# REPORT TO THE DEVELOPMENT REVIEW COMMITTEE



**Prepared by:** Meeting of: February 19, 2025

Robert Smith, Senior Planner Agenda Item: 1

### SUBJECT:

Consideration of a Tentative Parcel Map (TPM 2024-04), proposing to subdivide ±76.8 acres of Industrial zoned property comprised of two parcels located on the west side of Airport Drive between Avenue 17 and Aviation Drive into three parcels (APN[s]: 013-010-095 and 013-010-096).

### **RECOMMENDATION:**

Hold a public hearing and adopt:

 A Resolution of the Development Review Committee (DRC) determining the project is Categorically Exempt pursuant to Section 15315/Class 15 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines and approving Tentative Parcel Map 2024-04, subject to the findings and conditions of approval.

# **SUMMARY:**

Airport Drive Investments LLC. (Applicant), represented by Northstar Engineering Group, has an application for a Tentative Parcel Map (TPM 2024-04), proposing to subdivide ±76.8 acres of I (Industrial) zoned property located on the west side of Airport Drive between Avenue 17 and Aviation Drive (Assessor's Parcel Number [APN]: 013-010-095 and 013-010-096) into three (3) parcels. The applicant proposes no new development or improvements in association with the subdivision of land.

The subject property is designated for Industrial Land Uses in the Madera General Plan and is zoned I (Industrial).

Table 1 below provides a brief overview of the project sponsors, location and site characteristics.

Table 1: Project Overview		
Project Number:	Tentative Parcel Map No. TPM 2024-04	
Applicant/Owner:	Airport Drive Investments LLC	
Representative:	Northstar Engineering.	

Location:	West side of Airport Drive between Avenue 17 and Aviation Drive	
	APN[s]: 013-010-095 and 013-010-096	
Project Area:	±76.8 acres	
Plan Land Use:	Industrial	
Zoning District:	I (Industrial)	
Site	The ±76.8-acre subject property is predominantly used by The Almond	
Characteristics	Company in a central warehouse surrounded by graded, vacant land.	

# **ANALYSIS:**

The subject properties are partially improved and have been developed with structures occupied by one primary industrial business. The Almond Company is the existing primary occupant of the site with the remainer of the surrounding land being vacant (see Attachment 3, Exhibit B).

The City Municipal Code (CMC) establishes procedures for the review and approval of tentative parcel maps (Section 10-2.501). The proposed subdivision will comply with all property development standards and public improvement and dedication requirements of the Zoning Regulations and the CMC pursuant to the project conditions of approval (see Attachment 3, Exhibit A). If not existing, a mutual easement and reciprocal use agreement will be required to be executed for purposes of facilitating ingress/egress (cross-access), drainage across property lines created, shared solid waste facilities, shared services or suppression systems, as necessary, and ensuring such facilities, improvements and/or services are maintained and responsibilities memorialized. These agreements are required to demonstrated or executed prior to recordation of a Parcel Map (final).

Subdivision of property is also regulated by the California Subdivision Map Act (SMA)(Section 66410 et seq. of the California Government Code).

### **GROUNDS FOR DENIAL OF A TENTATIVE OR PARCEL MAP:**

The Subdivision Map Act (California Government Code §§ 66400, et seq.) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made:

- a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for the type of development.
- d) That the site is not physically suitable for the proposed density of development.
- e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Based upon staff's review of the proposed project, it has been determined that the proposal complies with all the City Municipal Code and Subdivision Map Act requirements to allow the project to be recommended for approval.

### **ENVIRONMENTAL REVIEW:**

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Section 15315/Class 15 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines. The project includes a proposed subdivision of property, which is located in an urbanized area and planned and zoned for Industrial land use into three (four or fewer) parcels, in conformance with the City of Madera General Plan and the Zoning Regulations of the City Municipal Code. No variances or exceptions are required, and all services and access to the proposed parcels are available. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

# **RECOMMENDED ACTION:**

Pursuant to CMC 10-2.501.6, the Development Review Committee (Committee) shall approve, conditionally approve, or deny the tentative parcel map. The Committee will be taking action on both the determination the project is Categorically Exempt from the provisions of CEQA pursuant to Section 15315/Class 15 (Minor Land Divisions) of the CEQA Guidelines as well as the Tentative Parcel Map (TPM 2024-04). Staff recommends that all required findings for approval under the City Municipal and Government Codes can be made, as described in the proposed Resolution attached to the report (Attachment 3).

