

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

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
JUNE 12, 2018  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

Commissioner Robert Gran, Jr. (Chairperson)  
Commissioner Israel Cortes (Vice Chairperson)  
Commissioner Bruce Norton  
Commissioner Kenneth Hutchings  
Commissioner Pamela Tyler  
Commissioner Jim DaSilva  
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:** April 10, 2018 and May 8, 2018

**CONSENT ITEMS:** None

**PUBLIC HEARING ITEMS:**

**1. TSM 2018-01 and TSM 2018-02 – Ventana**

A continued noticed public hearing and consideration of approval for two tentative subdivision maps proposing to subdivide approximately 250.9± acres located at the southwest corner of the intersection of Avenue 13 and Road 28 ¼. TSM 2018-01 proposes the creation of 19 large lots to be developed in multiple individual phases. TSM 2018-02 proposes the creation of 857 residential lots which provide for the development of approximately 1000 residential dwelling units. The project site is within the Ventana Specific Plan, in the PD (Planned Development), CN (Neighborhood Commercial) and PF (Public Facilities) Zone District within the LD (Low Density), MD (Medium Density), P&SP (Public & Semi-Public) and C (Commercial) General Plan land use designations.

(APNs: 012-490-002, 012-490-004, 012-490-005, 012-490-006). An environmental impact report (EIR) for the Ventana project was certified by the City Council of the City of Madera on March 7, 2007.

**2. REZ 2018-01, TSM 2018-03 and PPL 2018-02 – Adelaide Subdivision**

A continued noticed public hearing to consider a rezone, tentative subdivision map and precise plan. The rezone will change the zoning of the project site from the R1 (Low Density Residential) Zone District to the PD 4500 (Planned Development) Zone District. The tentative subdivision map will subdivide three existing properties into nineteen (19) new properties. The precise plan will guide development of model homes upon the subdivided properties. The project site is located approximately 1,100 feet north of the intersection of Sunrise Avenue and Adelaide Street. A Negative Declaration will also be considered by the Planning Commission (APNs: 008-102-003, 007 and 008).

**3. PPL 2005-01 MOD2 – Tierra Vista Estates Amendment**

A noticed public hearing to consider an application for amendment to a precise plan to allow for the addition of four (4) home models to be built upon thirty-six (36) vacant lots within the Tierra Vista Estates subdivision, located at the northwest corner of the intersection of Emily Way and Gary Lane in the PD 3000 (Planned Development) Zone District with an MD (Medium Density Residential) General Plan land use designation (Multiple APNs). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (Infill Development Projects).

**4. CUP 2018-08 and SPR 2018-10 – Maria's Burger Bar Alcohol Sales**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the re-establishment of the sale of alcohol for on-site consumption in conjunction with a restaurant located approximately 200 feet north of the intersection of East Yosemite Avenue and North Gateway Drive (114 North Gateway Drive) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation (APN: 010-093-002). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

**5. CUP 2018-09 and SPR 2018-13 – Kuppa Joy Drive-Thru Kiosk**

A noticed public hearing to consider an amendment to an application for a conditional use permit and site plan review to allow for the establishment of a retail coffee and pastry business within an existing drive-thru kiosk located at the northwest corner of the intersection of West Yosemite Avenue and North Q Street (1201 West Yosemite Avenue) in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 010-062-015). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

**6. Fiscal Year 2018/19 to 2022/23 Capital Improvement Program – Determination of Conformity to the City of Madera General Plan**

A noticed public hearing to consider a revised resolution finding the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if "the activity is covered by the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in

questions may have a significant effect on the environment, the activity is not subject to CEQA.”

**7. CUP 2007-16 – Flor Oaxaquena Revocation**

A noticed public hearing to consider revocation of Conditional Use Permit 2007-16, allowing for the sale of alcoholic beverages for on-site consumption in conjunction with an existing restaurant located approximately 130 feet west of the intersection of East Yosemite Avenue and Flume Street (608 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-173-003). The project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

**NON-PUBLIC HEARING ITEMS: None**

**PUBLIC WORKSHOP:**

**1. OTA 2018-01 – Zoning Ordinance Update Workshop**

A noticed public workshop to provide for public input on the proposed comprehensive update of Title X, Chapter 3: Zoning, last updated in 1992, in order to provide for consistency with the General Plan.

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

The next regular meeting will be held on July 10, 2018.

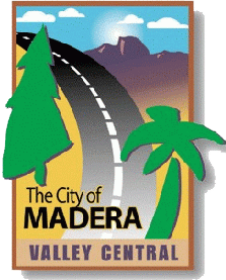
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Ventana TSM 2018-01 and 2018-02 and Environmental Determination Item #1 – June 12, 2018

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**PROPOSAL:** An application for two tentative subdivision maps proposing to subdivide four parcels encompassing approximately 250.9 acres. TSM 2018-01 proposes the creation of an 857-lot residential subdivision. TSM 2018-02 divides the development area into 19 larger lots. The purpose of this map is to allow sections of the development to be sold to different builders.

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<b>APPLICANT:</b>	Lakhwinder Singh Brar	<b>OWNER:</b>	Lakhwinder Singh Brar
<b>ADDRESS:</b>	None.	<b>APN:</b>	012-490-002, 004, 005, & 006.
<b>APPLICATIONS:</b>	TSM 2018-01 and 2018-02	<b>CEQA:</b>	Previously Adopted EIR

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**LOCATION:** The project site is located at the southwest corner of East Pecan Avenue and Road 28 ¼.

**STREET ACCESS:** Access to the project is proposed from East Pecan Avenue, Road 28 ¼ and a future Hazel Avenue.

**PARCEL SIZE:** Four parcels encompassing approximately 250.9 acres total.

**GENERAL PLAN DESIGNATION:** LD (Low Density), MD (Medium Density) C (Commercial) and P&SP (Public and Semi Public).

**ZONING DISTRICT:** PD-3000 (Planned Development), PD-4500 (Planned Development) PD-6000 (Planned Development), CN (Neighborhood Commercial) and PF (Public Facility).

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**SITE CHARACTERISTICS:** The project site is currently in agricultural production. One rural residential structure with a supporting outbuilding is located in the southeast corner of the project site. Varying densities of residential development are located to the north and west. Vacant lands are to the south and west. The State Route 99 corridor is immediately east.

**ENVIRONMENTAL REVIEW:** An environmental impact report (EIR) for the Ventana project was certified by the City Council of the City of Madera on March 7, 2007.

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**SUMMARY:** The original tentative subdivision maps for the Ventana development expired on April 10, 2016. Approval of the current request would provide new life to the original submittals. The proposed maps raise the overall dwelling units from 954 to 1000 providing consistency with the 2009 General Plan, the Ventana Specific Plan and the Subdivision Map Act.

## APPLICABLE CODES AND PROCEDURES

MMC § 10-2.401 et. seq., Subdivisions

California Government Code §66410-66499.58, Subdivision Map Act

City of Madera General Plan, adopted October 7, 2009

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

## PRIOR ACTION

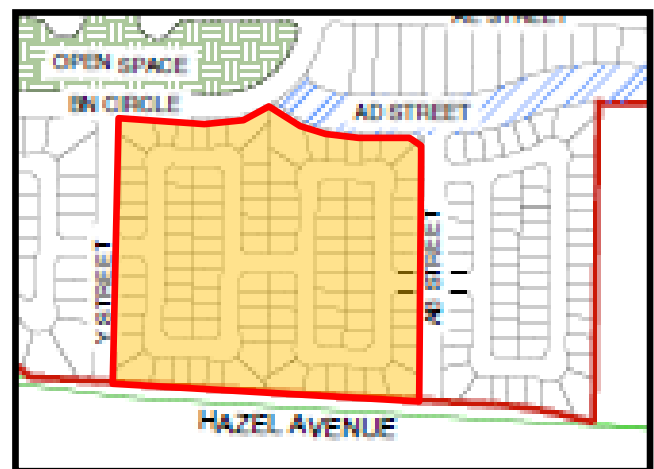
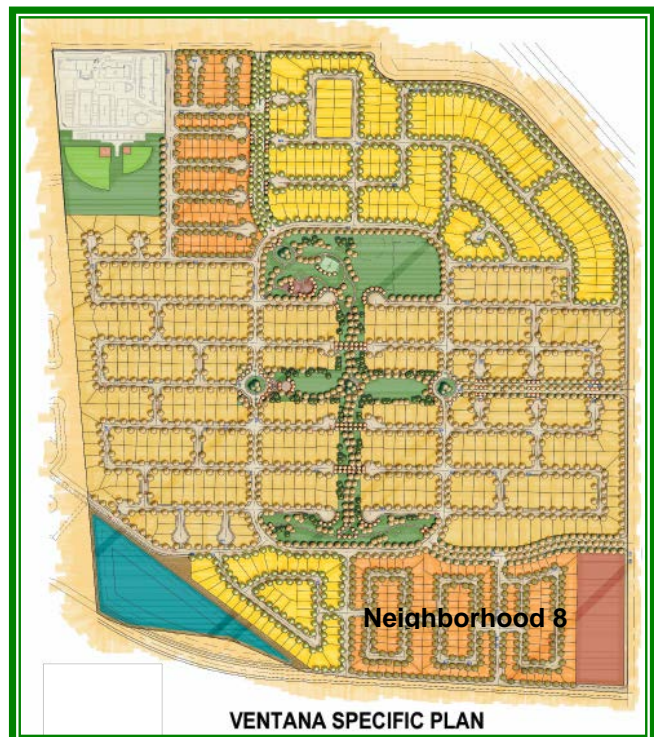
The Ventana project, approved on April 10, 2007, included annexation of land, a General Plan amendment, a specific plan, rezoning, precise plan and two tentative subdivision maps. The approved tentative maps were kept alive via a series of extensions, but ultimately the maps expired on April 10, 2016, nine years after the initial approval. The precise plans also expired as a result of the expiration of the maps. All other land use entitlements which cumulatively benefit the Ventana project area are still active.

## ANALYSIS

### Tentative Subdivision Maps

The two proposed maps are largely identical to the original submittals except for one significant alteration. The originally approved map subdivided the project site into 954 parcels. The map was reflective of the street and lotting patterns approved as part of the Ventana Specific Plan, which envisioned nine individual neighborhood phases of development. It includes approximately twenty (20) acres of park space which were distributed such that all parcels are in reasonable proximity to park areas.

The revised map converts a portion of Neighborhood 8 into two multifamily parcels which will be developed with no less than 144 residential dwelling units. The two multifamily parcels replace 103 single-family lots previously proposed. Five additional lots have also been added, interspersed within the existing lotting pattern of the subdivision. This subtle alteration increases the total number of dwelling units from 954 to approximately 1000 while reducing the parcel count to 857; 855 single family parcels and the aforementioned two multifamily lots. The alteration of a small portion of the map to provide an opportunity for multifamily development remains consistent with the Ventana Specific Plan, which describes development in Neighborhood 8 as 25.4 acres of "medium-density residential units." The graphic to the right identifies the area to be altered from the original map approvals.



The second map merely divides the development area into 19 large lots. The purpose of this map is to allow sections of the development to be sold to different builders. The street patterns and public facilities are consistent with the Specific Plan. Conditions of approval have been provided for both of the maps.

In that the development of this large residential project will occur over time in a phased fashion, neither map is a vesting map. In advance of development on any lots, a precise plan or plans will be required so as to define the specifics of any construction on the parcels.

#### General Plan Conformity

With the subtle revisions to the originally approved map, the proposed density of the subdivision is approximately 5.26 units per acre. This density is in compliance with the 5.25 units per acre General Plan “target density” for the LD (Low Density Residential) land use designation. The intent of the “target density” General Plan policy (LU-7) is not to exclude residential development at lower densities within the various land use designations, but to instead promote an overall higher density within residential neighborhoods and villages envisioned by the General Plan’s Building Blocks concept. In the case of Ventana, distinctly different residential housing opportunities are integrated into one overall residential neighborhood design, providing a wide range of housing types within varying densities of development.

The proposed lotting pattern and density within the proposed subdivision demonstrates general consistency with the applicable goals and policies of the General Plan. The General Plan also provides direction for the development of homes within the subdivision. The development of homes on the individual lots is guided by Action Item CD33.1 which states that final home designs within the PD (Planned Development) Zone District are approved as part of a precise plan. Although the previous precise plans expired along with the tentative subdivision maps, a precise plan application does not accompany the map applications. Precise plans will be completed prior to any construction within the subdivision.

#### Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City’s master plans. Street improvements include the widening of East Pecan Avenue to complete the City’s half-street cross section for an arterial street, the widening of Road 28¼ to collector status and the construction of intersection traffic signals.

The conditions of approval essentially separate the development of the subdivision in two broad phases. The first phase, which encompasses the northern third of the subdivision (Lots 1 through 6, Park Space T in TSM 2018-02), provides for the development of up to 329 homes with required improvements commensurate with that area of the overall map. The northern third relies upon provision of sewer capacity in the Pecan Avenue corridor. The second phase, the remaining two-thirds of the tentative map, requires extensive infrastructural investment, including the installation of approximately three miles of oversized sewer main. Feasibility of the development rests largely within the current property owners strategies. Whereas the original maps in 2006 were to be developed by a single developer who would install required infrastructure and then market segments of the subdivision to other builders, the current land owner and applicant might have alternative approaches that will have to account for significant costs of development, mindful of potentially significant future returns.

#### Interim Agriculture Use Permit

In that a significant area of the map is currently farmed via an allowance for interim agriculture approved within a conditional use permit that will expire soon, it should be understood that development, especially development of the northern one-third of the subdivision, should occur

in the very near future since the development of the subdivision is extremely viable today. The City has a defined shortage of residential lots. Ventana is part of the solution to that shortfall.

#### Street Names

The processing for naming streets calls for the Planning Manager to assign street names on the face of the tentative map which are reviewed and approved as part of the overall project. With exception to the existing perimeter streets, the proposed street names will be exclusive to the proposed subdivision. Upon approval, the Planning Manager will assign street names in anticipation of submittal of final subdivision maps.

### **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 of the proposed Tentative Subdivision Maps, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing,

### **PLANNING COMMISSION ACTION**

The Commission will be acting on adoption of the proposed Negative Declaration and approval of Tentative Subdivision Map 2018-01 and 2018-02.

Motion 1: Move to approve Tentative Subdivision Map 2018-01 and 2018-02 based on and subject to the findings and conditions of approval as listed below.

#### Findings

- An Environmental Impact Report was certified for the project by the City Council as part of the original approvals on April 10, 2007. The impacts of the proposed tentative subdivision map applications are consistent with impacts anticipated in 2007. Therefore, no additional environmental documentation is required.
- The proposed Tentative Subdivision Maps, as conditioned, are consistent with the purpose and intent of the General Plan, the Ventana Specific Plan and Zoning Ordinance.
- 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 Maps, as conditioned, are 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

### General

1. Prior to approval of any final maps, all action necessary for annexation of the subdivision into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
2. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone "LLMD" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
3. A final subdivision map shall be required per Section 10-2.502 of the municipal code. Tentative Subdivision Map 2018-02 shall not be a phased map and must be recorded in advance of Tentative Subdivision Map 2018-01, or any phase of Tentative Subdivision Map 2018-01. If Tentative Subdivision Map 2018-01 is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied. At a minimum, full street (both sides) and utility improvements shall be constructed on all boundaries to a phase in addition to all other improvements detailed within these conditions that are required to be constructed as part of any first phase of construction.
4. 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.
5. 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 or the project engineer shall make a recommendation for the designated location.
6. All construction vehicles shall access construction sites by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
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 time of building permit issuance.

9. 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.
10. The Developer shall pay all required fees for the processing of the subdivision map and completion of the project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, and improvement inspection fees.
11. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
12. The improvement plans for the project, or any phases thereof shall include the most recent version of the City's General Notes at the time the project or phase is expected to commence construction.
13. The Madera Irrigation District canal/pipeline on Hazel Avenue shall be placed underground or vacated as directed by Madera Irrigation District. Comments from M.I.D. shall accompany the first engineering plan submittals.

#### Water

14. The water system shall be designed for the Ventana subdivision as a whole and for each proposed phase 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. Copies of the water system analysis shall be reviewed and approved by the City Engineering Division and Fire Marshall.
15. Prior to commencement of any phase of development, developer shall construct and/or verify the completion of a 12-inch water main along Pecan Avenue from its current termination point at Parkwood Elementary School to the eastern property line of the proposed project site. Water main shall be constructed to current City standards.
16. Prior to commencement of any phase of development adjacent to Road 28 1/4, developer shall construct a 12-inch water main along Road 28 1/4 from Pecan Avenue to the southerly limits of the phase. Water line construction shall proceed in this manner with each new phase until such time as the improvements extend to Hazel Avenue. Water main shall be constructed to current City standards.
17. The Developer shall construct an 8-inch water main along the entirety of Hazel Avenue from Road 28 1/4 and connect to existing water main from adjacent subdivision to the west at such time as the first phase is constructed adjacent to Hazel Avenue or at such time as a secondary connection is required to maintain domestic and fire flow demands. Water main shall be constructed to current City standards.
18. 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 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, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be paid by the Developer.

19. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of these lines is considered reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program.
20. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
21. The Pecan Avenue and Road 28 ¼ intersection requires installation of a 12-inch cross with (4)12-inch valves and two stub outs, north past north right-of-way line and east approximately 40 feet.
22. Each phase of development requires in-line valve installation and blow-off assembly to be installed at terminus point of water line for future continuation of each water main.
23. Each phase of development shall have a looped water system; two points of connection to existing mains outside of phase being developed.
24. Prior to commencement of any phase of development, the developer shall construct a new water well and all associated improvements, both on and off-site, on a lot measuring 150 feet by 150 feet, within the project site or within the vicinity of the project site but as far geographically as possible from Well #33, and, shall be fully operational before approval of the first occupancy permit. The well site shall either be dedicated as part of the first tentative map or by separate instrument dependent on final location of the well site. Provisions for reimbursements from impact fees shall be included in the subdivision agreement.
25. A second water well may or may not be required dependent of the production rate of the first water well. That determination will be made by the City Engineer as a result of factors that include production capacity of the new well and the existing City water system capacity at the time of such review.
26. Prior to beginning any framing construction, approved fire hydrants shall be installed 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 constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
27. 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 meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
28. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
29. 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.
30. Water service connections shall be constructed per current city standards including water meters located within city right-of- way.

31. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
32. The Developer shall reimburse its fair share cost to the City for previously constructed water main along the Parkwood entry street project frontage.

#### Sewer

33. The existing sewer system that serves this section of the City is approaching capacity due to constricted sections of the sewer system on Pecan Avenue. Only an approximate one-third (1/3) of the subdivision or 329 units within lots 1,2,3,4,5 and 6 of Tentative Subdivision Map 2018-01 will be allowed to discharge sewer into the Pecan main contingent upon design and construction by the developer of the following master plan improvements prior to the commencement of any phase:
  - a. A parallel 15-inch sewer main on Pecan Avenue from west of HWY 99 to 400 feet west of Golden State
  - b. A parallel 18-inch sewer main on Pecan Avenue from 400 feet west of Golden State to east end of Parkwood Elementary
  - c. A parallel 18-inch sewer main on Pecan Avenue from Raymond Thomas to Stadium Road

The construction of these lines is considered 100% reimbursable, subject to availability of funds, under the City's Development Impact Fee Program. Sections "a" and "b" listed above are currently under design by another developer and may be installed by the time this subdivision moves forward to construction.

