

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, August 9, 2022
6:00 p.m.**

**Council Chambers
City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 82805559193# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/82805559193>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

WELCOMING OF NEW COMMUNITY DEVELOPMENT DIRECTOR:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 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. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened.

PUBLIC HEARINGS:

1. ABN 2022-01 – Clark Street Right of Way Summary Vacation and General Plan Conformity

Subject: An application for the vacation of a portion of Clark St. between Taylor St. and Owens St.

Recommendation:

- a. Adopt a Resolution of the Planning Commission determining that the vacation of a portion of Clark St. between Owens St. and Taylor St. by the City of Madera is in conformance with the Goals and Policies of the General Plan.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

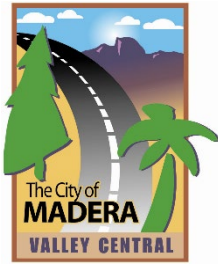
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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.



REPORT TO PLANNING COMMISSION

Prepared by:

Robert Smith, Contract Senior Planner

Meeting of: August 9, 2022

Agenda Item: 1

SUBJECT

Clark Street right-of-way summary vacation and General Plan conformity (ABN 2022-01)

RECOMMENDATION

1. Adopt a Resolution of the Planning Commission of the City of Madera Determining that the Vacation of a Portion of Clark Street Between Owens Street and Taylor Street by the City of Madera is in Conformance with the Goals and Policies of the General Plan.

PROPOSAL

Application for the vacation of a portion of Clark Street (ABN 2022-01) between Taylor Street and Owens Street (see Attachment 1). Application proposes to vacate a 10-foot-wide section (4,791 square feet) on either side of the street centerline between Owens Street and Taylor Street reducing the overall existing right-of-way width from 80 to 60 feet (see Attachment 2). The City's General Plan Circulation Master Plan designates Clark Street as a collector. The properties benefiting from the proposed vacation are on the north and south of Clark Street between Owens Street and Taylor Street. The affected parcels are APNs 003-250-024 to the north of Clark Street and 003-240-001 to the south of Clark Street. The vacation of the street portion will add approximately 4,791 square feet to each parcel to accommodate approved and future development on both sides of Clark Street.

Table 1: Project Overview

<i>Project Number:</i>	ABN 2022-01
<i>Applicant/Owner:</i>	New Alliance Investments, LLC
<i>Location:</i>	Clark Street between Taylor Street and Owens Street
<i>Project Area:</i>	4,791 square feet on either side of Clark Street
<i>Plan Land Use:</i>	Clark Street is designated Collector; Property north and south of right-of-way designated HD – High Density Residential
<i>Zoning District:</i>	PD 1,500 (Planned Development, one unit per 1,500 square feet of site area) north and south of existing right-of-way
<i>Site Characteristics</i>	This segment of Clark Street right-of-way is undeveloped – no street improvements are present. The subject property is composed of graded, vacant land with no existing structures or formal site access.

SUMMARY

The applicant, New Alliance Investments, LLC, requests a partial vacation of Clark Street between Taylor and Owens Street to reduce the existing street right-of-way width from 80 to 60 feet. The vacation will not include the removal, construction or modification of existing infrastructure or structures.

The proposed summary vacation is in conformity with the City General Plan and is Categorically Exempt from the provisions of CEQA according to Section 15305 (Minor Alterations in Land Use Limitations).

Pursuant to the California Subdivision Map Act, vacation of right-of-way reverts to the adjacent property owner(s). Upon recordation of the vacation, the City would relinquish its rights to use of the property as a roadway. No public utility easements are identified within the proposed vacation of street right of way. There are no known utilities located within this section of the street.

LOCATION

The project site is either side of Clark Street between Owens Street and Taylor Street, with the vacation of right of way being the ten feet (10') feet (4,791 square feet) to either side of Clark Street. The proposed vacation includes the north strip of land 10 feet in width which is coincident with the northern right-of-way limits of Clark Street and the south strip of land 10 feet in width which is coincident with the southern right-of-way limits of Clark Street. This portion of Clark Street is not yet improved but is planned to connect the existing Clark Street to the west with West Clark Street to the east. The portion of Clark Street proposed for vacation adjoins APNs 003-250-024 and 003-240-001.

SITE CHARACTERISTICS

This segment of Clark Street was originally planned to be a 80' right of way. West of Owen Street, Clark Street is a developed 80-foot-wide right-of-way. East of Taylor Street, Clark Street is a developed 60-foot-wide right-of-way. The vacation of 10 feet on either side of the Clark Street right-of-way, reducing the right-of-way width to 60 feet east of Owens Street would have a minimum impact on circulation as Clark Street transitions from 80' to 60' west to east connecting to an existing 60' Right of Way at West Clark Street. The street portion being proposed for a right-of-way reduction is adjacent to all properties owned by the same entity.