# Staff Recommends the Committee:

 Adopt a Resolution of the Development Review Committee (DRC) determining the project is Categorically Exempt pursuant to Section 15315/Class 15 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines and approving Tentative Parcel Map 2024-04, subject to the findings and conditions of approval.

### **ALTERNATIVES**

As an alternative, the Commission may elect to:

- 1. Move to refer the item back to staff and/or continue the public hearing to a future Planning Commission meeting at a date and time certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify and articulate reasons for referral/continuance).
- 2. Move to recommend the Council deny the request based on specified findings: (Planning Commission to articulate reasons for recommended denial).
- 3. Provide staff with other alternative directives.

# **ATTACHMENTS:**

- 1. Aerial Photo/Vicinity Map
- 2. General Plan Land Use and Zoning Map
- 3. Development Review Committee Resolution

Exhibit "A" – Conditions of Approval

Exhibit "B" - Tentative Parcel Map (TPM) 2024-04

ATTACHMENT 1 Aerial Photo/Vicinity Map	



ATTACHMENT 2  Development Review Committee Resolution

#### RESOLUTION NO.

# RESOLUTION OF THE DEVELOPMENT REVIEW COMMITTEE (DRC) DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15315/CLASS 15 (MINOR LAND DIVISIONS) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING TENTATIVE PARCEL MAP 2024-04

WHEREAS, Airport Drive Investments LLC. ("Owner") owns Assessor's Parcel Numbers (APNs) 013-010-095 and 013-010-096) comprising ±76.8 acres of land located on the west side of Airport Drive between Avenue 17 and Aviation Drive (the "project site"); and

WHEREAS, Jim Kopshever ("Applicant"), on behalf of the owner, has submitted an application for a Tentative Parcel Map (TPM 2024-04) proposing to subdivide the project site to create three parcels; and

WHEREAS, the project site is designated for Industrial land uses on the City of Madera General Plan Land Use Map and is zoned I (Industrial) on the Official Zoning Map of the City of Madera; and

**WHEREAS**, the project site has been developed with an industrial warehouse building and associated site improvements to remain on a  $\pm 41.9$ -acre portion of the project site proposed to be created as Parcel 2 of TPM 2024-04; and

**WHEREAS,** no new development, onsite improvements or physical changes requiring the filing of permit or other grant of approval for development of the parcels proposed to be created by TPM 2024-04 are proposed or sought by the owner at this time; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to Section 15315/Class 15 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS,** pursuant to the provisions of the City's Municipal Code (CMC), the Development Review Committee is authorized to review and approve tentative parcel maps and environmental assessments for associated projects on behalf of the City; and

**WHEREAS,** the City provided notice of the Development Review Committee hearing as required by law; and

WHEREAS, the Development Review Committee received and independently reviewed TPM 2024-04 at the duly noticed meeting on February 19, 2025; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Development Review Committee; and

WHEREAS, after due consideration of the items before it, the Development Review Committee now desires to adopt this Resolution determining the project is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines and approving TPM 2024-04.

**NOW THEREFORE,** be it resolved by the Development Review Committee of the City of Madera as follows:

- 1. <u>Recitals</u>: The above recitals are true and correct and are incorporated herein.
- 2. <u>CEQA</u>: A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Development Review Committee finds and determines that the project is Categorically Exempt pursuant to Section 15315/Class 15 (Minor Land Divisions) of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned for industrial use into three parcels.

The project site has been developed with an industrial warehouse building and associated site improvements to remain on a ±41.9-acre portion of the project site proposed to be created as Parcel 2 of TPM 2024-04. No new development, onsite improvements or physical changes requiring the filing of permit or other grant of approval for development of the parcels proposed to be created by TPM 2024-04 are proposed or sought by the owner at this time. The conditions of approval ensure requirements for the construction of reasonable offsite and onsite improvements for the parcels being created will be fulfilled in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access to the proposed parcels are available.

None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

- 3. <u>Findings to Approve TPM 2024-04</u>: The Development Review Committee finds and determines that there is substantial evidence in the administrative record to support the approval of TPM 2024-04, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code. The Development Review Committee further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:
  - a. The project is consistent with the General Plan and applicable specific plans.

Basis for Finding: The project site is designated Industrial on the Madera General Plan Land Use Map and is zoned I (Industrial) on the Official Zoning Map, consistent with the Industrial land use category pursuant to General Plan Table LU-A: General Plan/Zoning Consistency.