34. The remainder two-third (2/3) of the subdivision (those areas not within Lots 1 through 6 and Park Space T of TSM 2018-01) shall discharge sewer into the future master planned sewer main improvements on Hazel Avenue, Road 12 ½ and Road 25. The Developer shall design and construct the following improvements:
  - a. 42-inch sewer main on Hazel Avenue/ Burges Road from Road 28 ¼ to SR 145
  - b. 42-inch sewer main on SR 145 from Burges Road to Avenue 12 ½
  - c. 42-inch sewer main on Avenue 12 ½ from SR 145 to Road 25 (Granada Drive)
  - d. 42-inch sewer main on Road 25 (Granada Drive) from Avenue 12 ½ to Pecan Avenue across the railroad tracks

The oversize component (difference in cost between 42-inch and 8-inch pipe) of the construction of these mains is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.

The Developer shall secure all required easements, acquisitions of right-of-way, fees and all other components required for the installation of a fully functional sewer main capable of servicing this project and all other developable areas identified in the Sanitary Sewer Master Plan.

The sewer mains shall be installed at the depth and slope necessary to serve the areas delineated within the Sewer System Master Plan. Calculations shall be provided supporting the final design. Said analysis shall make use of the Sanitary Sewer Master Plan and various inputs (number of units, pipe slopes, etc.) utilized in sizing the pipeline. Said analysis shall also illustrate that future extensions of the sewer trunk main to the east side of the City will not be negatively affected by the selection of pipe depths or slopes required to be constructed by this project.

35. All sewer mains shall be constructed per City standards and specifications current as of the time they are designed and constructed.
36. Sewer lines installed to serve this subdivision shall be sized accordingly, and shall be a minimum of 8 inches in diameter or as required per the pipe size calculations. 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. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
37. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be 10 feet past property line. 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.
38. Calculations for sanitary sewer pipe size design of all proposed sewer mains within the entirety of Tentative Subdivision Maps 2018-01 and 02, as a whole and for each proposed phase being developed, shall be submitted with the first improvement plan submittal. Copies of the sewer system calculations shall be reviewed and approved by the City Engineering Division.
39. Prior to recording the final map for Tentative Subdivision Map 2018-02, the developer shall reimburse City for half the cost of the 8-inch component of previously installed sewer mains on Pecan Avenue as determined by City Engineer, whose determination shall be final.
40. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

#### Storm Drain

41. A detailed drainage study shall be provided that depicts recommended storm drainage conveyance and storage improvements within the boundaries of Tentative Subdivision Maps 2018-01 and 02. The drainage study shall, through detailed engineering calculations and/or modeling consistent with the City's Storm Drainage Master Plan and City standards, support the design of said facilities to be constructed by the developer.
42. Storm runoff from Tentative Subdivision Maps 2018-01 and 02 is planned to go to the Hazel basin located to the southwest of the proposed project site. Prior to commencement of any phase of development, the developer shall expand the limits of the existing basin to accommodate the entirety of Tentative Subdivision Map 2018-01 and 02 and other tributary areas outside the subdivision mapping. Said expansion shall include dedication of the property and construction of the fence line. Basin excavation shall occur in phases associated with the requirements as construction commences within each phase.
43. The developer shall construct storm drain improvements as depicted in the drainage study between the phase under construction and the basin.
44. The property for expansion of the existing basin shall be dedicated as part of the first phase of any development. Basin shall be complete prior to first anticipated rainfall.

event in which storm runoff will occur. The Project Storm Water Pollution Prevention Plan (SWPPP) may serve to further dictate basin needs and timing.

45. Temporary basins will not be allowed.
46. Rear yards along the basin fencing shall require cyclone fence and wood fence to be installed.
47. Prior to the approval of the civil improvement plans, 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 one acre in size. Plan and a copy of the permit and report shall be submitted to engineering division prior to issuance of any encroachment permits of plan approvals.

#### Streets

48. Prior to commencement of any phase of development within either of Tentative Subdivision Maps 2018-01 and 02, Pecan Avenue shall be developed to a 100-foot street with a 14-foot sidewalk pattern and a 16-foot landscape median across the frontage of the subdivision. The south half shall include but not be limited to fire hydrants, streetlights, curb and gutter, sidewalk. The north side shall include one permanently paved 12-foot lane and 8-foot shoulder. Asphalt curbing may be considered permissible if existing right-of-way precludes the ability to install an 8-foot shoulder. Adequate transition with the existing improvements relative to grade and alignment shall be provided. All improvements shall be constructed per current City standards. The center three lanes, which include the median island, are eligible for reimbursement through the City's Impact Fee program, subject to funds being available.
49. All existing driveways located along the north side of Pecan Avenue fronting the subdivision shall be paved with asphalt or concrete apron a minimum of 6 feet from the edge of the paved shoulder subject to maximum reasonable approach slopes to match existing driveways. All improvements should fully account for existing drainage and new drainage needs as part of the design.
50. Temporary pavement shall be constructed to provide for two-way traffic during all phases of construction along Pecan Avenue.
51. Prior to commencement of any phase of development immediately adjacent to Road 28 ¼, Road 28 ¼ shall be developed to an 80-foot street with a 10-foot sidewalk pattern adjacent to the project or phase to be constructed. In all cases, Road 28 ¼ shall be fully constructed between the phase under consideration and Pecan Avenue. West half shall include but not be limited to curb and gutter, sidewalk, street lights, fire hydrants. East side shall include but not be limited to a full 16-foot lane and edge swale grading for drainage storage as required. All improvements shall be constructed per current City standards. The center three lanes are eligible for reimbursement through the City's Impact Fee Program, subject to funds being available. Adequate transition with the existing improvements relative to grade and alignment shall be provided with each successive extension of Road 28 ¼.
52. Prior to commencement of any phase of development adjacent to Hazel Avenue or use of Hazel Avenue as a circulation route, Hazel Avenue shall be developed to an 80-foot street with a 10-foot sidewalk pattern. North half shall include but not be limited to curb and gutter, sidewalk, street lights, fire hydrants. South side shall include but not be limited to a full 16-foot lane and edge swale grading for drainage storage as required. All improvements shall be constructed per current City standards. The center three lanes are eligible for reimbursement through the City's Impact Fee Program, subject to funds

being available. Adequate transition with the existing improvements relative to grade and alignment shall be provided with each successive extension of Hazel Avenue.

53. The Park strip and median island on Pecan Avenue and park strips on Road 28 ¼ and Hazel Avenue shall be landscaped and provided 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. Each street tree shall be planted with a city approved root barrier. Detailed landscaping, irrigation, and maintenance plans shall be submitted with the first public improvement plans.
54. Direct residential access to Pecan Avenue, Hazel Avenue and Road 28 ¼ other than those access point approved on Tentative Subdivision Maps 2018-01 and 2018-02 shall be prohibited and shall be noted on the final map.
55. Deceleration and acceleration lanes shall be constructed at the main entrance to the subdivision along Pecan Avenue in accordance with the traffic study. An east bound right turn lane shall be constructed at Road 28 ¼.
56. A traffic signal shall be constructed at the intersection of Pecan Avenue and Golden State Boulevard prior to the anticipated time at which traffic signal warrants will be met in accordance with the methodology described in Condition No. 59 below. Regardless of whether warrants are met prior to the first phase, the developer shall provide the complete signal design and construct all underground improvements and pole foundations with the construction of Pecan Avenue improvements. The intersection shall be widened along all four approaches to include left turn lanes in all four directions. This traffic signal shall be interconnected with the traffic signal to be constructed at the main entrance into the subdivision. This improvement is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.
57. A traffic signal shall be constructed at the intersection of Pecan and the main entrance into the subdivision prior to the anticipated time at which traffic signal warrants will be met in accordance with Condition No. 59 below. Regardless of whether warrants are met prior to the first phase, the developer shall provide the complete signal design and construct all underground improvements and pole foundations with the construction of Pecan Avenue improvements. Should the traffic signal not be warranted prior to the last phase, the developer shall provide a cash payment for the remaining traffic signal improvements with adequate contingency to accommodate five years of cost escalations as this location is not eligible for impact fee reimbursements.
58. A traffic signal shall be constructed at the intersection of Avenue 12 and Road 28 ¼ prior to the anticipated time at which traffic signal warrants will be met in accordance with Condition No. 59 below. The intersection shall be widened to include auxiliary left turn lanes in accordance with the traffic study. This traffic signal shall be interconnected with the traffic signals at Avenue 12 and SR 99. The extent of the traffic signal improvements shall be determined by County of Madera, if the location of the signal has not been annexed into the city when warrants are met.
59. In satisfaction of the prior three conditions, the developer shall prepare traffic signal warrants prior to submittal of off-site improvement drawings for the first phase and all subsequent phases that support the determination as to whether a traffic signal design shall be completed with the intent of constructing as part of the off-site drawings for said phase. Warrants shall incorporate recently collected turning movements counts by the developer at the subject location along with projections of the additional traffic from the subdivision phase under consideration.

60. An access plan shall be developed for the commercial lot at such time as development of the commercial lot occurs. The access plan shall be approved by the City Engineer. Driveway spacing shall be situated such that a minimum of 400 feet of spacing is provided.
61. The developer shall implement mitigation measures and contribute its fair share to the cost of the improvements as outlined in the traffic study for Ventana subdivision prepared by Anderson Transportation Engineers unless already completed as part of another development or public agency project. For those projects that have been completed, the requirement to participate on a fair share basis shall not be waived except under the direct approval of the agency or entity that constructed said improvements. As the traffic study did not prepare fair share calculations, the developer shall prepare said calculations. Fair share payments shall be made on a per peak hour trip basis. Fair share payments shall be made prior to approval of any final map.
62. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue, Road 28 ¼, Hazel Avenue adjacent to entire project site as well as all internal publicly dedicated streets.
63. The developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Pecan Avenue to provide an ultimate right-of-way width of 100 feet to accommodate for an arterial standard roadway.
64. The developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Road 28 ¼ to provide an ultimate right-of-way width of 80 feet to accommodate for a collector standard roadway.
65. The developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Hazel Avenue to provide an ultimate right-of-way width of 80 feet to accommodate for a collector standard roadway.
66. Interior streets shall be constructed in accordance with the Ventana Specific Plan prepared by Quad Knopf which include:
- a. 100-foot residential project entryway
  - b. 65-foot loop road
  - c. 60-foot minor streets
  - d. 50-foot residential streets
- Interior streets shall be constructed to include curb, gutter, sidewalk, curb ramps, street lights, fire hydrants, and all other components necessary to complete said construction per City Standards.
67. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
68. Developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 31A or 31B to include the median island and landscape improvements. If the expansion of the existing Landscape Maintenance District Zone 31A or 31B is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District zone for the street median landscaping and landscaping adjacent



to subdivision along park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.

69. "No Parking" signs shall be installed along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontages per City standards.
70. Access ramps shall be installed at all curb returns per City Standards.
71. Driveways shall be built per current City standards.
72. The developer shall be required to install street lights along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontage and interior subdivision streets in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
73. 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.
74. If Tentative Subdivision Map 2018-01 is developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
75. Improvement plans 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, including the location of any existing wells and septic tanks;
  - b. Street plans and profiles;
    1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans);
    2. Streetlights;
    3. Traffic signals;
    4. 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 plan indicating flood insurance rate map community panel number and effective date;

- e. Landscape and irrigation plans shall be 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.
76. Submittals shall include:
- a. Engineering Plan Review Submittal Sheet
  - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings
  - c. Four copies of the final map
  - d. Two sets of traverse calculations
  - e. Two preliminary title reports
  - f. Two signed copies of conditions
  - g. Six sets of complete improvements plans
  - h. Three sets of landscaping plans
  - i. Two sets of drainage calculations
  - j. Two copies of the engineers estimate
- Partial submittals will not be accepted by the Engineering Department.
77. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
78. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
79. 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 streets rights-of-way. All public utilities within the subdivision and 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.
80. 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.
81. 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 prior to the approval of the improvement plans and the filing of any final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
82. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of any final map. 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.
83. The sub-divider may commence off site construction prior to approval of any final map in accordance with Section 7-2.02 MMC, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a 100% performance bond, additional bond (50% labor & material), Storm Water Pollution Prevention Plan (SWPP),

and insurance certificate 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 and shall be paid at the time of permit.

84. 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 showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

#### Subdivision improvement inspections

85. 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 time that all other fees are due per the subdivision agreement.
86. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
87. 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.
88. 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.

#### Special engineering conditions

89. 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 therefore.
90. Lot fill in excess of twelve (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 twelve (12") inches or more will require construction of a retaining wall.
91. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
92. Prior to the approval of off-site improvement plans and any construction on the subdivision, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and a storm water permit obtained as required by the state regional water quality control board for developments of over one acre in size.
93. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or

modification of MID facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.

94. Prior to recording Tentative Subdivision Map 2018-02, any current and/or delinquent MID assessments, plus estimated 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.
95. The developer of the property shall pay all applicable development impact fees at the time building permits are issued.
96. Final street names shall be approved by the Planning Manager prior to recording Tentative Subdivision Map 2018-01, for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
97. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.
98. Park lot T as identified in Tentative Subdivision Map 2018-01 shall be constructed and dedicated as part of the first phase of development. Remainder park lots shall be offered for dedication and recorded against the parcel(s) on which the park site resides as part of first phase of development and constructed as adjacent phases develop.

#### Planning Department

99. Conformance with the goals and policies of the General Plan shall be facilitated through the precise plan application process. Prior to any construction, grading, or development activity, the applicant shall submit an application for precise plan with submittals sufficient to make findings of General Plan conformance. The applicant shall submit proposed model floor plans and elevations as a component of the application.

**(OR)**

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2018-01 and 2018-02 to the July 10, 2018 Planning Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Tentative Subdivision Map 2018-01 and 2018-02, based on the following findings: (specify)