ANALYSIS

The proposed vacation of 10' either side of the right of way would eliminate a portion of Clark Street between Owens Street and Taylor Street resulting in a reduction of the street section right-of-way width from 80 to 60 feet. The proposed reduction would not affect emergency vehicle access, access for waste and recycling vehicles or necessary right-of-way capacity for anticipated circulation within the area.

Upon review of the City of Madera General Plan, there are no policies that specifically call for the retention of an 80' right of way for Clark Street between Owens Street and Taylor Street. The vacation of the portion of street will provide for additional utilization of vacant land for previously approved and future development consistent with the General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff performed a preliminary environmental assessment and have determined that the project is exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines because the project will not result in any changes in land use or density. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

COMMISSION ACTION:

The Commission will be acting on ABN 2022-01. Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera determining that the Vacation of a portion of Clark Street Between Owens Street and Taylor Street by the City of Madera is in conformance with the Goals and Policies of the General Plan.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the August 9, 2022 Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or appropriate findings modifying the project for the following reasons: (Specify – Planning Commission should articulate reasons for modifications).
2. Move to continue the public hearing to August 9, 2022 Planning Commission hearing with direction to staff to return within updated resolution with appropriate findings for denial for the following reasons (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS:

Attachment 1: Vicinity Map

Attachment 2: Exhibit A - Map and Legal Description of Vacation

Attachment 3: Resolution of the Planning Commission of the City of Madera Determining that the Vacation of a Portion of Clark Street Between Owens Street and Taylor Street by the City of Madera is in Conformance with the Goals and Policies of the General Plan

Attachment 1: Vicinity Map



**Attachment 2: Map and Legal Description of Vacation
“Exhibit A”**

EXHIBIT "A"

VACATION OF PORTIONS OF CLARK STREET RIGHT-OF-WAY

Portions of that certain 80-foot wide street now known as Clark Street, as shown on and dedicated for public use by "Part Two of Miller & Lux's Subdivision of Lands at Madera, Fresno County, California", according to the Map thereof filed in Volume 1 of Maps, at Page 11, Madera County Records, being situated in Section 13, Township 11 South, Range 17 East, Mount Diablo Base and Meridian, described as follows:

Northerly Portion:

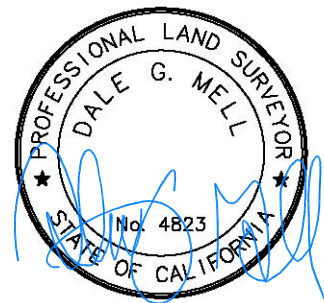
A strip of land 10 feet in width the north boundary of which is coincident with the north right-of-way line of said 80-foot wide street now known as Clark Street, bounded on the west by the east right-of-way line of that certain 80-foot wide street now known as Owens Street and bounded on the east by the west line of Lot 10 of Block 2 of "Martin Subdivision", filed in Book 30 of Maps, at Page 111, Madera County Records.

Area: 4,666 Square Feet, more or less

Southerly Portion:

A strip of land 10 feet in width the south boundary of which is coincident with the south right-of-way line of said 80-foot wide street now known as Clark Street, bounded on the west by the east right-of-way line of that certain 80-foot wide street now known as Owens Street and bounded on the east by the west line of Lot 1 of "Sunny Meadows II", filed in Book 39 of Maps, at Pages 81 and 82, Madera County Records.

Area: 4,665 Square Feet, more or less



PLOTTED BY: MARJAN ESLIMI ISFAHANI - 9/30/2021 5:03:24 PM C:\MY DOCUMENTS\19-111.01EX01.DWG

APN 003-210-034
DOCUMENT NO. 2011010847
MADERA COUNTY OFFICIAL RECORDS

OWENS

40'

40'

PARCEL 2
PARCEL MAP NO. 2494
FILED IN BOOK 31 OF MAPS, AT
PAGE 41, MADERA COUNTY RECORDS
APN 003-240-002

10

9

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1

2

3

4

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SUNNY MEADOWS II
FILED IN BOOK 39 OF MAPS, AT PAGES
81 & 82 MADERA COUNTY RECORDS

FILED IN BOOK 30 OF MAPS, AT
PAGE 111, MADERA COUNTY RECORDS

TAYLOR STREET

RECORD OR CALCULATED BEARINGS
AND DISTANCES PER PARCEL MAP
NO. 2494, FILED IN BOOK 31 OF
MAPS, AT PAGE 41, MADERA COUNTY
RECORDS AND MARTIN SUBDIVISION,
FILED IN BOOK 30 OF MAPS, AT
PAGE 111. MADERA COUNTY RECORDS

NEW ALLIANCE INVESTMENTS, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY



PORTION OF CLARK STREET
RIGHT-OF-WAY TO BE VACATED
CONSISTING OF 9,331 SQ. FT.