The project includes a division land (four or fewer parcels), which has been developed with an industrial warehouse building and associated site improvements to remain on a ±41.9-acre portion of the project site proposed to be created as Parcel 2 of TPM 2024-04.

The project site is located within the boundaries of the Madera County Airport Land Use Compatibility Plan (ALUCP) and Madera Specific Plan No. 1. No new development, onsite improvements or physical changes requiring the filing of a permit or other grant of approval for development of the parcels proposed to be created by TPM 2024-04 are proposed or sought by the owner at this time. Any future development proposals will be subject to the safety, intensity and compatibility criteria of the ALUCP and evaluated for consistency at that time. The conditions of approval ensure requirements for the construction of reasonable offsite and onsite improvements for the parcels being created will be fulfilled in conformance with the goals, objectives and policies of the City of Madera General Plan and Specific Plan No. 1.

b. The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map Act.

Basis for Finding: None of the findings requiring the denial of a tentative or parcel map as provided in Section 66474 of the Government Code are applicable to TPM 2024-04.

The proposed subdivision, together with its design and improvements, will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision; and, is consistent with the Madera General Plan and operative specific plans (as specified in Section 65451 of the Government Code). The project conditions of approval ensure all requirements of the City Municipal Code related to the subdivision land into four or less parcels will be satisfied at the time of recordation of a Parcel Map.

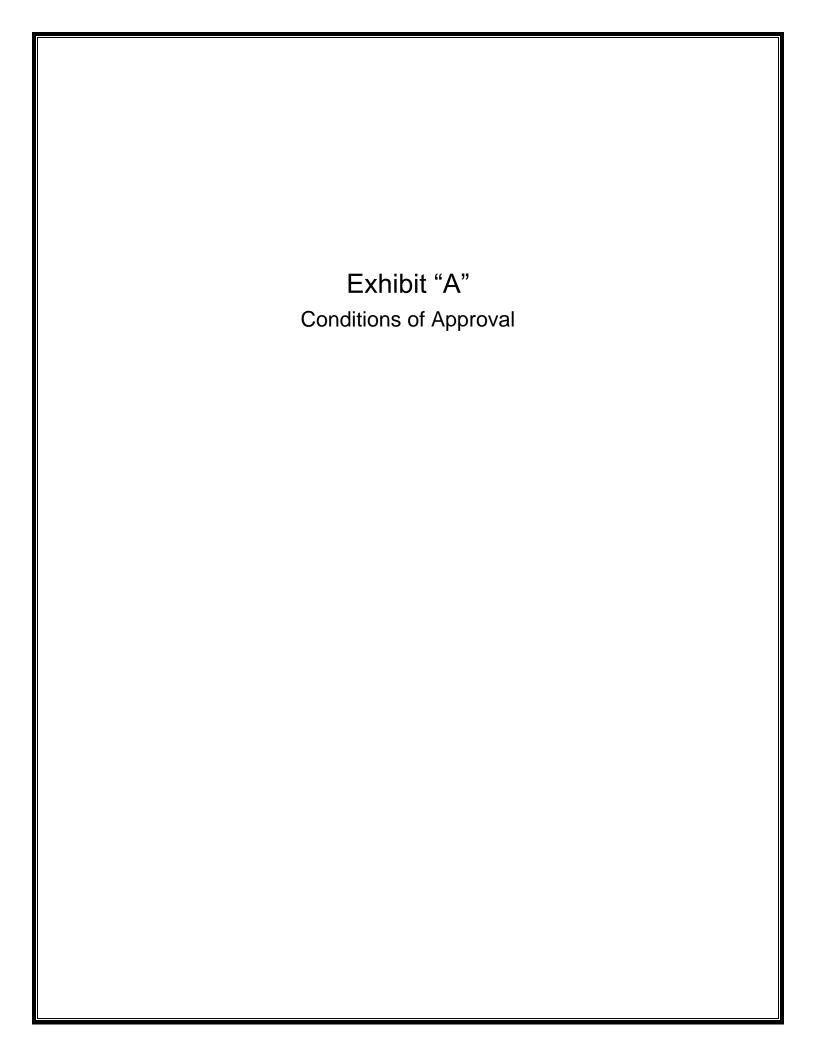
No new development, onsite improvements or physical changes requiring the filing of a permit or other grant of approval for development of the parcels proposed to be created by TPM 2024-04 are proposed or sought by the owner at this time. The project is limited to the subdivision of industrially zoned lands into three parcels of sizes suitable for future industrial development in compliance with the provisions of the City Municipal Code.