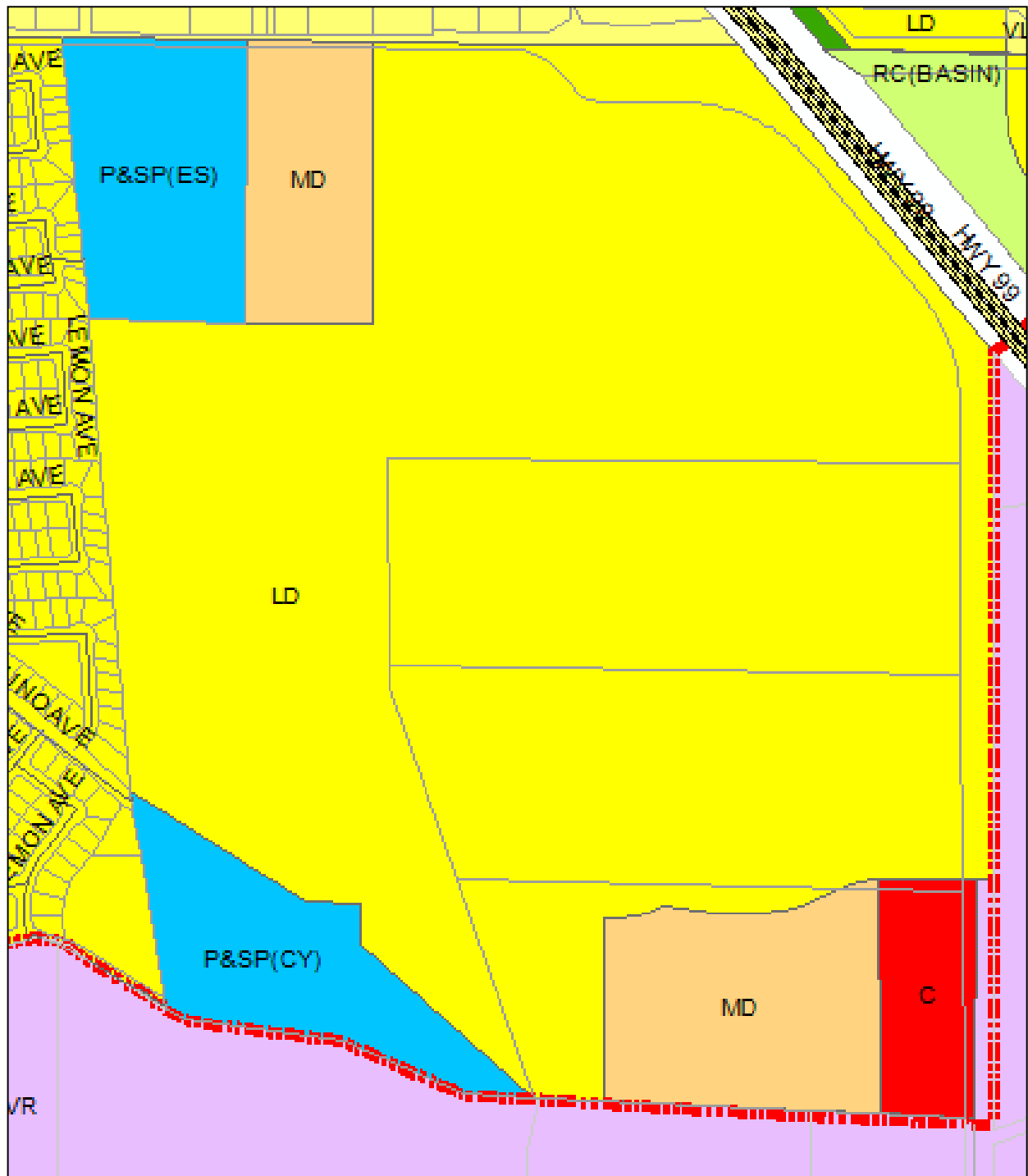
#### **ATTACHMENTS**

Aerial Photo  
General Plan Map  
Zoning Map  
Tentative Subdivision Maps

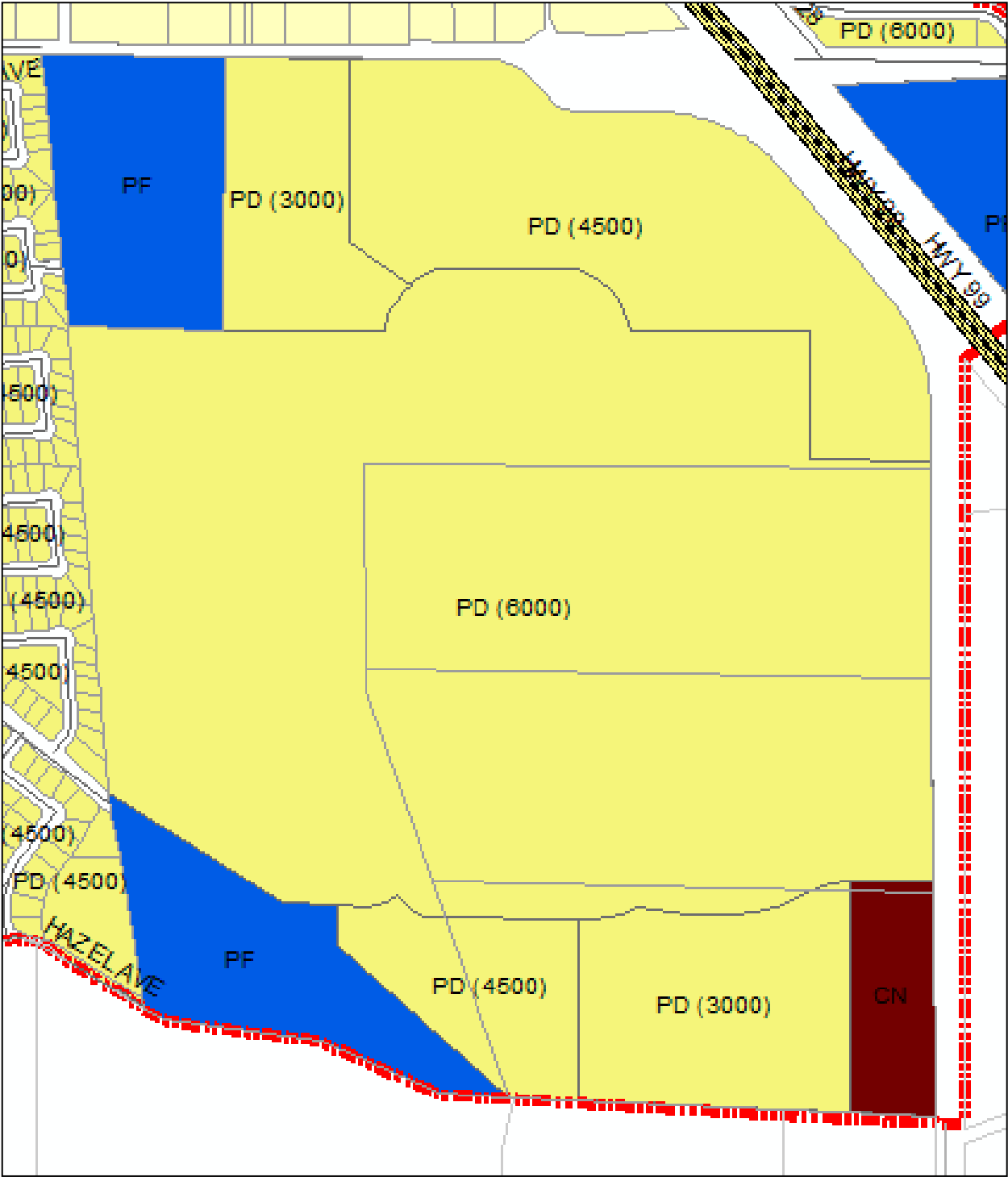
## Aerial Photo



## General Plan Map



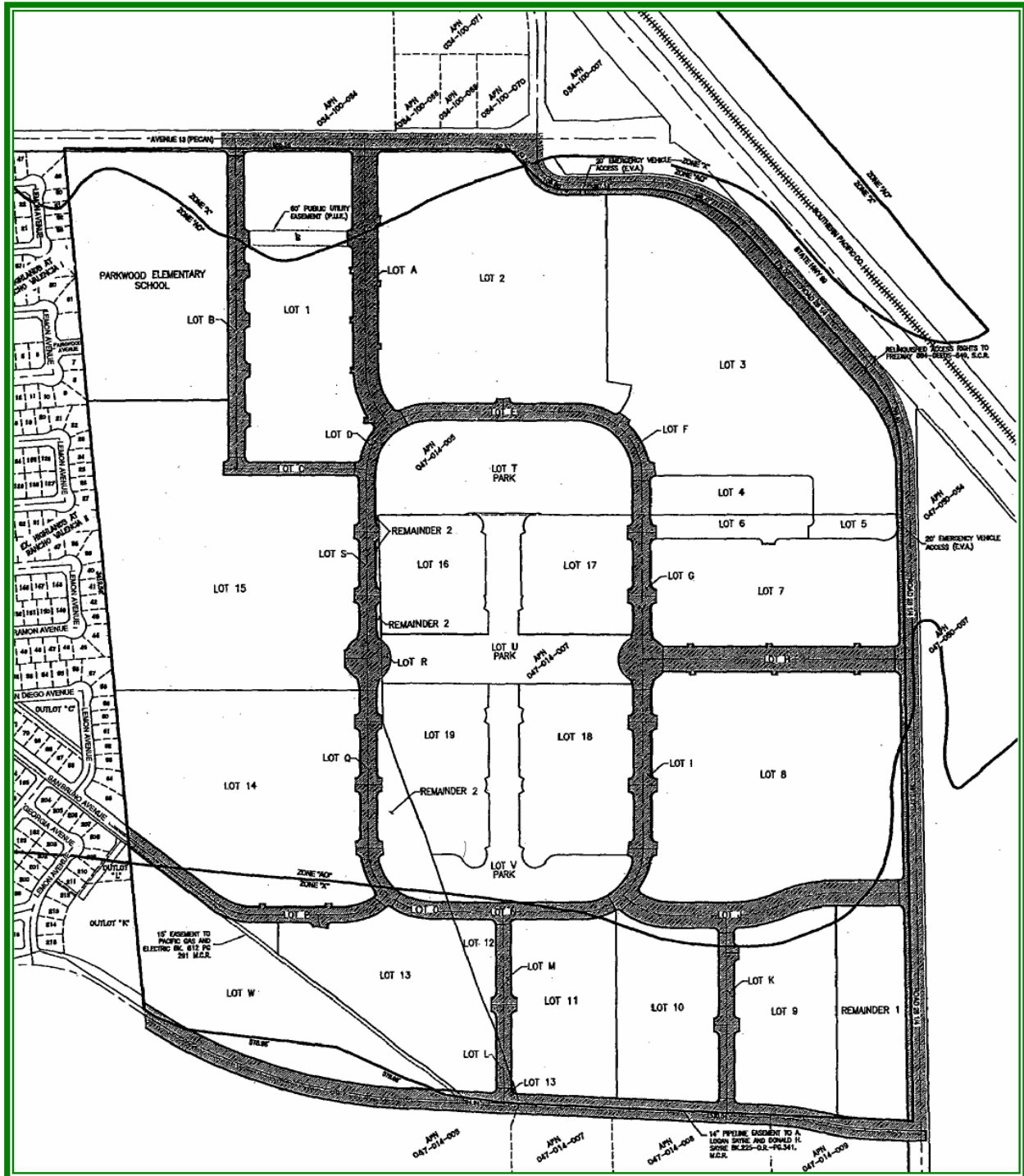
# Zoning Map

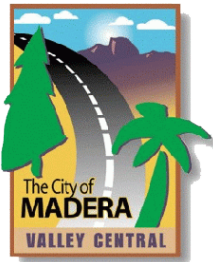






# Tentative Subdivision Map 2018-02





## CITY OF MADERA PLANNING COMMISSION

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

### **Staff Report: Adelaide Subdivision Rezone 2018-01, Tentative Subdivision Map 2018-03, Precise Plan 2018-02 and Negative Declaration Item #2 – June 12, 2018**

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**PROPOSAL:** A rezone, tentative subdivision map, precise plan and negative declaration to allow for the development of the Adelaide residential subdivision.

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<b>APPLICANT:</b>	City of Madera	<b>OWNER:</b>	City of Madera
<b>ADDRESS:</b>	No address currently assigned.	<b>APN:</b>	008-102-003, 007 & 008
<b>APPLICATIONS:</b>	REZ 2018-01, TSM 2018-03 and PPL 2018-02	<b>CEQA:</b>	Negative Declaration

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**LOCATION:** The project site is located approximately 1,100 feet north of the northeast corner of the intersection of Adelaide Avenue and Sunrise Avenue.

**STREET ACCESS:** The proposed subdivision will create two (2) new streets (Aptos Court and Capitola Court) that will provide direct access to Adelaide Avenue.

**PARCEL SIZE:** The project site is approximately 3.57 acres. Nineteen (19) residential parcels will be created by the subdivision of the project site.

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

**ZONING DISTRICT:** Current – R1 (Low Density Residential)  
Proposed – PD 6000 (Planned Development)

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**SITE CHARACTERISTICS:** The site is generally surrounded by single-family residential neighborhoods to the north, south and west. Immediately to the east is the Martin Luther King Jr. Middle School.

**ENVIRONMENTAL REVIEW:** An initial study and a negative declaration have been prepared for consideration by the Planning Commission in conformity with the California Environmental Quality Act (CEQA) Guidelines.

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**SUMMARY:** The proposed rezone from the R (Residential) Zone District to the PD 6000 (Planned Development) Zone District provides for flexible residential design standards while still providing consistency with the density requirements of the LD (Low Density Residential) General Plan land use designation. The tentative subdivision map proposes the creation of nineteen (19) new lots from three (3) existing lots. The precise plan will guide the overall development of the Adelaide subdivision. The precise plan includes five (5) different home models with three (3) different elevations and an upgraded version of each elevation. Cumulatively, the garage subordinate design and articulate architecture of the home models provide for conformance with the goals and policies of the General Plan.

## **APPLICABLE CODES AND PROCEDURES**

MMC §10-3-4.101, Planned Development Zones  
MMC §10-3.1501, Amendments  
MMC § 10-2.401 Subdivision Maps (five or more parcels)

## **PRIOR ACTION**

Rezone 2018-01, Tentative Subdivision Map 2018-03 and Precise Plan 2018-02 were continued to the June 12, 2018 Planning Commission hearing by the Planning Commission at the May 8, 2018 Planning Commission hearing.

## **ANALYSIS**

### Rezone

The project site is located within the LD (Low Density Residential) General Plan land use designation, which allows for a range of low density residential development ranging from a minimum of 2.1 units per acre to a maximum of 7 units per acre. The project site encompasses 3.57 acres, allowing for a minimum of eight (8) and a maximum of twenty-five (25) lots. The project site is also currently in the R1 (Low Density Residential) Zone District. The R (Residential) Zone District inhibits newly created parcels with specific lot size requirements for interior (6,000 square feet) and corner lots (6,500 square feet). The PD (Planned Development) Zone District allows for flexibility from those requirements while still providing consistency with the LD (Low Density Residential) General Plan land use designation.

### Tentative Subdivision Map

A tentative subdivision map accompanies the Rezone request. The map proposes to create nineteen (19) single family residential parcels ranging in size from between 4,833 to 8,723 square feet. The average lot size is 6,307 square feet, consistent with the requirements of the PD 6000 (Planned Development) Zone District and LD (Low-Density Residential) General Plan land use designation. Two cul-de-sacs provide for access to each of the proposed individual lots.

### Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the completion of Lilly Street and Adelaide Avenue to the City's half-street cross section for a local street.

The project perimeter along Lilly Street will be developed with a decorative split-faced masonry wall and pedestrian paths which will be maintained by a lighting and landscape maintenance district. The proposed lots will be included in the City's community facility district to collect assessments for increased demand on fire, police and storm water drainage.

Street Names: The process for naming streets calls for the applicant to propose names on the face of the tentative map which are reviewed and approved as part of the overall project. With exception to the existing perimeter streets, the proposed street names are largely exclusive to the proposed subdivision. The internal streets in the subdivision are as follows:

- Street "A" - Aptos Court
- Street "B" - Capitola Court

### 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 precise plan request is for the approval of five home plans for construction in the subdivision. The homes range in size from between 1,369 to 1,515 square feet and include three different elevations (see attachments). The proposed models are as follows:

<b>Model</b>	<b>Floor Area</b>	<b>Bed/Bath</b>	<b>Garage</b>	<b>% Buildable Lots</b>
Avon	1,369 sq. ft.	3 bed / 2 bath	Subordinate	84%
Triveni	1,450 sq. ft.	3 bed / 2 bath	Subordinate	84%
Delta	1,452 sq. ft.	4 bed / 2 bath	Subordinate	79%
Delaney	1,500 sq. ft.	4 bed / 2 bath	Subordinate	79%
Jordana	1,515 sq. ft.	4 bed / 2 bath	Subordinate	53%

The development of the cul-de-sacs does create a hindrance to structural setbacks for construction of new homes on three of the new properties. Lots 5, 12 and 16 are shallow in depth only allowing a rear yard setback between 6'-8" and seven (7') feet. The Delta model is the only model able to fit on lots 5, 12 and 16 with the aforementioned setbacks. To compensate for the shallow rear yard setback, the aforementioned lots are wide enough to provide interior side yard setbacks between nine (9') and ten (10') feet measured at the front of the home and between twenty-nine (29') and thirty (30') feet measured from the back of the home. These large side yard setbacks more than compensate for the small rear yard setbacks that ultimately provide for a large backyard. All other lots are able to provide for standard setbacks of the R (Residential) Zone District, with exception of a minimum front yard structural setback to living space at twelve (12') feet and a rear yard setback at ten (10') feet. In all cases, garages are set back at least twenty (20') feet from front property lines.

It should be noted that although none of the models can fit on one-hundred (100%) percent of the lots, all of them can fit on at least seven (7) of the nineteen (19) proposed lots within the aforementioned setbacks.

### General Plan Conformance

Any project, commercial or residential, involving new construction requires findings of conformance with the General Plan's goals and policies. The following are the policies relative to the residential development standards of the General Plan:

- **Garage Subordinate Design**

General Plan policy CD-32 states, "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." All of the five proposed homes fully satisfy CD-32.

- **Architecture**

Policy CD-33 states, "The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape." The proposed models vary in their elevation options including two-car garages, window shutters, gable treatments, wooden corbels, decorative lighting, different roof styles and a stucco exterior with stone wainscoting. Each model also includes a

front porch which complies with Policy CD-35. In order to comply with Policy CD-34, staff recommends that all proposed models on corner lots incorporate architectural treatments in keeping with the front elevation.

#### 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**

The first of the four vision statements, “A Well-Planned City,” states “Promote and encourage development and redevelopment of low- and moderate-cost housing.” An Action Plan was developed with specific ideas to implement the vision statements. Approval of this project is specifically consistent with the aforementioned vision statement and Action 101.8.

### **RECOMMENDATION**

The information presented in this report supports adoption of the Negative Declaration, recommendation of adoption of a Resolution recommending to the City Council the adoption of an Ordinance to rezone the property, and recommendation for approval of the Tentative Subdivision Map and Precise Plan, subject to the recommended conditions of approval.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on the Negative Declaration, Rezone 2018-01, Tentative Subdivision Map 2018-03 and Precise Plan 2018-02.

Motion 1a: Move to adopt a Negative Declaration, consistent with Section 15070(a) of the California Environmental Quality Act, with the findings as stated:

#### 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.

Motion 1b: Move to adopt a Resolution recommending to the City Council the adoption of an Ordinance rezoning the subject property to the PD 6000 (Planned Development) Zone District, consistent 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 judgement 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.

**Motion 1c:** Move to approve Tentative Subdivision Map 2018-03 and Precise Plan 2018-02, subject to the findings and conditions of approval 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 judgement 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.
- Tentative Subdivision Map 2018-03 is consistent with the development standards of the PD 6000 (Planned Development) Zone District.
- The proposed nineteen (19) lot tentative subdivision does not conflict with City standards or other provisions of the code.
- City services and utilities are available or can be extended to serve the area.
- Precise Plan 2018-02 is consistent with the purpose and intent of the PD (Planned Development) Zone District providing for variations to setback standards that would otherwise not be allowed in the R (Residential) Zone District. Precise Plan 2018-01 does not conflict with City standards or other provisions of the code.
- Precise Plan 2018-01 is consistent with the requirements for precise plans per Section 10-3-4.104 of the Madera Municipal Code.
- Precise Plan 2018-01 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 map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. 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.

## Engineering Department

### General

4. Prior to recording of the final map, all action necessary for the annexation of the subdivision into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
5. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District (LLMD) zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain existing landscaping improvements and new improvements which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
6. 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.
7. 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.
8. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Division prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
9. No temporary turn-arounds shall be permitted.
10. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
11. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
12. Development impact fees shall be paid at time of building permit issuance.
13. Improvement plans shall be sealed by an engineer and shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
14. 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, easement acceptance, map recording and improvement inspection fees.

15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
16. The improvement plans for the project shall include the most recent version of the City's General Notes.

#### Sewer

17. Sewer lines installed to serve this subdivision shall be sized accordingly, and shall be a minimum of eight (8") inches in diameter. Sewer main connections to any existing City main six (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. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
18. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be ten (10') feet past the property line. Where contiguous sidewalks are installed, the four (4") inch sewer clean out shall be located eighteen (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 ten (10') feet beyond the property lines as a part of the sewer system installation for testing purposes.
19. Existing septic tanks, if found, shall be removed with the appropriate building permit(s) required by the City of Madera Building Department.
20. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on Adelaide Avenue. The fair share cost (\$12.50 per lineal foot of frontage along Adelaide Avenue) shall be paid prior to issuance of an Encroachment Permit with the Engineering Department.

#### Storm Drain

21. Storm runoff from this project site is planned to go to the MLK basin located to the northwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided as a component of Civil Plan submission to support the chosen path of conveyance and design of any necessary conveyance facilities.

#### Streets

22. The developer shall dedicate a ten (10') foot Public Utility Easement (PUE) along Adelaide Avenue, adjacent to the entire project site.
23. The developer shall dedicate a seven (7') foot Public Utility Easement (PUE) along all internal publicly dedicated streets.
24. Adelaide Avenue and Lilly Street along the entire project frontage shall be improved to a sixty (60') foot local street standard per City of Madera Standard ST-2 with a five (5') foot



sidewalk, park strip, curb and gutter. Adequate transition with the existing improvements relative to grade and alignment shall be provided.

25. Interior streets shall be constructed in accordance with City standards for a fifty (50') foot residential street with a five (5') foot sidewalk, curb and gutter. Cul-de-sacs shall be per City standards.
26. Prior to map final, the developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 16. If the expansion of the existing Landscape Maintenance District Zone 16 is not attainable, the developer shall, at their sole expense, form a Lighting and Landscape Maintenance District zone for Lilly Street and Adelaide Avenue adjacent to subdivision park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
27. Access ramps shall be installed at all curb returns per current City Standards.
28. Driveway approaches shall be constructed per current City Standards.
29. The developer shall be required to install metered street lights along Adelaide Avenue, Lilly Street frontage and interior subdivision streets in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
30. 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 the front door to the nearest collector, arterial or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as 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.
31. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two (2") inches of type "B" asphalt over six (6") inches of ninety (90%) percent compacted native soil or four (4") inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
32. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on a 24" x 36" tracing with City of Madera logo on the bottom right corner. The cover sheet shall indicate the total 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. The plans are to include the City of Madera title block and the following:
  - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
  - b. Street plans and profiles;
    - i. Drainage ditches, culverts and other structures (drainage calculations

- to be submitted with the improvement plans);
- ii. Street lights;
- iii. Traffic signals;
- iv. 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 plan indicating flood insurance rate map community panel number and effective date;
- e. Landscape and irrigation plans for off-site landscaping improvements shall be 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.

33. Submittals shall include:

- a. Engineering Plan Review Submittal Sheet.
- b. Civil Plan Submittal Checklist – all required items shall be included on the drawings.
- c. Four copies of the final map.
- d. Two sets of traverse calculations.
- e. Two preliminary title reports.
- f. Two signed copies of conditions.
- g. Six sets of complete improvement plans.
- h. Three sets of landscaping plans.
- i. Two sets of drainage calculations.
- j. Two copies of the engineer's estimate.

Partial submittals will not be accepted by the Engineering Division.

- 34. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a three-sack sand slurry mix extending one (1') foot past curb and gutter in each direction.
- 35. The applicant shall coordinate with the pertinent utility companies, as required, regarding the establishment of appropriate easements and the under-grounding of service lines. A ten (10') foot public utility easement shall be required along all interior lot frontages.
- 36. All public utilities shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and 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.
- 37. 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.
- 38. 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 shall be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report

are to be noted on the final map.

39. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. 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.
40. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 of the Madera Municipal Code, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a one-hundred (100%) percent performance bond, additional bond (50% of labor and material), Storm Water Pollution Prevention Plan (SWPP) and insurance certificate 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 the City Council and shall be paid at time of permit.
41. The developer's engineer, upon completion of subdivision-related improvements, shall certify to the City Engineer that the improvements shall be made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

#### Water

42. 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.
43. Unless the City Engineer or fire flow analysis specifies larger lines, water lines at a minimum of eight (8") inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of eighteen (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 shall be a hot tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs shall be required at each termination point.
44. Prior to the beginning of any framing construction, approved fire hydrants shall be installed 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 constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
45. Water services shall be placed three (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 meters shall not be located within the driveway approaches, sidewalk areas, or at fire hydrant or street light locations.
46. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks and/or storage tanks shall be inspected for proper air gaps or

back-flow prevention devices.

47. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
48. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
49. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on Adelaide Avenue. The fair share cost (\$12.50 per lineal foot of frontage along Adelaide Avenue) shall be paid prior to issuance of an Encroachment Permit with the Engineering Department.

#### Subdivision Improvement Inspections

50. The 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 time that all other fees are due per the subdivision agreement.
51. Prior to installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector shall verify prior to inspection that the submitted plans from the contractor are signed by the City Engineer.
52. 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.
53. 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 (5) working days.

#### Special engineering conditions

54. 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 therefore.
55. Lot fill in excess of twelve (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 twelve (12") inches or more will require construction of a retaining wall.
56. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
57. 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 one acre in size.

58. Any construction work on MID facilities shall not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment permit upon removal or modification of MID facilities, the sub-divider shall submit two (2) sets of preliminary plans for MID approval. Permits shall be obtained from MID for removal or modification of the aforementioned encroachments. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities shall require removal of MID facilities at the owner's expense. Turnouts and gates shall be salvaged and returned to the MID yard.
59. Prior to recording the subdivision map, any current and/or delinquent MID assessments, plus estimated 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.
60. Internal street names for the subdivision shall be as follows:
  - Aptos Court
  - Capitola Court
61. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

## **Fire Department**

62. All homes shall be equipped with fire sprinklers in accordance with the California Residential Code and NFPA 13D.
63. Complete utility plans shall be required to determine the number of street hydrants required for the site.
64. The address for all residences shall be clearly visible from all roads fronting each property.

## **Planning Department**

### General

65. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant/owner's signature on the required Acknowledgement and Acceptance of Conditions of Approval form.

### Precise Plan

66. Five (5) models are approved as part of Precise Plan 2018-02. They are allowed to be constructed upon the nineteen (19) lots encompassed within the Adelaide subdivision. They are as follows:

<b>Model</b>	<b>Floor Area</b>	<b>Bed/Bath</b>	<b>Garage</b>
Avon	1,369 sq. ft.	3 bed / 2 bath	Subordinate
Triveni	1,450 sq. ft.	3 bed / 2 bath	Subordinate
Delta	1,452 sq. ft.	4 bed / 2 bath	Subordinate
Delaney	1,500 sq. ft.	4 bed / 2 bath	Subordinate
Jordana	1,515 sq. ft.	4 bed / 2 bath	Subordinate

67. Each proposed model shall include the following features as standard elements of construction:

- Three color exterior painting.
  - Architectural treatments, including stone wainscot, wall sconces, window shutters, gable decorations, decorative moldings and wood corbels consistent with the approved elevations for each model.
  - Front yard landscaping and irrigation.
68. All standards for the location and design of buildings (including accessory structures) and fences which are not specifically included in Precise Plan 2018-02 shall conform to the R1 (Residential) Zone District standards.
69. Except as noted above, 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 current City standards.
70. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property.
71. The following criteria shall be applied to the location of homes on individual lots:
- The appearance of a home is affected by at least three (3) primary features, including:
    - Home plan.
    - Alternative elevations for each plan.
    - Color.
  - Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two (2) consecutive lots.

72. The following models shall be allowed on the following lots:

<b>Lot No.</b>	<b>Avon (1369 Plan)</b>	<b>Triveni (1450 Plan)</b>	<b>Delta (1452 Plan)</b>	<b>Delaney (1500 Plan)</b>	<b>Jordana (1515 Plan)</b>
1	A	NA	A	NA	NA
2	A	A	A	A	A
3	A	A	A	NA	A
4	A	A	A	A	A
5	NA	NA	A	NA	NA
6	A	NA	A	NA	A
7	A	A	NA	A	A
8	A	A	A	A	A
9	A	A	A	A	A
10	A	A	NA	A	A
11	A	A	A	NA	A
12	NA	NA	A	NA	NA
13	A	A	A	A	A
14	A	A	A	NA	A
15	A	A	A	A	A
16	NA	NA	A	NA	NA
17	A	NA	A	NA	A
18	A	A	NA	NA	A
19	A	A	A	NA	A

*A – Allowed*

*NA – Not Allowed*

73. The minimum structural setbacks for lots 1, 5, 12 and 16 are as follows:

- Front Yard: Twelve (12') feet to living space

- Side Yard: Twenty (20') feet to garage
  - Rear Yard: Five (5') feet
  - Rear Yard: Six (6'-8") foot, eight inches
74. The minimum structural setbacks for lots 2-4, 6-11, 13-15 and 17-19 are as follows:
- Front Yard: Twelve (12') feet to living space  
Twenty (20') feet to garage
  - Interior Side: Five (5') feet
  - Exterior Side: Ten (10') feet
  - Rear Yard: Ten (10') feet
75. For lots 6-8, 9-11 and 17-19, there shall be a front yard setback variation to garage from the minimum twenty (20') feet to a maximum of twenty-five (25') feet, with at least a four (4') foot variation across each group of lots, regardless of the home model.
76. Any variation to the development standards of Precise Plan 2018-02 shall require approval of a Zoning Administrator's Permit from the Planning Department.
77. Vandalism and graffiti on walls, fences and/or homes shall be corrected pursuant to the Madera Municipal Code.

#### Building Colors, Materials and Lighting Considerations

78. The applicant shall submit a color and materials presentation board as part of Precise Plan 2018-02. The color and materials presentation board shall be approved by the Planning Manager and shall be included in the Precise Plan.
79. The construction of buildings approved as part of Precise Plan 2018-02 shall be consistent with the approved color and materials presentation board as reviewed and approved by the Planning Department. Any alteration shall require, at a minimum, approval by the Planning Manager.
80. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation. Exhibits demonstrating compliance with this condition shall be submitted at request for issuance of a building permit on all corner lots.
81. 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.
82. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

#### Construction Trailer and Sales Center

83. The development of any temporary construction trailer and/or materials storage yard on any lot in the subdivision requires the approval of a Zoning Administrator's Permit from the Planning Department in advance of installation/placement.
84. The development of any model home sales center on any lot in the subdivision requires the approval of a Zoning Administrator's Permit from the Planning Department.

#### Fences and Walls

85. Along the Lilly Street frontage, a six (6') foot tall decorative split-faced masonry block wall shall be constructed. The wall design shall be approved by the Planning Manager prior to construction.
86. Except as provided for in Condition No. 85 six (6') foot tall wooden fencing shall be provided along all side and rear yards.
87. Rear yard wood fencing shall be required for all single family homes.
88. Any retaining walls greater than eighteen (18") inches in height shall be split-faced masonry block. Residential fencing shall have a gate that allows for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of thirty-six (36") inches.

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

89. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed. All ground-mounted HVAC equipment shall be located in the interior side yard or rear yard behind six (6') foot tall fencing.
90. If fireplaces are installed, they must either be 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 recommended 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.

#### Landscaping

91. 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. The landscape and irrigation plans 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 from the approved plans shall require prior written request and approval from the Planning Manager. Removal or modification shall be at the developer's expense.
92. The detailed landscaping and irrigation plan required in Condition No. 91 shall include:
  - Landscaping materials, such as ground cover, shrubs, plants and shade trees, shall be used to enhance the aesthetic of the buildings.
  - Landscaped areas shall be provided with permanent automatic irrigation systems.
  - At least one City-approved street tree to be planted in each front yard.
  - A detailed planting list for landscaping, with the number, size spacing and specie of all plantings.
93. The property owner(s) 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.

Motion 2: Move to continue the public hearing on Rezone 2018-01, Tentative Subdivision Map 2018-03 and Precise Plan 2018-02, to the July 12, 2018 Planning Commission hearing, for the following reasons: (specify)



**(OR)**

Motion 3: Move to deny Rezone 2018-01, Tentative Subdivision Map 2018-03 and Precise Plan 2018-02, based on the following findings: (specify)

**ATTACHMENTS**

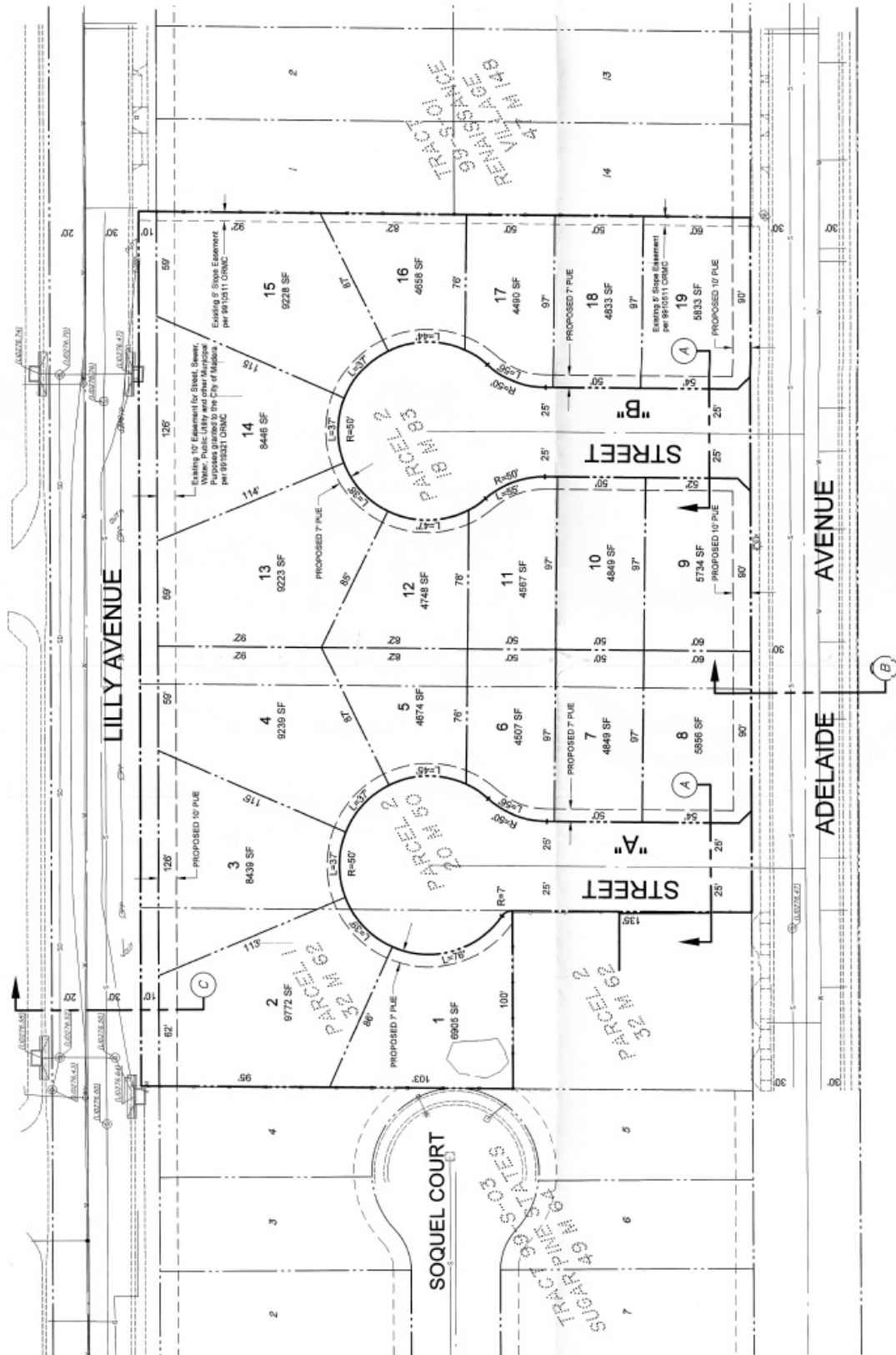
Aerial Map  
Zoning Map  
Tentative Subdivision Map 2018-03  
Initial Study and Negative Declaration  
Resolution of Recommendation to the City Council  
Exhibit A - Amended Zoning Map  
Draft Ordinance

## Aerial Map



## Zoning Map





**RESOLUTION NO. 1829**

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 3.57 ACRES OF PROPERTY (APN: 008-102-003,  
008-102-007 AND 008-102-008), APPROXIMATELY 1,100 FEET NORTH  
OF THE NORTHEAST CORNER OF THE INTERSECTION OF SUNRISE  
AVENUE AND ADELAIDE AVENUE, FROM THE R1 (LOW DENSITY  
RESIDENTIAL) ZONE DISTRICT TO THE PD 6000 (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 3.57 acres of property (APN: 008-102-003, 008-102-007 and 008-102-008), located approximately 1,100 feet north of the northeast corner of the intersection of Sunrise Avenue and Adelaide Avenue, resulting in a change from the R1 (Low Density Residential) Zone District to the PD 6000 (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.

WHEREAS, 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 found 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 was adopted in accordance with the California Environmental Quality Act.

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 finds that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
3. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
4. This resolution is effective immediately.

\* \* \* \* \*



Passed and adopted by the Planning Commission of the City of Madera this 12<sup>th</sup> day of June, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Attest:

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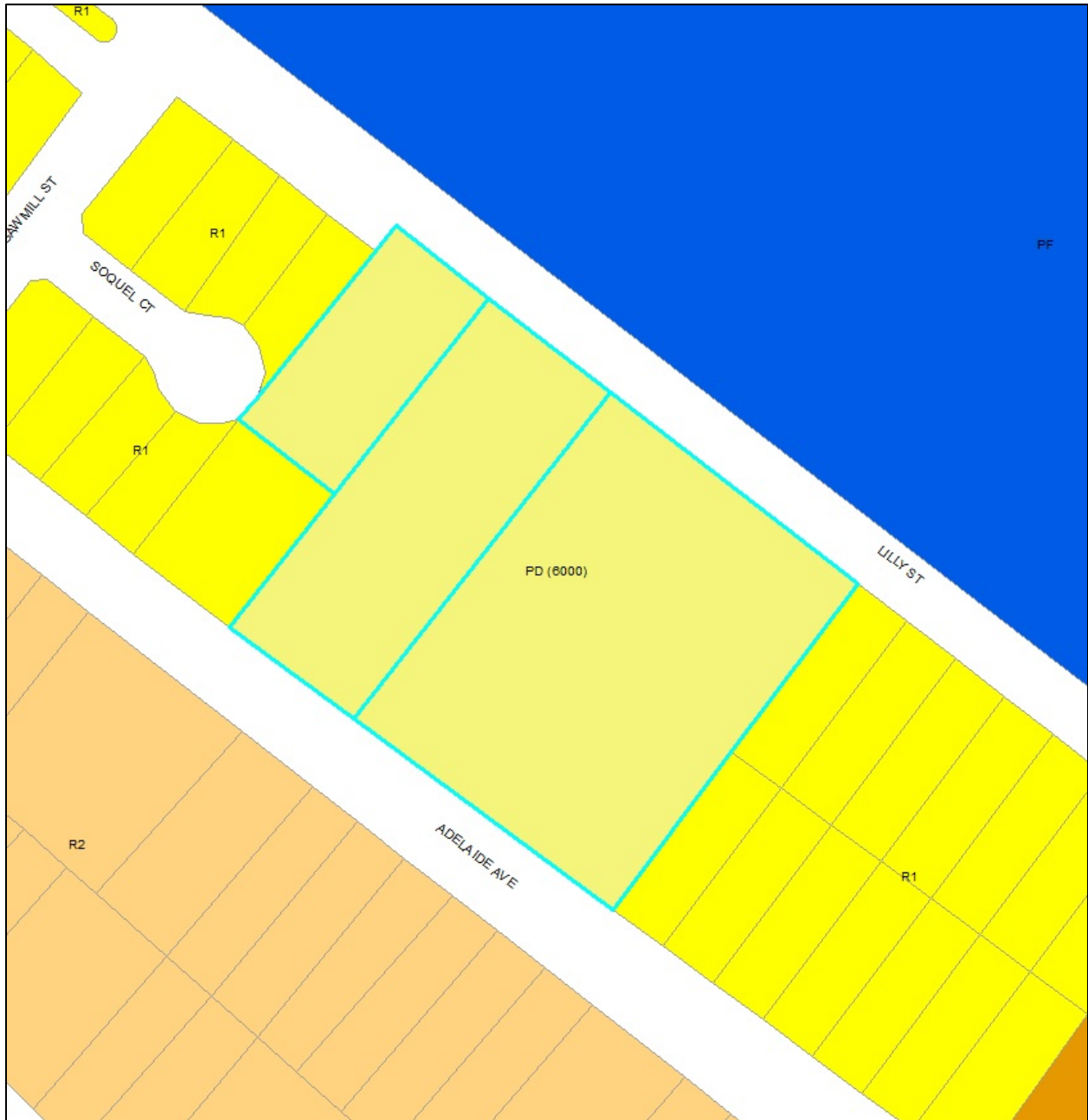
Robert Gran, Jr.  
Planning Commission Chairperson

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Christopher F. Boyle  
Planning Manager

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_

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 3.57 ACRES OF PROPERTY (APN: 008-102-003, 008-102-007 AND 008-102-008), LOCATED APPROXIMATELY 1,100 FEET NORTH OF THE NORTHEAST CORNER OF THE INTERSECTION OF SUNRISE AVENUE AND ADELAIDE AVENUE, FROM THE R1 (LOW DENSITY RESIDENTIAL) ZONE DISTRICT TO THE PD 6000 (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:**

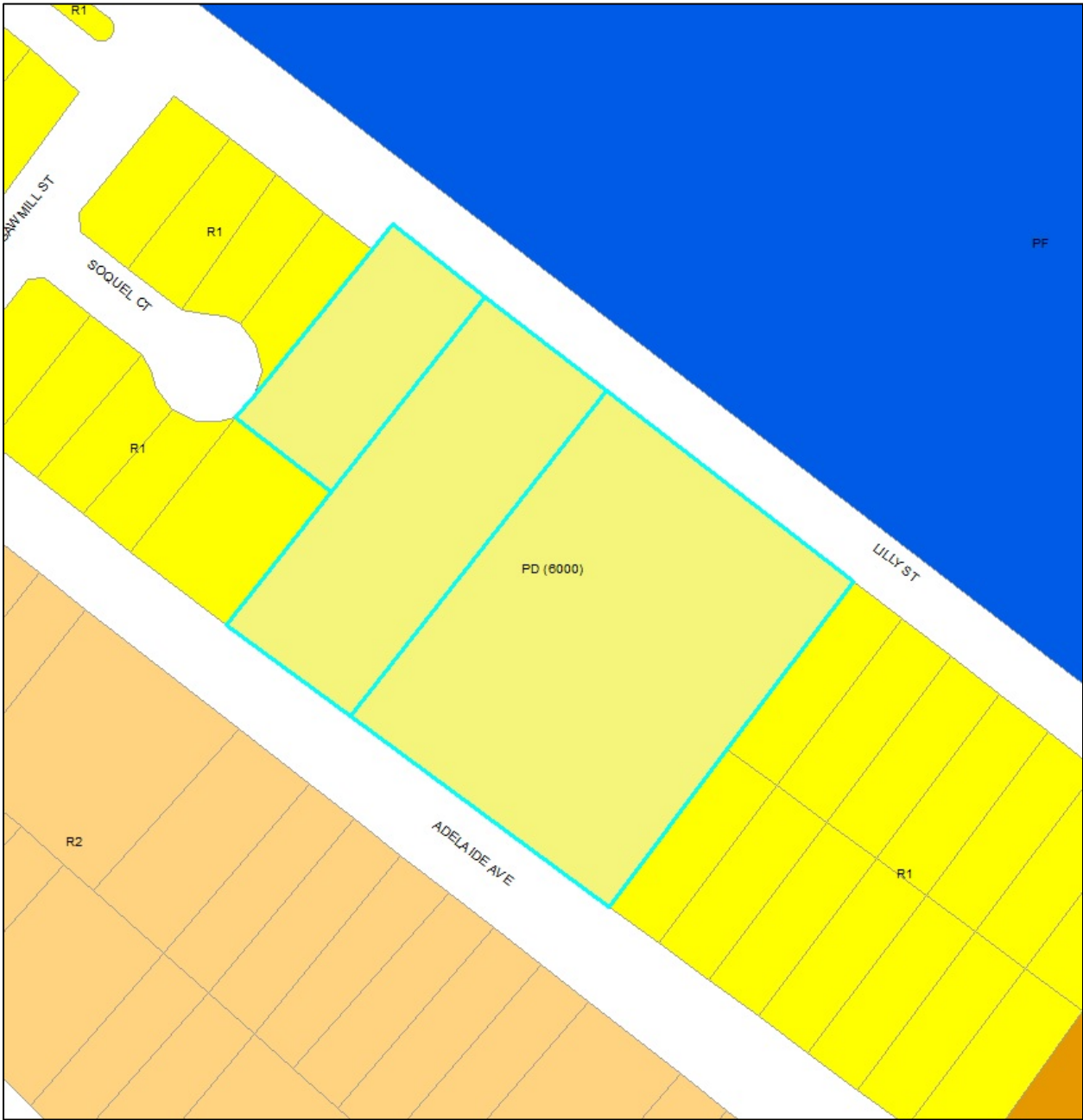
1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE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

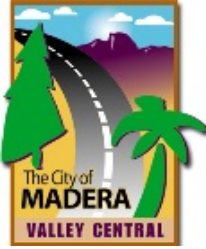
**SECTION 4.** This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*



DRAFT ORDINANCE - EXHIBIT A





## CITY OF MADERA PLANNING COMMISSION

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

### **Staff Report: Tierra Vista Estates Precise Plan Modification PPL 2005-01 MOD2 and Environmental Determination Item #3 – June 12, 2018**

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**PROPOSAL:** An application for precise plan to allow for the development of four different home models with three varying elevations each on 36 of the remaining 51 vacant lots within the Tierra Vista Estates subdivision. Development standards provide for conformance with the General Plan.

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<b>APPLICANT:</b>	Joseph Crown	<b>OWNER:</b>	Madera Vista Estates LLC
<b>ADDRESS:</b>	Multiple	<b>APN:</b>	Multiple
<b>APPLICATIONS:</b>	PPL 2005-01 MOD2	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The project site is located on the northwest corner of Emily Way and Gary Lane.

**STREET ACCESS:** The subdivision has access from Emily Way and Gary Lane.

**PARCEL SIZE:** Average lot size is approximately 4,500 square feet.

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

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

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**SITE CHARACTERISTICS:** Tierra Vista Estates is a 78-lot single family residential subdivision. Commercial development is located immediately to the west and north. Property to the south is a single-family residential neighborhood. Property to the east is vacant multifamily residential land.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332, (In-Fill Development Projects).

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**SUMMARY:** Precise Plan 2005-01 MOD2, as conditioned, provides for the development new homes on thirty-six vacant parcels within the Tierra Vista Estates subdivision consistent with the Zoning Ordinance and the General Plan.

## **APPLICABLE CODES AND PROCEDURES**

MMC §10-3-4.101 Planned Development Zones

MMC §10-3-4.104 Precise Plan Application

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 granting of an amendment to 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 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 2005-02 and Precise Plan 2005-01 were approved by the Planning Commission on March 8, 2005. The precise plan was then amended on November 12, 2013 to include three new floor and elevations plans as part of Precise Plan 2005-01 MOD. Precise Plan 2005-01 MOD expired when development ceased for a period in excess of one year.

## **ANALYSIS**

### Background

The approved tentative subdivision map for the Tierra Vista Estates subdivision created 78 residential lots with a minimum size of 4,500 square feet. Although the majority of lots are 4,500 square feet, lots range to as high as 8,208 square feet. The subdivision has twenty-seven (27) constructed homes and fifty-one (51) vacant lots. Previously approved floor plans offered homes between 1,200 and 2,300 square feet, with varying front elevations offered for each plan. Front yard irrigation, landscaping and street trees were provided as part of the home package on each lot.

### Modification Request

Fifty-one (51) of the original seventy-eight (78) residential lots remain vacant. The applicant proposes to complete the construction of homes on thirty-six (36) of the remaining vacant lots encompassing approximately 3.8 acres. The applicant does not control the remaining fifteen (15) vacant lots. The applicant proposes to offer four new floor plans, each with two different elevation options. Plans range from 1,393 square feet to 2,318 square feet.

Three of the models fit within the optimal setbacks for residential construction on all of the thirty-six (36) lots. One model, the 1,777 square foot Sienna model, can be accommodated on only nineteen (19%) percent of the applicable lots when standard setbacks are applied. All

models include a two-car garage, a front porch and a rear patio. The four models are as follows:

• Urbina	1,393 sq. ft.	3 bedrooms, 2 bathroom	Garage subordinate	100%
• Abbey	1,576 sq. ft.	3 bedrooms, 2 bathroom	Garage subordinate	100%
• Sienna	1,777 sq. ft.	4 bedrooms, 2 bathroom	Garage subordinate	19%
• Amelia	2,318 sq. ft.	4 bedrooms, 2 bathroom	Garage neutral	100%

Each proposed model includes tile roofing, varying architectural treatments including wall sconces, window shutters, gable decorations and hatched window treatments. Stone and rock, elevation treatments are offered as optional embellishments to the models. The proposed models will also provide for a three car garage option even though the majority of lots will not be able to accommodate a 3 car garage model.

#### General Plan Conformance

The proposed models are generally consistent with the goals and policies of the General Plan. General Plan policy CD-32 states that “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the houses itself, especially the entry”. Three of the four proposed home models provide for garage-subordinate design, the fourth model being a garage neutral design. Staff proposes conditions of approval which reinforce 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). The four models also provide front porches which are an “encouraged” feature as stated in General Plan policy CD-35.

Although staff is supportive of approval of the four proposed floor plan models, conditions of approval require that the applicant provide three distinct elevations. In past subdivisions, staff required only one elevation that was offered with either a gable or hipped roofline. Optional enhanced elevations, it was hoped, would provide the required variation in architecture. Regrettably, within a recently approved subdivision, less than ten (10%) percent of buyers selected the enhanced elevational option, creating a condition where findings of conformance with Policy CD-33 could not be made. Action Item CD-33.1 states “Builders may not offer the buyers an option for a “base” or “standard” model which fails to provide variation and articulation in the exterior elevation.” In order to resolve the lack of variation in previously approved subdivisions, and to provide full compliance with Policies CD-30 and CD-33, three varying stylistic elevations shall be required of all residential development moving forward. Conditions of approval reflect this new standard in order to provide conformance with the General Plan.

#### Precise Plan

As identified earlier in this report, the Sienna elevation can be readily accommodated on only nineteen (19%) percent of the lots. As a result, on lots where the Sienna models can be constructed with standard setbacks, certain lots are reserved specifically for construction of the Sienna model. On all other lots, the Sienna model may be allowed with a rear yard setback of as little as ten (10”) feet, subject to the approval of a Zoning Administrator Permit. Conditions of approval reflect these standards.

Additionally, revised landscaping plans have been required as a component of the modified precise plan. In review of current landscaping design, additional attention to detail and aesthetic design is necessary. Staff recommends revised landscape plans for each proposed model be submitted to the Planning Department for approval so as to better satisfy Community Design Goal 4, which requires “Attractive streetscapes in all areas of Madera.”

Combined with existing requirements for varying setbacks and model distribution, Precise Plan 2005-01 MOD2 is consistent with the goals and policies of the General Plan.

### **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”.

### **SUMMARY OF RECOMMENDATIONS**

The modification to the precise plan allows for the logical completion of a residential neighborhood. As conditioned, the proposed homes and their supporting development standards provide conformity with the General Plan. The information presented supports approval of the project. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on the precise plan modification.

Motion 1: Move to approve Precise Plan 2005-01 MOD2 to allow for the modification of the precise plan for Tierra Vista Estates to include the addition of four new floor plans and elevations, based on and subject to the findings and conditions of approval:

#### Findings

- The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332, (In-Fill Development Projects).
- Precise Plan 2005-01 MOD2 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 2005-01 MOD2 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2005-01 MOD2 is consistent with the goals and policies of the General Plan.
- Precise Plan 2005-01 MOD2 continues to implement the tentative map and conditions of approval for the Tierra Vista Estates subdivision.
- The proposed modification 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. The conditions of approval for Precise Plan 2005-01 MOD2 replace, in their entirety, the previous precise plan approvals for Tierra Vista Estates.
2. 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.
3. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and, at a minimum, approval by the Planning Manager.
4. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to the Precise Plan.
5. 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.
6. It shall be the Developer's responsibility to assure that all homes on all lots are compliant with the conditions herein.

### **Engineering Department**

#### **General**

7. The applicant shall complete all the improvements as described in the *Agreement for the Construction of Improvements for Tierra Vista Estates Subdivisions* executed in April of 2006 to allow the City of Madera to accept the subdivision and maintain public improvements associated with the subdivision.
8. Impact fees shall be paid at the time of building permit issuance.
9. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
10. Any existing improvements that may have become substandard/deficient over the years due to weathering, vandalism or updated standards shall be replaced per current City standards. Surface deterioration in streets such as potholes shall be repaired by the developer.

#### **Water**

11. Water service connections, inclusive of any non-compliant materials that may have been installed, shall be replaced and constructed per current City standards including water meters located within public right-of-way or public utility easements.
12. Developers shall install backflow prevention devices within landscaped areas as shown on original improvement drawings per current city standards.



### Sewer

13. Sewer service connections inclusive of any non-compliant materials that may have already been installed, shall be replaced and constructed per current City standards including sewer cleanouts located within public right-of-way or public utility easements.
14. The developer shall be responsible for cleaning existing utility stub outs to prevent any dirt, debris, or contamination of any type from entering the public sewer system.

### Streets

15. An ADA accessible path of travel shall be constructed across the existing driveway approaches.
16. Substandard and damaged sidewalk, curb and gutter shall be removed and replaced per current City standards. Limit of repairs shall be established by the City Engineering Inspector.

### **Planning Department**

17. Four new models are approved as part of PPL 2005-01 MOD2. They are:
  - Urbina Model 1,393 - single-story floor plan, three bedrooms and two bathrooms
  - Abbey Model 1,576 - single-story floor plan, three bedrooms and two bathrooms
  - Sienna Model 1,777 - single-story floor plan, four bedrooms and two bathrooms
  - Amelia Model 2,318 - two-story floor plan, four bedrooms and two bathrooms

All models shall include a two-car garage.

18. Each approved model shall be available for construction in no less than three distinct architectural styles (for instance, Mission, Craftsman, Italian Villa, European Cottage etc.). Each elevation shall be a standard elevation, approved by the Planning Manager, available for purchase by the client as a standard feature of the home's construction. Each approved model shall include the following features as standard elements of construction:
  - Tile roofing
  - Three-color exterior paint
  - Architectural treatments, including wall sconces, window shutters, gable decorations, decorative moldings, wood corbels and/or hatched window treatments unique to and sufficient in quality and quantity so as to provide the required thematic variation and architectural quality.
19. Lots 1, 55 and 66 shall be developed with the Sienna (Model 1777) model. Front yard setbacks for these lots shall be eighteen (18') feet to living space (20 feet to garage) with a fifteen (15') rear yard setback.
20. Placement of the Sienna (Model 1777) model on any other lot shall require the approval of a Zoning Administrator Permit.
21. For corner, reverse corner and interior lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public right-of-way, architectural treatments in keeping with the front (primary) elevation shall be incorporated. Exhibits which demonstrate conformance with this condition of approval shall be submitted for approval as a component of submittal for building permit.

22. For reverse corner lots, street side yard setbacks shall be ten (10') feet from property line for structure and five (5') feet from property line for fencing.
23. All standards for 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 R1 (Residential) zoning standards.
24. Except as noted above, 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.
25. Minor adjustments in the width of corner lots may be approved by the Community Development Director in order to comply with these precise plan requirements.
26. A ten-percent (10%) minor variation for the rear yard setback requirements may be granted with approval by the Community Development Director when deemed necessary.
27. Attached covered patios may encroach into the required fifteen (15') foot rear yard setback by up to five (5') feet.
28. No side yard street access shall be allowed on any corner lot. No rear yard street access shall be allowed from Lots 55 – 58.

#### Fences and Walls

29. Rear 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.

#### Landscaping

30. Revised MWELo compliant landscape and irrigation plans shall be submitted to the Planning Department for each of the approved models. The revised landscape and irrigation plans shall be approved by the Planning Manager prior to issuance of building permit.
31. Front yard and street side yard landscaping shall be planted in conjunction with construction of all single family homes. Two City approved street trees shall be planted in the street side yards of corner lots. 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. In addition to the aforementioned street tree(s), a minimum of one City approved tree shall be provided in the front yard of all lots.
32. Rear yard fencing and front and street side yard landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
33. Along Emily Way, landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Any existing landscaping along Emily Way and Gary Lane, shall be rehabilitated and maintained in a well-manicured manner. No trees shall be planted within thirty (30') feet of any street light or five (5') feet from any fire hydrant. Each tree shall be planted with a City approved root barrier.

34. 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 preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
35. 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 recommended 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.
36. HVAC units shall be ground mounted, located in the rear or interior side yard of the lot. No roof mounted air conditioning and heating ventilation units shall be allowed.
37. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
38. The following criteria shall be applied to the location of homes on individual lots:
  - The appearance of a home is affected by at least three (3) primary features, including:
    - 1) home plan
    - 2) alternative elevations for each plan; and
    - 3) color

Homes built on side-by-side lots shall not repeat more than one these primary home features. The model floor plans shall not be repeated on more than two (2) consecutive lots.
39. The front structural setback shall vary from the minimum 15 feet to a maximum of 24 feet, with at least a one foot variation amongst any two adjacent lots, and a three (3') foot variation over any five consecutive lots, regardless of home models.
40. The minimum front setbacks for all lots shall be:
  - 20 feet minimum depth to garage
  - 15 feet minimum to living space
  - 12 feet minimum to porch

#### Construction Trailer & Sales Center

41. The development of any temporary construction trailer and/or materials storage yard on any lot in the subdivision requires the approval of a Zoning Administrator Permit in advance of installation/placement.
42. The development of any model home sales center on any lot in the subdivision requires the approval of a Zoning Administrator Permit.

## **Fire Department**

43. 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 individual dwelling is constructed.

**(OR)**

Motion 2: Move to continue the application for Precise Plan 2005-01 MOD2 to the July 10, 2018 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

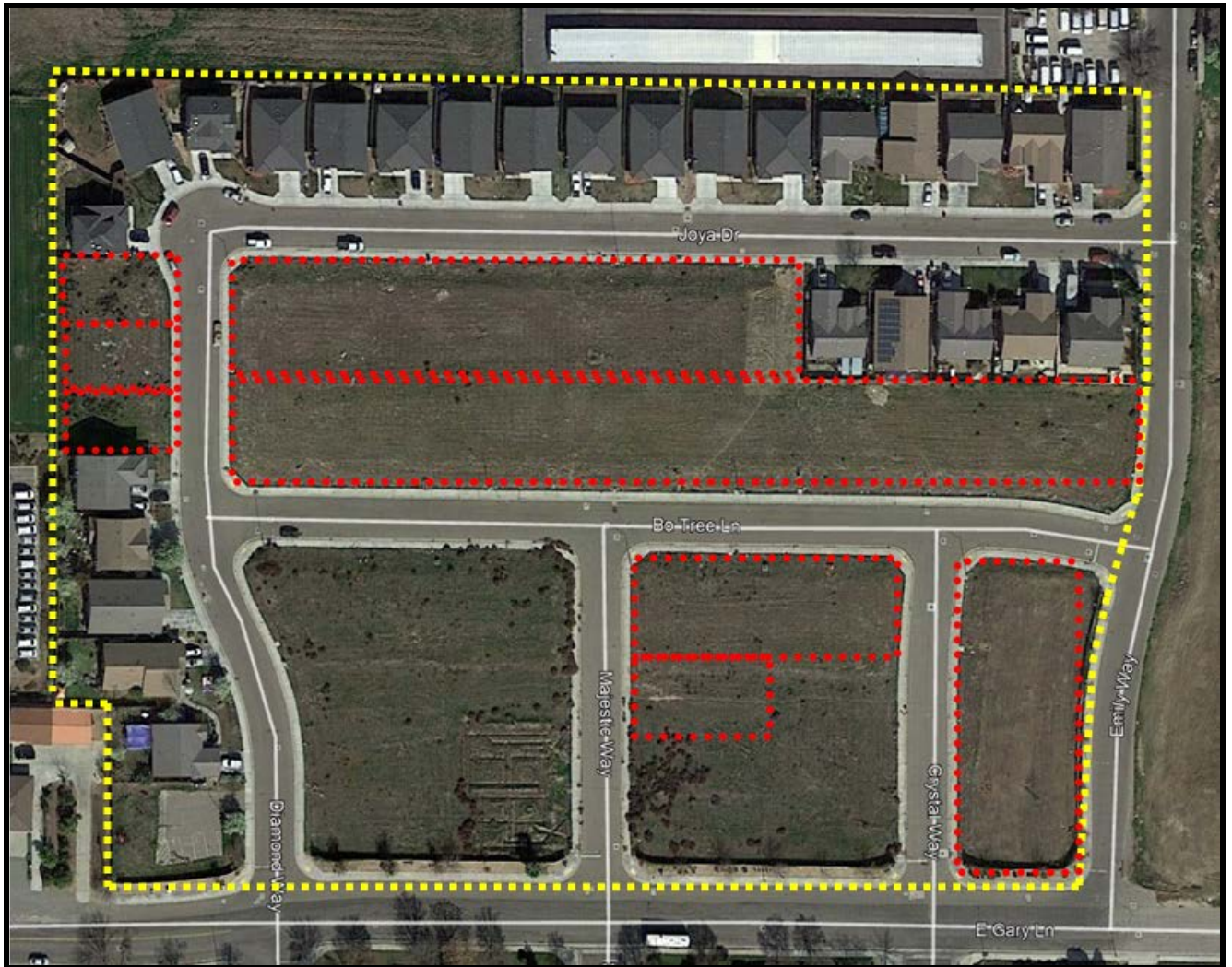
**(OR)**

Motion 3: Move to deny the application for Precise Plan 2005-01 MOD2, based on and subject to the following findings: (specify)

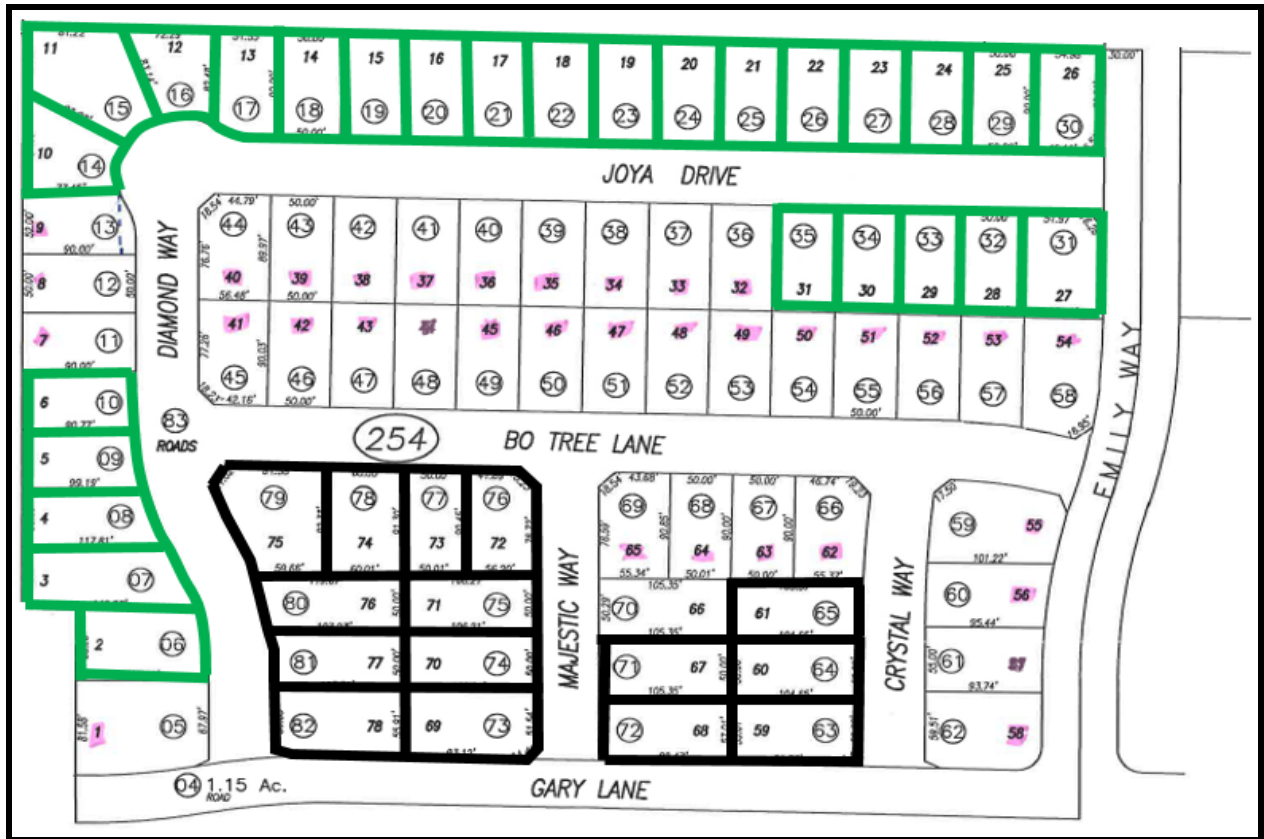
## **ATTACHMENTS**

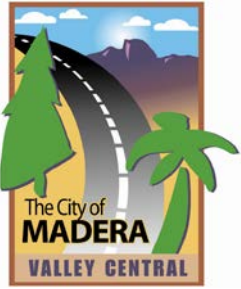
Aerial Photo  
Map of Affected Lots

Aerial Photo



**Map of Affected Lots**  
**“Outlined” lots are not a part of the Precise Plan Modification**





# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Maria's Burger Bar CUP 2018-08, SPR 2018-10 & Categorical Exemption Item #4 – June 12, 2018

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the re-establishment of the sale of alcoholic beverages for on-site consumption in conjunction with an existing restaurant.

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<b>APPLICANT:</b>	Lizeth Gastelum	<b>OWNER:</b>	Eufrocina Rivera
<b>ADDRESS:</b>	114 North Gateway Drive	<b>APN:</b>	010-093-002
<b>APPLICATION:</b>	CUP 2018-08 & SPR 2018-010	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located on the west side of North Gateway Drive, approximately 200 feet north of the intersection of North Gateway Drive and West Yosemite Avenue.

**STREET ACCESS:** The site has access to North Gateway Drive and a municipal alley.

**PARCEL SIZE:** Approximately 0.35-acre

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

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

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**SITE CHARACTERISTICS:** The 0.35-acre site is established commercial development. The restaurant faces onto the public right-of-way with parking provided via an alley abutting the rear of the property. There is commercial development to the north, east and south; with the county library directly across the alley to the west.

**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 & RECOMMENDATION:** The applicant is proposing to re-establish the sale of beer and wine for on-site consumption. A 2015 approval for alcohol sales in the same tenant space was allowed to lapse and is no longer valid. The applicant plans to rebrand the restaurant to include a Mexican seafood menu. Although the restaurant is within a census tract with an over-concentration of Alcohol Beverage Control (ABC) licenses, the use is consistent with the purpose and intent of the Zoning Ordinance. A conditional use permit is required in order to establish on-site alcohol sales. Conditions of approval require on and off-site improvements be completed prior to the commencement of on-site alcohol sales.



## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.802 Light Commercial Zone

MMC § 10-3.1205 Exemptions from Parking Space Requirements

MMC § 10-3.1301 Use Permits

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**

The site has been intermittently utilized as a restaurant for an extended period of time. Conditional Use Permit 2009-15, completed in September of 2009, allowed for the sale of alcoholic beverages for on-site consumption in conjunction with a restaurant (El Amigo Restaurant). The sale of alcohol was discontinued for more than a twelve-month period, rendering the use permit expired.

Maria's Burgers occupied the site in January of 2015. The business re-established the sale of alcoholic beverages for on-site consumption through Conditional Use Permit 2015-04 approved on April 14, 2015. Maria's allowed the use permit to lapse when little demand for beer and wine was observed and the use was once again discontinued, rendering the conditional use permit null and void.

## **ANALYSIS**

### Background

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for retail uses in the C1 Zone District, except that the proposed alcohol sales are allowed only with the approval of a conditional use permit. The commercial building where the restaurant is located has been utilized for the same purpose in the past and the use is compatible with surrounding uses. Issues discussed as part of this analysis include parking and operational concerns.

### Parking

In that the restaurant site was fully developed prior to August 1, 1978, none of the parking requirements are applicable to the site. Zoning Ordinance provides an exemption to all structures and uses that were in existence prior to 1978. Eighteen (18) parking stalls are provided in the rear of the site with access to the municipal alley.

### Operations

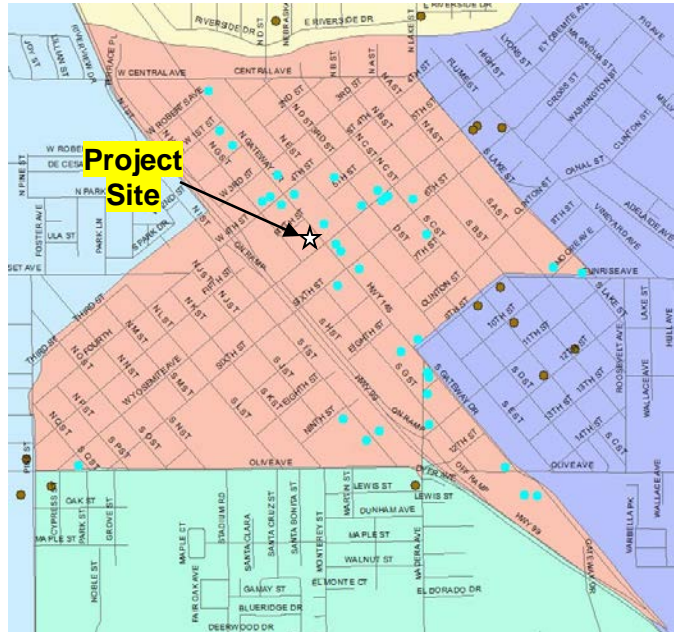
The applicant wishes to serve beer and wine for consumption on site as part of the operation of a restaurant. A Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license from the California Department of Alcoholic Beverage Control (ABC) would be required. The project site is in Census Tract 8, which generally encompasses the downtown region of the



City. Census Tract 8 is an area of overconcentration for ABC licenses for both the on and off-site sale and consumption of alcoholic beverages. Currently, there are twenty (20) on-sale and seventeen (17) off-sale ABC licenses in Census Tract 8. Ideally, there should be only six (6) on-sale and six (6) off-sale ABC licenses issued in Census Tract 8. Over-concentration of ABC licenses is primarily due to the high concentration of commercial activity in relation to the low numbers of residences within Census Tract 8.0

It has been the City's policy to allow the issuance of ABC licenses in over-concentrated Census Tracts on a case by case basis. Licensure of Type 41 ABC licenses must be for on-site sale of beer and wine when ancillary to a bona fide eating establishment. In a case by case review, approval of the conditional use permit requires that the site operates consistent with federal, state, and local laws, as stated by condition No. 15.

In this case, the applicant is asking for the allowance to serve beer and wine in association with an eating establishment. It is common for sit down restaurant establishments to offer alcoholic beverages in concert with the food served. Approval of the conditional use permit would allow the applicant to offer beer and wine as a component of restaurant operations.



This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

## CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of sales of alcoholic beverages 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 ...**

## SUMMARY OF RECOMMENDATIONS

The information presented in this report supports conditional approval of the use permit request.

## PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2018-08 and Site Plan Review 2018-10, determine 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 2018-08 and Site Plan Review 2018-10 based on and subject to the findings and conditions of approval as listed below.

### Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be a negligible expansion of the existing use of the structure.
- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provides for the use, subject to the issuance of a conditional use permit.
- The site is exempt from off street parking requirements as the building was in existence prior to August 1, 1978.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, 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.

### **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 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 2018-08 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.
4. Conditional Use Permit 2018-08 and Site Plan Review 2018-10 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 2018-10 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 2018-10.
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 the establishment of the use.

### **Building Department**

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 and shall be confirmed at final inspection. The requirements shall also apply to proposed future development.

### **Engineering Department**

#### General

9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
10. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Department.
11. The developer shall pay all required fees for completion of the project. Fees de may include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.

#### Water

12. Existing water service connections shall be upgraded to current city standards including water meters located within city right-of-way and backflow prevention device located within private property.

### **Planning Department**

#### General

13. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
14. On-site vandalism and graffiti shall be corrected per the Madera Municipal Code.
15. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use will be cause for revocation of this permit.
16. 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.

#### Operations

17. Conditional Use Permit 2018-08 allows for the sale of beer and wine in association with the operation of a bona fide eating establishment. This entitlement requires a Type 41 Alcohol Beverage Control license to be obtained. Modification of the license type requires amendment of this use permit.

18. 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.
19. The sale of on-site alcohol shall be limited to occur as early as 9:00 am and as late as midnight, seven days a week.
20. No outdoor consumption of alcoholic beverages shall be allowed at any time.
21. No outdoor dining shall occur without first securing a use permit to provide for such activity as approved by the Planning Commission.
22. There shall be no allowance for the outdoor display and/or storage of goods, merchandise and/or materials without first amending the conditional use permit, approved by the Planning Commission.
23. Utilization of the restaurant as a commissary for a mobile food vendor will require the approval of an amendment of this use permit prior to the commencement of any commissary use on the site. No commissary activities shall occur without first amending the conditional use permit.

Signage

24. Existing non-conforming signage on the site shall be removed. As an alternative, the applicant may apply for a sign permit consistent with current sign regulations. Any new signage shall have an approved Sign Permit issued by the Planning Department per MMC § 10-6. All signage shall be maintained in good condition at all times.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2018-08 and Site Plan Review 2018-10 to the July 9, 2018, Planning Commission meeting.

**(OR)**

Motion 3: Move to deny the request for Conditional Use Permit 2018-08 and Site Plan Review 2018-10 based on the following findings: (specify)

**ATTACHMENTS**

Aerial Photo  
Photos

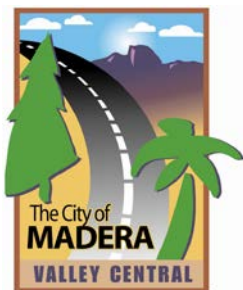
Aerial Photo



## Photos







# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Kuppa Joy Drive-Thru Kiosk CUP 2018-09 & SPR 2018-13 & Categorical Exemption Item #5 – June 12, 2018

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the establishment of a drive-thru coffee, tea and pre-packaged pastry retail food business.

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**APPLICANT:** Kuppa Joy

**OWNER:** J S T LLC

**ADDRESS:** 1201 W Yosemite Avenue

**APN:** 010-062-015

**APPLICATION:** CUP 2018-09 & SPR 2018-13

**CEQA:** Categorical Exemption

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**LOCATION:** The project site is located at the northwest corner of North Q Street and West Yosemite Avenue.

**STREET ACCESS:** The site has access to North Q Street and West Yosemite Avenue.

**PARCEL SIZE:** Approximately 15,000 square feet (0.34 acres).

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

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

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**SITE CHARACTERISTICS:** The project site is an existing freestanding drive-thru kiosk located on the same parcel as a dry cleaning business. There is commercial development to the west and south, and a mixture of office and residential to the east and north.

**ENVIRONMENTAL REVIEW:** This 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:** Kuppa Joy proposes to utilize the former Swirl Express drive-thru kiosk. The business specializes in selling coffee, teas and pre-packaged pastries. Recently, the Planning Commission approved a Mediterranean retail food business (Fresh Kebab) within the kiosk which included an outdoor dining area. Fresh Kebab has decided to not pursue opening their business at this location. Kuppa Joy's business model does not include any outdoor dining component and utilizes the two (2) existing drive-thru windows for vehicle access only, requiring an amendment to the existing use permit.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.802 Uses Permitted; Light Commercial Zone  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1202 Parking Spaces Required  
MMC § 10-3.1301 Use Permits

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. The 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 site was originally developed as a Shell service station in 1963. The service station was remodeled in 1974 as a Zip-N- Go Market and gas station. A dry cleaning business was established in 1979 with the approval of Conditional Use Permit 1979-06. Between 2002 and 2016, multiple use permits were approved to allow for a drive-thru component of similar coffee and smoothie businesses. Most recently, Conditional Use Permit 2017-15 was approved to allow for a Mediterranean food business to develop an outdoor dining area in conjunction with the drive-thru kiosk.

## **ANALYSIS**

### Background

In October of 2017, Conditional Use Permit 2017-15 was approved to allow for an outdoor dining area as an extension of the drive-thru kiosk for a Mediterranean food business. Since then, the business has decided to not pursue opening their business at this location, leaving the kiosk vacant.

### Operations

A new business (Kuppa Joy), which specializes in coffee, tea and pre-packaged pastries, wishes to utilize the kiosk as it was originally used, similar to the Swirl Smoothie business. No outdoor dining area is proposed and the two (2) existing drive-thru windows will be used for vehicle pick-up and take-out only. Because the existing use permit anticipated an outdoor dining area with conditions reflecting that specific component of the business, and no such area is proposed by Kuppa Joy, an amendment to the use permit is required for the change in business model. The hours of operation are proposed to occur as early as 6:00 a.m. until as late as 7:00 p.m., seven (7) days a week.

### Parking

The parking regulations of the Madera Municipal Code requires that the dry cleaning business provide seven (7) parking stalls. Because Kuppa Joy will only utilize the drive-thru component of the business, no additional parking stalls are required for the site. The site currently provides thirteen (13) parking stalls, which is adequate to serve both businesses.



### Drive-Thru Queuing

The drive-thru provides queuing for as many as four (4) vehicles at any given time. Although the City's Design and Development Guidelines encourage queuing for at least ten (10) vehicles for drive-thru uses with a retail food component, the existing site is constrained and cannot be improved in such a way as to provide additional vehicular storage. It will be important that vehicles move relatively quickly through the order and pick-up process so as to not complicate the circulation on the site. It is recommended that the menu be restricted to beverages (such as coffee) and pre-packaged foods so as to support shorter lines and quicker service.

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

Though approval of a drive-thru retail food business 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 provides support for the conditional 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, to determine an appropriate decision on Conditional Use Permit 2018-09 and Site Plan Review 2018-13 subject to the findings and conditions of approval outlined in this report.

### **PLANNING COMMISSION ACTION**

The Planning Commission will be taking action regarding Conditional Use Permit 2018-09 and Site Plan Review 2018-13, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2018-09 and Site Plan Review 2018-13, based on and subject to the following findings and conditions of approval:

### Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- The establishment of a drive-thru retail food business is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District, which provides for the use, subject to the issuance of an amendment to Conditional Use Permit 2017-15.
- There is adequate parking to allow for the drive-thru retail food business.
- As conditioned, the drive-thru retail food business will be compatible with surrounding properties.

- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, 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.

## **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 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 2018-09 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.
4. Site Plan Review 2018-13 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).
5. Conditional Use Permit 2018-09 and Site Plan Review 2018-13 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
6. The project shall be developed in accordance with the conditions of approval, as reviewed and approved with Conditional Use Permit 2018-09 and Site Plan Review 2018-13. Minor modifications to the conditions necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.
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.
8. All on- and off-site requirements shall be completed in advance of any request for building permit final inspection, occupancy of the kiosk and/or issuance of a business license.

### **Building Department**

9. A building permit is required for all improvements. The kiosk shall meet the requirements of the California Building Code (CBC), California Fire Code (CFC) and Americans with

Disabilities Act (ADA), prior to occupancy. Compliance shall be reviewed at the permit stage and approved 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 the completion of the project. Fees due may include, but shall not limited to the following: encroachment permit processing and improvement inspection fees.
12. Improvements within the City's right-of-way require an Encroachment Permit be secured from the Engineering Division.

### Streets

13. The developer shall reconstruct/upgrade the existing handicap access ramp located at the northwest corner of Yosemite Avenue and Q Street to current ADA standards. If the applicant believes that a hardship waiver is applicable based on the cost of this improvement in relation to the overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

### Water

14. The existing water service connection(s) shall be upgraded to include an Automatic Meter Reading water meter per City standards.

## **Fire Department**

15. A building permit is required for all building and site alterations, if proposed.
16. One (1) 2A10BC rated fire extinguisher is required. The fire extinguishers shall be mounted in a visible and accessible location.
17. Fire lanes must be properly posted.

## **Planning Department**

### General

18. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
19. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
20. 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.
21. 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 Conditional Use Permit 2018-09.

22. The monumental plaque located at the southeast corner of the property shall be removed and/or relocated to the open space area at the northeast corner of the property. The applicant may propose a different location if desired to be approved by the Planning Manager.

#### Operations

23. Conditional Use Permit 2018-09 allows for an existing 160 square foot drive-thru restaurant use to utilize the existing two (2) drive-thru windows.
24. The sale of food shall be limited to coffee, teas and other similar beverages, and pre-packaged and refrigerated foods only. Any proposed foods or drinks other than the aforementioned shall require approval from, at a minimum, the Planning Manager.
25. Hours of operation shall be limited to occur between 6:00 a.m. and 7:00 p.m. daily, seven days a week.
26. No outdoor display of merchandise shall be allowed.

#### Building Colors & Materials

27. Any proposal for a change in color scheme for the kiosk and any additional exterior materials shall be approved by the Planning Commission. Any deviation from the approved color scheme and/or exterior materials shall be approved by, at a minimum, the Planning Manager.

#### Landscaping

28. Landscape and irrigation plans shall be submitted to and approved by the Planning Department prior to installation of improvements. The landscaping plan shall identify the location, species, number, size and spacing of all plantings. All landscaping and irrigation shall be installed and operational prior to issuance of a business license. Landscaping planters along the frontage of West Yosemite Avenue and North Q Street shall be replanted, mulched and maintained in a healthy and well-manicured appearance.

#### Parking

29. The parking requirements for the site require a minimum of seven (7) parking stalls. Currently, thirteen (13) are provided adequately serving the minimum requirement. If any future use is proposed on the site that would increase the number of parking stalls to exceed the minimum requirement, approval of a variance from the parking standards may be required.
30. The parking field shall be slurry sealed and restriped to current City standards.

#### Signage

31. The existing freestanding sign shall be refreshed to a like-new condition.
32. The use of on-building and/or free standing signage on the site shall be in compliance with the Madera Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

#### **Outside Agencies**

##### Madera County Environmental Health Division (MCEHD)

33. Per MCEHD's comments dated 05/23/2018, the applicant shall submit two (2) sets of complete plans, drawn to scale, with specifications of all equipment to be installed.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2018-09 and Site Plan Review 2018-13 to the July 10, 2018 Planning Commission hearing for the following reasons: (specify)

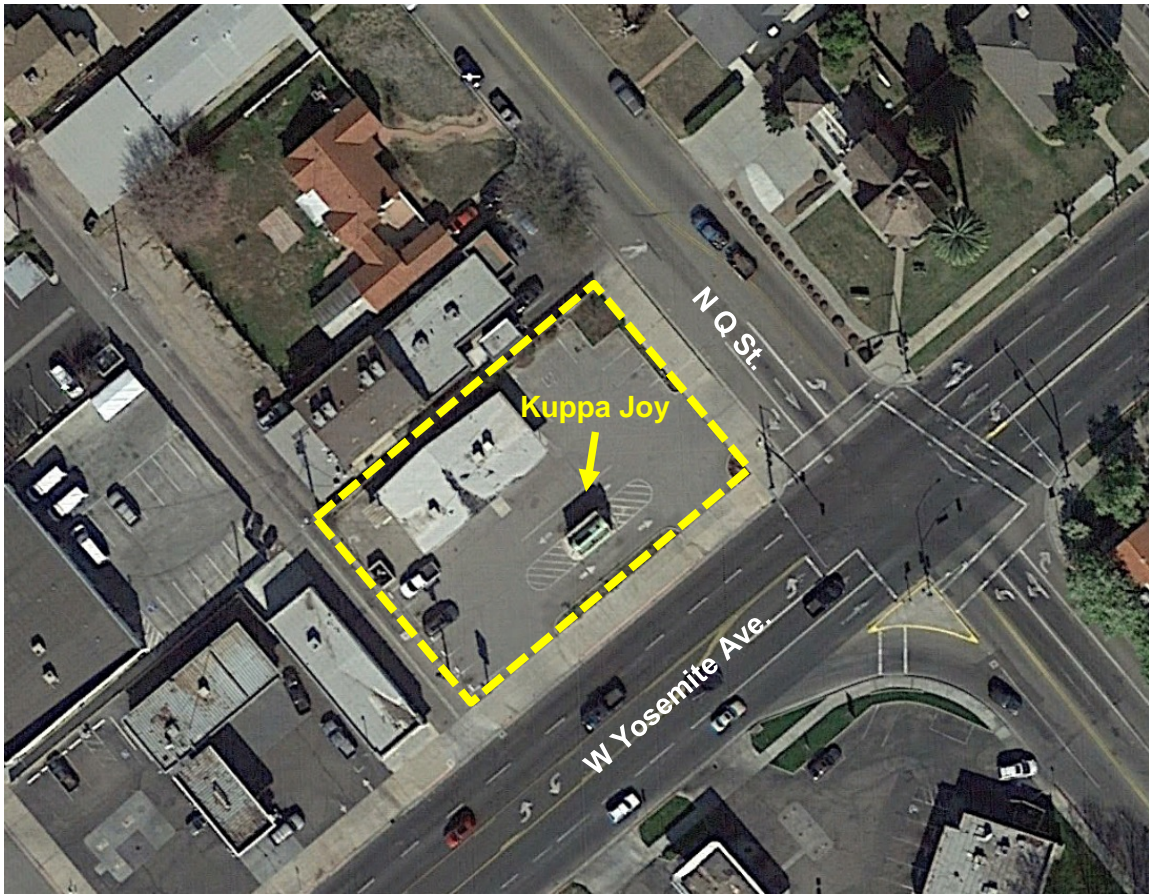
**(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2018-09 and Site Plan Review 2018-13, based on and subject to the following findings: (specify)

## **ATTACHMENTS**

Aerial Photo  
MCEHD Comments  
Site Photos

## Aerial Photo



## MCEHD Comments

**From:** MaiTong Yang <MaiTong.Yang@maderacounty.com>  
**Sent:** Wednesday, May 23, 2018 3:33 PM  
**To:** Robert Holt  
**Cc:** Jerri Becker; Brinesha Woods  
**Subject:** City of Madera - Kuppa Joy (1201 W. Yosemite Ave.)  
**Attachments:** FF PLAN REVIEW GUIDELINE 7.25.17.pdf

Hi Robert,

My name is Mai Yang and I will gladly assist you on the above project.

Any person who plans to reopen a food facility which has been closed for 6 months or more is required to submit plans. The owner will be required to submit 2 sets of complete, easily readable plans drawn to scale, and specifications of all equipment to be installed. Please see attached food facility plan review guideline. The plan review application is in the packet.

If you have any questions, please feel free to contact me, Jerri Becker, or Brinesha Woods at 559-675-7823.

Thank you and have a great day!



**Mai Tong Yang | EHS**

**Community & Economic Development**

**Environmental Health Division**

200 W. 4th Street, Suite 3100, Madera, CA 93637

Office: (559)675-7823 EXT. 3418





## Site Photos

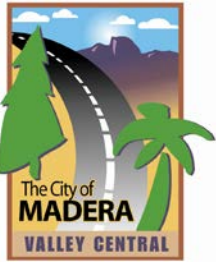


*Building as of May 22, 2018*



*Burial Memorial to be relocated and dead landscaping*





## CITY OF MADERA PLANNING COMMISSION

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

### **Staff Report: Consideration of an Updated Resolution finding that the 2018/2019 to 2022/23 Capital Improvement Program is in Conformance with the General Plan Item #6 – June 12, 2018**

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**PROPOSAL:** Evaluation of the revised City of Madera Capital Improvement Program (CIP) for fiscal years 2018/19 through 2022/23 to determine conformity with the City of Madera General Plan.

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**APPLICANT:** City of Madera

**OWNER:** N/A

**ADDRESS:** Multiple

**APN:** Multiple

**APPLICATION:** N/A

**CEQA:** Exempt

**SITE CHARACTERISTICS:** The projects included in the Capital Improvement Program (CIP) are located within the urbanized area of the City of Madera. Surrounding land uses vary depending upon the individual project, but are typically commercial, residential or industrial in nature.

**ENVIRONMENTAL REVIEW:** The proposed project is a finding of conformance and supporting resolution regarding the Capital Improvement Program (CIP) for fiscal years 2018/19 through 2022/23. The CIP identifies proposed capital improvements and preliminary budgets for capital improvements throughout the City. Projects in the Plan include a range of public works and infrastructure projects to improve the quality of life for local residents and visitors alike. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if “the activity is covered by the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment. The individual projects, proposed within the CIP are subject to CEQA analysis individually, on a project by project basis.

---

**SUMMARY:** The Planning Commission reviewed the Capital Improvement Program for fiscal years 2018/19 through 2022/23 at its regular meeting on March 13, 2018. Since that time, additional projects were identified as needing inclusion within the CIP. Thus, an updated CIP is again being forwarded to the Planning Commission for determination of conformance with the City General Plan pursuant to Government Code Section 65401.

## ANALYSIS

Under the terms of Section 65401 of the Government Code, the Planning Commission of each city or county is required to review any Capital Improvement Program and the projects contained therein, within that jurisdiction as to conformance with that agency's General Plan.

The CIP reviewed for General Plan conformance on March 13, 2018 included projects for new major infrastructure improvements and reconstruction of existing facilities. Those previous projects were divided into the following categories:

Airport Operations	7	Projects
Community Development	1	Projects
Alley Improvements	2	Projects
Traffic Signal/Improvements	5	Projects
Streets & Bridges	27	Projects
Park Development	8	Projects
Water System Utility	23	Projects
Sewer System Utility	7	Projects
Drainage System Operations	6	Projects
Engineering Department	3	Projects
Public Works Department	2	Projects
Fire Department	3	Projects
Successor Agency	5	Projects
Transit System	2	Projects

Additional projects have been added to the Capital Improvement Program since it was first reviewed by the City Council on February 21, 2018 and the Planning Commission on March 13, 2018. The vast majority of the new project focus on sewer and water upgrades located throughout the city. One streets project that realigns Adell Street onto the Kennedy Street alignment is also included. The following is a summary of the additional projects.

Airport Lift Station Pumps	(SS-00010)
Mainberry – between Howard & Sunset	(SS-00011)
Sewer Asset Mgmt Software	(S-STDY-2)
Manual Water Replacements	(W-000031)
2018-19 New Water Meter Installations	(W-000032)
Residential AMR Water Meter Replacements	(W-000033)
Water Asset Mgmt Software	(W-STDY-3)
Adell Street – Country Club to Lake	(RDA 18-02)

An updated Capital Improvement Program summary is attached to this report. The full Capital Improvement Program (CIP), including a detail sheet for each project, is available for review at the City Engineering Department (205 W. 4<sup>th</sup> Street, Madera) during normal business hours. The full Capital Improvement Program can also be reviewed on the City's web-site at the following: Capital Improvement Plan Fiscal Year 2018/19 to 2022/23.

## GENERAL PLAN CONFORMITY

If a project identified in the proposed CIP would implement or generally support attainment of a General Plan goal, policy or action item, staff recommends that a finding of conformance be made. Where the linkage between the General Plan and a Capital Improvement Plan is less direct, a finding of conformance is recommended to the extent that no conflicts are identified and the project will not obstruct attainment of General Plan goals, policies and action items. If

adopted policies do not support a project, or the project prevents attainment of an adopted policy, a conformity determination should not be made.

A screening level analysis was completed for each Capital Improvement Program (CIP) project against the goals, policies and action items in all ten elements of the General Plan. No conflicts were identified between any proposed project and any feature of the adopted General Plan. In general, capital projects identified in the Capital Improvement Program are consistent with the General Plan's intent to provide adequate circulation and utilities, and to support enhanced transit, walkability and recreational opportunities. Airport related projects are consistent with the General Plan policy supporting the Airport in its role as an important part of the local commercial economy.

The Commission's finding that a proposed CIP item conforms with the General Plan does not necessarily mean that the Commission or the City endorses the project in a particular form. Individual capital projects must undergo environmental review and receive approval prior to being carried out. As projects proceed from concept to final design and construction, individual projects are commonly modified. Where the General Plan points to specific features that affect design, these features will be incorporated. The City Council will continue to have full discretion in deciding to move forward with CIP items.

If the Planning Commission finds that the projects are in conformance with the General Plan, the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program will again be forwarded on to the City Council for final adoption during its consideration of the Fiscal Year 2018/19 Budget.

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

Consistent with Action 126 and Action 132 of Vision 2025, the projects support the strategy for providing clean attractive streets that are safe and aesthetically pleasing, and connecting Madera's neighborhoods through streets, trails and walkways that promote community interaction. The requested action is for the improvement of infrastructure and is not in conflict with any of the actions or goals contained in the plan.

## **RECOMMENDATION**

The information presented in this report supports adoption of an updated resolution finding the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the adoption of an updated resolution, included herein as an attachment.

## **ATTACHMENTS**

CIP Summary  
Resolution

City of Madera, California

Capital Plan

'18/'19 thru '22/'23

PROJECTS BY DEPARTMENT

Department	Project #	Priority	'18/'19	'19/'20	'20/'21	'21/'22	'22/'23	Total
<b>Airport</b>								
AIP-0028 T-Hangar Development Phase 1	AIP-0028	1		75,000	655,000			730,000
AIP-0029 Tee Hangar Development Const-II	AIP-0029	1			70,000	729,000		799,000
AIP-0031 Apron & Taxiway Drainage	AIP-0031	1	70,000	744,000				814,000
AIP-0034 Commercial Hangar Develop Extend-III	AIP-0034	1				155,000	2,550,600	2,705,600
AIP-0035 Extend Runway 12-30 & Taxiway P	AIP-0035	1					620,000	620,000
AIP-0036 Airport Gate Security Update	AIP-0036	1		373,000				373,000
AIP-0037 AGIS Survey & Obstruction Mitigation	AIP-0037	1	125,000	280,000				405,000
<b>Airport Total</b>			<b>195,000</b>	<b>1,472,000</b>	<b>725,000</b>	<b>884,000</b>	<b>3,170,600</b>	<b>6,446,600</b>
<b>Community Development</b>								
CD-00001 City Hall Relocation & Expansion	CD-00001	1				0	19,883,000	19,883,000
<b>Community Development Total</b>						<b>0</b>	<b>19,883,000</b>	<b>19,883,000</b>
<b>Engineering</b>								
ALY-0001 Torres Way Alley Paving	ALY-0001	1	15,000	185,000				200,000
ALY-002 Alley Paving-Various Locations	ALY-0002	1	751,000					751,000
B-000002 Westberry Bridge Construction	B-000002	3				500,000	2,000,000	2,500,000
B-000004 BPMP Rehab/Repair of 3 Bridges	B-000004	1	188,000					188,000
ENG-000C Traffic Warrants	ENG-000C	1	25,000	25,000	25,000	25,000	25,000	125,000
ENG-000G Micro-Paver Distress Survey	ENG-000G	1	5,000					5,000
MUP-UDII Master Utility Plan Update, II	MUP-UDII	1					475,000	475,000
R-000010 Olive Ave Widening-Gateway to Knox	R-000010	1	7,579,125					7,579,125
R-000025X Fourth St Tree Replace-Pine to K	R-000025X	1	125,000					125,000
R-000031 Contingency / Project Administration	R-000031	1	160,000	160,000	160,000	160,000	160,000	800,000
R-000032 UPPR Crossing - Street Approach	R-000032	1	50,000	80,000	80,000	80,000	80,000	370,000
R-000037 Raymond Rd Shoulder-n/o Cleveland	R-000037	1	282,000					282,000
R-000038 Gateway/Central/3rd/E St Sidewalks	R-000038	1	451,000					451,000
R-000041 Concrete Projects - Share Program	R-000041	1	75,000	20,000	20,000	20,000	20,000	155,000
R-000046 Lake St Widening-Fourth to Cleveland	R-000046	1	64,000		936,000		2,822,000	3,822,000
R-000049 Olive Ave Concept Plan	R-000049	1	12,000					12,000
R-000050 Pine St Reconst-Howard to Fourth St	R-000050	1			515,000			515,000
R-000054 Cleveland Ave Widen-Schnoor to SR99	R-000054	1		60,500		0		60,500
R-000057 Lake-Fourth-Central Intersection	R-000057	1	260,000	1,607,000				1,867,000
R-000058 Schnoor Ave Sidewalk-Sunset to River	R-000058	1			22,000	128,000		150,000
R-000060 Storey Rd Shoulder Paving	R-000060	1		31,000	275,000			306,000
R-000062 Sidewalks-School & Commercial	R-000062	1	281,000					281,000
R-000064 ADA Walkability Sidewalks 16-17	R-000064	1	5,000	35,000			60,000	100,000
R-000065 2017-18 City Streets 3R & ADA Project	R-000065	1	771,000					771,000
R-000066 Sunset Ave Sidewalk, Granada-Foster	R-000066	1	448,855					448,855
R-000067 Pecan Ave Shoulder Paving	R-000067	1	3,000	66,000	599,000			668,000
R-000068 Golden State Blvd Shoulder Paving	R-000068	1	10,000	113,000				123,000
R-000070 2018-19 City Streets 3R & ADA Project	R-000070	1	480,000					480,000
R-000071 2020-21 City Streets 3R & ADA Project	R-000071	1		30,000	970,000			1,000,000
R-000072 Ave 17/Sharon Blvd Improvements	R-000072	4	5,310,910					5,310,910

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Department	Project #	Priority	'18/'19	'19/'20	'20/'21	'21/'22	'22/'23	Total
R-000073 Washington School Sidewalks	R-000073	1	354,207					354,207
R-000076 RMRA Seals/Overlays 2018-19	R-000076	2	1,124,000					1,124,000
R-000077 RMRA Seals/Overlays 2019-20	R-000077	2		1,200,000				1,200,000
R-000078 RMRA Seals/Overlays 2020-21	R-000078	2			1,300,000			1,300,000
R-000079 RMRA Seals/Overlays 2021-22	R-000079	2				1,400,000		1,400,000
R-000080 RMRA Seals/Overlays 2022-23	R-000080	2					1,500,000	1,500,000
R-000081 2022-23 City Streets 3R & ADA Project	R-000081	2				300,000	300,000	600,000
RM-00001 Rtne Maint City Bridges Fresno RVR	RM-00001	1	35,000	10,000				45,000
S-000012 Schnoor Ave Trunk Sewer Rehab	S-000012	1	46,000	489,000				535,000
S-000995 Road 28 Sewer Loan Repayment	S-000995	3	4,000	4,000	4,000	4,000	4,000	20,000
S-000996 Southeast Quad Sewer Improvement	S-000996	4		106,200	100,000	100,000	100,000	406,200
S-000997 Northeast Quad Sewer Improvement	S-000997	4					210,000	210,000
S-000998 Northwest Quad Sewer Improvement	S-000998	4					250,000	250,000
S-000999 Reimbursements - Sewer Construction	S-000999	1					100,000	100,000
SD-00014 NW Quad Storm Drain Improvement	SD-00014	4					7,400,000	7,400,000
SD-00015 SE Quad Storm Drain Improvements	SD-00015	4					17,500,000	17,500,000
SD-13-PX Retention Basin Land Acquisition	SD-13-PX	1	50,000	40,000	40,000	10,000		140,000
SD-14-P11 Granada Dr/Ave 12.5 Retention Basin	SD-14-P11	1		100,000				100,000
SD-15-P7 Ellis St/Krohn St Retention Basin	SD-15-P7	1		100,000				100,000
SD-P18 Sienna Basin	SD-P18	1	115,000					115,000
SS-00001 Westsmith Way Sewer Main Replace	SS-00001	2	39,000					39,000
SS-00002 Sherwood Way Sewer Main Replace	SS-00002	2	574,000					574,000
SS-00006 Fairgrounds Liftstation-VFD	SS-00006	n/a		625,000				625,000
SS-00007 Airport Lift Station Force Main Study	SS-00007	2	20,000					20,000
SS-00008 2018 Sewer Manhole Project	SS-00008	1	50,000					50,000
SS-00009 2018 Sewer Repairs	SS-00009	n/a		500,000				500,000
SS-00010 Airport Lift Station Pumps Replacement	SS-00010	2	150,000					150,000
SS-00011 Mainberry - between Howard & Sunset	SS-00011	2	450,000					450,000
S-STDY-1 Sewer System Assess/Rehab	S-STDY-1	1	123,825					123,825
S-STDY-2 Sewer Asset Mgmt Software	S-STDY-2	1	75,000					75,000
S-VI-002 Sewer Main Video Inspection	S-VI-002	1	740,930					740,930
TS-00017 Granada Dr/Howard Rd Traffic Signal	TS-00017	1	490,000					490,000
TS-00019 Howard Rd/Westberry Traffic Signal	TS-00019	3	467,500					467,500
TS-00020 Sunrise Ave/Tozer St Traffic Signal	TS-00020	1				35,000	350,000	385,000
TS-00022 4th St Traffic Signal Interconnect	TS-00022	1	24,000					24,000
TS-00023 HOPYQ Intersection Traffic Signals	TS-00023	1	15,000	120,000				135,000
TS-00024 Cleveland/Granada Dr Traffic Signal	TS-00024	1					375,000	375,000
W-000003 Water Main Upgrades - Locations 1-12	W-000003	1	100,000	750,000				850,000
W-000004 Water Main Upgrades - Locations 13-23	W-000004	1	120,000		1,380,000			1,500,000
W-000006 H St-Water Main Upgrades	W-000006	1	10,000	255,000				265,000
W-000008 10th St-Water Main Upgrades	W-000008	1		10,000	770,000			780,000
W-000009 Gateway-Riverside River Crossing	W-000009	1	184,000					184,000
W-000017 Well 27 Pipe Outfall Extension	W-000017	1	530,000					530,000
W-000020 Well 28 Pump Replacement	W-000020	1	500,000					500,000
W-000022 Water Tower Recoating	W-000022	1	1,490,000					1,490,000
W-000026 Water Tower Demolition	W-000026	1		285,000				285,000
W-000029 Downtown Valve Replacement	W-000029	1	130,000					130,000
W-000031 Manual Water Meter Replacement	W-000031	n/a	300,000	100,000	100,000	100,000	100,000	700,000
W-000032 2018-19 New Water Meter Installations	W-000032	2	400,000					400,000
W-000999 Reimbursements - Water Mains	W-000999	n/a			47,200		178,763	225,963
W-GW-001 Water Well 37-Install Pump	W-GW-001	3				1,012,000		1,012,000
W-GW-002 Water Well 35-Ellis w/o Chapin	W-GW-002	4					2,011,000	2,011,000
W-GW-0024 Sharon Blvd. S/O Ave 17 - Well	W-GW-0024	1	2,000,000					2,000,000
W-GW-003 Water Well 36- SR145/Indigo	W-GW-003	4				121,000	1,890,000	2,011,000
W-GW-005 VFD Retrofit 4 Wells	W-GW-005	1	160,000					160,000
W-MS-001 Meter Shop	W-MS-001	1	300,000					300,000
W-PNE-04 Lake St Water Main-Ellis to Ave 17	W-PNE-04	2	25,000	615,000				640,000

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Department	Project #	Priority	'18/'19	'19/'20	'20/'21	'21/'22	'22/'23	Total
W-PS-001 Ave 17 & Lake Pump Station/Tank	W-PS-001	2	103,000	377,000	5,893,000			6,373,000
W-PSW-45 Almond Ave Water Main, Pine-Stadium	W-PSW-45	3				88,000	188,000	276,000
W-STDY-1 Water Feasibility & New Water Supply	W-STDY-1	1	150,000	150,000	150,000	150,000		600,000
W-STDY-2 Water System Condition Assess/Rehab	W-STDY-2	1	250,000					250,000
W-STDY-3 Water Asset Mgmt Software	W-STDY-3	1	150,000					150,000
W-T-0001 Water Storage Tank Installation	W-T-0001	2	513,000	448,000		9,000,000		9,961,000
<b>Engineering Total</b>			<b>30,839,352</b>	<b>7,571,700</b>	<b>13,386,200</b>	<b>13,233,000</b>	<b>38,098,763</b>	<b>103,129,015</b>
<b>Fire Department</b>								
FD-00001 Fire Station 7 - Parking Lot Paving	FD-00001	1			67,000			67,000
FD-00002 Fire Station Constr, Northwest	FD-00002	1	6,450,000					6,450,000
FD-00003 Fire Station 6 Parking Lot	FD-00003	1			70,000			70,000
<b>Fire Department Total</b>			<b>6,450,000</b>		<b>137,000</b>			<b>6,587,000</b>
<b>Parks &amp; Community Services</b>								
PK-00001 Ped/Bike Facilities	PK-00001	1	94,000	35,000	36,000	36,000	36,000	237,000
PK-00008 FRT-Gateway/UPRR Undercrossing	PK-00008	1	893,000					893,000
PK-00013 Sunrise Rotary Sports Complex	PK-00013	1	462,194					462,194
PK-00048 Tulare/Cleveland/Raymond Bike Path	PK-00048	1	10,000	315,000				325,000
PK-00056 Bike/Ped Path, FRT-Cleveland Ave	PK-00056	1		45,000	339,000			384,000
PK-00058 FRT-Granada to MID, North Bank	PK-00058	1			40,000	156,000		196,000
PK-00062 ADA Improvements at Pan-Am and Bergon	PK-00062	1	65,000					65,000
PK-00063 Centennial Park Rehab - Lighting	PK-00063	1	430,000					430,000
<b>Parks &amp; Community Services Total</b>			<b>1,954,194</b>	<b>395,000</b>	<b>415,000</b>	<b>192,000</b>	<b>36,000</b>	<b>2,992,194</b>
<b>Public Works</b>								
S-000011 Sewer Manhole Covers-Replacement	S-000011	1	75,000					75,000
W-000030 4th/Gateway Valve Replacement	W-000030	1		30,000	220,000			250,000
W-000033 Residential AMR Water Meter Replacements	W-000033	1	500,000	500,000	510,000	520,000	530,000	2,560,000
<b>Public Works Total</b>			<b>575,000</b>	<b>530,000</b>	<b>730,000</b>	<b>520,000</b>	<b>530,000</b>	<b>2,885,000</b>
<b>RDA Successor Agency</b>								
RDA-16-04 SW Industrial Master Plan	RDA-16-04	1	70,000					70,000
RDA-16-05 Adelaide Subdivision	RDA-16-05	1	1,568,650					1,568,650
RDA-17-01 Malone	RDA-17-01	1	228,946					228,946
RDA-17-02 Yosemite Lot Plan Review	RDA-17-02	1	600,970					600,970
RDA-18-01 Riverwalk Improvements Phase II	RDA-18-01	3	812,149					812,149
RDA-18-02 Adell St, Country Club to Lake	RDA-18-02	1	2,000,000					2,000,000
<b>RDA Successor Agency Total</b>			<b>5,280,715</b>					<b>5,280,715</b>
<b>Transit Program</b>								
TRANS-01 Transit Operations Facility	Trans-01	1	270,000					270,000
Trans-09 RMRA Sustainable Communities 145/Main	Trans-09	n/a	308,000					308,000
<b>Transit Program Total</b>			<b>578,000</b>					<b>578,000</b>
<b>GRAND TOTAL</b>			<b>45,872,261</b>	<b>9,968,700</b>	<b>15,393,200</b>	<b>14,829,000</b>	<b>61,718,363</b>	<b>147,781,524</b>

**RESOLUTION NO. 1830**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA FINDING THAT THE PROPOSED 2018/19 TO 2022/23 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPECIFIC PLANS OF THE CITY OF MADERA AS REQUIRED BY SECTION 65401 OF THE GOVERNMENT CODE.**

WHEREAS, Section 65401 of the Government Code requires the Planning Commission of cities and counties to review any Capital Improvement Program in its jurisdiction for conformance with the agency's adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera reviewed the active and proposed projects in the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program at their meeting on February 21, 2018; and

WHEREAS, the proposed projects reflect the major need for airport, streets, public utilities, parks and other community facilities during the next five years in concert with the provisions in the adopted General Plan and Specific Plans; and

WHEREAS, The City Council of the City of Madera has forwarded the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program to the Planning Commission for determination of conformance with the City General Plan and Specific Plans pursuant to Government Code Section 65401; and

WHEREAS, the Planning Commission reviewed the active and proposed projects in the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program at their meeting on March 13, 2018; and

WHEREAS, The Planning Commission has now reviewed the updated staff report on active and proposed projects, evaluated all attached supporting documents and considered testimony received as 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. In the independent judgement of the Planning Commission, and based upon the whole of the record before the Commission, the Commission finds that the resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment and has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA when the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
3. The Planning Commission hereby finds the updated Fiscal Year 2018/19 to 2022/23 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 12<sup>th</sup> day of June, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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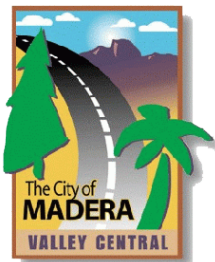
Robert Gran, Jr., Chairperson  
City Planning Commission

Attest:

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Christopher Boyle  
Planning Manager





# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Flor Oaxaquena Revocation CUP 2007-16 Item #7 – June 12, 2018

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**PROPOSAL:** A noticed public hearing to consider revocation of Conditional Use Permit 2007-16, allowing for the sale of alcoholic beverage for on-site consumption in conjunction with an existing restaurant.

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<b>APPLICANT:</b>	Atanacia Alavez	<b>OWNER:</b>	Biong Kim
<b>ADDRESS:</b>	612 E. Yosemite Ave.	<b>APN:</b>	007-173-002, 007-173-003
<b>APPLICATIONS:</b>	CUP 2007-16	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** This project site is located on the south side of East Yosemite Avenue, between South Lake Street and Vineyard Avenue.

**STREET ACCESS:** The site has access from East Yosemite Avenue, and an alley, via Vineyard Avenue and East 6<sup>th</sup> Street.

**PARCEL SIZE:** Approximately 12,544 square feet

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

**ZONING DISTRICT:** C-1 (Light Commercial)

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**SITE CHARACTERISTICS:** The project site is a 1,425 square foot suite, within an existing 7,150 square foot building, located at 612 E. Yosemite Avenue. The building has two other existing tenants, a convenience store, and a tax service office. The site has parking developed at the rear and at the front of the parcel, with primary access gained from East Yosemite Avenue. The surrounding properties are commercially zoned.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt under 15321 (Enforcement Actions by Regulatory Agencies) of CEQA Guidelines.

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**SUMMARY:** The now-closed Flor Oaxaquena restaurant had been in noncompliance with the approved conditions of approval for an extended period of time. Outreach to assist the operator in attaining compliance on the site was unsuccessful. The business owner closed the restaurant as opposed to complying with conditions of approval and requirements to secure the required building permits necessary to provide for building and fire safety. As a result, revocation of Conditional Use Permit 2007-16 is considered a procedural action that essentially concludes the operations of the restaurant on the site.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.1311 Termination and Revocation

## **PRIOR ACTION**

The Planning Commission reviewed Conditional Use Permit 2007-16 at its May 8, 2018 meeting.

## **ANALYSIS**

### History

The Flor Oaxaquena restaurant was established in September 2006. A conditional use permit was later approved on August 14, 2007, to allow for the sale of beer and wine for on-site consumption.

### Background

The Flor Oaxaquena restaurant initially operated consistent with the approved conditions of approval. As time passed, the restaurant developed a successful business clientele. Although the use permit had specific restrictions on any expansion of the use because of limited parking on the site, the business owner nonetheless completed a non-permitted expansion of the restaurant into an adjoining space. As a result, staff initiated contact with the business owner more than two years ago to seek a resolution to the problem.

With the non-permitted expansion, the restaurant continued to operate in violation of the use permit's conditions of approval. The expansion ultimately nearly doubled the seating capacity of the restaurant, from the permitted thirty seats to as many as fifty-two seats during one inspection by staff. The additional seating then exacerbated parking to the degree that surrounding properties began complaining about their parking being used by the restaurant's patrons. Just as concerning, the restaurant's illegal expansion created fire and life safety issues within the restaurant. A short list of concerns included compromised sprinkler heads and non-permitted electrical, plumbing, mechanical and structural work.

After extensive outreach and efforts toward resolving non-permitted conditions of the site, the restaurant was ultimately red-tagged and closed. Shortly thereafter, the business owner advised staff that they would not be securing building permits and the restaurant would remain closed while they sought a new location. Staff advised that the use permit in support of alcohol sales as a component of the restaurant would be subject to revocation and began the review for revocation process.

### Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2007-16. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the twenty-three (23) total conditions of approval, thirteen (13) need attention in order to be in compliance with the conditions of approval. Compliance with ten (10) of the twenty-three (23) conditions of approval equates to a forty-three (43%) percent compliance rate.

In light of the knowledge that the business owner will not be operating on the site, and mindful of the poor performance of the business owner while operating in violation of the conditions of approval for more than two years, staff considers revocation of the use permit in association with the closure of the business a procedural process that concludes the operations of the Flor Oaxaquena restaurant at its former location at 608 East Yosemite Avenue.

## RECOMMENDATION

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 2007-16.

## PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2007-16, determining to either:

- revoke of the use permit, subject to the listed findings, or
- find that the revocation of the use permit is not warranted at this time

Motion 1: Move to revoke Conditional Use Permit 2007-16, subject to the listed findings.

### Findings

- Staff has observed non-compliance with the conditions of approval for Conditional Use Permit 2007-16, including Numbers 3, 4, 8, 9, 10, 14, 15, 16, 17, 19, 21, 22 and 23; and
- Based on observations of staff and the evidence from the whole of the record, the use has not operated in compliance with the approved 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.

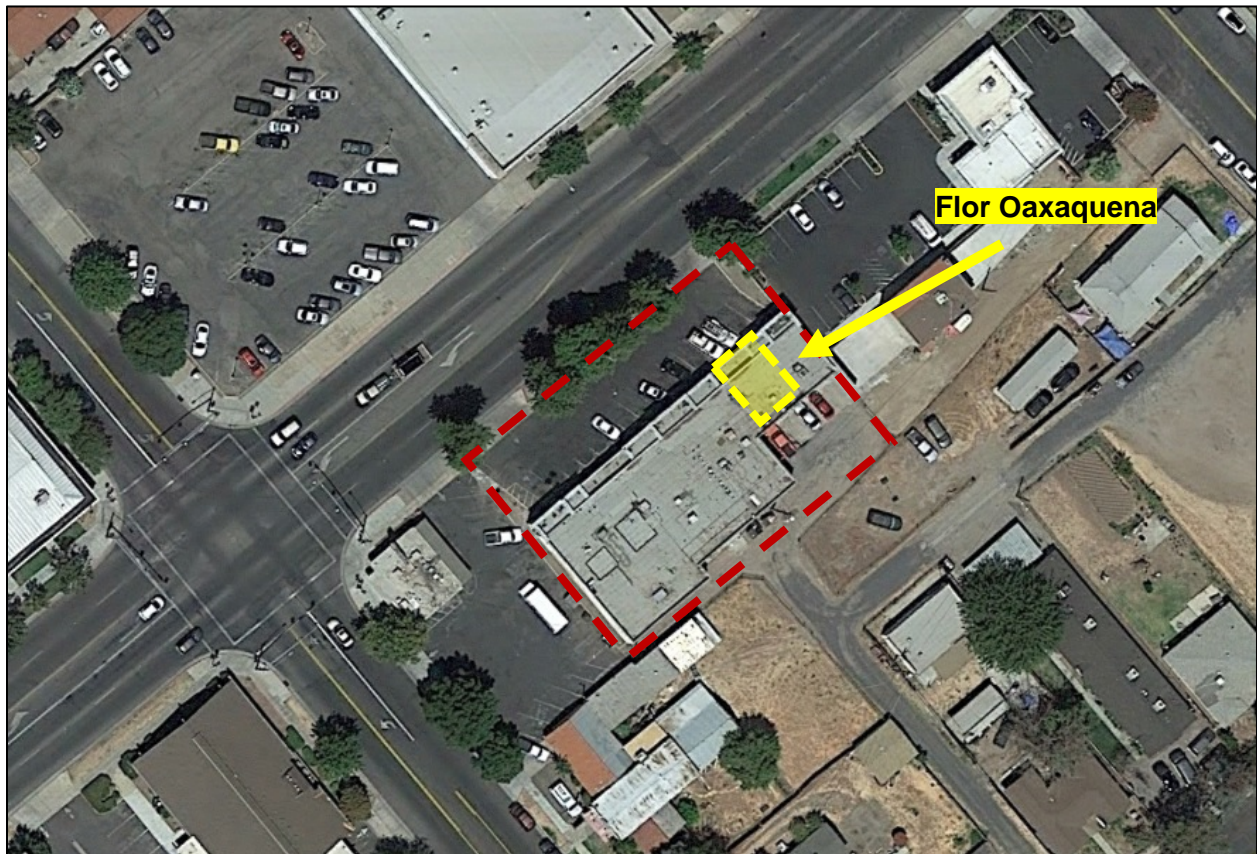
**(OR)**

Motion 2: Move to find that the review of Conditional Use Permit 2007-16 is not warranted at this time for the following reasons: (specify)

## ATTACHMENTS

Aerial Photo  
Site Photos  
Conditions of Approval Compliance Matrix

Aerial Photo





## Site Photos



Unpermitted wall enclosure of the unpermitted restaurant expansion.



Unpermitted interior remodeling requiring permits for electrical, gas, structural and fire.

### Conditions of Approval Compliance Matrix

Cond. No.	Condition Statement	Condition Status
1.	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 conditional use permit approval. Please note this conditional use permit approval (CUP 2007-07) will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code, or the required action is taken to extend the approval before the expiration date.	Received
2.	Hours of operation for the restaurant shall not be earlier than 5:00 a.m. or later than midnight.	Procedural
3.	On-site signage shall be in accordance with City standards, and all signage shall be reviewed and approved by the Planning Department before issuance of a separate sign permit. Advertisement of alcoholic beverages shall not be visible from the outside of the building, including window signage, banners, and other such displays visible from the public right-of-way.	Neon beer signs are illuminated and on display in the windows.
4.	Any remodeling of the building including but not limited to, new or upgraded electrical or plumbing, will require building permits prior to any work being undertaken.	No building permits were secured for the completed tenant improvements.
5.	Music or obnoxious noise from the operation or business shall not be audible to persons in the public rights-of-way or on adjacent or nearby properties. This approval does not include any related uses such as dance floors, etc.	Procedural
6.	Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.	In Compliance
7.	An adult operator or employee 21 years of age or older shall be on site during all hours of operation.	Procedural

8.	Prior to the issuance of any business license or establishment of the use, any damaged or off-grade curb or gutter shall be replaced or repaired under an encroachment permit issued by the City Engineer.	No off-site improvements have been completed.
9.	It shall be the responsibility of the operator to ensure that any required permits, inspections, and approvals from any regulatory agency, including but not limited to the Department of Alcoholic Beverage Control, shall be obtained from the concerned agency prior to the establishment of the use.	Operator secured the appropriate ABC license, however, failed to secure building permits for on-site improvements.
10.	It shall be the responsibility of the owner to ensure that any outstanding building code violations be remedied prior to the sale of alcoholic beverages for consumption on the premises of the existing restaurant.	Building code violations were never fully completed nor the building permits secured.
11.	No temporary signage.	In compliance
12.	All restaurant activities, including food and beverage sales /service, shall occur within the existing building; no outdoor seating, sales or serving of food or beverage shall be allowed without first securing approval of a separate use permit to allow outdoor operations. Seating for the restaurant shall be limited to no more than 30 seats.	In compliance
13.	The sale of alcohol shall be ancillary to the sale of food at the restaurant, and shall not exceed 30 percent of total gross sales.	In compliance
14.	Prior to the approval being effective the current remodeling of the building shall be completed and the building shall be maintained in good repair, and exterior colors and materials shall be aesthetically compatible with the surrounding businesses.	Interior remodeling was done without building permits, exterior aesthetics were left unattended.
15.	The applicants shall cause the owner of the business complex to submit a landscape and irrigation plan to be reviewed and approved by the City Planning Director. The landscape plan shall make maximum use of the existing planter areas and shall be augmented by the addition of a three-foot-high landscaping screen along the street frontage. Additional above ground planters or other means shall be used to increase the current landscaped area. A permanent irrigation system with automatic controllers shall be required for all of the required landscaping. The landscaping shall be installed and maintained by the property owner.	No plans were submitted and no landscaping has been installed or maintained in the planters.

16.	The property owner and/or operator shall keep the property clear of all trash, rubbish and debris at all times, and dumping of refuse shall be restricted to trash container provided by the operator, to be located within an enclosure approved by the City of Madera Solid Wastes Manager.	No enclosure has ever been constructed.
17.	Graffiti shall be removed from the premises and all parking lots under the control of the business owner, by the owner at the owner's sole expense, within 36 hours of occurrence.	Graffiti has been prevalent on the property, with a large "bugs bunny" having been in place for an extended period of time.
18.	Odor control, dust control, noise level or nuisance lighting shall be corrected within 24 hours of notification by the City of Madera.	In compliance
19.	The above-referenced project is protected by the Madera City Fire Department. Prior to approval of the business license or 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 existing Uniform Fire Code requirements and all applicable statutes, codes, and ordinances.	Interior remodeling is in violation of the California Fire Code.
20.	The street address shall be appropriately displayed on the building per the City standards.	In compliance
21.	The requirements and conditions approval noted above have been established based on the information submitted for review. Additional and/or modified conditions may be applied at such time as final development plans (including construction drawings for building permits) are submitted or if any changes are made to the project. Please submit constructions plans and final plot plans to ensure the proper application of codes.	Floor and site plans were never submitted to reflect the increase in seating capacity. No amendment to the conditional use permit was ever completed.
22.	The use shall comply with all applicable City, State, and Federal requirements and standards.	The use is in violation of the conditional use permit, fire and building codes.
23.	This use permit shall be subject to annual review and may be modified or revoked by the City Council or Planning Commission should it be determined that the proposed use or conditions under which it is being operated or maintained are or may be detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.	Extended noncompliance has been observed on the site.



## **OTA 2018-01 – Zoning Ordinance Update Workshop**