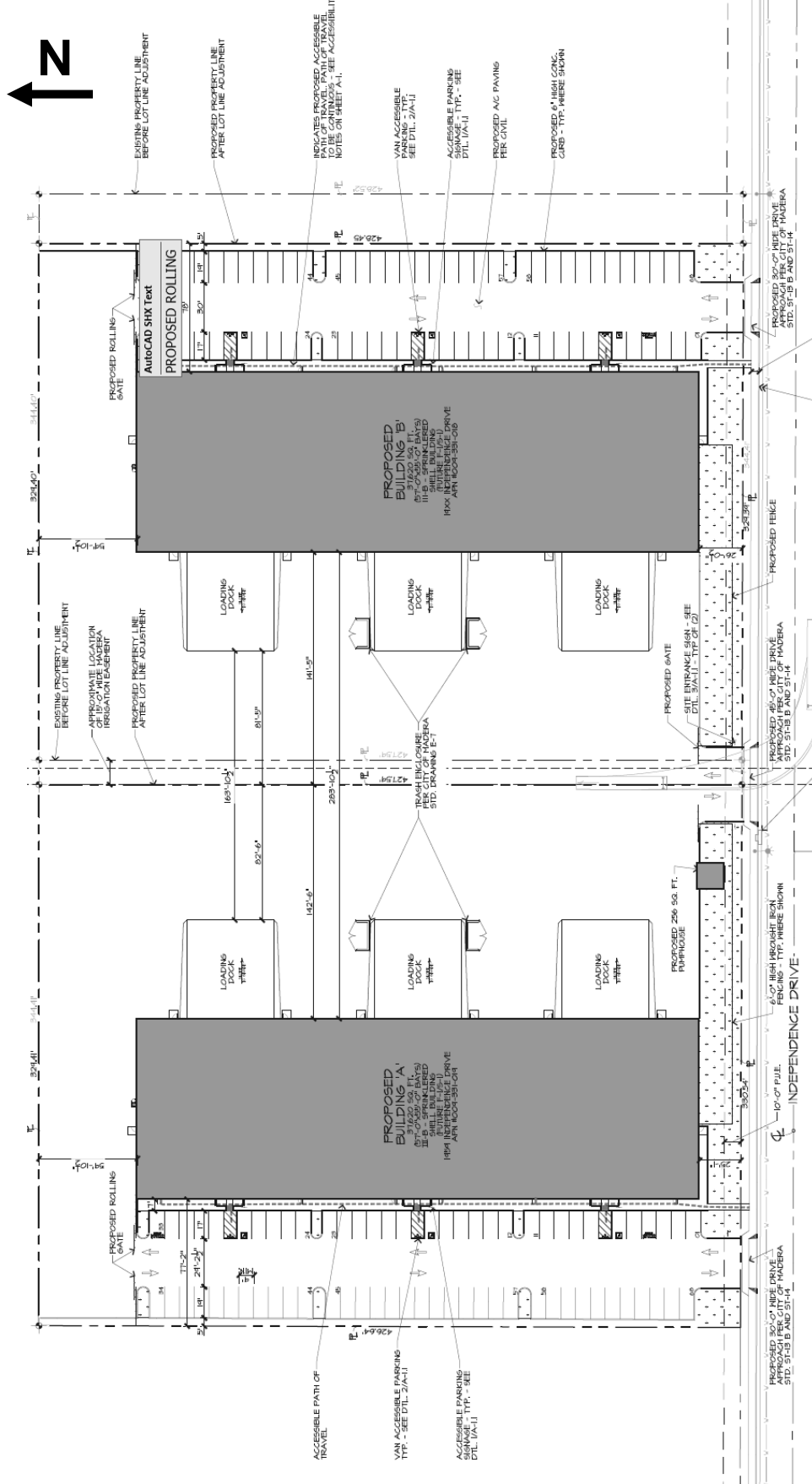
**ATTACHMENTS**

Aerial Photo  
Site Plan  
Elevations  
Negative Declaration

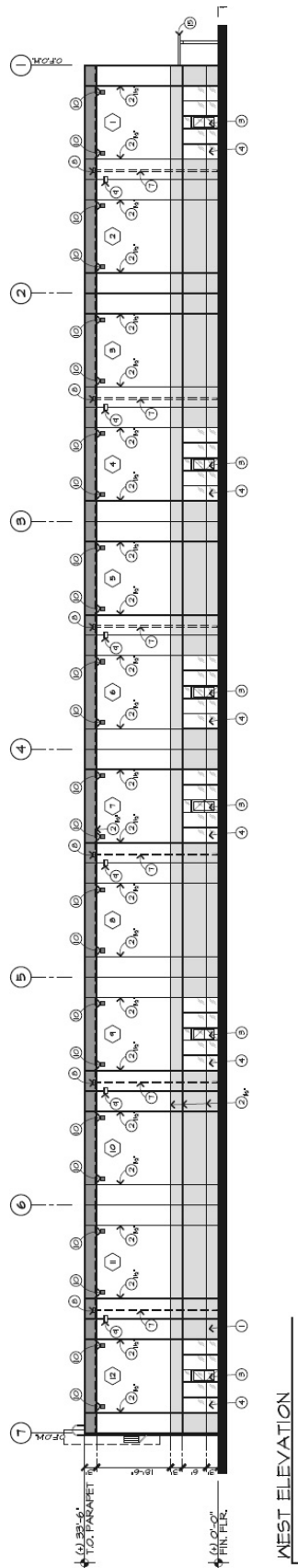
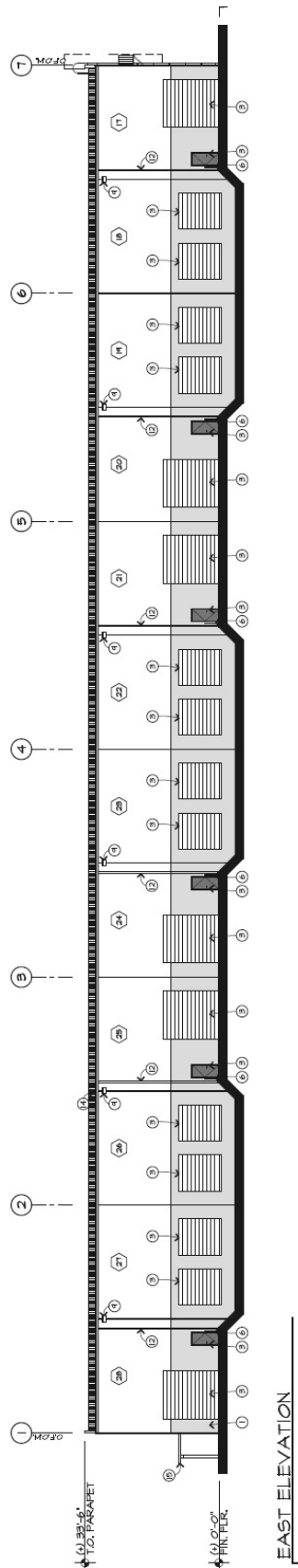
Aerial Photo



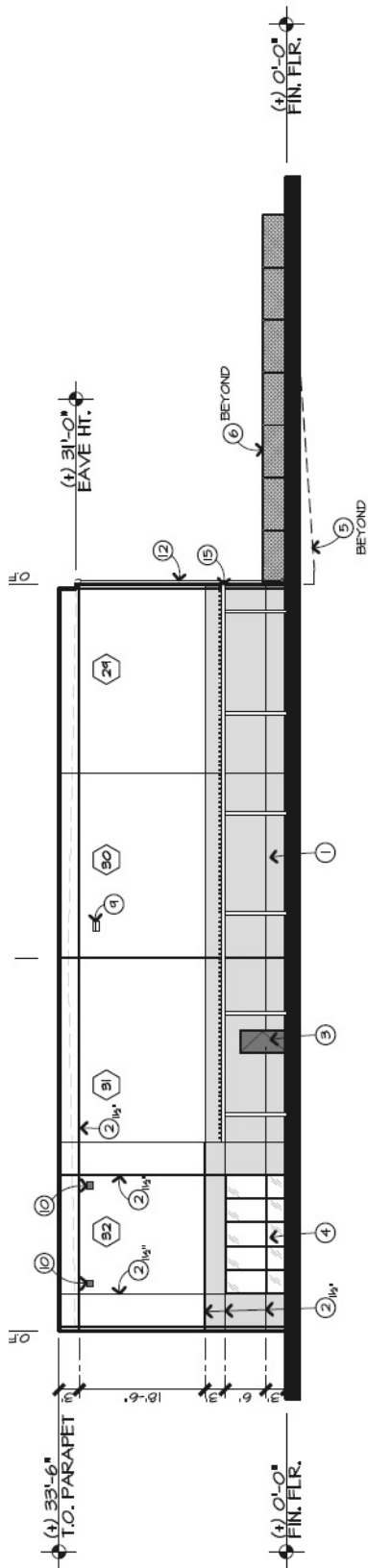
Site Plan



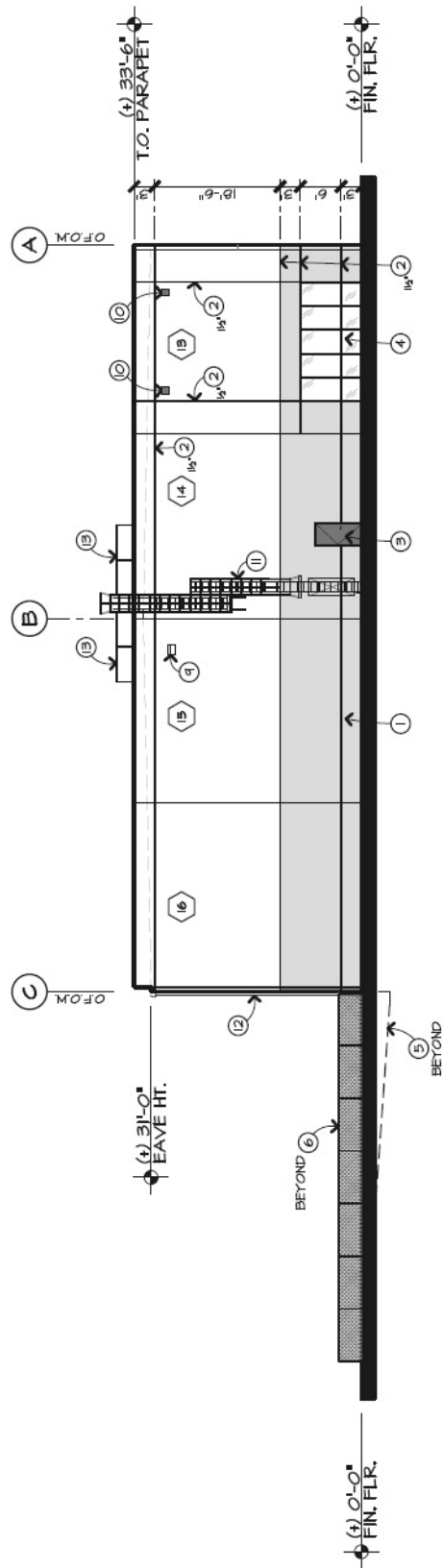
# Elevations



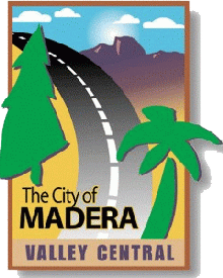
# Elevations



**SOUTH ELEVATION**



**NORTH ELEVATION**



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth  
Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: TSM 2005-15 MOD – Sienna Estates  
Modification and Environmental Determination  
Item #4 – September 12, 2017**

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**PROPOSAL:** An application for modification of the conditions of approval for Tentative Subdivision Map 2005-15, which allowed for the development of the Sienna Estates subdivision, a 138-lot phased tentative subdivision map.

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<b>APPLICANT:</b>	BHT II Madera 113, LLC	<b>OWNER:</b>	BHT II Madera 113, LLC
<b>ADDRESS:</b>	Northwest corner of Tozer Street and Sunrise Avenue	<b>APN:</b>	008-180-001, 002, 003, and 004
<b>APPLICATIONS:</b>	TSM 2016-02	<b>CEQA:</b>	Negative Declaration

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**LOCATION:** The project site is located on the north side of Storey Road, approximately 1700 feet east of its intersection with State Route 145.

**STREET ACCESS:** Access to project is proposed from Storey Road.

**PARCEL SIZE:** Approximately twenty-six (26) acres total.

**GENERAL PLAN DESIGNATION:** MD (Medium Density)

**ZONING DISTRICT:** PD-4500 (Planned Development)

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**SITE CHARACTERISTICS:** The project site is a partially developed subdivision. Twenty-four (24) of the 104 lots recorded in the only recorded phase of the map have been developed with homes that now are finalled and occupied. The remaining eighty (80) recorded lots (and a remainder parcel) remain vacant. The Sunrise Rotary Sports Complex is immediately south of the subdivision. Rural residential development is located to the north, east and west of the project site. The City limit is immediately east and north of the project site.

**ENVIRONMENTAL REVIEW:** A Mitigated Negative Declaration was certified for the project by the Planning Commission as part of the original approvals on January 11, 2005. The impacts of the current modification application are consistent with impacts anticipated in 2005. Therefore, no additional environmental documentation is required.

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**SUMMARY:** The current owner of all vacant lots within Sienna Estates has requested amendment of the subdivision's conditions of approval so as to provide clarification to the conditions and specificity as to what actions are required for compliance and ultimate acceptance of the subdivision map improvements. Approval will provide certainty to the present and potential future owner as to the requirements of the map. Future proposed construction of homes will require the approval of a precise plan(s) as required by ordinance.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-2.401 et. seq., Subdivisions  
MMC § 10-3-4.101 Planned Development Zones.  
City of Madera General Plan, adopted October 7, 2009  
California Public Resources Code §21000, California Environmental Quality Act "CEQA"

## **PRIOR ACTION**

The subject property was rezoned in 1987 and annexed into the City in 1988. A Precise Plan for a mobile home park was approved in 1993, but that project did not proceed any further than the Commission approval.

Sienna Estates Tentative Subdivision Map (TSM) 2004-18, and Precise Plan (PPL) 2004-07 were conditionally approved by the Planning Commission on January 11, 2005. An appeal was filed by the applicant regarding certain conditions of approval, including:

- The off-site improvement requirements at Storey Road and East Yosemite Avenue;
- The timing requirement to construct an on-site well;
- A condition requiring construction of traffic calming features on two of the interior streets; and
- Staff's determinations regarding storm water run-off, the lack of community facilities and the necessity to construct an interim temporary basin.

The City Council heard the matter on March 2, 2005, and determined, by Resolution No. 05-62, to deny the appeal and uphold the decision of the Planning Commission. A Mitigated Negative Declaration was certified for the project.

A modification to the original map, processed as Tentative Subdivision Map 2005-15, was approved by the Planning Commission on November 8, 2005. Tentative Subdivision Map 2005-15 provided for the amendment of some of the original conditions of approval and included a revised lotting pattern for the subdivision.

Jonathan Homes, the applicant/developer for Tentative Subdivision Map 2005-15 subsequently recorded the first phase of the map which included 104 fully improved lots and a remainder lot for a second phase of development. Four model homes and twenty speculative homes were constructed by the applicant/developer. No further development has occurred since that time, during which the Great Recession brought about a collapse in the real estate industry. Over time, the model homes and speculative homes were sold to individual property owners. The remaining undeveloped components of the subdivision today are the property of BHT II Madera 113, LLC, a property investment company.

## **ANALYSIS**

### Modifications to Conditions of Approval

BHT II Madera 113, LLC (the applicant) has made application to amend the conditions of approval for TSM 2005-15. The desire of the applicant is to have clarity within the conditions of approval such that efforts to market the sale of the recorded lots within the map could be better facilitated. Some of the current conditions of approval lack clarity. Revised conditions of approval provide the needed clarity so as to enable a more accurate understanding of the requirements of the map.

The lack of clarity within conditions of approval is at least indirectly responsible for a first phase of 104 lots being recorded prior to installation of substantial infrastructural requirements. Although the improvements were required, timelines sufficient to guide the performance of those requirements were not reflected in the conditions of approval. The record is incomplete as to when the improvements would be installed. It appears that there was an assumption that

required conditions of approval would be informally deferred until recordation of a later phase. Amendment to the conditions of approval resolves that fundamental shortcoming, giving certainty to the developer as to performance standards, and to the City as to the timing of installation of necessary subdivision infrastructure.

#### Highlights of the Amendment Request

Although most of the amendment verbiage is in clarifying language and/or updating the conditions so as to reflect the current standards of the City, several potentially significant requirements from the 2005 approval have been meaningfully altered. These significant changes include:

- 1) The removal of the language regarding possible construction of a well. A recent analysis completed by the City's water system modeler and the Fire Marshall determined that the removal of the requirement to construct a well will not threaten the City's ability to serve the area. At present, the City is several years away from reimbursing another developer for construction of a municipal well. It is anticipated that a requirement to construct a well at this site which could cost as much as \$1,500,000 would result in the subdivision not proceeding to construction. This is relevant because the subdivision with approximately twenty (20) homeowners cannot at present be accepted and maintained; and
- 2) The requirement to construct the intersection of Storey Road and Yosemite Avenue. This condition requires the developer to purchase land from adjacent landowners. Such requirements are typically not allowed as they impermissibly require a contract with a third party. This impediment seems to have been recognized in the original conditions of approval language.

Additionally, subsequent to the original construction of a temporary basin, the City identified that basin as a future master plan facility. The City is attempting to purchase the basin. If purchased, storm drain improvements would be based on the basin being utilized as a permanent basin. Until the City can confirm that the basin will become City property, development conditions and previously approved Phase 1 Final Map requirements remain unchanged.

#### Precise Plan Requirements

In conjunction with the original map approval, a precise plan was approved for the development of homes within the Sienna Estates subdivision. The original precise plan provides for the construction of four home designs. A subsequent amendment in 2007 added three additional smaller floorplans and elevations. These smaller homes were never constructed within the subdivision as the real estate collapse ultimately claimed the subdivision.

No precise plan is presently proposed because no specific development of homes has been proposed at this time. It is recommended that, prior to any new construction of homes within the subdivision, an application for precise plan be approved by the Planning Commission. The new precise plan should guide all residential construction activities on the individual lots within the subdivision, including any future phases. The existing precise plan is considered to be null and void.

#### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

The first of the four core vision statements in the Vision Plan is "a well-planned City". The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project is specifically consistent with Strategy 131, "Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components".



## RECOMMENDATION

The information presented in this report supports a recommendation of approval for the requested amendment. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt a Resolution recommending approval to the City Council.

## PLANNING COMMISSION ACTION

The Commission will be acting on approval of an amendment to Tentative Subdivision Map 2005-15.

Motion 1: Move to approve Tentative Subdivision Map 2005-15 MOD based on and subject to the findings and conditions of approval as listed below.

### Findings

- A Mitigated Negative Declaration was certified for the project by the Planning Commission as part of the original approvals in January 11, 2005. The impacts of the current modification application are consistent with impacts anticipated in 2005. Therefore, no additional environmental documentation is required.
- The proposed Tentative Subdivision Map, as conditioned, is consistent with the purpose and intent of the MD (Medium Density Residential) General Plan land use designation and the PD-4500 (Planned Development) Zone District.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- The proposed Tentative Subdivision Map, as conditioned, is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- City services will be made available to serve the site.

### Conditions of Approval

Changes to the original conditions of approval are shown in underline and ~~strikethrough~~.

## Engineering Department

### General Conditions

1. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
2. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.

3. Prior to recording of the Final Map, a lot line adjustment shall be completed with the adjacent property to reflect the agreed upon boundary between the two properties in question. This condition may already be satisfied as part of the recordation of Lot Line Adjustment 2005-07.
4. A benchmark shall be established per City standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
5. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
6. Impact fees shall be paid at time of building permit issuance.
7. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
8. The developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, and improvement inspection fees.
9. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
10. The improvement plans for the project shall include the most recent version of the City's General Notes.

Water:

11. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the Fire Department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
12. To initiate a grid system to serve the area, 12-inch water line shall be installed along the southeasterly side of East Yosemite Avenue to the east boundary of the subdivision and in Storey Road from the end of the existing water lines and extended to the east boundary of the subdivision. A connection of these water main extensions shall be made through the subdivision so as to create a looped water system. These improvements shall be completed in advance of granting of occupancy for any new construction within the subdivision.
13. ~~Unless the City Engineer specifies larger lines, water lines 8-inches in diameter shall be looped from Storey Road to East Yosemite Avenue by way of Indigo Drive and 6-inch water lines shall be installed in all other streets within the subdivision streets as specified by the City Engineer. Water valves and blow-offs shall be installed at the termination of the water mains in the stub-out streets. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All dead end lines and cul-de-sacs shall be 8-inch mains unless looped with two points of access.~~

Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures (W98-1) and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in

accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing City main. If the subdivision is constructed in phases, a blow-off assembly or fire hydrant must be installed on all dead water line will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.

14. Prior to beginning any framing construction, approved fire hydrants ~~hydrant pavement markers, water services, etc.~~ shall be installed pursuant to ~~City standards~~ in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. ~~Fire hydrants shall be 6-inches in diameter with a minimum of one 4-inch and two 2 ½ inch connections as specified by the fire department. Hydrants shall be separate from the domestic water service line. Fire hydrants shall be constructed in accordance with City Standard W-26. Service laterals and fire hydrant laterals shall be tested and sanitized at the same time as the street mains per City water main installation procedures. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.~~
15. Water services shall be placed 3 feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed and identified on the curb face. ~~Water services to each lot shall be installed in accordance with City Standard W-7A with an angle valve located 18-inches behind the curb (or sidewalk if contiguous) or as required by the City Engineer. Water services shall not be located at fire hydrant or streetlight locations. Water meter and meter box shall be installed at the time of building construction. Water meters shall not be installed within driveway approaches or sidewalk areas.~~ Any relocations shall be at the subdividers expense. Water services shall not be located at fire hydrant or street light locations.
16. Water meters in conformance with current City standards shall be installed on each service. Back-flow prevention devices shall be required for landscaping and on any water service not servicing a residence.
17. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
18. A water quality sampling station shall be installed within the subdivisions and approved by the water quality division of the Public Works Department. During construction of water mains, the contractor shall submit a plan as directed in Section 22-9, testing and sterilization, of City standards, said plan will indicate sampling points for bacterial testing.
19. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
20. The previously installed water main in Storey Road will require reimbursement to be paid to the City for the subdivisions prorated share of the initial cost prior to recording of any Final Map.
21. ~~Any on-site wells shall be destroyed in accordance with State standards. Necessary permits shall be obtained from the Public Works Department and required inspections made by the Department of Public Works water specialists. The contractor carrying out~~

~~the abandonment shall possess a current C-57 Type Contractors License. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.~~

22. ~~The well site shown on the approved tentative map shall be offered for dedication as reserved for a City well site on the first phase of the final map or dedicated as part of a separate instrument. After the subdivider has a test well bore completed and bore findings are acceptable to the City, the subdivider shall enter into a well site sales and land transfer agreement for the reserved well lot shown on the recorded first phase final map. A six-foot high masonry wall with a gate on the interior street shall be constructed by the subdivider in accordance with plans approved by the City Engineer, the provisions of the subdivision map relative to reimbursement for excess improvements shall be applicable to this requirement. The subdivider shall be reimbursed for the reasonable appraised cost of the well site the costs of the test bore and bore findings report. at the discretion of the City Engineer reimbursements shall be in the form of a credit towards water impact fees, or in cash payments as impact fees are collected from other developments in the northeast quadrant, reimbursements made pursuant to the Madera impact fee update report adopted by city council resolution no. 03-202 shall be made in the order in which financial statements have been filed with the city and approved by the city engineer.~~
23. ~~The subdivider shall enter into a separate well site sales and installation agreement after the well test boring findings are accepted by the city.~~
24. ~~If it is determined by the Community Development Director / City Engineer based on computer modeling analysis of the water system to be necessary during development of this subdivision, and development impact fees collected to that point are not sufficient to pay for the total cost of drilling a new well facility, the subdivider shall front the cost for installation of the well. The city will provide for reimbursement of the development's surplus costs in completing this facility, and could also allow a credit toward the water portion of the development impact fee.~~

Sewer:

25. ~~A private sewer system demolition permit shall be obtained from the Building Division and any existing on-site septic tanks shall be abandoned per Building Division Standards. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.~~
26. Sewer service for the subdivision shall be provided by extension of the existing 12-inch sewer main near the intersection of east Yosemite Avenue and Storey Road east along Storey Road to the east boundary of the subdivision. Connection of sewer services to manholes is not permitted.
27. Unless the City Engineer specifies larger, interior sewer lines of 8-inches in diameter shall be installed in the streets. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving, been approved. ~~Mains and laterals shall be air tested after dry utilities (power, cable, telephone) are installed.~~ DVD tapes shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
28. Sewer services shall be located at the centerline of each lot with a clean-out installed per city standards, and identified on the curb face. Sewer services to all lots shall be installed in accordance with city standard ~~s-10 with 4-inch sewer clean-out.~~ Where

contiguous sidewalks are installed, the 4-inch sewer clean out shall be located 18-inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the city engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.

#### Storm Drainage:

29. The applicant shall provide detailed engineering studies to demonstrate to the satisfaction of the City Engineer that storm water runoff will be handled consistent with the current storm drainage master plan and city standards prior to issuance of grading or building permits. The master plan currently indicates drainage to the northwest side of the project across East Yosemite Avenue unless otherwise approved by the City Engineer. Required grading and drainage plans shall include calculations for run-off and storage requirements. Storm drainage improvements shall be operational in advance of granting of occupancy for any new construction within the subdivision.
30. All storm drain lines and inlets shall be installed in accordance with city standards. Gutter runoff shall not exceed gutter capacity as specified in the current master plan.
31. Required grading and drainage plans shall include calculations for run-off and storage requirements. The subdivider is required to perform excavation in the temporary retention basin for this drainage area to provide capacity matching calculated volumes according to the storm drainage master plan.
32. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls, if required, shall be approved as to design and calculations prior to issuance of a grading permit therefor.
33. Lot fill in excess of 12-inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 8-inches or more will require construction of a retaining wall.
34. Retaining walls, if required, shall be concrete block. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
35. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the State Regional Water Quality Control ~~Board for developments of over five acres in size.~~ The plan and a copy of the permit and report shall be submitted to the engineering division prior to issuance of any encroachment permits or plan approvals.
36. Prior to recording the subdivision map, any current and/or delinquent MID assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.

#### Street Improvements:

37. Storey Road fronting the project site shall be dedicated and improved to complete the northerly half of a collector street, with improvements to the centerline with transition asphalt to the east bound lane as required by the City Engineer, and with a detached

sidewalk and handicap access ramps at the future entry intersections installed in accordance with plans approved by the City Engineer. Safe transitions to the east and west shall be provided in accordance with plans approved by the City Engineer. The improvements shall include fire hydrants, streetlights, etc., to be located in the dedicated right-of-way.

38. East Yosemite Avenue fronting the project site shall be dedicated and improved to complete the southerly half of an arterial street with a detached sidewalk and safe transition to the east and west in accordance with plans approved by the City Engineer and the State Department of Transportation. The improvements shall include fire hydrants, streetlights, etc., to be located in the State dedicated right-of-way. These improvements shall be completed in advance of issuance of building permits for any new construction within Phase II of the subdivision.
39. ~~The intersection of Storey Road and East Yosemite Avenue shall be reconstructed to provide a perpendicular alignment in accordance with plans approved by the City Engineer and the State Department of Transportation. To the extent the construction of any facilities or work required under this condition results in construction beyond that specifically required of the project on this property, the City shall reimburse the property owner for the cost of excess construction. Reimbursement shall be determined based on the cost of the construction of the work required in excess of the requirements for the project on this property and shall either be paid in full by the City at the time of construction, or through a reimbursement agreement as may be approved by the City Council. Preparation of plans and negotiations for right-of-way are to be initiated with the first phase of development and deferral of construction until the second phase may be considered by the city engineer.~~
40. The interior streets shall be constructed in accordance with City standards for 50 and 60-foot local residential streets. Handicap access ramps shall be installed at all curb returns intersections in accordance with the current Federal "Americans with Disabilities Act", and shall comply with current City standards. ~~st-16 with ramp pad scribing deleted and buttons installed.~~ The open-ended cul-de-sacs shall be improved in accordance with plans approved by the City Engineer and the Fire Marshall.
41. Traffic calming devices satisfactory to the City Engineer shall be constructed at the intersections of Indigo Drive and Sepia Court, and Azure Drive and Ivory Court.
42. The East Yosemite Avenue emergency access shall be gated at location of new masonry sound wall. As approved by the State Department of Transportation, the Fire Marshall and the City Engineer.
43. The divided entry streets onto Storey Road and the emergency secondary access route onto East Yosemite Avenue shall be constructed in accordance with plans approved by the City Engineer and the Fire Marshall. These streets shall be signed and the curbs painted for no parking.
44. ~~All streets, driveways, sidewalks, and streetlights shall conform to City standards in regard to setbacks from adjacent property lines. Streetlights shall be installed to City standards. Wattage on interior streets will require 100 watts, Storey Road 150 watts, and lights on East Yosemite Avenue will require 250 watts with longer poles. At the subdivider's request, streetlights may be inspected for compliance with the improvement plans and city standards, and upon approval, may be energized with payment of the energizing fee by the subdivider. Final inspection of the street light system will not be conducted until the subdivider submits 3 copies of the wiring schematics. The developer shall be required to install street lights along Storey Road and East Yosemite Avenue~~

frontages and interior subdivision streets in accordance with current City and Caltrans spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.

45. ~~Installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Provisions for construction in conjunction with residential permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.~~ Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
46. Two points of access shall be available for each phase of development, one of which may be a temporary twenty foot wide all-weather access as approved by the City Engineer and Fire Marshall. Each point of access shall be shown on the final map with recording information.
47. An all-weather access fire road shall mean 6 inches of Class 'A' portland cement concrete over 4-inches of No. 4 sand over 6-inches of 95% compacted native soil with r-value of 50 or better for load rating of 40,000 pounds or better. Any all-weather access fire road shall be maintained by the subdivider with a road maintenance covenant and easement recorded prior to recording of any final map.

General Engineering:

48. Improvement plans ~~(7 copies)~~ prepared in accordance with City standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
  - A. Detailed site plan with general notes.
  - B. Street plans and profiles.
    1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans).
    2. Street lights.
    3. Construction details including traffic signage and striping plan.
  - C. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans).
  - D. Grading and erosion control plans.
  - E. Landscape and irrigation plan for East Yosemite Avenue and Storey Road prepared by a landscape architect or engineer.
  - F. Storm water pollution control plan and permit.
  - G. Itemized quantities of the off-site improvements to be dedicated to the City.
  - H. Submittals shall include:

- I. Engineering Plan Review Submittal Sheet
- J. Civil Plan Submittal Checklist – all required items shall be included on the drawings
- K. Four copies of the final map
- L. Two sets of traverse calculations
- M. Two preliminary title reports
- N. Two signed copies of conditions
- O. Six sets of complete improvements plans
- P. Three sets of landscaping plans
- Q. Two sets of drainage calculations
- R. Two copies of the engineers estimates
- S. Partial submittals will not be accepted by the engineering department.

- 49. The subdivider/engineer shall contact the Engineering Division prior to first submittal to review filing requirements. Incomplete submittal packages shall be returned to the subdivider/engineer.
- 50. Traffic vehicular safety signing at point of ingress and egress shall be shown on the improvement plans and installed subject to review and approval by the City Engineer.
- 51. Water and sewer laterals shall be installed and the trenches compacted to City standards prior to the installation of curb and gutter. If curb and gutter is installed prior to water and sewer lateral installation, then all trenches shall be back-filled with a 3 sack slurring mix extending one foot past curb and gutter in each direction.
- 52. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines.
- 53. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all street rights-of-way. All public utilities along peripheral streets shall be placed underground except those facilities exempted by the public utilities commission regulations or operating at 70,000 volts or greater.
- 54. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
- 55. A final soils report including "r" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review with the initial submittal of the improvement plans. The date and name of the person who prepared the report are to be noted on the final map.
- 56. ~~The subdivider shall enter an updated subdivision agreement in accordance with the municipal code prior to recording of amended or future the Final Maps. The subdivision agreement shall include for deposit with the city a performance bond, labor / material bond, cash bond, or other bonds as required by the city engineer, prior to acceptance of the final map.~~
- 57. The subdivider shall enter into a new updated subdivision agreement that incorporates these amended conditions. The subdivision agreement shall include for deposit with the city a performance bond, labor / material bond, cash bond, or other bonds as required by the City Engineer, prior to approval of an amended final map or with the dedication of the required well site through a separate instrument. All bonds shall be verified as being in full force and affect prior to approval of or use of any subdivision agreement.



58. The subdivider may commence off site construction prior to final map in accordance with section 7-2.02 MMC, encroachment permits, provided improvement plans are approved and provided a 100% performance bond, 50% payment bond and insurance certificate, are submitted prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council ~~4.5% of engineers estimate~~ and shall be paid at the time of permit.
59. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans on Autocad showing final existing conditions and actual grades of all improvements and facilities shall be submitted prior to acceptance of the subdivision improvements by the city.

#### Subdivision Improvement Inspections:

60. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at the time all other fees are due per the subdivision agreement ~~paid prior to initiating construction~~.
61. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering division 48 hours prior to construction ~~or installation of any improvements or utilities~~. The Inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
62. No grading or other construction activities, including preliminary grading on site, shall occur until the city engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
63. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days. Notwithstanding this restriction, model homes constructed under the provisions of the model home resolution may be occupied for sales purposes only.

#### Special Engineering Conditions:

64. A 6-foot high decorative masonry block wall shall be constructed along the Storey Road frontage and along the street side yards of the corner lots at the entries to the subdivision. A 6-foot high masonry block wall shall also be constructed along the west side of lots 16 - 21 and east side of lots 46 and 47. An 8-foot high split-faced decorative masonry block wall with grouted cells shall be constructed along the East Yosemite Avenue frontage as directed by the noise study. ~~Three copies of the acoustical analysis shall be submitted with the improvement plans.~~ These improvements shall be completed in advance of granting of occupancy for any new construction within the subdivision.
65. The park strips along Storey Road and East Yosemite Avenue shall be landscaped and provided along with an automatic irrigation system. A minimum of one City approved street tree every 50 feet shall be provided, along with root guards. No trees shall be planted within 30 feet of any street light, or 5 feet from any fire hydrant. Detailed fencing, landscaping and irrigation plans shall be submitted for review and approval by the Community Development Department prior to the filing of the map.

66. The subdivider shall sign and submit a landscape district formation and inclusion form, an Engineer's Report to include as a minimum, an assessment diagram, an assessment roll, a written "method of assessment", and a general vicinity map, and map prior to recording of any Final Map. Only the landscaping on East Yosemite Avenue and Storey Road will be maintained as a part of the landscape district.
67. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
68. The landscaping plats shall be signed and stamped by a licensed landscape architect/engineer.
69. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units.

### **Fire Department**

70. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as said dwelling is constructed.
71. This project is protected by the Madera City Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection development requirements. All new construction shall comply with uniform fire code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
72. Prior to commencement of any framing construction, all flammable vegetation shall be removed from each building site a minimum distance of 30-feet from any flammable building material, including a finished structure. Debris piles shall be limited per the California Fire Code.
73. The residential address numbers shall meet city standards and shall be posted with a minimum of 3-inch high numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the uniform fire code. The developer shall post temporary street signs upon completion of rough grading. Individual house numbers shall be posted on individual job sites if home construction is initiated prior to completion of the subdivision improvements.
74. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor, visible from the ground and as identified in the Uniform Fire Code.

### **Planning Department**

75. Project approval is conditioned upon acceptance of the conditions of approval contained herein within 30 days, as evidenced by the applicant/owner's signature on the required Acknowledgment and Acceptance of Conditions of Approval form.
76. Prior to any construction of homes within the subdivision, an application for precise plan shall be approved by the Planning Commission. The precise plan shall guide all

residential construction activities on the individual lots within the subdivision, including development within any future phases. Prior precise plan approvals are null and void.

**(OR)**

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2005-15 MOD to the October 10, 2017 Planning Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Tentative Subdivision Map 2005-15 MOD, based on the following findings: (specify)

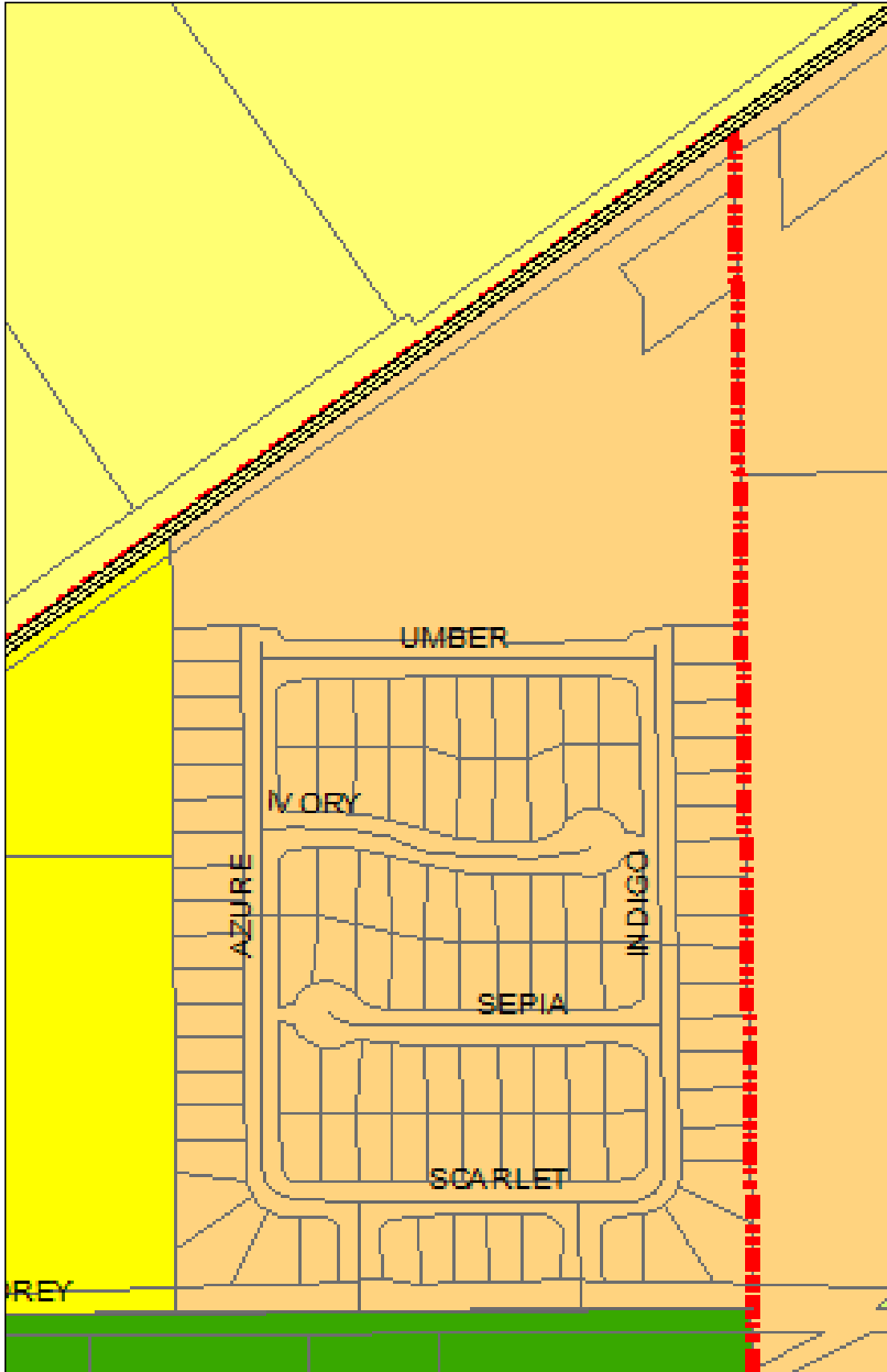
## **ATTACHMENTS**

Aerial Map  
General Plan Map  
Zoning Map  
Subdivision Map

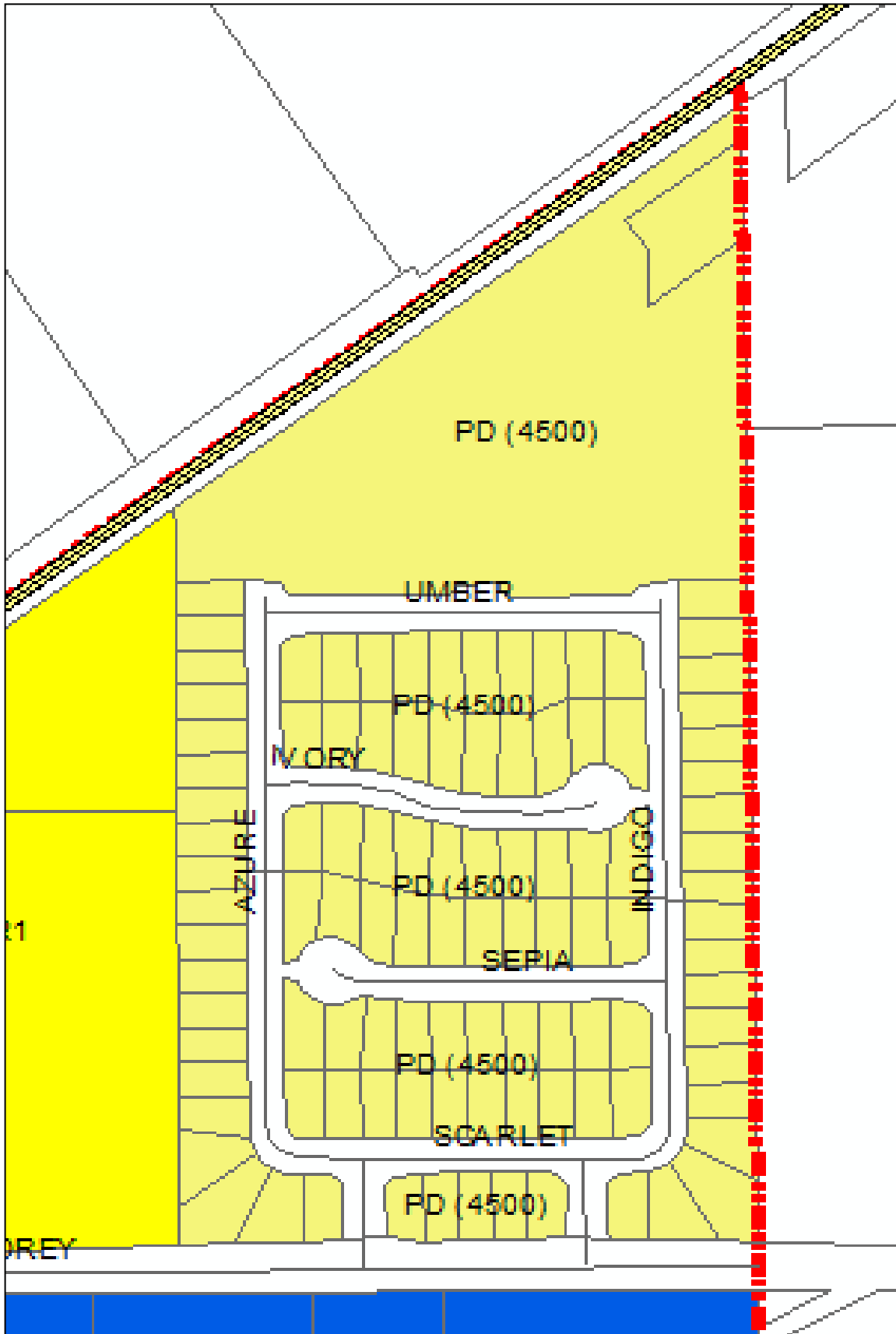
Aerial Photo



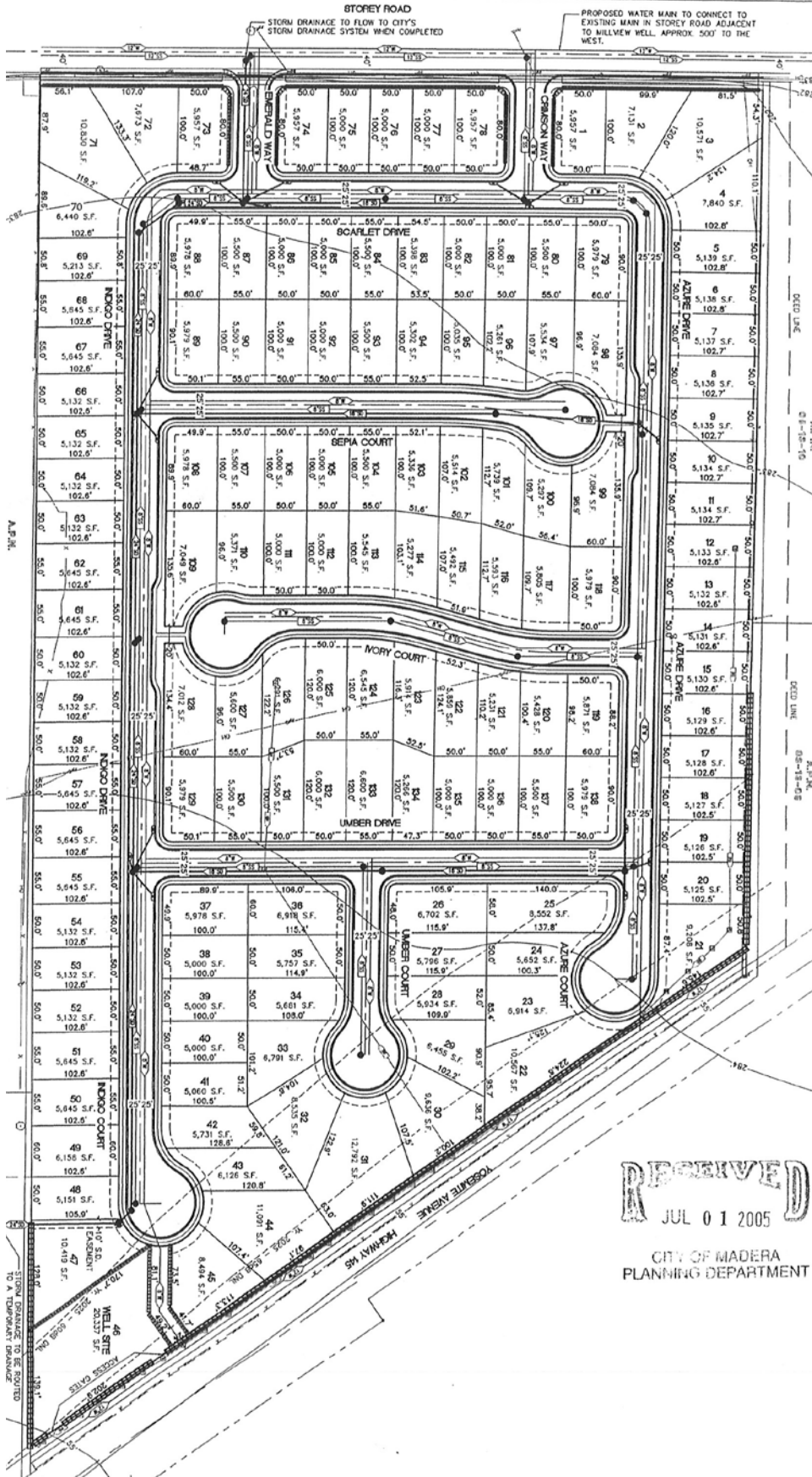
# General Plan Map

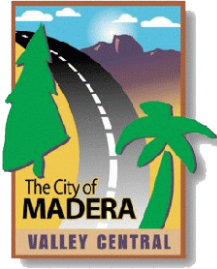


# Zoning Map



# Subdivision Map





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth  
Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Linden Street Residential Complex  
REZ 2017-02, PPL 2017-04 and Negative Declaration  
Item #5 – September 12, 2017**

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**PROPOSAL:** An application for a rezone of two (2) properties to provide consistency with a multi-family residential complex and a precise plan to guide the development of the multi-family residential complex within the Groves Neighborhood Specific Plan area.

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<b>APPLICANT:</b>	Tom Jarrell	<b>OWNER:</b>	Tom Jarrell
<b>ADDRESS:</b>	733 and 743 Linden Street	<b>APN:</b>	006-360-013, 006-360-014
<b>APPLICATIONS:</b>	REZ 2017-02 & PPL 2017-04	<b>CEQA:</b>	Negative Declaration

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**LOCATION:** The project site is located on the east side of Linden Street, approximately 650 feet north of the intersection of Linden Street and Sunset Avenue.

**STREET ACCESS:** Access to the project site is provided from Linden Street.

**PARCEL SIZE:** The project site includes two parcels which encompasses approximately 1.4 acres.

**GENERAL PLAN DESIGNATION:** HD (High Density)

**ZONING DISTRICT:** PD-1500 (Planned Development)

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**SITE CHARACTERISTICS:** The project site is within the Groves Neighborhood Specific Plan area. The project site has an existing vacant single-family residential unit on one parcel. The other project parcel is vacant. The project site is surrounded by low density single-family residential units and under-utilized residentially zoned properties. Two (2) apartment complexes (Westgaters and Riverwood) are located in close proximity to the west and north respectively.

**ENVIRONMENTAL REVIEW:** An initial study and a negative declaration have been prepared for consideration by the Planning Commission, consistent with CEQA Guidelines.

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**SUMMARY:** The proposed rezone provides for consistency with the density requirements of the General Plan. The precise plan guides the overall development of the project site which allows for the development of a multi-family residential complex with twenty-two (22) units comprised of four (4) fourplexes and three (3) duplexes. The project site is within the Groves Neighborhood Plan area. The project, as conditioned, generally complies with all goals and policies of the Neighborhood Plan and General Plan.



## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3-4.101, Planned Development Zones

MMC § 10-3-4.104, Precise Plan

MMC § 10-3.1501, Amendments

California Public Resources Code §21000, California Environmental Quality Act "CEQA".

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the approval of a precise plan by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the development will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the development envisioned within the precise plan should be denied. Conditions may be attached to the approval of the precise plan to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

The project site is located within the Groves neighborhood, which has a Neighborhood Plan that was approved by the Planning Department on October 14, 1997 and adopted by the City Council on November 19, 1997. It should be noted that this neighborhood plan was a supplement to the 1992 General Plan.

## **ANALYSIS**

### Rezone

The project site is located within the HD (High Density Residential) General Plan land use designation, which allows for a range of residential development density between a minimum of 15.1 units per acre to a maximum of fifty (50) units per acre. The project site is currently within the PD-1500 (Planned Development) Zone District. Although the PD-1500 Zone District is consistent with the HD General Plan land use designation, it is not consistent with the proposed number of units on the project site. Optimally, the project site should provide no less than forty (40) residential units in order to satisfy the densities intended by the PD-1500 Zone District. The requested change to the PD-2000 Zone District provides a more refined consistency with the proposed project while maintaining consistency with the General Plan. The PD-2000 Zone District provides for between twenty (20) and thirty (30) units on the project site. With twenty-two (22) proposed units, the PD-2000 Zone District is most appropriate.

### Public Infrastructure

There are sufficient City services available to serve the project site. Off-site improvements, including construction of curb, gutter, sidewalk and driveway approaches, would be improved in conjunction with the development. These improvements would be consistent with City standards and ADA requirements.

### Precise Plan

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space.

The applicant proposes twenty-two (22) multi-family residential units on the site comprised of three (3) duplexes and four (4) fourplexes. The architecture of the proposed structures include concrete tile roofing, a stucco exterior, varying window styles and a stone veneer wainscot.

The duplex structures are attached side-by-side, two-story units. Each unit encompasses 1,448 square feet of living space, with three bedrooms, two bathrooms and a single-car garage. Each unit also includes an outdoor patio/deck on the first and second floors, which are located at the rear of the unit.

The fourplex structures are two-story structures with two-mirrored residential units on each floor. One (1) of the four (4) fourplexes will be a one bedroom unit encompassing 1,150 square feet of living space with one bathroom and a single-car garage. The remaining fourplexes will provide two bedroom units that will encompass 1,300 square feet of living space including two bedrooms, two bathrooms and a single-car garage each. Each unit also provides an outdoor patio/deck, which is located at the rear of the unit.

A tot-lot playground amenity and a barbeque area with a pergola shade structure are proposed amenities in support of the project.

### Conformance with Neighborhood and General Plan

The stated objective of the Groves Neighborhood Plan is to provide for efficient residential (single and multi-family) development within the neighborhood plan area, consistent with the Madera General Plan and Zoning Ordinance. The development policies and standards applicable for high density areas of the Groves Neighborhood Plan, including the subject property under consideration with this item, are outlined as follows:

#### *Landscaping*

The Neighborhood Plan requires multi-family projects to include landscaped open space, including front, side and rear yard areas required by the zoning ordinance. The zoning ordinance for open space in the PD (Planned Development) Zone District requires a minimum of 750 square feet of open space per each residential unit. With a proposed twenty-two (22) unit residential complex, a minimum of 16,500 square feet of open space is required. The project proposes approximately 20,171 square feet of open space, which will be developed consistent with a required landscape and irrigation plan.

The Neighborhood Plan also requires common recreation areas as a component of open space, including tot-lots for pre-school children, and passive recreation areas for lounging, sun bathing, barbecuing and quiet conversation and reading. The project proposes a 2,300 square foot tot-lot and a 475 square foot shaded area for barbecuing. Additional common and private open space is logically distributed within the site's design.

The proposed project is consistent with the requirements for open space and common recreation areas of the zoning ordinance, Groves Neighborhood Plan and General Plan.

#### *Visual Compatibility and Privacy*

The Neighborhood Plan and General Plan require multi-story housing units that are proposed adjacent to existing or planned low density areas, building elevations and the location of windows, balconies and air conditioning units above the first story to assure visual compatibility and residential privacy.

The project is adjacent to existing single-family residential units to the east. Because each proposed residential structure includes second floor balconies, staff recommends the installation of shade trees with a minimum maturity height of twenty-five (25') feet along the eastern boundaries of the project site in order to provide privacy for the existing single-family residence adjacent to the site. The applicant also proposes a six (6') foot tall split-faced masonry block wall around the complex that will provide further privacy for residents of both the project and surrounding properties.

#### *Off-street Parking*

The Neighborhood Plan and Zoning Ordinance require a minimum of two (2) parking stalls for multi-family residential units with two or more bedrooms; one covered and one uncovered parking stall. In addition to this requirement, off-street parking for visitors at locations reasonably central to the units is to be served at the rate of one parking space for each four (4) units. This would equate to a minimum requirement of forty-nine (49) parking stalls on the site. The project site proposes forty-nine (49) parking stalls; twenty-two (22) enclosed garage stalls and twenty-seven (27) uncovered parking stalls. Five (5) of the 27 required parking stalls are designated for guest parking. There is adequate parking to serve the residential units and guests.

Staff recommends that a parking plan be implemented as a component of the precise plan in order to avoid potential conflicts. The parking plan should provide for signage on the site so as to assign specific uncovered parking stalls as visitor parking. All uncovered parking stalls should be specifically assigned as either guest stalls or dedicated to a specific residential unit. Each residential unit should have exclusive utilization of one enclosed garage to be used as the primary parking stall for each residence. Garages should be equipped with automatic garage door openers. Lease and/or rental agreements should formally notify residents of parking requirements and associated limitations.

#### *Groves Neighborhood Plan Implementation*

Adopted in 1997, the Groves Neighborhood Plan envisioned the development of a mixed density residential development wherein a mix of single-family and multi-family development with varying densities ultimately evolved from what had/has been an island of rural residential homes. Although single-family residential homes have been developed on Laurel Avenue, until now the multi-family components consistent with the vision of the Groves plan have not taken form. Since the project is the first higher-density component to be proposed within the plan area, there is a possibility that the development will conflict with the remaining rural residential properties in proximity to it. Neighbor opposition has been expressed from the property immediately south of the project parcels. Regardless, the project under review is consistent with and effectively implements the purpose and intent of the Groves Neighborhood Plan, the General Plan and the Zoning Ordinance.

#### Garage Subordinate Design

General Plan Policy CD-32 states that "Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street." Although no residential unit fully satisfies the intent of this policy, a stone veneer wainscot and large shade trees adjacent to each garage are proposed to detract from the garage dominant design while simultaneously providing enhance architectural value.

#### CEQA Compliance

An initial study and negative declaration have been prepared for consideration by the Planning Commission in conformance with the California Environmental Quality Act (CEQA) guidelines. It

is recommended that the Planning Commission adopt the negative declaration as a component of any project approval.

#### Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

There are four core statements of the Vision Plan which reflect the desires of the community. An Action Plan was developed with specific ideas to implement the vision statements. The first of the four vision statements, "A Well-Planned City", states that "Madera promotes affordable, quality housing that is accessible to all its residents." Action 101.8 states "Promote and encourage development and redevelopment of low- and moderate-cost housing." Approval of this project is specifically consistent with the aforementioned vision statement and Action 101.8.

### **RECOMMENDATION**

The Precise Plan allows for the development of the multi-family residential complex in general conformity with the Groves Neighborhood Plan and General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, approve the precise plan request and adopt a resolution to the City Council recommending approval of an ordinance rezoning the subject property.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on the Negative Declaration, Rezone 2017-02 and Precise Plan 2017-04.

Motion 1a: Move to adopt the negative declaration, consistent with Section 15070(a) of the California Environmental Quality Act, with the following findings;

#### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

#### **(AND)**

Motion 1b: Move to adopt a Resolution of the Planning Commission recommending to the City Council adoption of an ordinance rezoning the property to the PD-2000 (Planned Development) Zone District, with the findings as listed;

#### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after

considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

- The proposed rezone will provide the required consistency between the General Plan and zoning.
- The rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- City services and utilities are available or can be extended to serve the area.

**(AND)**

Motion 1c: Move to approve Precise Plan 2017-04 to allow for the development of a multi-family residential complex consisting of twenty-two (22) units, based on and subject to the findings and conditions of approval.

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- Precise Plan 2017-04 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- Precise Plan 2017-04 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2017-04 is consistent with the goals and policies of the Groves Neighborhood Plan and the City's General Plan.
- Precise Plan 2017-04 is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.

**CONDITIONS OF APPROVAL**

**General Conditions**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.

4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.
6. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the Citywide Community Facilities District No. 2005-01 and shall pay all applicable fees.

## **Engineering Department**

### General

7. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
8. Impact fees shall be required to be paid at time of building permit issuance. Credit for the existing dwelling unit is allowed.
9. The developer shall be required to reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be required to be paid prior to issuance of a final building permit.
10. The developer shall be required to pay all required fees for completion of the project. Fees due may include, but are not limited to the following: plan review, easement acceptance, Encroachment permit processing and improvement inspection fees.
11. Improvement plans signed and sealed by an engineer shall be required to be submitted to the Engineering Division in accordance with the submittal process.
12. The improvement plans for the project shall be required to be included in the most recent version of the City's General Notes.
13. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall be required to cease and the Community Development Director or City Engineer shall be required to be notified so that procedures required by State law can be implemented.
14. Improvements within the City's right-of-way shall require an Encroachment Permit from the Engineering Division.
15. All off-site improvements shall be required to be completed prior to issuance of final occupancy.

### Sewer

16. New or existing sewer service connections(s) shall be required to be constructed or upgraded to current City standards. Each parcel is required to have a separate sewer service.
17. Sewer main connections six (6") inches and larger in diameter shall require manhole installation.

18. The developer shall be required to reimburse their fair share cost to the City for the previously constructed sewer main along the entire project frontage.
19. Existing septic tanks, if found, shall be required to be removed. The removal process requires a permit and inspection by the City of Madera Building Department.

#### Storm Drain

20. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site shall be required to be cleaned prior to entering the existing storm water system to the satisfaction of the Madera Irrigation District through the use of an onsite oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
21. Support calculations shall be required to be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.

#### Streets

22. The developer shall be required to construct ADA accessible concrete sidewalk along the entire project parcel frontage on Linden Street per City standards.
23. The existing driveway approaches (2) on Linden Street shall be required to be removed and replaced with concrete sidewalk, curb and gutter per current City standards.
24. The proposed driveway approach on Linden Street shall be required to be constructed to a street type entrance with a minimum face curb radius of fifteen (15') feet and be constructed to current City and ADA standards.
25. The developer shall be required to dedicate a Public Utility Easement (PUE) ten (10') feet wide along the entire project parcel frontage on Linden Street. A \$405.00 fee or the fee in effect at that time shall be required to be paid with the Engineering Division.
26. The developer shall be required to merge the parcels prior to issuance of a building permit. The developer shall be required to pay the associated fees to the Engineering Division.
27. The developer shall be required to annex into and execute such required documents that may be required to participate in Landscape Maintenance District (LMD) Zone 4 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
28. All public utilities shall be required to be undergrounded, except transformers, which may be mounted on pads.

#### Water

29. Existing or new water service connection(s) shall be required to be upgraded or constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City right-of-way and backflow prevention device installed within private property. Each parcel shall be required to have a separate domestic water service.
30. Each parcel shall be required to have a separate water meter and backflow prevention device for landscaped area.

31. The developer shall be required to reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage.
32. Existing wells, if any, shall be required to be abandoned as directed and permitted by the City of Madera for compliance with State standards.

### **Fire Department**

33. Building permits are required.
34. 2A10BC-rated fire extinguishers shall be required for each floor of each fourplex. Duplexes are exempt from fire extinguisher requirements.
35. All structures shall be equipped with fire sprinklers.
36. Due to the depth of the lot, an on-site fire hydrant is required.
37. Rated separations shall be required between units both vertically and horizontally.

### **Planning Department**

#### Precise Plan

#### 38. Precise Plan Area

Two (2) parcels, approximately 1.4 acres  
APNs: 006-360-013, 006-360-014

#### Building Area

Twenty-two (22) residential units, as follows:  
Three (3) duplexes with 1,448 sq. ft. per unit, 3 bdrm., 2 bath.  
Four (4) fourplexes with 1,300 sq. ft. per unit, 2 bdrm., 2 bath

39. The proposed elevations shall include the following features as standard elements of construction:
  - Multi-dimensional concrete tile roofing
  - Three color exterior painting
  - Architectural treatments, including gable decorations, decorative moldings and a stone veneer wainscot consistent with the approved elevations for the models.
  - Landscape and irrigation adjacent to garages
40. The development of any temporary construction trailer on the project site requires the approval of a Zoning Administrator's Permit in advance of installation/placement.
41. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
42. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and the dumping of refuse shall be restricted to the dumpsters owned by the property owner.

#### HVAC and PG&E Utility Placement Considerations/Screening Requirements

43. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
  - The location of all natural gas and electrical utility meter locations



- The location of all HVAC (heating, ventilation or air conditioning) equipment
  - The location of all compressor equipment, and mechanical and electrical equipment
44. Where feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within electrical/mechanical service room(s). Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be sufficiently screened and/or integrated into building architecture per the approval of the Planning Director.
  45. All utility equipment and services shall be screened to the specifications of the Planning Department. If ground-mounted, applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any wall-mounted equipment shall be painted to match the exterior wall and screened when in predominant public views.
  46. All ground-mounted HVAC equipment must be screened from view utilizing architectural features or landscaping.
  47. Natural gas meter placement shall be screened from public view per Planning Department approval.
  48. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact David Vandergriff of PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
  49. Roof access ladders (if any) shall be located within the interior of the building.
  50. All ducts and vents penetrating roofs shall use methods to minimize their appearance and visibility from the street. All roof-mounted ducts and vents shall be painted matte black or with a color matching roof materials so as to better minimize their appearance.
  51. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.
  52. Back flow prevention devices must be screened per the approval of the Planning Director.
  53. Transformers and similar pad-mounted utilities must be screened per the approval of the Planning Director.

#### Building Colors, Materials and Lighting Considerations

54. The applicant shall submit a color and materials presentation board as part of the Precise Plan. The color and materials presentation board shall be approved by the Planning Manager and shall be included in the Precise Plan.
55. The applicant shall submit a representative color section rendering of the proposed building(s), using a scale similar to the exterior elevation drawings. The representative color section rendering shall be approved by the Planning Manager and shall be included in the Precise Plan.
56. The construction of building(s) approved as part of the precise plan shall be consistent with the approved color and materials presentation board and representative color section rendering of the proposed building as reviewed and approved by the Planning Department. Any alteration shall require amendment of the precise plan.

57. Building elevations which front/face onto Linden Street shall be enhanced in order to provide consistency with General Plan Policy CD-34.
58. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
59. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
60. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Landscaping and Open Space

61. Onsite and offsite landscaping and irrigation systems shall be installed in accordance with landscaping and irrigation plans approved during building permit plan check. The landscape and irrigation plans shall be prepared and stamped by a licensed landscape architect, shall be consistent with the State of California Model Water Efficient Landscape Ordinance (MWELO) and shall be submitted as part of building permit plan check. Any deviation shall require prior written request and approval. Removal or modification shall be at the developer's expense.
62. A detailed landscaping and irrigation plan shall be submitted to the Planning Manager and Parks Department for review and approval and shall include:
  - Landscaping materials, such as ground cover, shrubs, plants and shade trees, shall be used to enhance the aesthetic of the buildings and grounds by delineating various recreational spaces such as the tot lot, accentuation of the paths of travel and highlighting entrances.
  - Shade trees shall be planted consistent with conditions of approval herein.
  - Landscaped areas shall be provided with permanent automatic irrigation systems.
  - Three (3') feet tall vertical landscaping screens shall be planted where exposed parking fields are in close proximity to street frontages.
  - A detailed planting list for landscaping, with the number, size, spacing and specie of all plantings.
63. Shade trees shall be deciduous and planted throughout the site as follows:

<u>Location</u>	<u>Minimum height at full maturity</u>
Landscape planters adjacent to garages	Twenty (20') feet in height at full maturity
Along eastern property border	Twenty-five (25') feet in height at full maturity

64. The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City-approved street tree every thirty (30') feet shall be provided, along with root guards and root barriers. No trees shall be planted within thirty (30') feet of any streetlight and/or five (5') feet from any fire hydrant.
65. The property owner shall maintain all landscaping in a healthy and well-manicured

appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with residential standards, and replacing dead or unhealthy vegetation.

66. The final selection and placement of playground equipment, barbecue features and outdoor furniture, and supporting apparatus such as trash receptacles and light fixtures, shall be reviewed and approved by the Planning Department as a component of building permit plan check submittals. The tot lot area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the tot lot area shall be a material approved for use by the Parks Department. Minor alterations and/or amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the precise plan approved by the Planning Commission.
67. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.

### Parking

#### 68. Minimum Parking Requirements

Forty-nine (49) stalls:

Uncovered	22 stalls
Covered	22 stalls
Visitor Parking	5 stalls
ADA Handicap	1 stall

69. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
70. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep (17' deep with a 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle space is twenty-six (26') feet for primary drive aisles.
71. A parking plan shall be submitted to the Planning Department as a component of building department plan check submittals. The parking plan shall include:
  - The parking plan shall delineate provisions for signage on the site so as to assign specific uncovered parking stalls as visitor parking.
  - All uncovered parking stalls should be specifically assigned as either guest stalls or dedicated to a specific residential unit.
  - Each residential unit shall have exclusive utilization of one enclosed garage to be used as a primary parking stall.
  - Garages shall be equipped with automatic garage door openers.
  - All garages shall not be allowed to be used as a storage unit. All garages shall be maintained as the primary parking stall for the assigned unit at all times. Lease documents shall delineate the required utilization of garage parking.
  - Lease and/or rental agreements shall formally notify residents of parking requirements and associated limitations of the parking plan.
  - Any modifications in the approved parking layout shall require approval by the Planning Department.

### Walls and Fences

72. The perimeter fencing of the project shall be a six (6') foot split-faced masonry block wall along the southern, eastern and northern boundaries of the properties. Specific

wall design shall be reviewed and approved by the Planning Department.

73. A trash enclosure shall be constructed of masonry block, consistent with City standards with a stucco finish and color complementary or matching the residential structures. Trash enclosure gates shall be of steel construction and painted a color approved by the Planning Manager.

Air Quality Measurement Requirements

74. The developer shall comply with Regulation VII (Fugitive PM10 Prohibitions) of the San Joaquin Valley Air Pollution Control District concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

**(OR)**

Motion 2: Move to continue the public hearing on Rezone 2017-02 and Precise Plan 2017-04 to the October 10, 2017 Planning Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Rezone 2017-02 and Precise Plan 2017-04 based on the following findings: (specify)

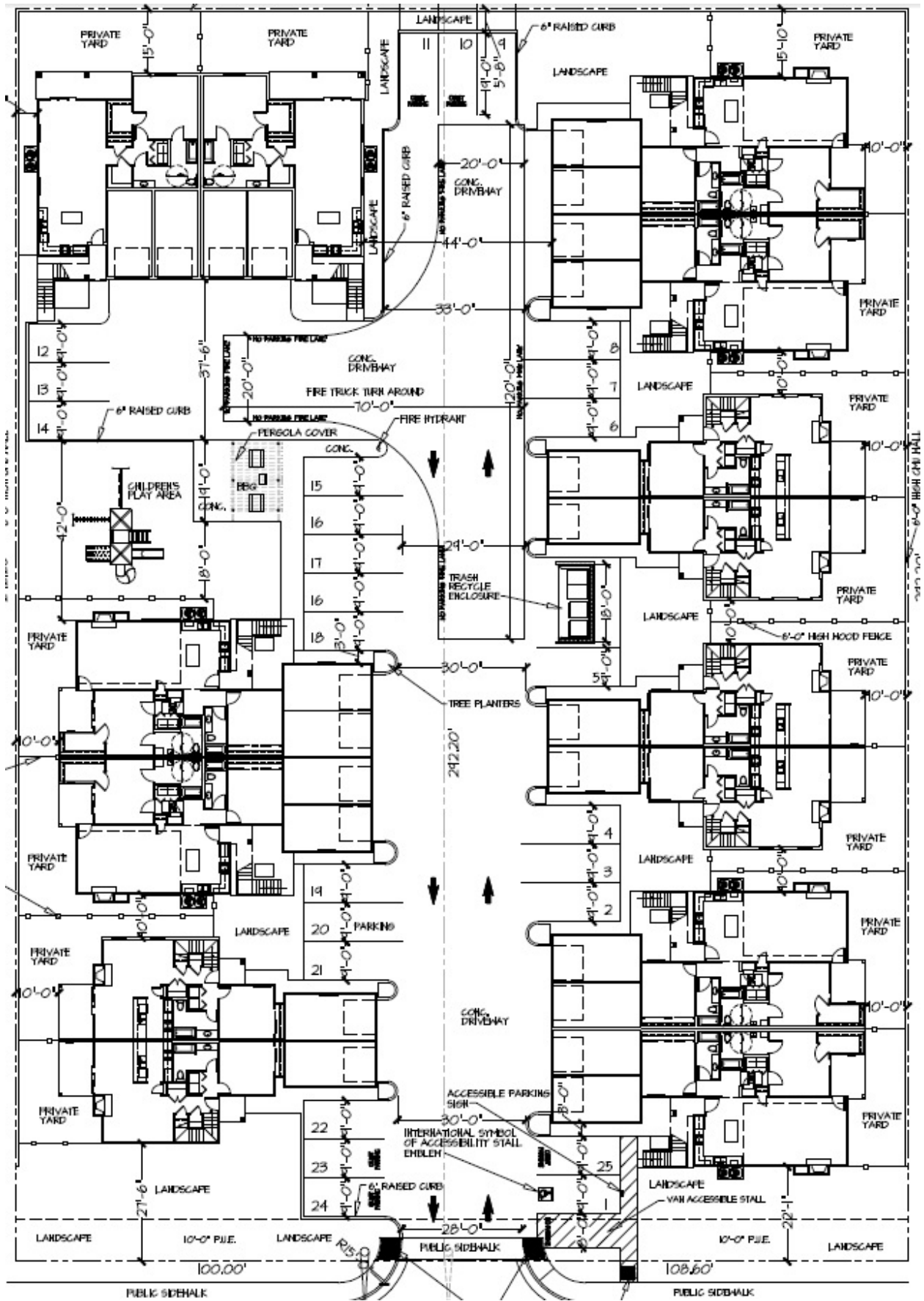
**ATTACHMENTS**

- Aerial Photo
- Site Plan
- Duplex Floorplan
- Fourplex One Bedroom Floorplan
- Fourplex Two Bedroom Floorplan
- Duplex Elevations
- Fourplex One Bedroom Elevations
- Fourplex Two Bedroom Elevations
- MUSD Letter
- Resolution to the City Council
- Draft Ordinance

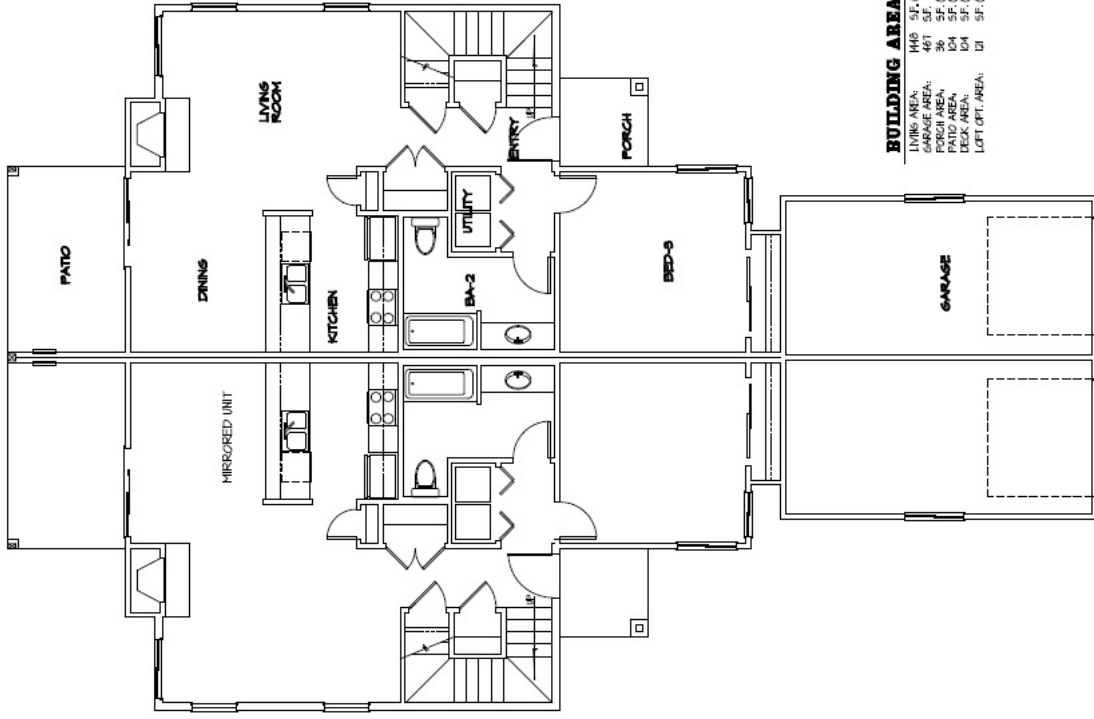
**Aerial Photo**



# Site Plan



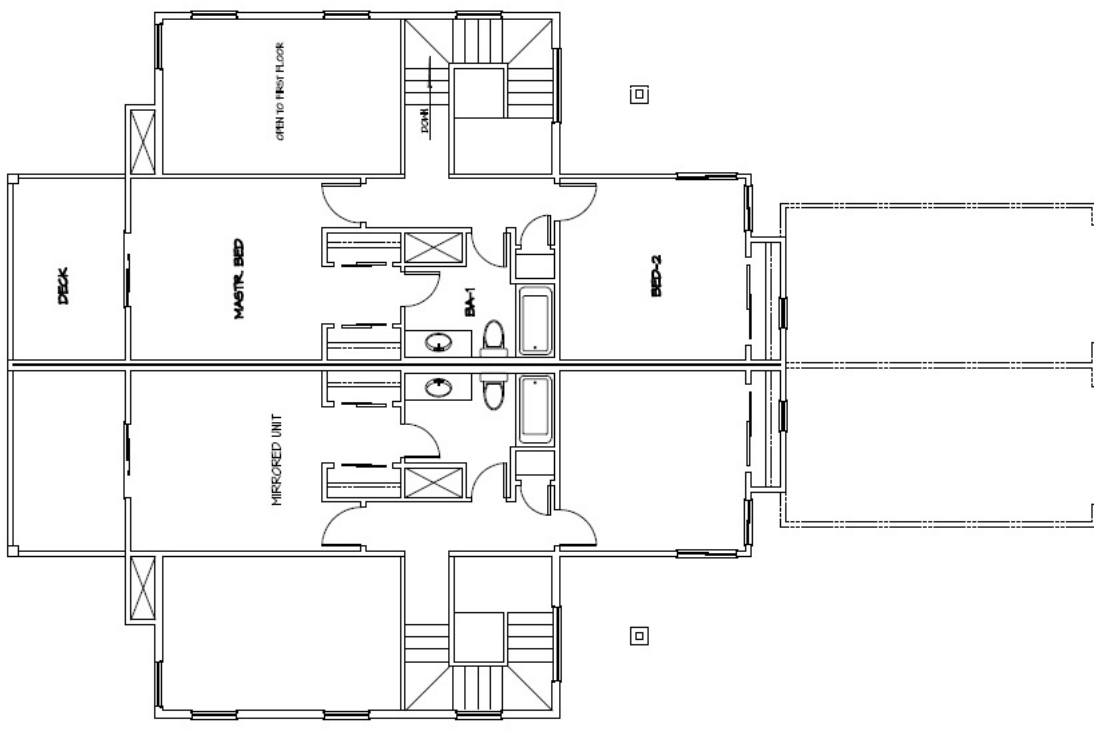
# Duplex Floorplan



**BUILDING AREAS**

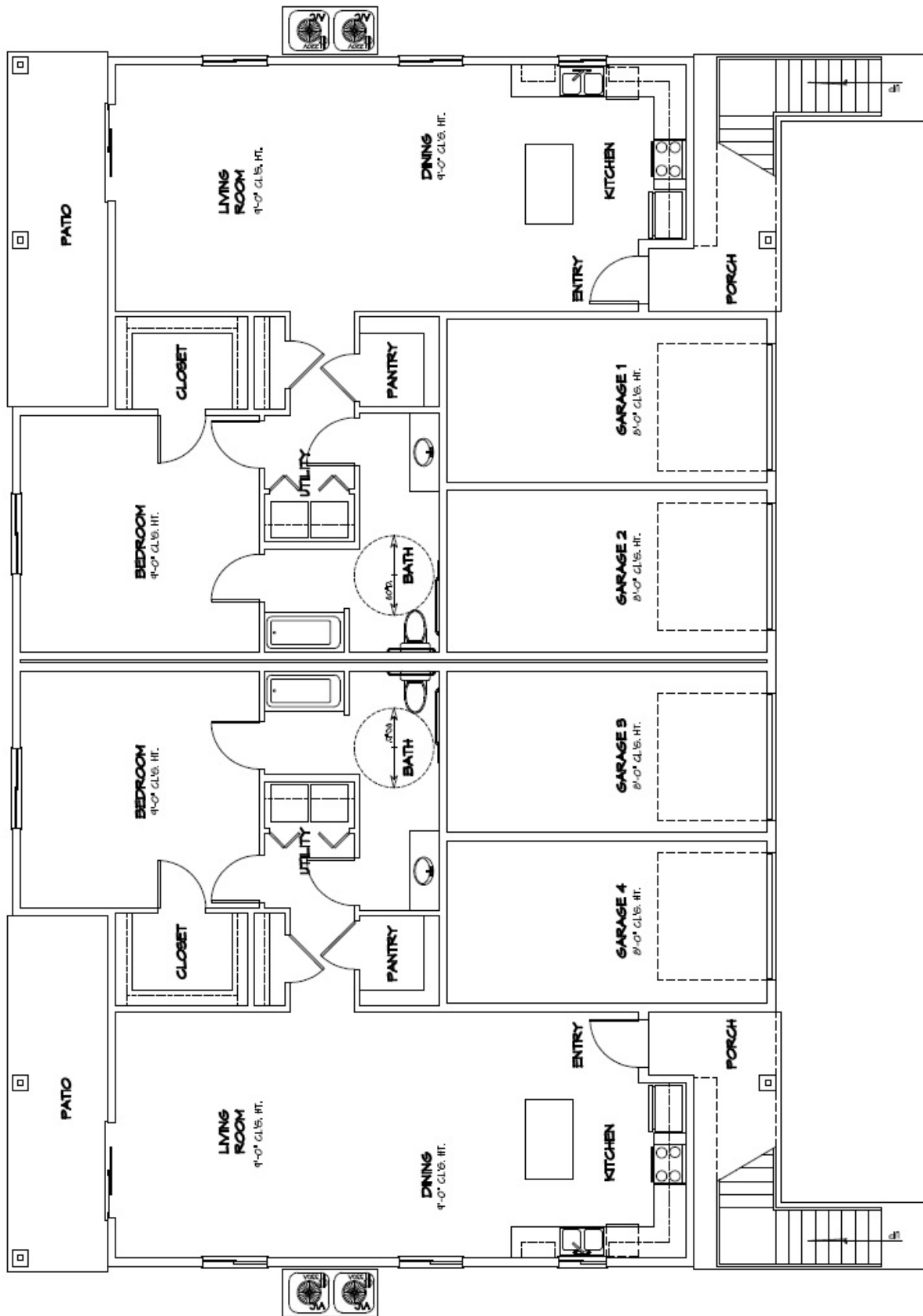
LIIVING AREA:	144	SF. (EA. UNIT)
GARAGE AREA:	461	SF. (TOTAL)
PORCH AREA:	36	SF. (EA. UNIT)
PATIO AREA:	104	SF. (EA. UNIT)
DECK AREA:	104	SF. (EA. UNIT)
LEFT OPT. AREA:	11	SF. (EA. UNIT)

FIRST FLOOR PLAN  
DUPLEX PLAN



SECOND FLOOR PLAN

# Fourplex One Bedroom Floorplan – 1<sup>st</sup> Floor

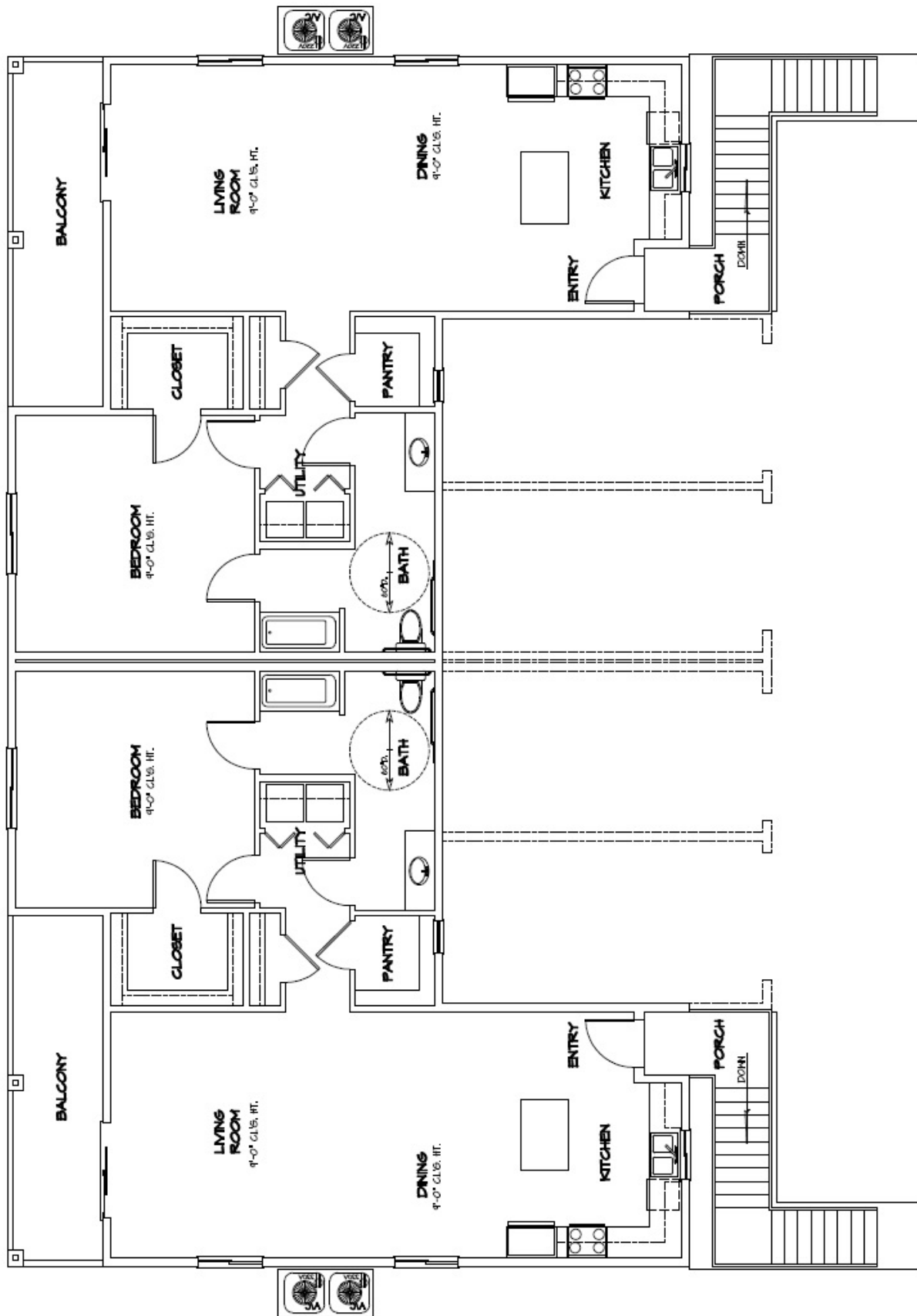


## BUILDING AREAS

AREA	IBO	SF. (EA. INT)
LIVING AREA:	847	57
GARAGE AREA:	847	57
PORCH AREA:	847	57
PATIO AREA:	847	57
<b>TOTAL</b>	<b>3388</b>	<b>228</b>



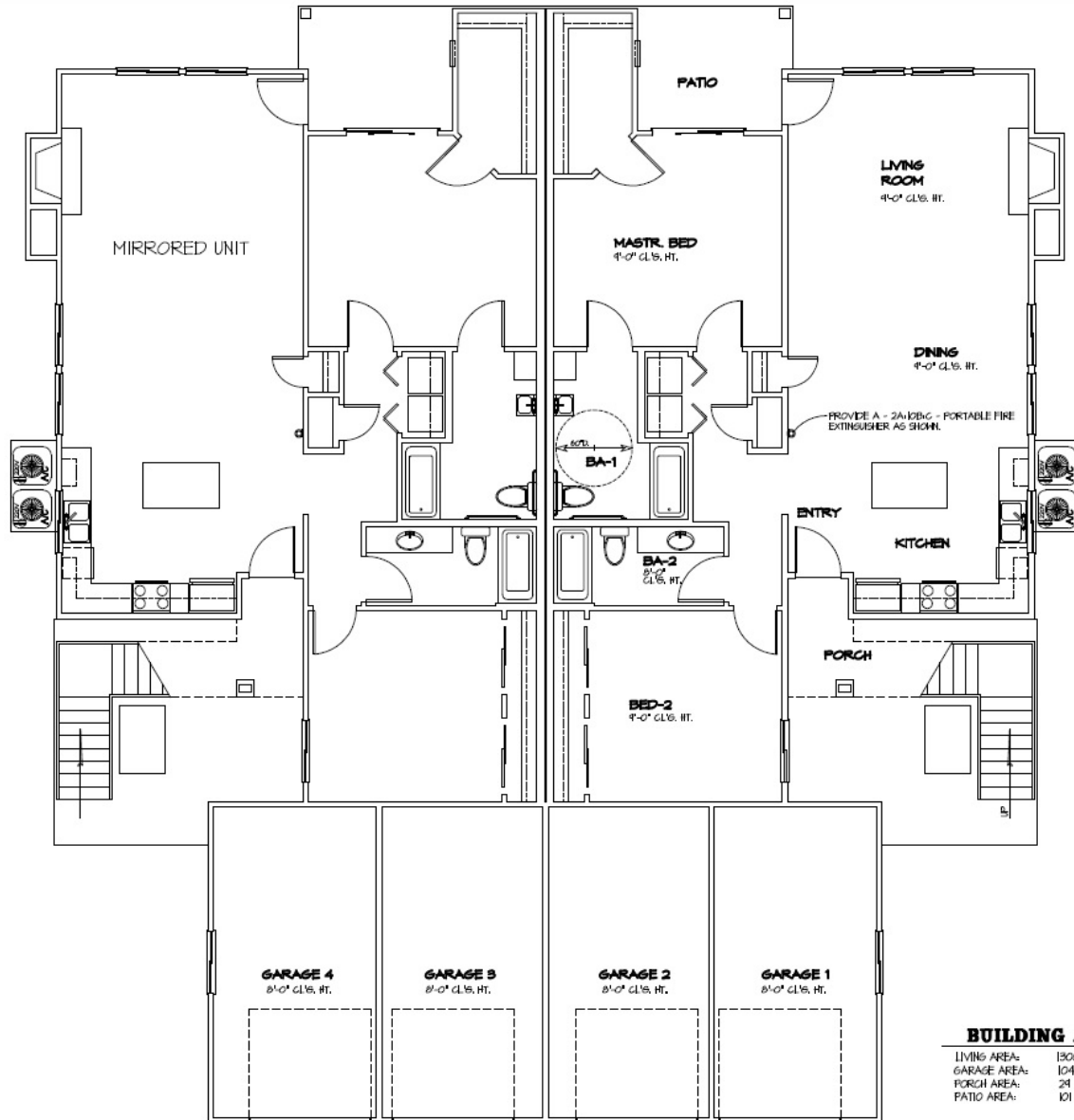
# Fourplex One Bedroom Floorplan – 2<sup>nd</sup> Floor



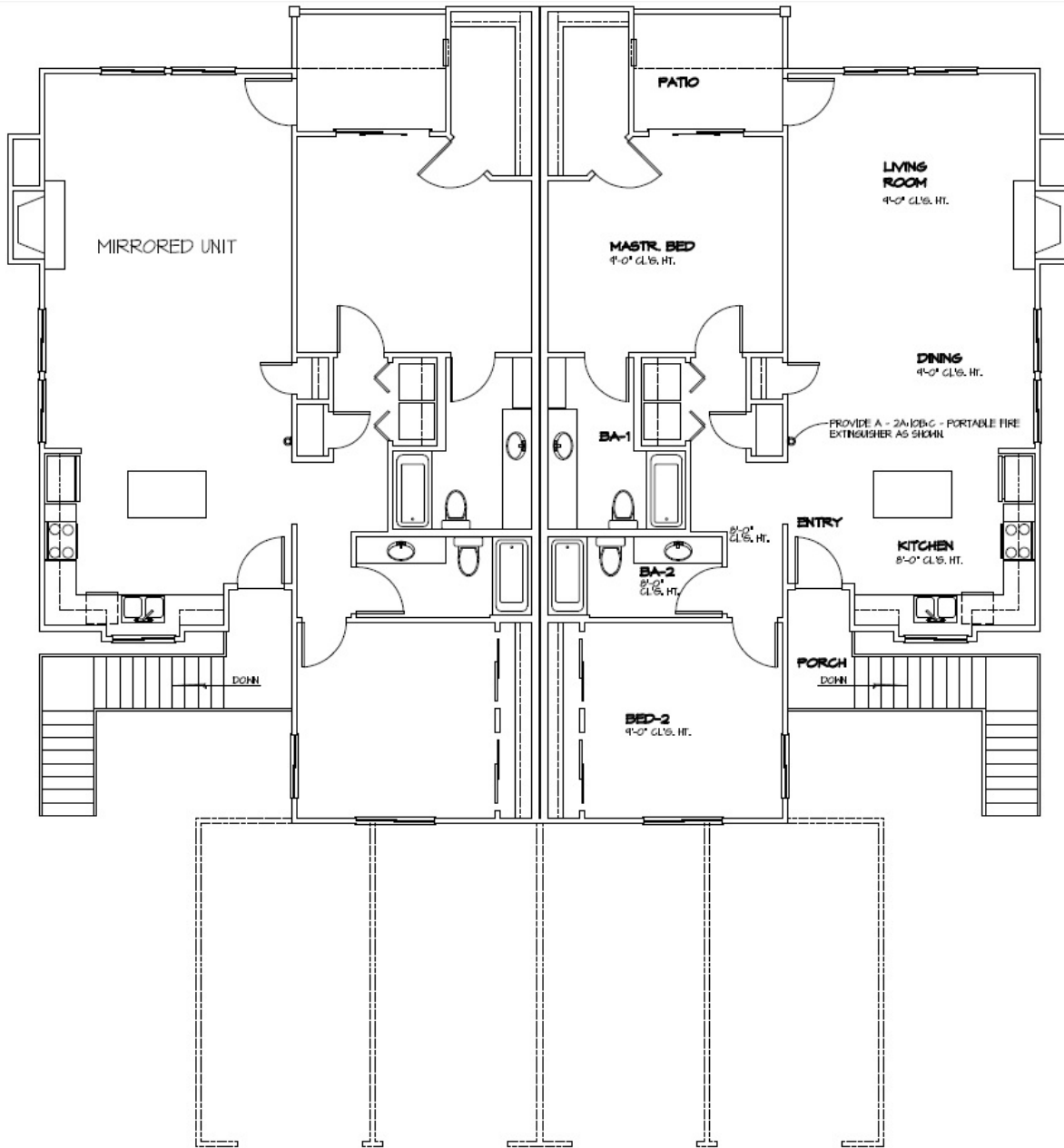
## BUILDING AREAS

AREA	SF. (EA. UNIT)	SF. (TOTAL)
LIVING AREA:	135	540
GARAGE AREA:	84	336
PORCH AREA:	37	148
PATIO AREA:	12	48

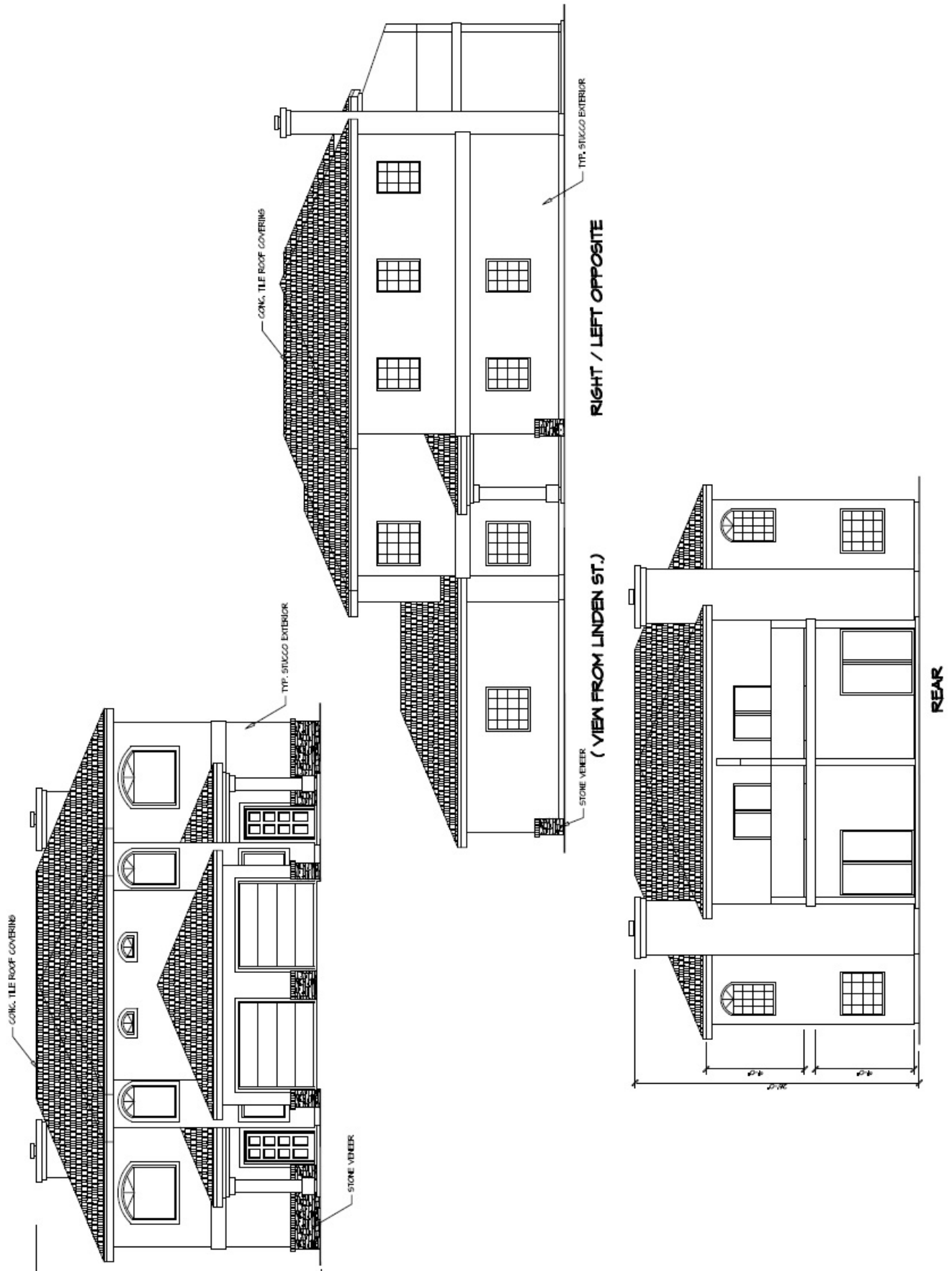
## Fourplex Two Bedroom Floorplan – 1<sup>st</sup> Floor



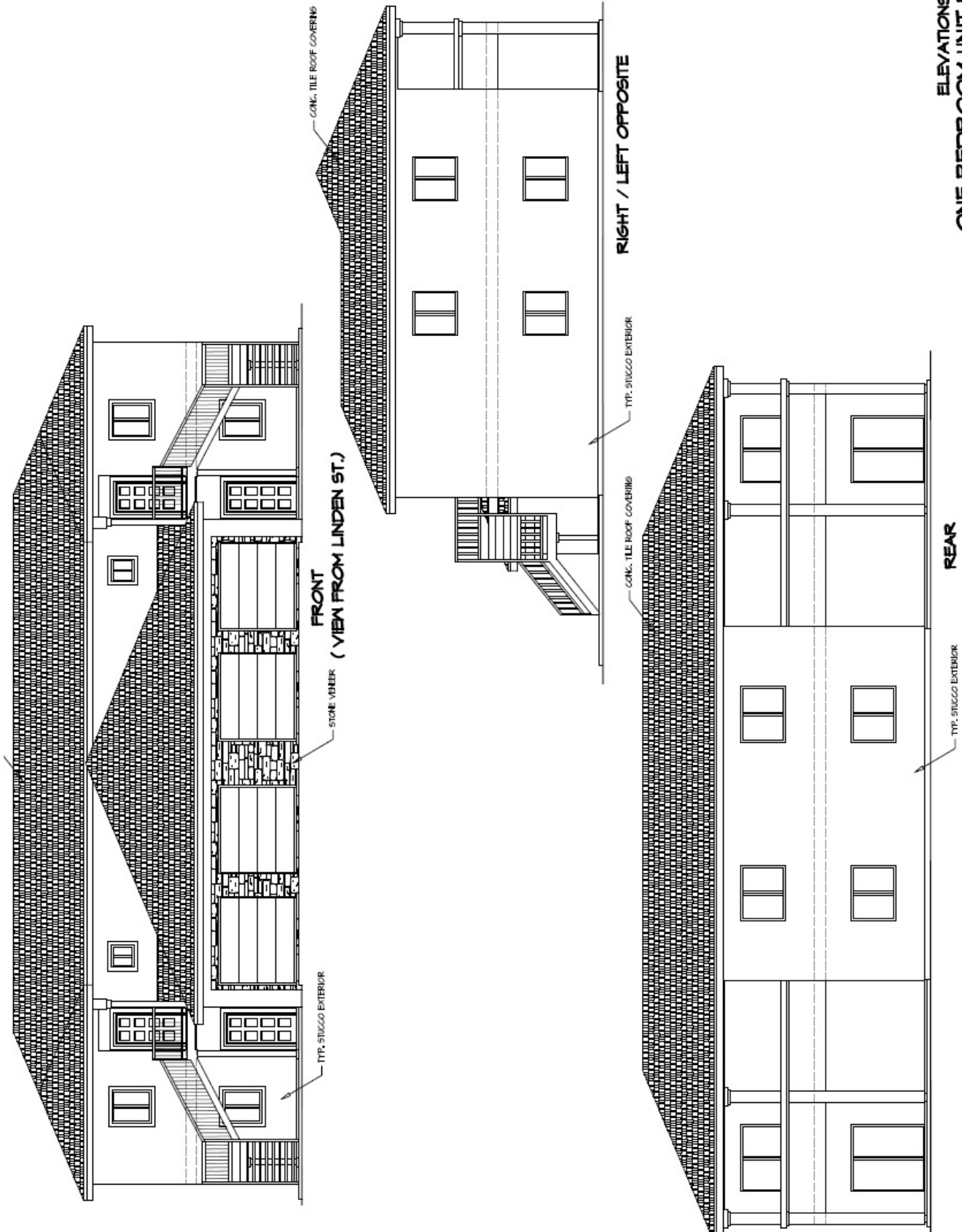
# Fourplex Two Bedroom Floorplan – 2<sup>nd</sup> Floor



# Duplex Elevations

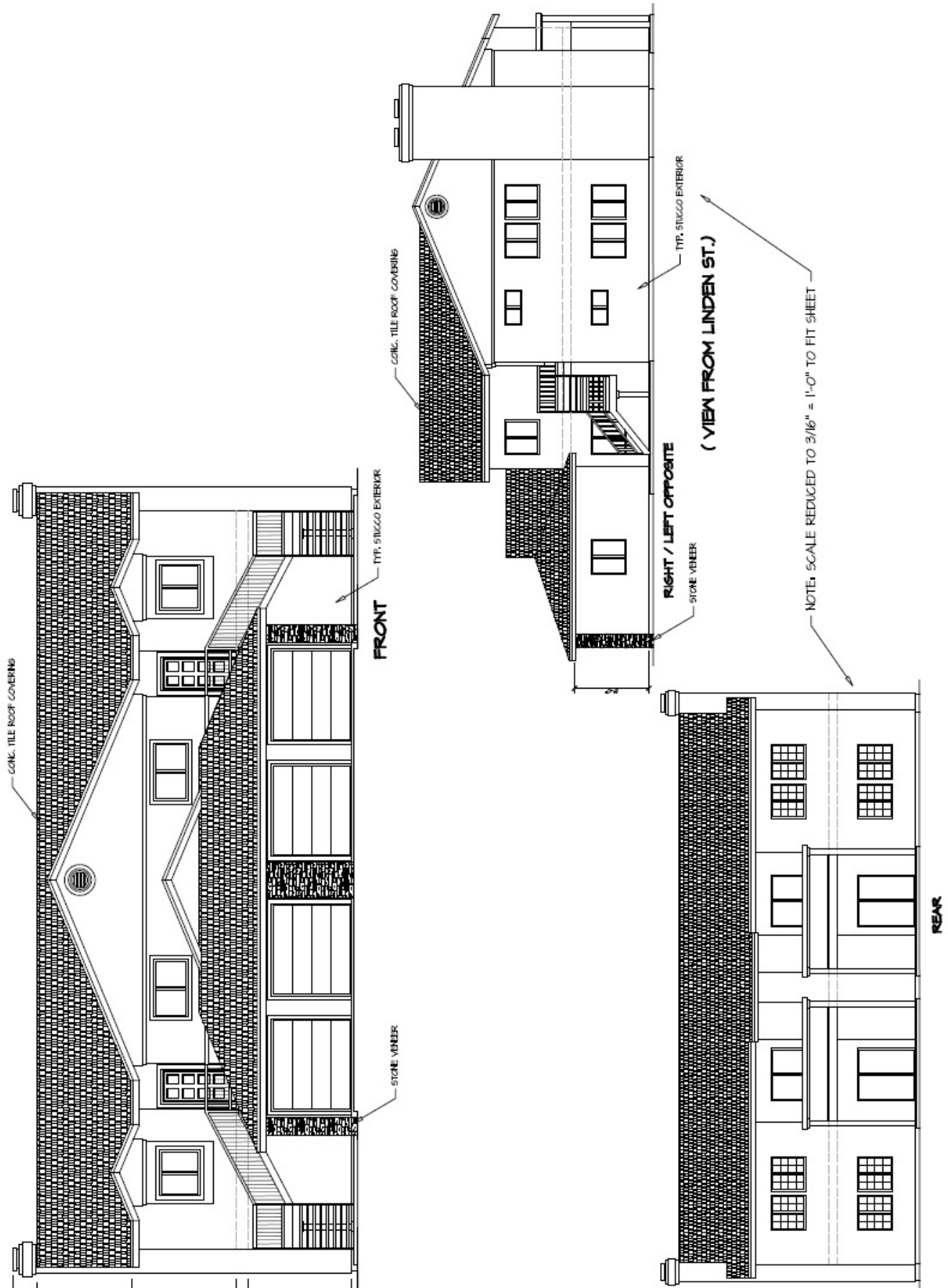


# Fourplex One Bedroom Elevations



ELEVATIONS  
ONE BEDROOM UNIT #

# Fourplex Two Bedroom Elevations



# MUSD Letter

**MADERA UNIFIED SCHOOL DISTRICT**  
1902 Howard Road, Madera, California 93637  
(559) 675-4500

FAX: (559) 675-1186  
[www.madera.k12.ca.us](http://www.madera.k12.ca.us)



**Board of Trustees:**  
Al Galvez, President, Ed McIntyre, Clerk  
**Trustees:**  
Ricardo Arredondo; Brent Fernandes,  
Ruben Mendoza; Ray G. Seibert  
Maria Velarde-Garcia-Crist  
**Superintendent:**  
Todd Lile

August 25, 2017

Robert Holt  
Assistant Planner  
City of Madera  
205 W 4th St  
Madera, CA 93637

**SUBJECT:** PPL 2017-04 & REZ 2017-02 Linden Street Residential Complex

Dear Mr. Holt:

The purpose of this letter is to provide school district information relative to the above-referenced applications and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the subdivider/owner and the State Department of Real Estate.

Residential development resulting from the project will affect the District by generating students that will need to be housed in District schools. Using the approximate dwelling units and the District's student generation rates, we have estimated the number of students potentially generated by the proposed plan. Assuming the project is a multifamily residential complex comprised of twenty-two (22) units including three (3) duplexes and four (4) fourplexes located on 743 and 733 Linden Street, the following comments can be made at this time:

1. The number of students generated by the project is estimated as follows:

Grade Group	Rate	Units	Students
K-6	0.358	22	7.88
7-8	0.093	22	2.05
9-12	0.171	22	3.76
	0.622		13.69

2. Elementary School Information:

- a. The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: John Adams Elementary School  
Address: 1822 National Ave, Madera CA, 93637  
Telephone: (559) 674-4631  
Capacity: 850  
Enrollment: 791  
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the above school, and (2) students residing in the project area may attend more than one elementary school within the District during their K-6 school years.

3. Intermediate School Information:

**MADERA UNIFIED SCHOOL DISTRICT**  
1902 Howard Road, Madera, California 93637  
(559) 675-4500

FAX: (559) 675-1186  
[www.madera.k12.ca.us](http://www.madera.k12.ca.us)



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**Superintendent:**  
Todd Lile

- a. The project area is currently served by the following middle school (grades 7-8):

School Name: Thomas Jefferson Middle School  
Address: 1407 Sunset Ave., Madera CA, 93637  
Telephone: (559) 673-9286  
Capacity: 1,000  
Enrollment: 903  
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend a middle school other than the above school, and (2) students residing in the project area may attend more than one middle school within the District during their 7-8 school years.

4. High School Information:

- a. The project area is currently served by the following high school (grades 9-12):

School Name: Madera High School  
Address: 200 S L St., Madera CA, 93637  
Telephone: (559) 675-4444  
Capacity: 2,200  
Enrollment: 2,110  
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend a high school other than the above school, and (2) students residing in the project area may attend more than one high school within the District during their 9-12 school years.

5. The Madera Unified School District currently levies a fee of \$4.10 per square foot for residential development. Any new development on the subject property will be subject to the development fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact my office if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink that reads "Rosalind Cox".

Rosalind Cox  
Director of Facilities Planning and  
Construction Management



**RESOLUTION NO. 1820**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE REZONING APPROXIMATELY 1.4 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF LINDEN STREET (733 AND 743 LINDEN STREET), APPROXIMATELY 650 FEET NORTH OF THE INTERSECTION OF LINDEN STREET AND SUNSET AVENUE, FROM THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-2000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, The City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various Plans; and

WHEREAS, a proposal has been made to rezone approximately 1.4 acres of property located on the east side of Linden Street (733 and 743 Linden Street), approximately 650 feet north of the intersection of Linden Street and Sunset Avenue, resulting in a change from the PD-1500 (Planned Development) Zone District to the PD-2000 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the Rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an initial study and negative declaration for the project in compliance with the California Environmental Quality Act; and

WHEREAS, the negative declaration and rezoning were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the negative declaration, and considered testimony received as a part of the public hearing process.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission finds that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and has hereby been adopted in accordance with the California Environmental Quality Act.
3. The Planning Commission hereby recommends that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
4. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
5. This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 12<sup>th</sup> day of September, 2017, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

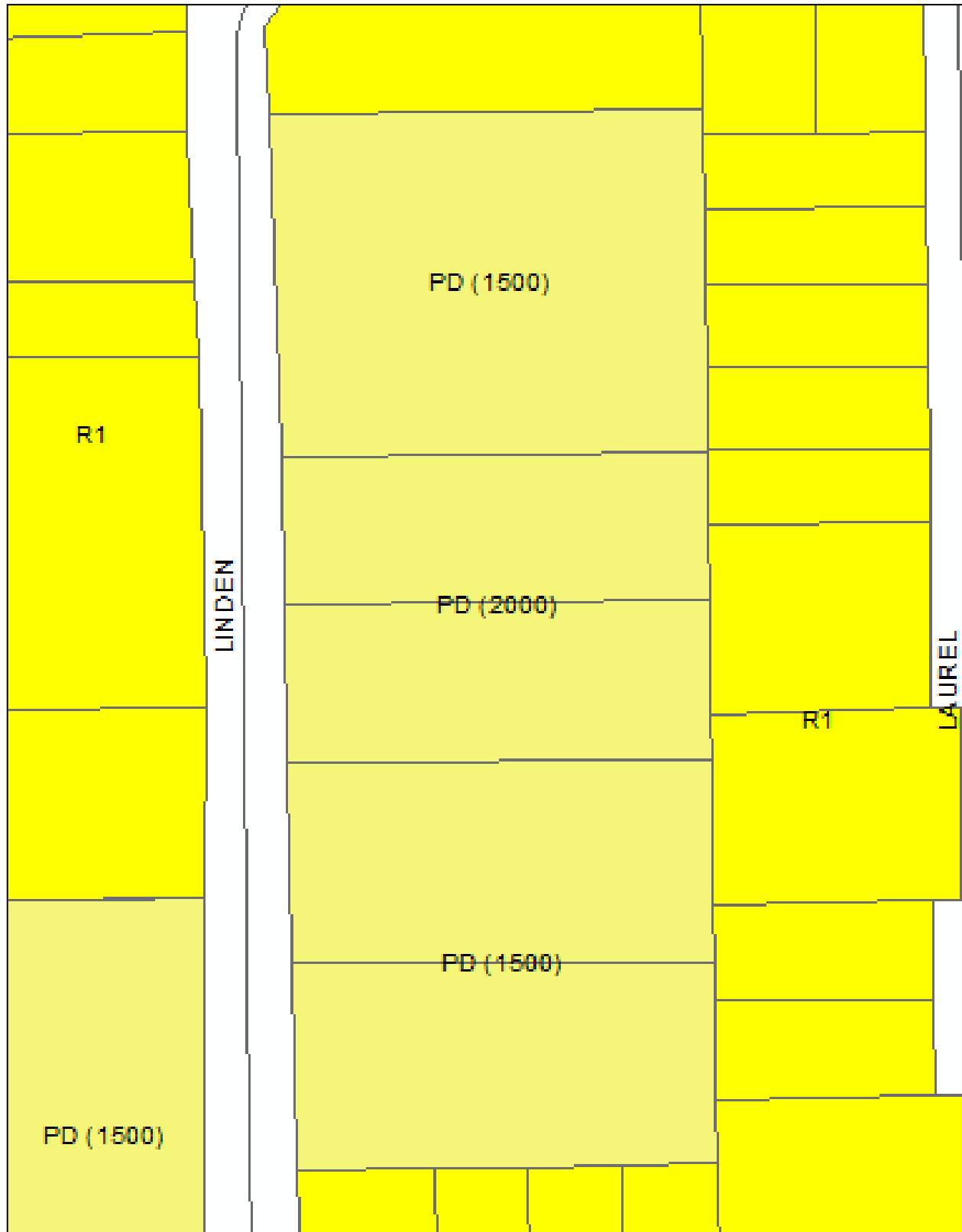
Kenneth Hutchings  
Planning Commission Chairperson

Attest:

---

Christopher F. Boyle  
Planning Manager

EXHIBIT 'A'



**DRAFT ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1.4 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF LINDEN STREET (733 AND 743 LINDEN STREET), APPROXIMATELY 650 FEET NORTH OF THE INTERSECTION OF LINDEN STREET AND SUNSET AVENUE, FROM THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-2000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

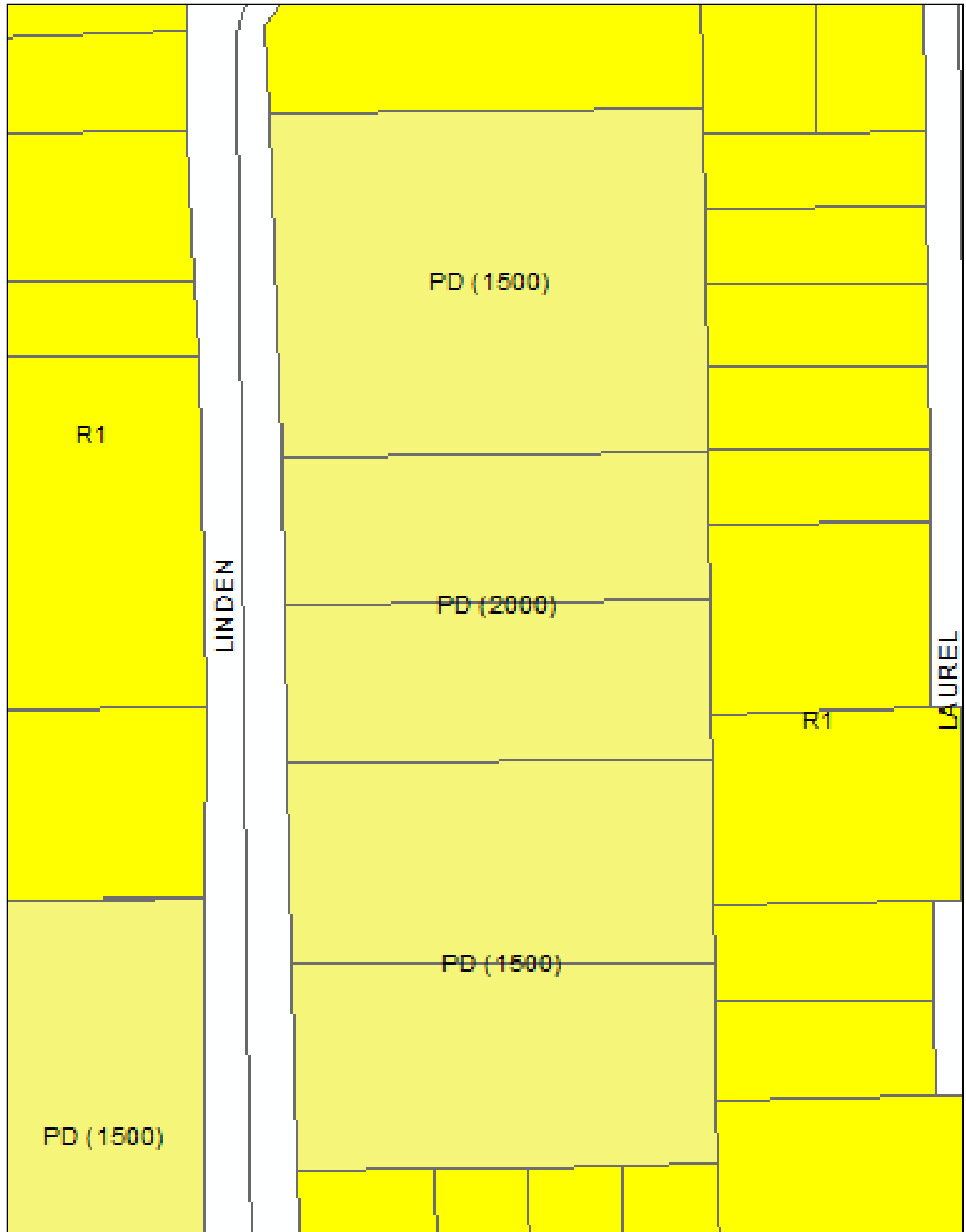
FINDINGS:

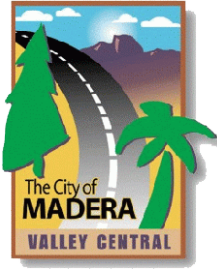
1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

DRAFT ORDINANCE - EXHIBIT A





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth  
Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Sierra Vista Homes Lots 3-6  
PPL 2017-03 and Categorical Exemption  
Item #6 September 12, 2017**

---

**PROPOSAL:** An application for a precise plan to guide the development of four (4) proposed single-family dwelling units in the Sierra Vista Homes Subdivision.

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<b>APPLICANT:</b>	Daniel Ayala	<b>OWNER:</b>	Daniel Ayala
<b>ADDRESS:</b>	1011, 1015, 1019 and 1023 South D Street	<b>APN:</b>	011-202-016, 17, 18 & 19
<b>APPLICATIONS:</b>	PPL 2017-03	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** The project site is located on the east side of South D Street, between East Olive Avenue and East 14<sup>th</sup> Street.

**STREET ACCESS:** Access to the parcels is provided from South D Street.

**PARCEL SIZE:** Each parcel encompasses approximately 4,000 square feet, for a total of 16,000 square feet.

**GENERAL PLAN DESIGNATION:** MD (Medium Density Residential)

**ZONING DISTRICT:** PD-3000 (Planned Development)

---

**SITE CHARACTERISTICS:** The project site has single-family residences to the north and southeast. Sierra Vista Elementary School is in close proximity to the east.

**ENVIRONMENTAL REVIEW:** A Negative Declaration was certified by the Planning Commission for the subdivision on the site on August 8, 1995. The proposed modification is consistent with the anticipated development in the Negative Declaration.

---

**SUMMARY:** The originally approved Sierra Vista Homes subdivision was completed in 1995, with no new construction of homes since 2008. A new builder proposes a different model and elevations than the originally approved precise plan. The applicant only proposes one model for the four (4) remaining vacant lots in the subdivision, but the model will have different elevations for each lot. The elevations provide General Plan conformance with varied and articulated building exteriors, high architectural design and structure quality and a garage subordinate design.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3-4.101, Planned Development Zones

MMC § 10-3-4.104, Precise Plan

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the approval of a precise plan by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the development will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the development envisioned within the precise plan should be denied. Conditions may be attached to the approval of the precise plan to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

Tentative Subdivision Map (TSM) 1995-02, Rezone (REZ) 1995-09 and Conditional Use Permit (CUP)/Precise Plan (PPL) 1995-21 were approved by the Planning Commission that allowed for the subdivision of one property into fifteen (15) parcels, the rezone of those parcels from the I (Industrial) Zone District to the PD-3000 (Planned Development) Zone District and a precise plan to guide development of residential single-family dwelling units on the properties. Construction on the four (4) remaining lots would complete the development of homes within the Sierra Vista Homes subdivision.

## **ANALYSIS**

### Background

Since approval of the entitlements that guided development of single-family residential dwelling units amongst the fifteen properties that were subdivided in 1995, only eleven (11) homes have been built. There has not been any construction of homes on the remaining four (4) lots since 2008. The applicant is a different builder from the previous builder of the original homes and proposes one (1) home style with different elevations amongst the remaining four (4) lots.

### Precise Plan

Precise Plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space.

For the four (4) PD-3000 (Planned Development) lots within Sierra Vista Homes, the applicant has proposed one (1) home design. The model is proposed with four (4) different elevations. The elevations follow a good, better, best approach to home sales, with the degree of architectural value rising accordingly. Subtle bumps in price point can be expected between the three elevational choices. The model is proposed with composition tile roofing. The floor plan includes 1,372 square feet of living space. The model includes three bedrooms with two bathrooms, a two car garage and a porch. The proposed model is as follows:



- Model 1372 1,372 sq. ft. 3 bedroom, 2 bathroom – Garage subordinate

Staff recommends that window shutters be required as a component of Elevations A and C of the proposed model and stone veneer across the structure frontage be required as a component of Elevations B and D of the proposed model. With these minor additions, staff is in support of a finding of General Plan conformance for the Sierra Vista Homes project.

#### Garage Subordinate Design

General Plan policy CD-32 states that “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.” The proposed model provides for a garage subordinate design with living space extended in front of the garage.

#### General Plan Conformance

In order to make an overall finding of General Plan conformity, staff added conditions of approval which reinforced conformity with other General Plan policies which require “the exterior of residential buildings [to] be varied and articulated to provide visual interest to the streetscape (CD-33) and “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34). With only four parcels, providing a different elevation for a home on each property went far in satisfying policies that encourage “visual interest to the streetscape” to help ensure that the end result cumulatively satisfied the design standards required within the General Plan. A condition is also included to satisfy Policy CD-31, requiring that front setbacks be varied.

#### Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

There are four core statements of the Vision Plan which reflect the desires of the community. An Action Plan was developed with specific ideas to implement the vision statements. The first of the four vision statements, “A Well-Planned City”, states that “Madera promotes affordable, quality housing that is accessible to all its residents.” Action 101.8 states “Promote and encourage development and redevelopment of low- and moderate-cost housing.” Approval of this project is specifically consistent with the aforementioned vision statement and Action 101.8.

### **RECOMMENDATION**

The Precise Plan allows for the development of the completion of a residential neighborhood in general conformity with the General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan modification, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the precise plan.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on Precise Plan 2017-03.

Motion 1: Move to approve Precise Plan 2017-03 to allow for the development of single-family residential homes on four (4) parcels, based on and subject to the findings and conditions of approval:

### Findings

- A Negative Declaration was certified by the Planning Commission for the subdivision on the site on August 8, 1995. The proposed modification is consistent with the anticipated development in the Negative Declaration.
- Precise Plan 2017-03 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- Precise Plan 2017-03 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2017-03 is consistent with the goals and policies of the General Plan.
- Precise Plan 2017-03 continues to implement the tentative map and conditions of approval for the Sierra Vista Homes subdivision.
- Precise Plan 2017-03 is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Precise Plan 2017-03.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications Precise Plan 2017-03 necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.

#### **Fire Department**

6. All homes shall be equipped with fire sprinklers in accordance with the National Fire Protection Association (NFPA) 13D and the California Residential Code. Building permits are required for each system.

## **Engineering Department**

### General

7. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
8. Impact fees shall be paid at the time of building permit issuance.
9. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
10. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
11. All off-site improvements shall be completed prior to issuance of a final building permit.

### Sewer

12. Sewer service connections shall be constructed to current City standards.

### Streets

13. The developer shall construct concrete sidewalk along the entire project parcel frontage on South D Street per current City and ADA standards.
14. An Irrevocable Offer of Dedication shall be made to dedicate ten (10') feet of right-of-way along the entire project parcel frontage on South D Street to provide a half-street width of fifty (50') feet, east of the center line.
15. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District (LMD) Zone 44 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
16. The developer shall install one (1) street light on the South D Street frontage in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.

### Water

17. The water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within City right-of-way.

## **Planning Department**

18. One (1) model is approved as part of Precise Plan 2017-03. The model is allowed to be constructed upon the four (4) vacant lots encompassed within the Sierra Vista Homes subdivision. The model is as follows:
  - Model 1372 1,372 sq. ft. 3 bedroom, 2 bathroom – Garage subordinate
19. The proposed elevations shall include the following features as standard elements of construction:
  - Multi-dimensional composition roofing
  - Three-color exterior painting
  - Architectural treatments, including window shutters, gable decorations, decorative moldings, and a stone veneer wainscot consistent with the approved elevations for

each model.

- Front-yard landscaping and irrigation
20. In addition to the approved elevations, Model 1372 – Elevations A and C shall have plank and/or louvered style window shutters as an embellishment to the primary front window. Elevations B and D shall have a stone veneer on the front entrance columns and gable. The stone shall be different for each applicable elevation, per the approval of the Planning Manager.
  21. All standards for the location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R-1 residential zoning standards.
  22. Rear and side yard wood fencing shall be required for all single-family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
  23. Front yard landscaping and irrigation systems shall be installed in accordance with landscaping and irrigation plans approved for each of the standard plans during building permit plan check. At least one City approved street tree shall be planted in each front yard. The landscape and irrigation plans shall be prepared and stamped by a licensed landscape architect, shall be consistent with the State of California Model Water Landscape Ordinance and shall be submitted as part of building permit plan check. All maintenance shall be by the individual homeowner.
  24. Trees should be carefully selected and located to shade the structures during the hot summer months. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
  25. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
  26. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are required in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.
  27. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
  28. Except as noted, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
  29. Lot 3 shall have a garage located on the right side of the property and Lots 4, 5 and 6 shall have a garage at the left side of the properties.
  31. The elevations and structural setbacks for each lot shall be as follows:  
Lot 3
    - Elevation: Elevation A
    - Front yard setback: Nineteen (19') feet to garage
    - Rear yard setback: Seventeen (17') feet
    - Side yard setback: Five (5') feet

Lot 4

- Elevation: Elevation B
- Front yard setback: Twenty-one (21') feet to garage
- Rear yard setback: Fifteen (15') feet
- Side yard setback: Five (5') feet

Lot 5

- Elevation: Elevation C
- Front yard setback: Eighteen (18') feet to garage
- Rear yard setback: Eighteen (18') feet
- Side yard setback: Five (5') feet

Lot 6

- Elevation: Elevation D
- Front yard setback: Twenty (20') feet to garage
- Rear yard setback: Sixteen (16') feet
- Side yard setback: Five (5') feet

32. The development of any temporary construction trailer and/or materials storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of installation/placement.
33. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.

Air Quality Mitigation Measures

34. The developer shall comply with Regulation VIII (Fugitive PM10 Prohibitions) of the San Joaquin Valley Air Pollution Control District concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

**(OR)**

Motion 2: Move to continue the public hearing on Precise Plan 2017-03 to the October 10, 2017 Planning Commission hearing, for the following reasons: (specify)

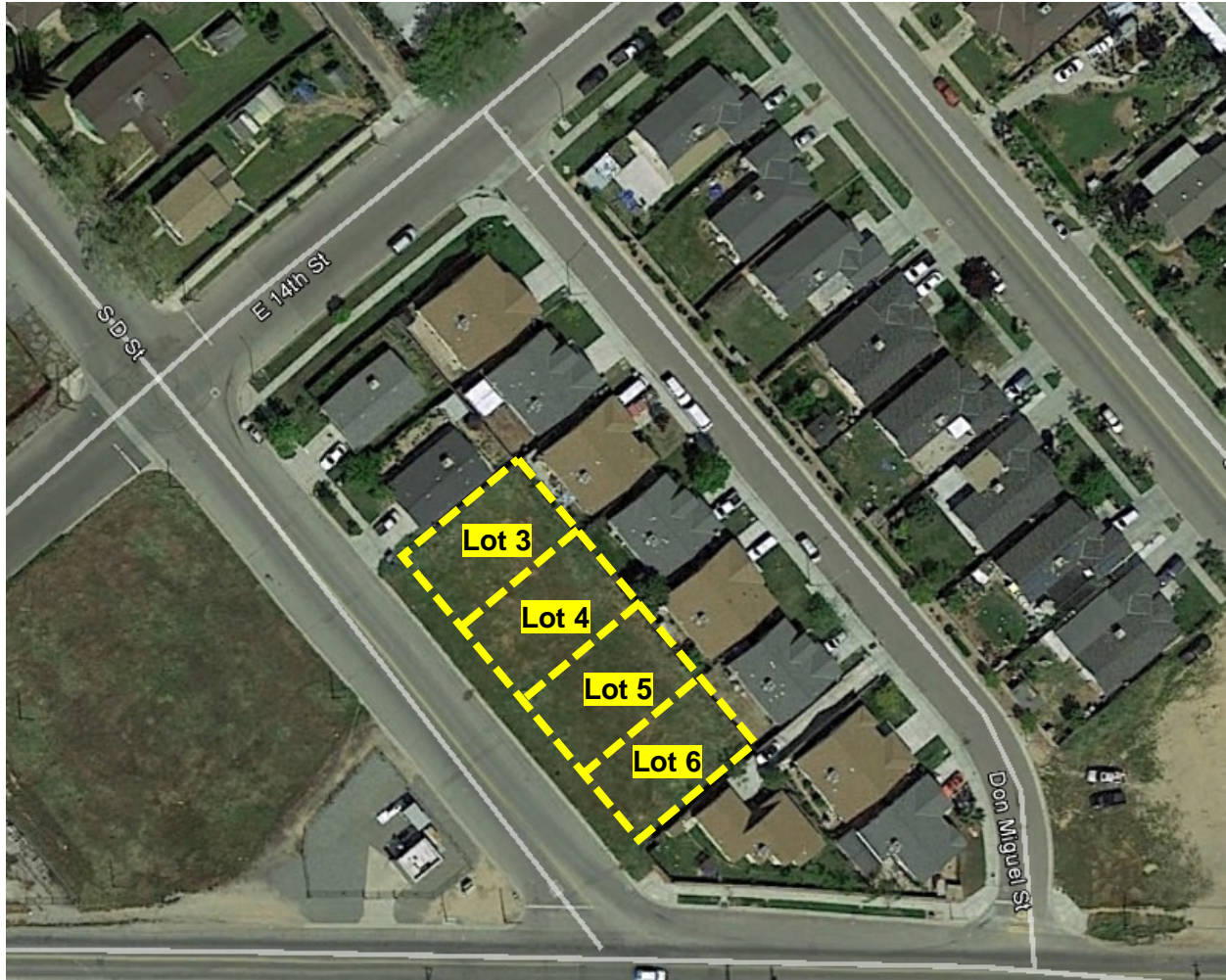
**(OR)**

Motion 3: Move to deny the application for Precise Plan 2017-03 based on the following findings: (specify)

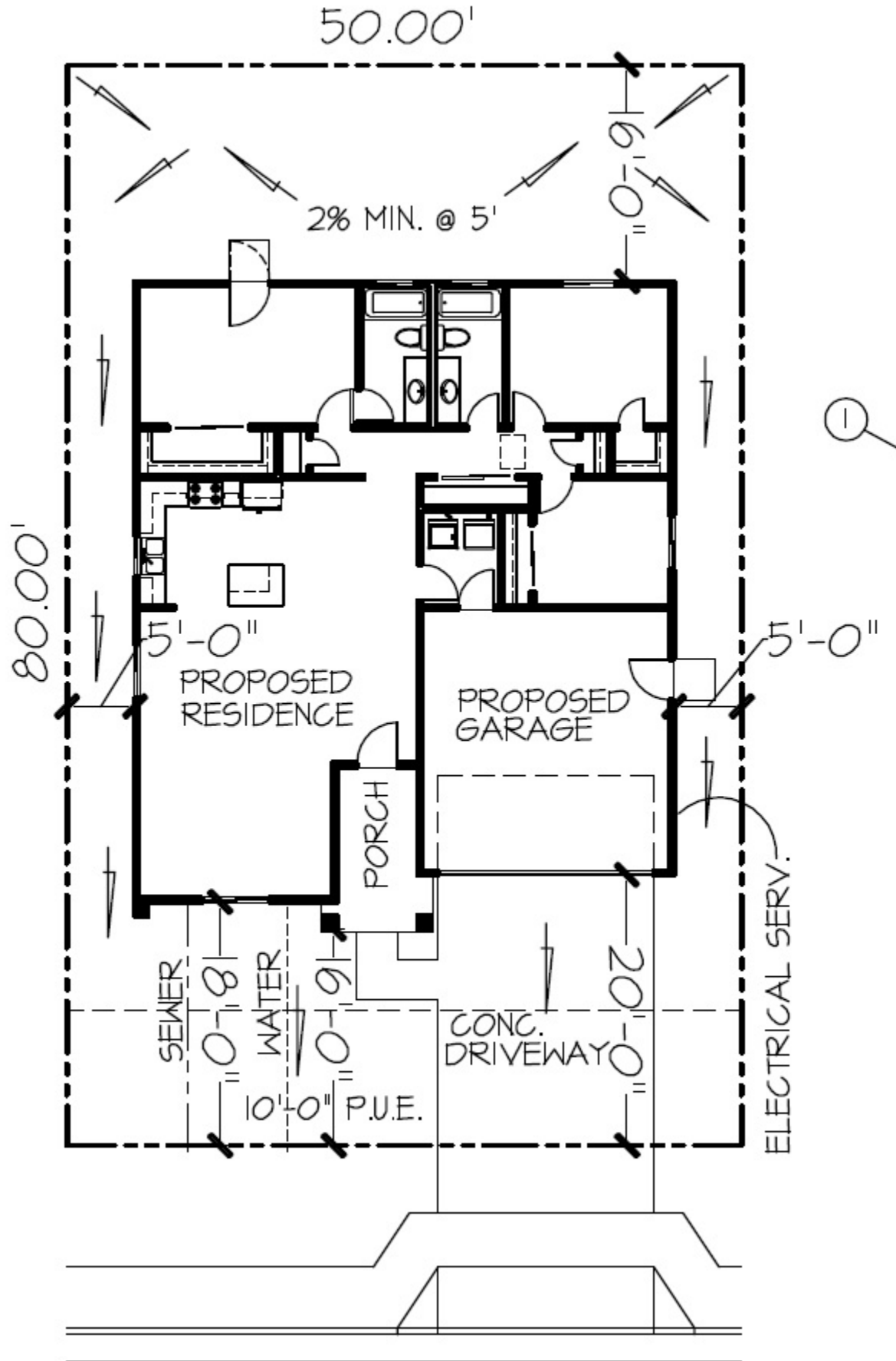
**ATTACHMENTS**

Aerial Photo  
Site Plan  
Floor Plan  
Elevations  
MUSD Letter

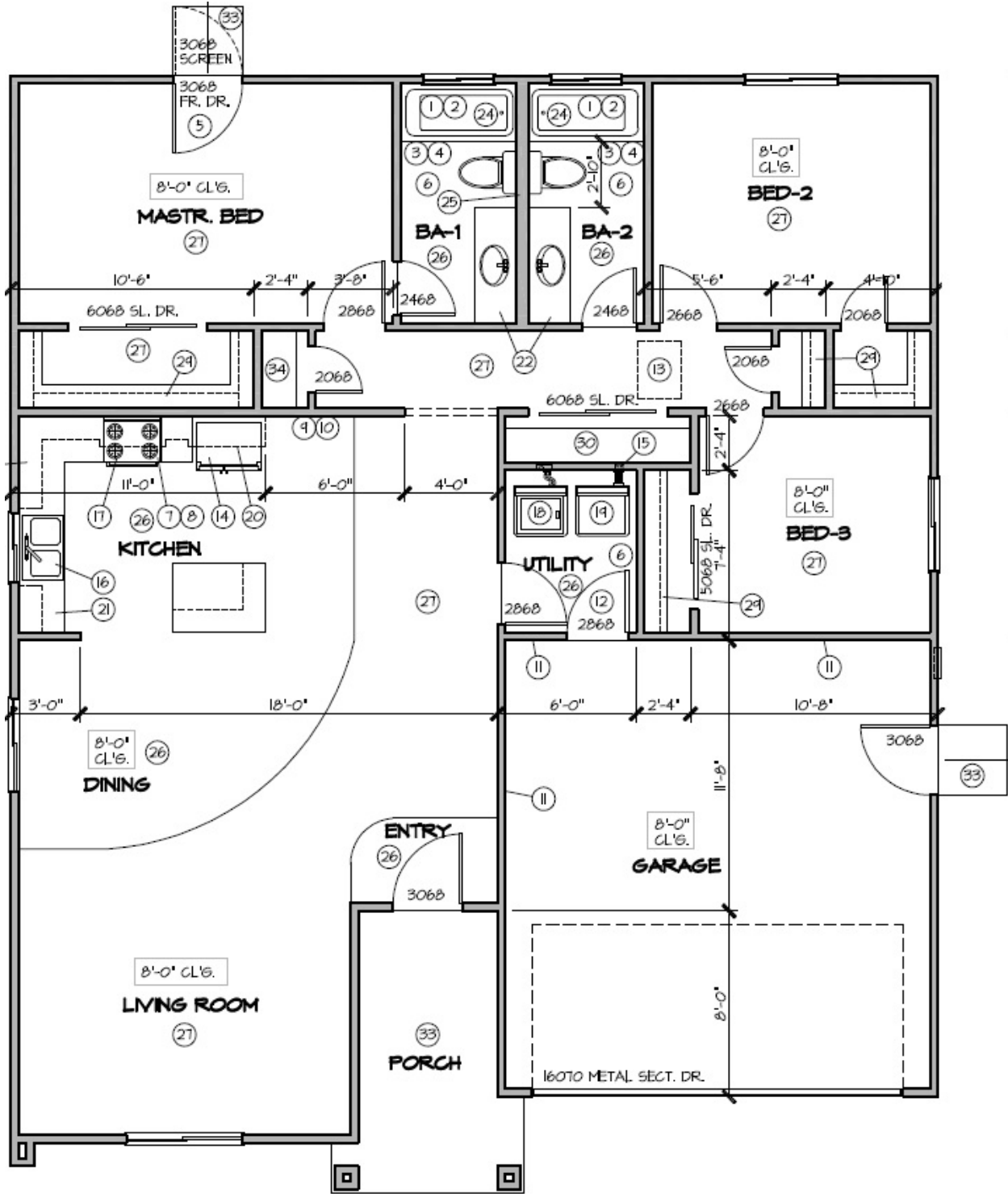
# Aerial Photo



Site Plan



# Floor Plan





# Elevations



FRONT ELEV. A



FRONT ELEV. C

# Elevations



FRONT ELEV. D



FRONT ELEV. B

# MUSD Letter

**MADERA UNIFIED SCHOOL DISTRICT**  
1902 Howard Road, Madera, California 93637  
(559) 675-4500

FAX: (559) 675-1186  
[www.madera.k12.ca.us](http://www.madera.k12.ca.us)



**Board of Trustees:**  
Al Galvez, President, Ed McIntyre, Clerk  
**Trustees:**  
Ricardo Arredondo; Brent Fernandes,  
Ruben Mendoza; Ray G. Seibert  
Maria Velarde-Garcia-Crist  
**Superintendent:**  
Todd Lile

August 25, 2017

Robert Holt  
Assistant Planner  
City of Madera  
205 W 4th St  
Madera, CA 93637

SUBJECT: PPL 2017-03 (Sierra Vista Homes Lots 3-6)

Dear Mr. Holt:

The purpose of this letter is to provide school district information relative to the above-referenced applications and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the subdivider/owner and the State Department of Real Estate.

Residential development resulting from the project will affect the District by generating students that will need to be housed in District schools. Using the approximate dwelling units and the District's student generation rates, we have estimated the number of students potentially generated by the proposed plan. Assuming the project is four (4) parcels on South D Street in close proximity to Sierra Vista Elementary School, the following comments can be made at this time:

1. The number of students generated by the project is estimated as follows:

Grade Group	Rate	Units	Students
K-6	0.358	4	1.43
7-8	0.093	4	0.37
9-12	0.171	4	.68
	0.622		2.49

2. Elementary School Information:

- a. The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: Sierra Vista Elementary School  
Address: 971 E Olive Ave, Madera CA, 93638  
Telephone: (559) 674-8579  
Capacity: 750  
Enrollment: 580  
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the above school, and (2) students residing in the project area may attend more than one elementary school within the District during their K-6 school years.

3. Intermediate School Information:

**MADERA UNIFIED SCHOOL DISTRICT**  
1902 Howard Road, Madera, California 93637  
(559) 675-4500

FAX: (559) 675-1186  
[www.madera.k12.ca.us](http://www.madera.k12.ca.us)



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Ruben Mendoza; Ray G. Seibert  
Maria Velarde-Garcia-Crist  
**Superintendent:**  
Todd Lile

- 
- a. The project area is currently served by the following middle school (grades 7-8):

School Name: Martin Luther King Jr. Middle School  
Address: 601 Lilly Street Madera, CA, 93638  
Telephone: (559) 674-4681  
Capacity: 1,000  
Enrollment: 976  
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend a middle school other than the above school, and (2) students residing in the project area may attend more than one middle school within the District during their 7-8 school years.

4. High School Information:

- a. The project area is currently served by the following high school (grades 9-12):

School Name: Madera South High School  
Address: 705 W. Pecan Ave. Madera CA 93637  
Telephone: (559) 675-4450  
Capacity: 3,230  
Enrollment: 3,184  
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend a high school other than the above school, and (2) students residing in the project area may attend more than one high school within the District during their 9-12 school years.

5. The Madera Unified School District currently levies a fee of \$4.10 per square foot for residential development. Any new development on the subject property will be subject to the development fee in place at the time fee certificates are obtained.

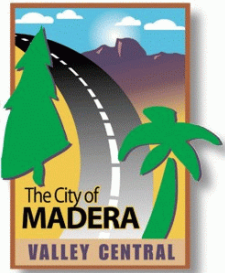
The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact my office if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink that reads "Rosalind Cox".

Rosalind Cox  
Director of Facilities Planning and  
Construction Management



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Wal-Mart Temporary Outdoor Storage Trailers  
CUP 2017-16, SPR 2017-28 & Environmental Determination  
Item #7 – September 12, 2017**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the temporary placement of up to ten storage containers during the 2017 holiday sales season.

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<b>APPLICANT:</b>	Denise Delvecchio	<b>OWNER:</b>	Walmart #1583
<b>ADDRESS:</b>	1977 West Cleveland Avenue	<b>APN:</b>	013-160-014
<b>APPLICATIONS:</b>	CUP 2017-16 & SPR 2017-28	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The site is located adjacent to the Madera Marketplace shopping center, situated on the northeast corner of the intersection of North Schnoor Avenue and West Cleveland Avenue.

**STREET ACCESS:** Access to the project site is provided via North Schnoor Avenue and West Cleveland Avenue.

**PARCEL SIZE:** The Wal-Mart store is located on a 12.3-acre parcel, which is a portion of the overall shopping center site.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

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**SITE CHARACTERISTICS:** The Madera Marketplace shopping center is substantially surrounded by developed commercial/retail properties, with the Commons at Madera Fairgrounds shopping center to the south and the John Deere equipment dealer to the east.

**ENVIRONMENTAL REVIEW:** This project is categorically exempt under §15304 (Minor Alterations to Land) of CEQA Guidelines.

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**SUMMARY:** The placement of ten (10) storage containers for use during the holiday sales season has occurred in the past. Because of the design of the shopping center site, the temporary use can be made compatible with surrounding commercial development. Although the storage containers would be placed over thirty-one (31) parking stalls, there would still be sufficient parking stalls to serve the site.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.505, R; Conditional Uses; Commission Approval  
MMC § 10-3.1202 Parking Regulations  
MMC § 10-3.1301, et seq. Use Permit Procedures

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

Since development of the Madera Marketplace site, numerous use permits and zoning administrator permits have been approved on behalf of Wal-Mart to allow outdoor display and sale of merchandise, and/or outdoor storage of merchandise. Temporary placement of shipping containers for merchandise storage has been considered by the Planning Commission via the conditional use permit process.

## **ANALYSIS**

### Nature of Request

The applicant is requesting an allowance for the placement of up to ten (10) shipping containers for the primary purpose of storing miscellaneous layaway merchandise during the holiday season sales period. Other seasonal merchandise could also be stored within up to four (4) of the shipping containers as needed. The applicant would like to place the storage containers along the eastern fringe of the Wal-Mart commercial campus in existing parking stalls. The containers would be placed no earlier than September 18, 2017 and would be entirely removed by January 19, 2018.

In conjunction with outdoor activities in any commercial zone, issues such as traffic congestion and pedestrian safety, loitering, noise, trash, litter, vector control, visual blight, and site maintenance are concerns that generally need to be considered. While conditions of approval may be imposed to address these concerns, implementation and monitoring of compliance with those conditions of approval would be a necessity on the part of the applicant and on the part of Staff. The primary concerns within this application relate to public safety, visual blight and land use compatibility.

### Storage Containers

The placement of ten storage units behind the store would reduce visibility while simultaneously increasing the amount of pedestrian activities in the area. An increase in the potential for traffic accidents is possible. It is recommended that traffic signage be installed and pedestrian controls implemented per the direction of the City Engineer so as to adequately provide for public safety of motorists, pedestrians and employees in the vicinity of the temporary storage containers. It is also recommended that the area in and around the storage containers be kept free of trash,

debris, fixtures and other associated materials that could cause distraction for motorists maneuvering through the areas in proximity to the temporary storage containers.

The placement of up to ten storage containers would temporarily remove up to thirty-one (31) parking stalls from availability for use by customers to the site. The loss of these stalls should not present a significant problem, because the Wal-Mart store was developed with excess parking to allow for expansion of the store at a later date.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of a temporary placement of shipping containers is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.1** - *encourage viable economic development as well as Good Jobs and Economic Opportunity which focuses in part on creating “a broad spectrum of business opportunities.”*

### **RECOMMENDATION**

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2017-16 and Site Plan Review 2017-28, subject to the findings and conditions of approval outlined in this report.

### **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review request, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to approve the requested Conditional Use Permit 2017-16 and Site Plan Review 2017-28 based on and subject to the findings and conditions of approval:

#### Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15304 (Minor Alterations to Land).
- The temporary placement of shipping containers for seasonal storage is consistent with the purposes of the C (Commercial) General Plan land use designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed outdoor storage activities.
- As conditioned, the proposed outdoor storage activities would be compatible with surrounding properties.

- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for Conditional Use Permit 2017-16 and Site Plan Review 2017-28.
2. Conditional Use Permit 2017-16 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
3. Conditional Use Permit 2017-16 and Site Plan Review 2017-28 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
4. The site and/or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
5. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
6. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection.

### **Fire Department**

7. The placement of the temporary storage containers shall not obstruct fire lanes or access to fire hydrants.

### **Planning Department**

#### General

8. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
9. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.



10. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and trash compactor area.
11. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.

#### Temporary Storage of Trailers

12. Placement of up to ten shipping containers shall be allowed as follows:
  - Six (6) shipping containers for layaway merchandise.
  - Four (4) shipping containers for miscellaneous high volume merchandise.
13. The placement of the outdoor shipping containers shall be consistent with the approved site plan filed with the Conditional Use Permit application and as reviewed by the Planning Department, and attached hereto as an exhibit.
14. The outdoor shipping containers shall be placed on site no earlier than September 18, 2017, and shall be entirely removed from the site by January 19, 2018.
15. The number of containers on site shall not exceed ten (8'x8'x40') containers at any time.
16. The area in and around the storage containers shall be kept free of trash, debris, fixtures, and other associated materials that could cause distraction for motorists maneuvering through the areas in proximity to the temporary storage containers.
17. The use of the shipping containers shall be specifically limited to only those items approved for storage in the containers. No electronics, chemicals, flammables, foods or fixtures shall be stored in the shipping containers.
18. All containers shall be a minimum of 10 feet from all fire hydrants and 20 feet from the building. A 10 foot clearance shall be maintained from any combustible storage (trash containers or trash compactor).
19. The property owner, operator and manager shall be responsible for ensuring that security is provided for the business at all times, and that customers and persons other than the employees do not loiter on or near the shipping containers, on the property or near the business on public or private property at any time.
20. Vehicle driveways and pedestrian access shall remain open at all times. Egress or ingress to the parking lot or store entrances shall not be blocked at any time.

#### Signage

21. Traffic signage shall be installed and pedestrian controls implemented per the direction of the City Engineer so as to adequately provide for public safety of motorists, pedestrians and employees in the vicinity of the temporary storage containers at all times.
22. Loitering shall be prohibited in proximity of the trailers and in adjacent, and nearby areas both public and private. A prominent, permanent sign or signs stating "No loitering" shall be posted in a place that is clearly visible to customers.
23. No advertising copy shall be posted on or about the temporary shipping containers.

**(OR)**

Motion 2: Move to continue the request for approval of Conditional Use Permit 2017-16 and Site Plan Review 2017-28 to October 10, 2017, for the following reasons: (specify)

**(OR)**

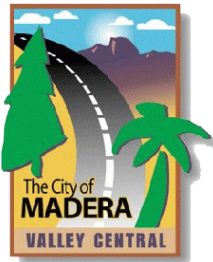
Motion 3: Move to deny the request for Conditional Use Permit 2017-16 and Site Plan Review 2017-28 based on the following findings: (specify)

**ATTACHMENTS**

Aerial Photo

**Aerial Photo**





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Madera's Finest Car Wash Revocation  
CUP 2015-26 MOD, SPR 2016-27 & Categorical Exemption  
Item #8 – September 12, 2017**

**PROPOSAL:** A noticed public hearing to consider the revocation of Conditional Use Permit 2015-26 MOD allowing for car a wash and auto detailing business.

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<b>APPLICANT:</b>	Tony Ortega	<b>OWNER:</b>	Don Bonander
<b>ADDRESS:</b>	96 East 6 <sup>th</sup> Street	<b>APN:</b>	007-152-007
<b>APPLICATIONS:</b>	CUP 2015-26 MOD & SPR 2016-27	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** This property is located at the southwest corner of East 6<sup>th</sup> Street and South E Street.

**STREET ACCESS:** The site has access to the East 6<sup>th</sup> Street and South E Street

**PARCEL SIZE:** One parcel encompassing approximately 0.18 acres

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

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**SITE CHARACTERISTICS:** The project site is located in the City's downtown district. Various commercial businesses surround the site, including the Honda/Suzuki dealership to the east, the downtown commercial district to the north and retail shops to the south. The Union Pacific Rail Road is located adjacent to the west side of the project site.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321, (Enforcement Actions).

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**SUMMARY:** Approved on August 9, 2016, Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 allowed for the establishment of an outdoor car wash and auto detailing business. Since the approval of the conditional use permit, the applicant has made no extended effort to complete the required on and off-site improvements. Regardless of the aesthetic improvements and one water meter installation completed on the site, the overall physical state of the site is not in compliance with the agreed upon conditions of approval. The Planning Department has provided the applicant with written and in person guidance in efforts to facilitate compliance with the conditions of approval. The applicant has not responded to any communication or assistance from City staff.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10 3.801 Light Commercial Zones  
MMC § 10 3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1205 Parking Exemptions  
MMC § 10 3.1301 Use Permits  
MMC § 10-3.1311 Termination and Revocation

## **PRIOR ACTION**

In December 2012, a Preliminary Project Review (PPR) was completed at the request of the applicant. The PPR identified a conditional use permit and site plan review would be required in order to allow the establishment of an auto detailing business on the site. Despite the PPR's initial guidance, Madera's Finest Hand Car Wash proceeded to operate without the required land use permits or business license between the period of January 2013 and October 2014. In October 2014, the Planning Commission approved Conditional Use Permit 2014-24 and Site Plan Review 2014-33, allowing for a car wash and auto detailing use at the 96 East 6<sup>th</sup> Street address. None of the required conditions of approval were ever completed in association with the use permit, which was ultimately extinguished by a written letter signed by the business and property owner on October 2, 2015.

In October 2015, the Planning Commission approved Conditional Use Permit 2015-26 and Site Plan Review 2015-30 allowing for a used auto sales business on the property. Accounts for the used auto sales business were officially closed in August 2016, leaving the site vacant with none of the required off-site improvements ever being completed.

Following the aforementioned actions, an application for a Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 was filed in May 2016. Conditional approval was granted by the Planning Commission on August 9, 2016, which allowed for the establishment of a car wash and auto detailing business on the site.

Events leading up to the formal review of Conditional Use Permit 2015-26 MOD included written communications, emails and site visits to the applicant and/or the property owner. During the Planning Commission meeting held on August 9, 2017, the Commission moved to schedule a revocation hearing on September 12, 2017, for Conditional Use Permit 2015-26 MOD pursuant with the Madera Municipal Code § 10-3.1311 (B).

## **ANALYSIS**

### Status of Required Improvements

Upon acceptance of the conditions of approval, the applicant made minimal efforts towards complying with the conditions of approval. Even though the majority of on and off-site improvements had not been completed, the applicant opened for business, in further violation of the conditions of approval.

Condition No.16, which entails upgrading the existing sewer utility on the site, has not been fulfilled. Although efforts to locate the sewer service on the site were attempted, the upgrade of the sewer cleanout was never completed. After the applicant's unsuccessful attempt to fulfill all components of Condition No. 16, further sewer service improvement efforts were discontinued.

Additional off-site improvements not completed include: upgrading/reconstructing handicap access ramps, reconstructing the driveway approaches to provide ADA accessibility and the reconstruction of damaged sidewalks. On-site improvements not completed include: the installation of an ADA accessible parking stall, construction of a single bin trash enclosure, a Knox

key box for emergency service personnel and maintenance of the site's landscaping to ensure a healthy and well-manicured appearance.

### Findings of Review

Since the scheduling of the revocation hearing in August 2017, there has been no improvement to the site nor has the applicant communicated any proactive course of action with City development services departments.

Prior to the formal review of the conditional use permit, the applicant was advised of a possible revocation in the event the site was not in compliance with the agreed upon conditions of approval. On multiple occasions, since the conditional use permit's approval, City staff has observed the site in operation without the required on-site improvements being completed. Engineering records indicate only one encroachment permit was secured to allow for the upgrade of the water meter on the site. No additional permits have been secured for on or off-site improvements, nor have further steps been taken to secure a business license. The majority of improvements completed have been procedural in nature, which present no long-term solutions to the required physical or land use improvements on the site.

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27. These conditions were evaluated by staff for compliance on multiple occasions, the most recent inspection occurring on September 6, 2017. Shaded conditions of approval are currently not in compliance. Of the forty-one (41) conditions of approval, nineteen (19) need attention in order to be in compliance with the conditions of approval.

### **RECCOMENDATION**

It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the revocation of Conditional Use Permit 2015-26 MOD.

### **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2015-26 MOD, determining to either:

- revoke Conditional Use Permit 2015-26 MOD, or
- find that revocation of the use permit is not warranted at this time.

Any action by the Planning Commission is subject to appeal to the City Council within fifteen (15) calendar days of the Planning Commission's action.

Motion 1: Move to revoke Conditional Use Permit 2015-26 MOD effective immediately, based on and subject to the following findings.

### Findings

- Conditions of approval for Conditional Use Permit 2015-26 MOD, Nos. 5, 6, 7, 9, 10, 11, 13 through 19, 24, 29, 30, 32, 35, 37, adopted by the Planning Commission on August 9, 2016, are not in compliance.
- Based on observations of staff and the evidence from the whole of the record, the use is not operating in compliance with conditions of approval; and

- The continued operation of the use in violation of the conditions of approval may be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City; and
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

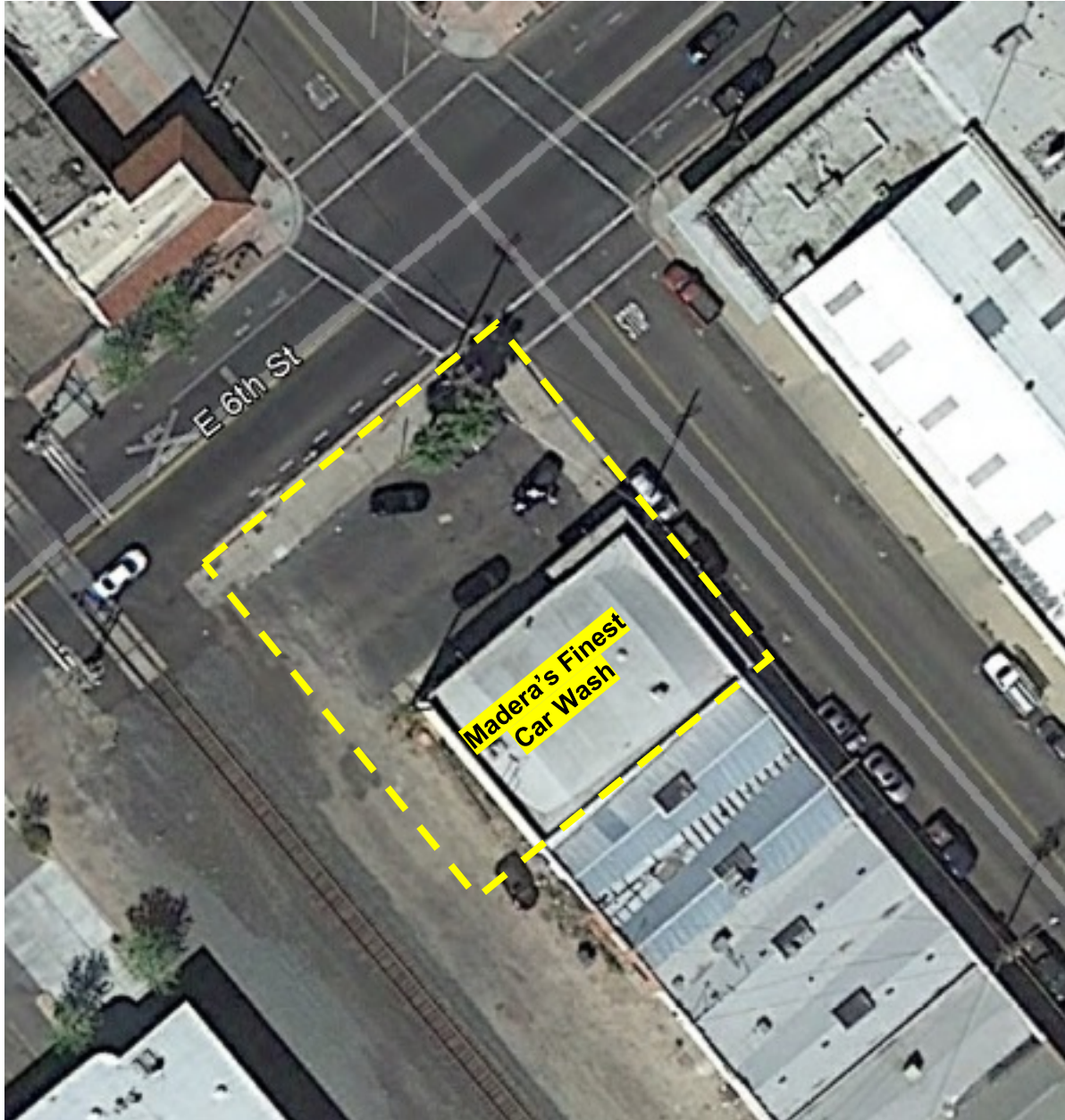
**(OR)**

Motion 2: Move to find that the revocation of Conditional Use Permit 2015-26 MOD is not warranted at this time for the following reasons (Specify):

## **ATTACHMENTS**

Aerial Map  
Conditions of Approval Compliance Matrix  
Site Photos

Aerial Photo





## Conditions of Approval Compliance Matrix

General Conditions		
1.	Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.	In compliance
2.	The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
3.	Conditional Use Permit 2015-26 MOD may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural
4.	Conditional Use Permit 2015-26 MOD will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
5.	Site Plan Review 2016-27 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)	Partial compliance- no building permit has been secured nor has a request for an extension been submitted.
6.	Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.	Not in compliance

7.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.	Site plan does not reflect required changes i.e. trash bin enclosure, ADA parking stall.
8.	Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-27.	Procedural
9.	It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.	Not in compliance
<b>Building Department</b>		
10.	Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.	Not in compliance
11.	Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.	Non-conforming ADA parking stall. No handicap ramp.
<b>Engineering Department</b>		
12.	Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	Procedural
13.	The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.	Not in compliance
14.	The improvement plans for the project shall include the most recent version of the City's General Notes	Not in compliance
15.	Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.	Not in compliance

16.	The existing sewer service connection shall be upgraded to current City standards including cleanouts, if not previously installed.	Improvements begun but never completed.
17.	The existing handicap access ramp located at the southwest corner of South E Street and East 6 <sup>th</sup> Street intersection shall be upgraded/reconstructed to current ADA standards. If the applicant believes that a hardship waiver is applicable based on the cost of this improvement in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.	Not in compliance
18.	The existing driveway approaches on South E Street and East 6 <sup>th</sup> Street shall be re-constructed to the extent necessary to provide ADA accessibility along the entire site frontage.	Not in compliance
19.	The damaged sidewalk along East 6 <sup>th</sup> Street shall be reconstructed per current City standards.	Not in compliance
20.	The applicant/property owner shall submit a Circulation Plan that demonstrates the elimination of vehicles queuing in the City right-of-way. If the circulation plan illustrates non-use of any driveway, the driveway shall be removed and reconstructed as sidewalk per City standards. The required circulation plan shall be incorporated into and consistent with the site plan required as part of Condition No. 30.	Complete
21	The existing water service connection shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within City right-of-way and a backflow prevention device located within private property.	In compliance
<b>Fire Department</b>		
22.	Portable fire extinguishers shall be provided. A minimum of one for each 3,000 square feet or fraction thereof. Maximum travel distance to reach a fire extinguisher shall not exceed 75 feet.	In compliance
23.	Heavy automotive repair is not permitted without a complete analysis of the structure and its life safety components. The occupancy classification may be altered in such a case increasing the requirements.	In compliance

24.	A key box must be provided for access by emergency services personnel.	Not in compliance
<b>Planning Department</b>		
25.	The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.	In compliance
26.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance
27.	The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.	In compliance
28.	Hours of operation shall be from as early as 8:00 a.m. until as late as 6:00 p.m., seven (7) days a week.	In compliance
29.	Except as noted herein, all on- and off-site improvements shall be made prior to occupancy and issuance of a business license.	Business is operational without an approved business license.
30.	The applicant/property owner shall submit a Parking Plan for review and approval by the Planning Manager. The Parking Plan shall be consistent with the Circulation Plan required as part of Condition No. 20. The Parking Plan shall propose a parking lot striping plan for the existing parking field consistent with City standards. It shall also identify the location of the trash enclosure required as part of Condition No. 35.	Not in compliance. Trash enclosure not proposed or approved.
31.	Consistent with the Site Plan/Circulation Plan required in Condition No. 30, the existing parking field shall be slurry sealed and restriped consistent with a Parking Plan.	Complete
32.	The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings	Not in compliance

33.	The existing "Vintage" billboard sign on the north elevation shall be removed from the structure. The wall shall be repainted to match the remainder of the structure.	Complete
34.	If the applicant wishes to repaint or refurbish the structure, a color and materials board of the proposed paint colors will be required for approval prior to paint application.	In compliance
35.	A new single bin trash enclosure shall be constructed consistent with City standards. The color of the trash enclosure shall be painted to match the existing structure. The location of the trash enclosure shall be shown on the required site plan for the parking field and shall be approved by the Public Works Director.	Not in compliance
36.	All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.	In compliance
37.	Conditional Use Permit 2015-26 MOD allows for the following automotive services: <ul style="list-style-type: none"> <li>• Hand car wash and auto detailing</li> <li>• Automotive glass tinting installation</li> </ul>	Per condition #29, no use is allowed at this time. Required improvements not completed.
38.	No other automotive services, repairs, and/or installations are allowed on the project site without the approval of a separate conditional use permit. The allowance for used car sales is extinguished within this request for modification of Conditional Use Permit 2015-26.	In compliance
39.	All automotive services shall occur inside of the structure.	In compliance
40.	Outdoor storage of goods and/or materials shall not be allowed.	In compliance
41.	Overnight parking of vehicles shall only occur within the interior of the building.	In compliance

## Site Photos



Untreated landscape, unmarked ADA parking stalls, no single bin trash enclosure



Unreconstructed driveway approaches and damaged sidewalk



Incomplete sewer service connection and upgrade



Uninstalled accessible ADA parking stalls