In addition, none of the exclusions provided at Section 66412 of the Government Code (Subdivision Map Act) are applicable to TPM 2024-04 and all other requirements of the Subdivision Map Act will be satisfied subject to compliance with the conditions of approval.

- 4. <u>Approval of TPM 2024-04</u>: Given that all findings can be made, the Development Review Committee hereby approves TPM 2024-04 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."
  - 5. <u>Effective Date</u>: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Development Review Committee of the City of Madera this 19th day of February 2025, by the following vote:			
AYES:			
NOES:			
ABSTENTIONS:			
ABSENT:			
	Development Review Committee Chairperson		
Attest:			
Brandi Garcia			
Recording Secretary			
Exhibit "A" – Conditions of Approval for TPM 2024-04 Exhibit "B" – Tentative Parcel Map 2024-04			



# **EXHIBIT "A"**

# TPM 2024-04 CONDITIONS OF APPROVAL February 19, 2025

# **Notice to Applicant**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

# IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through tentative parcel map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for TPM 2024-04 will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Development Review Committee. In the event you wish to appeal the Development Review Committee's decision or discretionary conditions of approval for the entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Committee failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this parcel map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this parcel map.

# **TIME LIMITS & EXPIRATION**

This tentative parcel map approval (TPM 2024-04) shall expire twenty-four (24) months from the effective date, unless a final map is filed with the City of Madera and recorded with the County Recorder in accordance with the provisions of the Subdivision Map Act; or action is taken to extend the approval before the tentative parcel map expiration date in accordance with the provisions of the Subdivision Map Act.

# **CONDITIONS OF APPROVAL**

### **GENERAL CONDITIONS**

- The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on TPM 2024-04.
- Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
- 3. Approval of this tentative parcel map may become null and void in the event that the parcel map or conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the parcel map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.
- 4. These conditions are applicable to any person or entity making use of this tentative parcel map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative parcel map.
- 5. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an

approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record.

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

### PLANNING DEPARTMENT

- 6. Separate solid waste enclosure facilities, compliant with City of Madera standards and requirements, shall be provided for each parcel created unless a Mutual Easement and Reciprocal Use Agreement (Covenant) is executed and recorded in a form approved by the City of Madera, providing for shared solid waste facilities.
  - a. Pursuant to § 66411.1(b) of the Government Code, the requirement for construction of separate solid waste facilities for each parcel created shall be required at the time a permit or other grant of approval for development of the created parcel is issued by the City of Madera.
  - b. The requirements for separate solid waste facilities on each parcel created shall be noticed by a statement on the parcel map in accordance with § 66411.1(a) of the Government Code.

# **ENGINEERING DEPARTMENT**

# Parcel Map

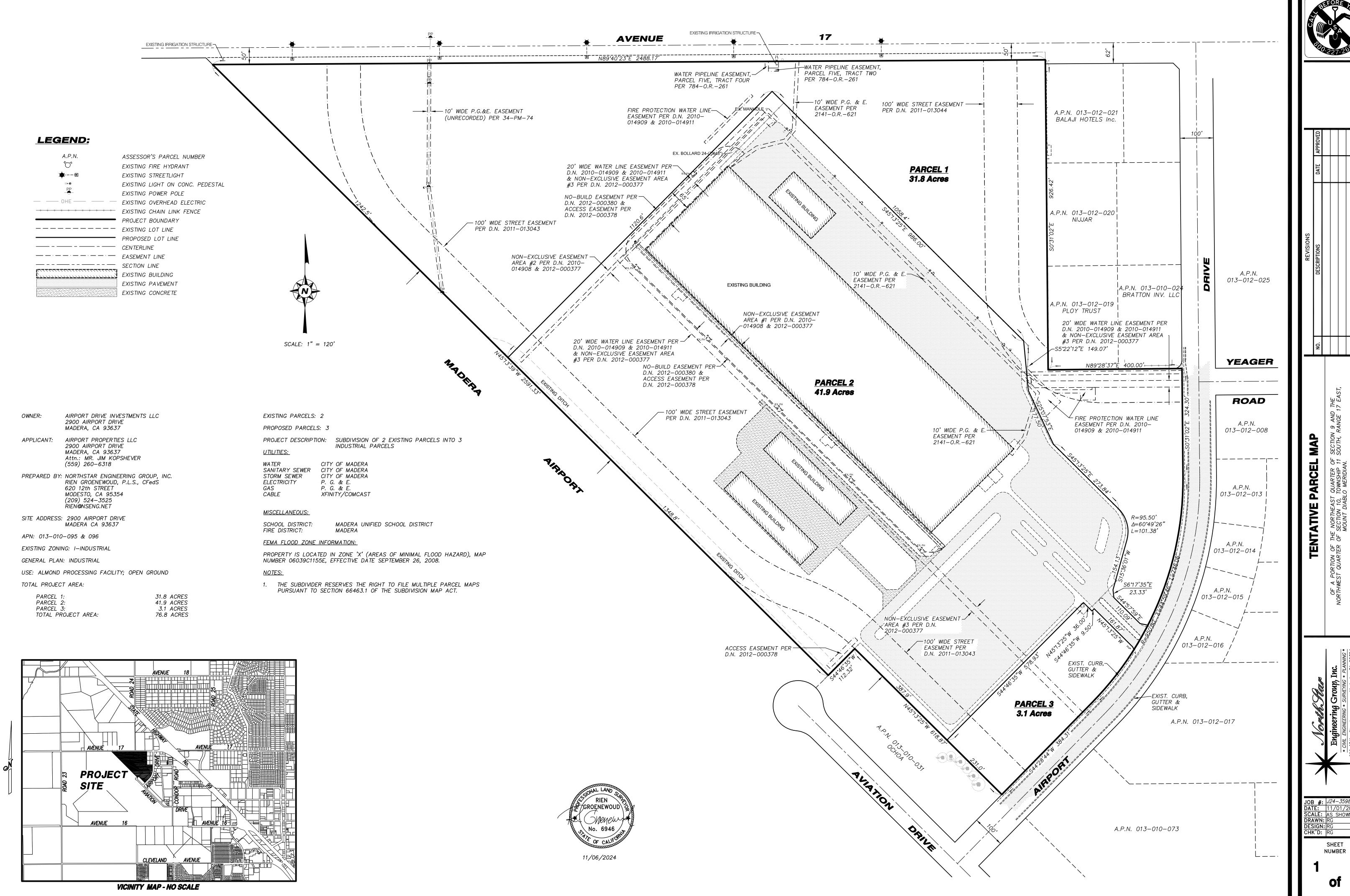
7. The developer shall pay all required fees for processing the parcel map and completion of project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.

- 8. A final parcel map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
- 9. Future subdivision of parcels created shall comply with the Subdivision Map Act.
- 10. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
- 11. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
- 12. Any and all public or private easements on the property identified on the title report shall be shown on the parcel map with recording data.
- 13. Prior to recording of the parcel map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
- 14. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit shall be required from the Engineering Division.
- 15. Where construction of off-site improvements or utility services is required, it shall be completed prior to issuance of final occupancy; or, in the case where no future occupancies are anticipated as part of the current action, the Subdivider shall either construct or install the required improvements or enter into a bonded secured agreement with the City of Madera providing for the construction of the required improvements and sufficient security prior to the recordation of the final Parcel Map.
- 16. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.
- 17. Structures or any facility encroaching onto adjacent new parcel shall be removed prior to recording of the parcel map. Structure modification shall comply with building codes and setbacks.
- 18. A title report dated no more than 30 days prior to recording date of parcel map shall be submitted to the City Engineer for review prior to parcel map recordation.
- 19. Each newly created parcel shall have a separate water service. Any new or existing connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. Existing cross lot connections shall be severed.

- 20. Each newly created parcel shall have a separate sewer service. Any new or existing connection(s) shall be constructed or upgraded to current City standards. Existing cross lot connections shall be severed.
- 21. If a future driveway is required for Parcel 3, it shall line up with the existing driveway on the east side of Airport Drive. The parcel shall be limited to one driveway due to City minimum spacing requirement and locations of driveways on the opposite side of the road unless a hardship is identified and mitigation id identified to address said conflicts.
- 22. Minimum spacing of driveways on Avenue 17 per City of Madera minimum spacing requirements is 400 to 500 feet including from the existing driveway immediately to the east of Parcel 1 and/or the 100-foot street easement at the west limits of Parcel 1.
- 23. Development of Parcel 1 shall, as part of separate conditions, result in the requirement to construct the full arterial roadway width along the limits of Parcel 1.

**END OF CONDITIONS** 

Exhibit "B"
Tentative Parcel Map (TPM 2024-04)



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