LINE #	BEARING	LENGTH
L1	S0°07'30"W	10.00'
L2	N0°06'50"E	10.00'
L3	S0°08'51"W	10.00'
L4	N0°10'00"E	10.00'


DALE G. MELL

 & ASSOCIATES

ENGINEERING & SURVEYING SERVICES
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220 * EMAIL: STAFF@DALEMELL.COM



GRAPHIC SCALE



1 INCH = 100 FEET

BY: M. ESLIMI -09/30/21
DMA CADFILE: 19-111.01EX01

MAP CLOSURE REPORT
NEW ALLIANCE INVESTMENTS, LLC
PUBLIC STREET VACATION
DMA PROJECT NO. 19-111.01
DATE: SEPTEMBER 30, 2021

Parcel Name: VACATION OF CLARK STREET - NORTHERLY PORTION

North: 1,815,539.6888' East: 6,687,276.6073'
Segment# 1: Line Course: S89° 49' 30"E Length: 466.57'
North: 1,815,538.2637' East: 6,687,743.1752'
Segment# 2: Line Course: S0° 07' 30"W Length: 10.00'
North: 1,815,528.2637' East: 6,687,743.1534'
Segment# 3: Line Course: N89° 49' 30"W Length: 466.57'
North: 1,815,529.6888' East: 6,687,276.5855'
Segment# 4: Line Course: N0° 06' 50"E Length: 10.00'
North: 1,815,539.6888' East: 6,687,276.6054'

Perimeter: 953.15' Area: 4,665.73 Sq.Ft.
Error Closure: 0.0019 Course: N89° 52' 50"W
Error North : 0.00000 East: -0.00194
Precision 1: 501,652.63

Parcel Name: VACATION OF CLARK STREET - SOUTHERLY PORTION

North: 1,815,469.6890' East: 6,687,276.4405'
Segment# 1: Line Course: S89° 49' 30"E Length: 466.49'
North: 1,815,468.2641' East: 6,687,742.9284'
Segment# 2: Line Course: S0° 08' 51"W Length: 10.00'
North: 1,815,458.2642' East: 6,687,742.9026'
Segment# 3: Line Course: N89° 49' 30"W Length: 466.49'
North: 1,815,459.6890' East: 6,687,276.4148'
Segment# 4: Line Course: N0° 10' 00"E Length: 10.00'
North: 1,815,469.6889' East: 6,687,276.4439'

Perimeter: 952.98' Area: 4,664.91 Sq.Ft.
Error Closure: 0.0033 Course: S89° 50' 35"E
Error North : -0.00001 East: 0.00335
Precision 1: 288,781.82



Attachment 3: Resolution

RESOLUTION NO. 1931

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
DETERMINING THAT THE VACATION OF A PORTION OF CLARK STREET
BETWEEN OWENS STREET AND TAYLOR STREET BY THE CITY OF MADERA
IS IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL
PLAN**

WHEREAS, the California Government Code Section 65402 and Streets and Highways Code Section 8313 requires the Planning Commission review the disposition of any property, include street vacation, by the City for conformity with the adopted General Plan; and

WHEREAS, the Planning Commission review is intended to assure that the street vacation is consistent with the City's long-range objectives; and

WHEREAS, the proposed right of way to be vacated is the northern 10 feet and southern 10 feet of an undeveloped portion of Clark Street located between Owens Street and Taylor Street (the "Vacation"). The General Plan Land Use designation of the property north and south of the right-of-way is HD-High Density Residential and zoned PD 1,500 (Planned Development, one unit per 1,500 square feet of site area); and

WHEREAS, the Vacation is consistent with Circulation Element Goal CI-3 (A roadway system that accommodates land uses at the City's desired level of service, provides multiple options for travel routes, protects residential areas from excessive traffic, coexists with other travel modes, and contributes to the quality of the City's residential, commercial, office, and industrial areas) and Circulation Element Policy CI-1 (Implement a Circulation Master Plan that supports the General Plan); and

WHEREAS, the Vacation is consistent with the circulation system identified within the General Plan Circulation Element. The portion of Clark Street between Owens Street and Taylor Street is currently unimproved but planned to connect the existing Clark Street to the east with Clark Street to the west. West of Owen Street, Clark Street is a developed 80-foot-wide right-of-way. East of Taylor Street, Clark Street is a developed 60-foot-wide right-of-way. The vacation of 10 feet on either side of the Clark Street right-of-way, reducing the right-of-way width to 60 feet east of Owens Street would have a minimum impact on circulation as Clark Street transitions from 80' to 60' west to east connecting to an existing 60' Right of Way at West Clark Street. The street portion being proposed for a right-of-way reduction is adjacent to all properties owned by the same entity. Existing and future land use anticipated by the General Plan and provided for within the Zoning Code will be supported.

NOW THEREFORE, be it resolved by the Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein by reference.
2. Street Vacation: The Planning Commission hereby determines that the street vacation of the northern 10 feet and southern 10 feet of an undeveloped portion of Clark Street located between Owens Street and Taylor Street by the City of Madera is in conformance with the adopted General Plan.

3. Recommendation: The Planning Commission recommends the City Council adopt a resolution to order the summary vacation of the portion of Clark Street described herein.

4. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of August 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager