

REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, December 20, 2022
11:00 a.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: 84188778750# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/84188778750>. 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:

Planning Manager/Chairperson – Gary Conte
City Engineer – Keith Helmuth
Community Development Director – Will Tackett
Fire Chief – Ralph Duran
Parks Director – Joseph Hebert
Public Works Director – Jamie Hickman
Police Sergeant – Shawn Bushey

INTRODUCTION OF STAFF:

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. TPM 2021-06 – Madera Springhill Suites Hotel/Black Bear Parcel Map (Report by Robert Smith)

Subject: Consideration of a Tentative Parcel Map to allow for the division of a developed 2.98-acre parcel (APN: 012-390-005) into two (2) parcels ranging in size from 0.62 acres and 2.31 acres. The parcels are located at 1209 and 1219 Almond Ave. in the CH (Highway Commercial) zone district with a C (Commercial) General Plan land use designation.

Recommendation:

- a. Conduct the public hearing and make the necessary findings.
- b. Adopt a Resolution adopting a Categorical Exemption pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions) and approving Tentative Parcel Map 2021-06.

2. TPM 2022-02 – North Schnoor Professional Offices (Report by Robert Smith)

Subject: Consideration of a Tentative Parcel Map to subdivide an irregular shaped improved 1.02-acre parcel (APN: 013-151-035) located at 2000 North Schnoor Avenue, recently approved for development, into three (3) parcels ranging in size from 0.19 to 0.56 acres. The site is zoned PO (Professional Office) with an O (Office) General Plan land use designation.

Recommendation:

- a. Conduct the public hearing and make the necessary findings.
- b. Adopt a Resolution adopting a Categorical Exemption pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions) and approving Tentative Parcel Map 2022-02.

ADMINISTRATIVE REPORTS:

ADJOURNMENT:

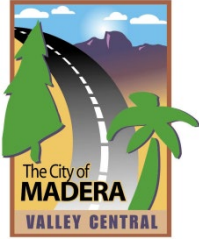
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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 Development Review Committee 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 Development Review Committee actions may be appealed to the Planning Commission. The time in which an applicant may appeal a Development Review Committee action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Development Review Committee 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 THE DEVELOPMENT REVIEW COMMITTEE

Prepared by:

Robert Smith, Senior Planner

Meeting of: December 20, 2022

Agenda Item: 1

SUBJECT:

Madera Springhill Suites Hotel / Black Bear Tentative Parcel Map 2021-06

RECOMMENDATION:

Hold a public hearing; and

1. Adopt a resolution adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315 (Minor Land Divisions) and approving Tentative Parcel Map 2021-06, subject to the findings and conditions of approval.

SUMMARY:

An application for a Tentative Parcel Map to subdivide a developed irregular-shaped 2.98-acre parcel (APN 012-390-005) located at 1209 and 1219 East Almond Avenue into two (2) parcels of 0.62 acres (Parcel A) and 2.31 acres (Parcel B) and a street dedication of 0.05 acres. The applicant proposes no new development or improvements associated with the division of land at this time.

The subject site is an irregular-shaped 2.98-acre (129,808.8 square feet (sf)) parcel located on East Almond Avenue, between its intersection with South Gateway Drive to the west and the SR 99 southbound East Almond Avenue off-ramp to the east (Attachment 1). Access to the parcel is provided by an existing improved private drive approach on East Almond Avenue. The 600-foot-long drive approach provides access to developed on-site parking areas to the west of the drive approach supporting the existing hotel (Madera Springhill Suites Hotel) and restaurant (Black Bear Dinner) (Exhibit B).

The subject site is composed of two buildings (Madera Spring Suites Hotel (1219 East Almond Avenue) and Black Bear Dinner (1209 East Almond Avenue)), a total of 152 on-site parking spaces, landscaping improvements along East Almond Avenue and the SR 99 southbound East Almond Avenue off-ramp. Sidewalk, and curb and gutter improvements and overhead electrical and communication utilities parallel the parcel's East Almond Avenue frontage. A trash closure designed and constructed to house three waste bins is positioned in the southeast corner of subject site. This trash enclosure serves the Black Bear Dinner. A second trash enclosure designed

and constructed to house two waste bins is positioned in the northwest corner of the subject site. This trash enclosure serves the Madera Springhill Suites Hotel. A free-standing sign supporting both the hotel and dinner is located at the north end of the site adjacent to the SR 99 off-ramp.

The parcel to be divided is zoned CH (Highway Commercial) and designated C (Commercial) in the General Plan (Attachments 2 and 3, respectively). The subject site lies within the East Almond Specific Plan Area. The proposal meets the objective LU-5 to create a mix of uses in the area and is in conformance with the proposed development plan for a mini-mart and highway commercial use in this location. The division of this land through the Parcel Map will not conflict with other objectives or policies within the Specific Plan.

Table 1: Project Overview	
<i>Project Number:</i>	Tentative Parcel Map 2021-06
<i>Applicant:</i>	Berry Development
<i>Property Owner:</i>	Madera Hotel LLC
<i>Location:</i>	1209 and 1219 Almond Avenue, Madera, CA, 93637
<i>Project Area:</i>	2.98 ac. (129,808.80 sf)
<i>Plan Land Use:</i>	C (Commercial).
<i>Specific Plan</i>	East Almond Avenue Specific Plan
<i>Zoning District:</i>	CH (Highway Commercial).
<i>Site Characteristics</i>	<p>The 2.98-acre parcel developed with a restaurant (Parcel A) and a hotel (Parcel B) surrounded by on-site parking and landscaping improvements.</p> <p>The parcel is bounded on the north by State Route 99 (SR 99). Adjacent land to the east and west is open vacant land; to the south are single story professional office properties.</p>

PRIOR PROJECT SITE ACTIONS:

The property is located within the East Almond Specific Plan planning area, completed in December 2004. The site was developed as a hotel and restaurant with the approval of Site Plan Review 2007-02 in July 2007 and Site Plan Review 2001-31 in December 2007 respectively. The allowance for alcoholic beverages for on-site consumption in conjunction with a restaurant was granted with the approval of Conditional Use Permit 2008-16 and Site Plan Review 2008-21 in October 2008 for the Black Bear Diner. The allowance for alcoholic beverages for on-site consumption in conjunction with the hotel was granted with the approval of Conditional Use Permit CUP 2015-18 and Site Plan Review SPR 2015-19 in July 2015 for the Springhill Suites Hotel.

ANALYSIS:

The Madera Municipal Code (MMC) establishes procedures for the review and approval of tentative parcel maps (Section 10-2.501). The division of property is also regulated by the California's Subdivision Map Act (Section 66413 of the California Government Code). MMC Sections 10-3-9.306 and 10.3-308 establishes standards specific to minimum site area, and yard (setback) requirements, respectively for property zoned HC (Highway Commercial. Section 10-3.1201 through 10-3.1203 establishes standards specific to on-site parking.

The applicant proposes to subdivide the 2.98-acre irregular shaped parcel into two parcels. As proposed, Parcel A will encompass 0.62 acres and Parcel B will encompass 2.31 acres. In addition, the applicant is also proposing to dedicate 0.05 acres that is presently a street easement adjacent to East Almond Avenue. The easement provides for a westbound right-turn lane for access purpose onto the site (Exhibit B). No alterations to the approved SPR 2008-06 site plan is being contemplated at this time.

The parcel to be divided is zoned HC (Highway Commercial). The proposed parcels to be formed will remain the same zone district will be required to meet all the required development standards applicable for a HC zone district and the parking requirements for a hotel and establishments where the sale and consumption of food and beverages on the premises (e.g., dine-in restaurant). Applicable site area and yard (setback) and parking requirements relevant to the proposed tentative parcel map are identified and addressed in Table 2 below. Individual setback and parking requirements specified in Table 2 are based on, and subject to, the development plan approved pursuant to SPR 2008-06 remain unchanged.

Table 2: Zone District Development Standards		
Standard	Minimum Requirement	Proposed
Site Area Corner Lot Interior Lot	6,000 sf 5,000 sf	Parcel A (Corner) – 26,921 sf Parcel B (Interior) – 100,510 sf
Lot Width	50 ft	Parcel A – 97.16 ft Parcel B – 246.75 ft
Front Yard (Street) Setback	10 ft	Parcel A – 29.5 ft Parcel B – 116 ft
Side Yard Setback Interior Adjacent to Street Adjacent to Highway 99	None 10 ft 40 ft	Parcel A 78 ft (Interior) 70 ft (Street Side) and
	None 10 ft 40 ft	Parcel B 42 ft (Interior) and 24 ft (Street Side)

Table 2: Zone District Development Standards		
Standard	Minimum Requirement	Proposed
Rear Yard Setback	None	Parcel A – 38 ft
Rear Yard Adjacent to Highway 99	40 ft	Parcel B – 132 ft
Parking Spaces Restaurant Hotel	<p>1 Space for Each 3 Seats of a Fixed Nature, Plus 1 Space for Each 50 sf of Net Floor Area Available for Non-Fixed Seating</p> <p>1 Space for Each 3 Beds</p>	<p>Parcel A 26 Vehicle Spaces 2 ADA Accessible Spaces</p> <p>Parcel B 123 Vehicle Spaces 6 ADA Accessible Spaces</p>

Tentative Parcel Map Review

The parcel to be divided is zoned CH (Highway Commercial) and designated C (Commercial) in the General Plan. The resulting parcels would remain zoned CH and would meet the area and setback requirements for the zoning district.

Parking and Accessibility

A recorded easement forming the western boundary of the existing parcel grants the existing properties bound by SR 99 and southbound off-ramp to the north and east, East Almond Avenue to the south and South Gateway Drive street access to East Almond Avenue and for sewer, water, cross drainage and public utility improvements. The proposed division would not alter the existing easement. The parcels resulting from the division would still need to be accessible from East Almond Avenue via the easement that is form the western boundaries of Parcels A and B. A cross-access agreement will be required as a condition of approval. This easement would ensure driveway access necessary to serve the newly formed parcels (Parcels A and B) and to the neighboring properties. The details of that shared access as well as maintenance of the driveway shall be outlined in the Covenant, Conditions, Easements, and Restrictions (CC&R) required by Conditions of Approval.

Each proposed parcel has sufficient parking to meet their respective existing uses and the applicant has proposed a shared parking arrangement to be approved as part of the Conditions of Approval. Madera Municipal Code §10-3.1202 (Parking Spaces Required) mandates restaurant operations provide one (1) space for each three seats, and hotel operations provide one (1) space

for each three (3) beds. The hotel will maintain six (6) accessible spaces and the restaurant will maintain two (2) accessible spaces compliant with the Americans with Disabilities Act (ADA).

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt under Section 15315 (Minor Land Divisions) of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned residential and commercial use into two parcels, in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access to the proposed parcels are available. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

RECOMMENDED ACTION:

The Development Review Committee (Committee) will be taking action on the Tentative Parcel Map 2021-06 and Categorical Exemption. All the required findings for approval under the Municipal Code and law can be made and are described in the proposed Resolution attached to the report (Attachment 4). Staff Recommends the Committee:

- Move to adopt a resolution of the Development Review Committee of the City of Madera adopting a Finding of Categorical Exemption pursuant to CEQA Guidelines Section 15315 for the project, and approving Tentative Parcel Map 2021-06, based on, and subject to, the findings and conditions of approval.

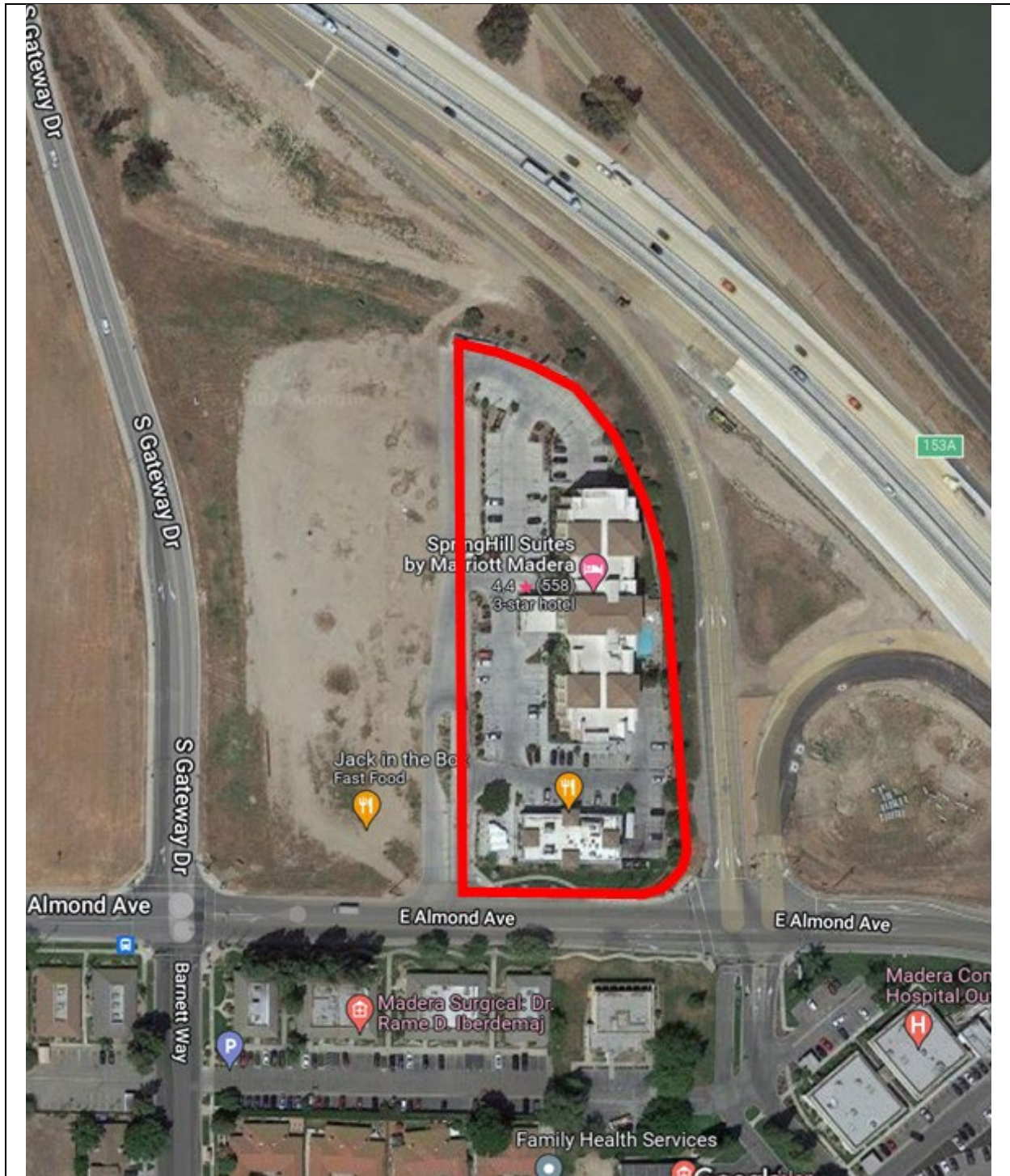
ALTERNATIVES

1. Move to continue the public hearing to a date specified for the following reasons or in order for the following information to be provided: (Specify –Committee to specify date and reasons for continuance).
2. Move to deny the request based on the appropriate findings for denial: (Specify – Committee to articulate reasons for denial).

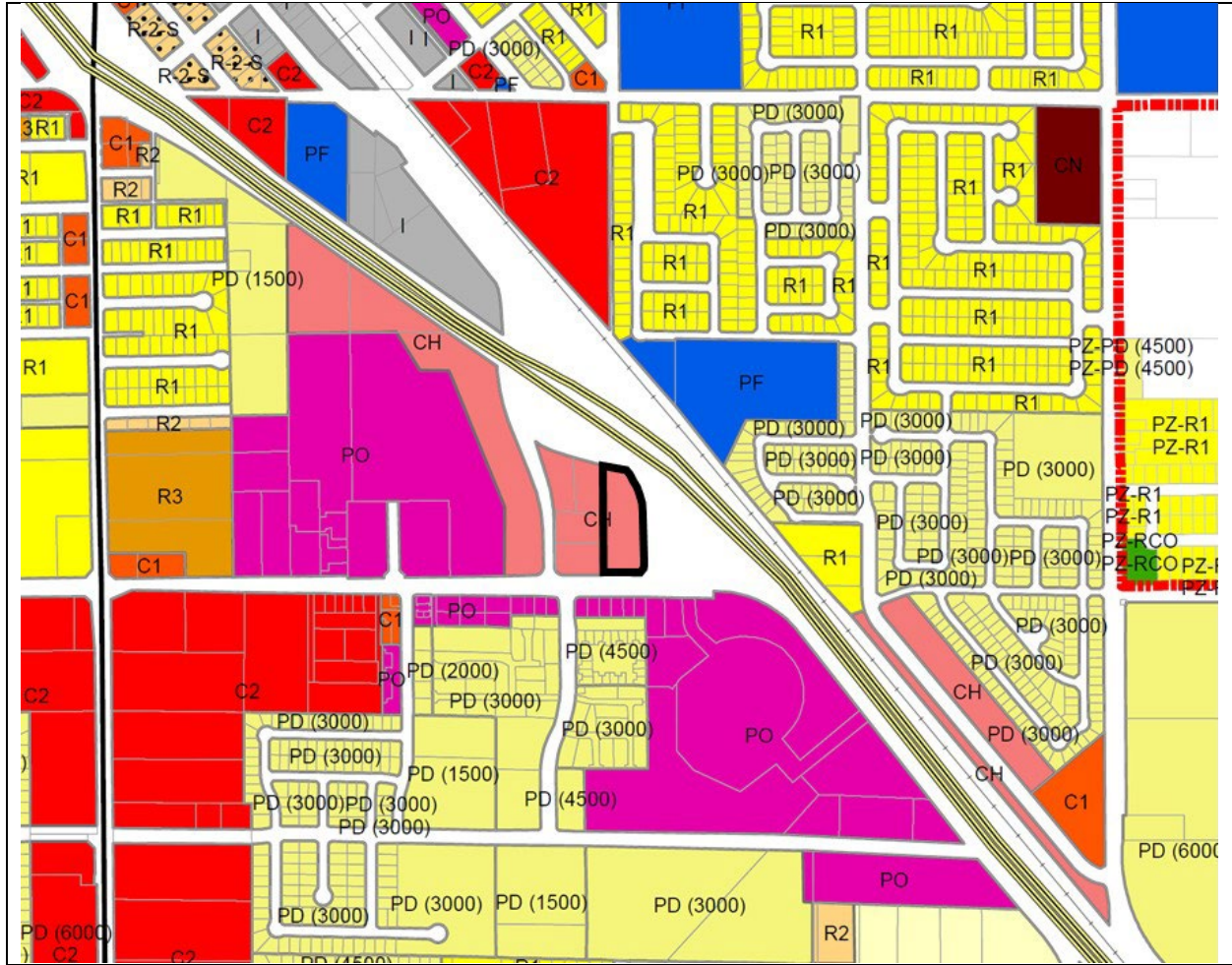
ATTACHMENTS:

1. Aerial Photo/Vicinity Map
2. Zoning Map
3. General Plan Land Use Map
4. Development Review Committee Resolution
 - Exhibit “A” – Conditions of Approval
 - Exhibit “B” – Tentative Parcel Map

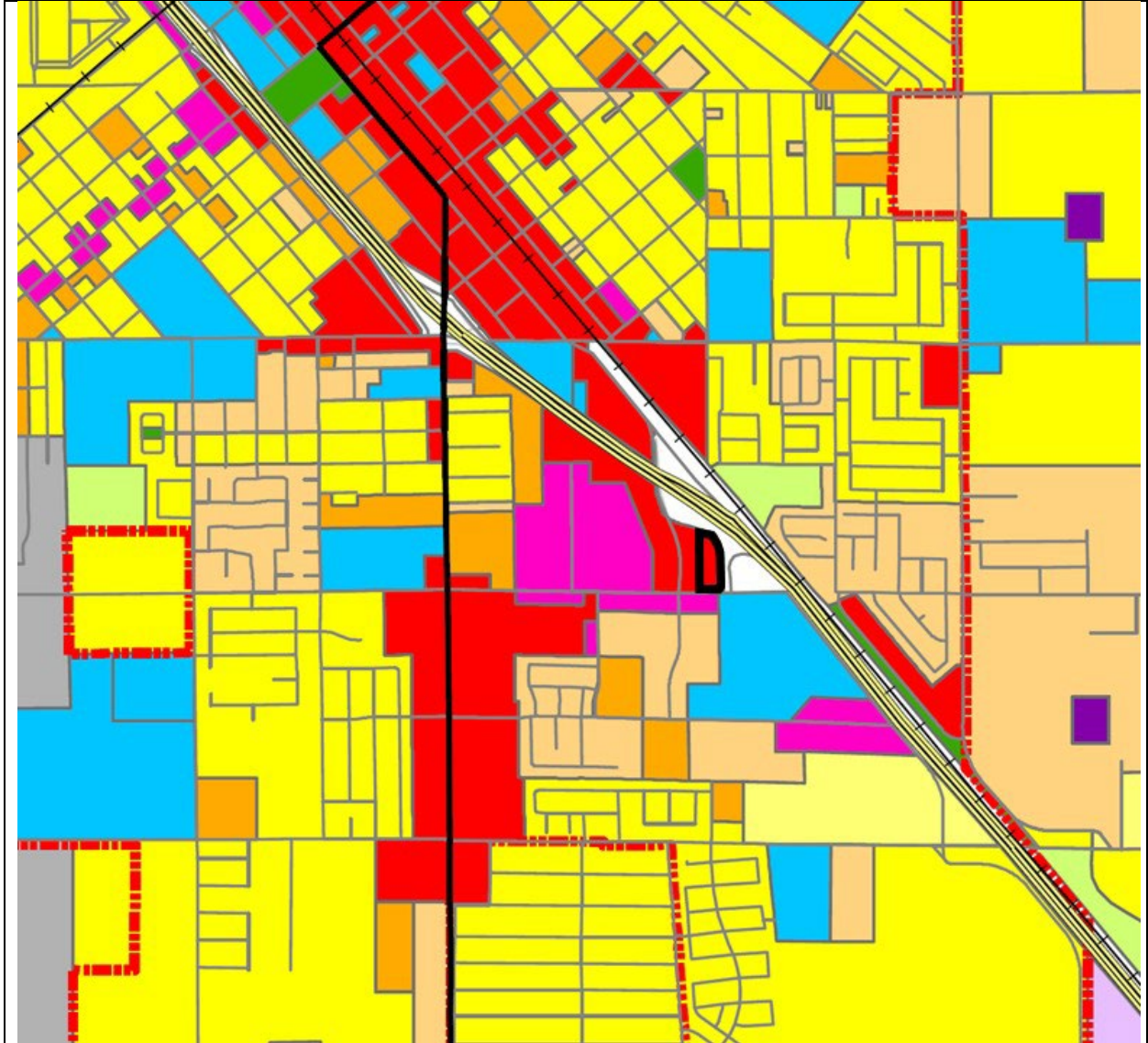
ATTACHMENT 1 - Aerial Site Plan/Vicinity Map



ATTACHMENT 2 -Zoning Map



ATTACHMENT 3 - General Plan Land Use Map



ATTACHMENT 4 - Parcel Disposition Map

ATTACHMENT 5 - Development Review Committee Resolution ____

RESOLUTION NO. 103

**RESOLUTION OF THE DEVELOPMENT REVIEW COMMITTEE OF THE CITY OF
MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA
GUIDELINES SECTION 15315 (MINOR LAND DIVISION) AND APPROVING
TENTATIVE PARCEL MAP 2021-06 (MADERA SPRINGHILL SUITES HOTEL /
BLACK BEAR DINNER SUBDIVISION)**

WHEREAS, Madera Hotel LLC (“Owner”) owns APN 012-390-005 located at 1209 and 1219 Almond Avenue, Madera, California (“site”); and

WHEREAS, Berry Development is the applicant of the project; and

WHEREAS, the 2.98-acre site is developed with improvements to the existing site and two structures of 26,921 sq. ft. (restaurant) and 100,510 sq. ft. (hotel); and

WHEREAS, access to the site is provided by level access driveway from Almond Avenue; and

WHEREAS, the site is designated C (Commercial), in the General Plan and is zoned CH (Highway Commercial); and

WHEREAS, the site is within the East Almond Specific Plan designated MM (Mini Mart); and

WHEREAS, the Applicant is seeking a tentative parcel map (TPM) to divide the 2.98-acre site into two (2) separate parcels; and

WHEREAS, a Categorical Exemption under California Environmental Quality Act (CEQA) guidelines, Section 15315 (Minor Land Divisions) has been prepared for the proposed project in accordance with CEQA, Public Resources Code Section 21000 *et. seq.*; and

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

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

WHEREAS, the Committee received and reviewed TPM 2021-06 at a duly noticed meeting on December 20, 2022; and

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

WHEREAS, the Committee now desires to adopt a Categorical Exemption for the project pursuant to CEQA, and conditionally approve TPM 2021-06.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: The Development Review Committee finds and determines that the project is exempt under Section 15315 of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned Highway Commercial, into two (2) parcels which is in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access to the proposed parcels are available. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings for TPM 2021-06: The Development Review Committee finds and determines that there is substantial evidence in the administrative record to support the approval of TPM 2021-06, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code. The Committee further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

Basis for Finding: All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of the designated zoning (Highway Commercial) and General Plan designation (Commercial).

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

Basis for Finding: The proposed parcel map and required supporting documents are consistent with the requirements of the Madera Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

4. Approval of TPM 2021-06: Given that all findings can be made, the Committee hereby approves TPM 2021-06 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

- 5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Development Review Committee of the City of Madera this 20th day of December 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Gary Conte
Development Review Committee
Chairperson

Attest:

Brandi Garcia
Recording Secretary

Exhibit "A" – Conditions of Approval for TPM 2021-06
Exhibit "B" – Tentative Parcel Map

EXHIBIT "A"
MADERA SPRINGHILL SUITES HOTEL / BLACK BEAR DINNER
1209 AND 1219 EAST ALMOND AVENUE
TENTATIVE PARCEL MAP 2021-06
CONDITIONS OF APPROVAL
December 20, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this tentative parcel map may become null and void in the event that the parcel map or the conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map is granted, and the conditions imposed,

based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this tentative parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the tentative parcel map or in any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the tentative parcel map review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

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

Conditions of Approval

General Conditions

1. Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property.
2. Approval of this tentative parcel map may become null and void in the event that the parcel map or conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the parcel map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.
3. These conditions are applicable to any person or entity making use of this tentative parcel map, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative parcel map.

4. 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.
5. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
6. This tentative parcel map approval (TPM 2021-06) shall expire twenty-four (24) months from the effective date, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.
7. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

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

Engineering Department

8. Future development shall be compliant with this TPM 2021-06 and prior Site Permit Review approvals and associated Conditions of Approval for SPR 2008-21.
9. The developer shall pay all required fees for processing the parcel map and completion of project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.

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

The existing on-site water meters shall be upgraded to current City standards including Automatic Meter Reading (AMR). The developer shall dedicate easements for the on-site water meters with an access easement. It shall be noted on the map that the easements provide for full vehicular access and parking during City inspection or maintenance of said water meters. In addition, the map shall note that all facilities other than the water meters will be privately owned and maintained and shall make reference to the Reciprocal Easement Agreement.

22. Each newly created parcel shall have a separate sewer service. Any new connection(s) shall be constructed to current City standards. Existing cross lot connections shall be severed.
23. The developer shall update and record a Reciprocal Easement Agreement for ingress/egress, utility, drainage, access for emergency services, and parking easements in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The agreement shall reflect the language included in the Covenant, Conditions, Easements, and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the Reciprocal Easement Agreement should provide a responsible party and method in which said responsibility is conveyed to future successors. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.

-END OF CONDITIONS-

EASEMENTS

*NOTE: THE FOLLOWING ITEMS ARE NUMBERED FROM THE PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY AS TITLE No. FWM-5002101482-MW DATED NOVEMBER 20, 2021

5. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE MADERA CANAL AND IRRIGATION COMPANY PURPOSE: RIGHT TO CONVEY WATER OVER SAID LAND RECORDING DATE: MAY 18, 1894 RECORDING NO.: 1217, BOOK 1, PAGE 404, OF COVENANTS AFFECTS: THE EXACT LOCATION AND EXTENT OF SAID MATTER IS NOT DISCLOSED OF RECORD (NOT PLOTTABLE)

6. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE COUNTY OF MADERA PURPOSE: PUBLIC HIGHWAY RECORDING DATE: SEPTEMBER 24, 1896 RECORDING NO.: 2521, BOOK 11, PAGE 55, OF DEEDS AFFECTS: THE SOUTH 20 FEET OF THE NORTH 1/2 OF SAID SECTION 30 (SEE SHEET 3)

7. RIGHTS OF THE PUBLIC TO ANY PORTION OF THE LAND LYING WITHIN THE AREA COMMONLY KNOWN AS AVENUE 13 1/2 (ALMOND AVENUE). (SEE SHEET 3)

8. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: SAN JOAQUIN LIGHT & POWER CORPORATION PURPOSE: PUBLIC UTILITIES RECORDING DATE: OCTOBER 8, 1921 RECORDING NO.: 15021, BOOK 11, PAGE 259, OF COVENANTS AFFECTS: SAID LAND THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD. (NOT PLOTTABLE)

9. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT, RECORDED: NOVEMBER 19, 1975, INSTRUMENT NO. 16669, BOOK 1251, PAGE 355, OF OFFICIAL RECORDS AFFECTS: ACCESS TO A PORTION OF AVENUE 13 1/2 AND TO FREEWAY 99 THE RIGHT OF ACCESS TO AND FROM AVENUE 13 1/2 OVER AND ACROSS COURSE (5), AS DESCRIBED IN THE AMENDED FINAL ORDER OF CONDEMNATION, RECORDED NOVEMBER 19, 1975 IN BOOK 1251 OF OFFICIAL RECORDS AT PAGE 35, AS INSTRUMENT NO. 16669, MADERA COUNTY RECORDS. (SEE SHEET 3)

13. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE CITY OF MADERA PURPOSE: FOR STREET, SEWER, WATER, STORM DRAIN, PUBLIC UTILITIES AND ANY AND ALL OTHER MUNICIPAL PURPOSES OVER, UNDER, ON AND IN SAID LAND RECORDING DATE: JANUARY 11, 2002 RECORDING NO.: 2002-001166, OF OFFICIAL RECORDS AFFECTS: AS PROVIDED FOR WITHIN SAID INSTRUMENT ALSO, MATTERS AS CONTAINED IN THE MAP ATTACHED TO AND MADE A PART OF THE HEREINABOVE REFERENCED INSTRUMENT (SEE SHEET 3)

15. SAID LAND IS SUBJECT TO VARIOUS MATTERS AS FOUND AND CONTAINED IN THE MAP ATTACHED TO AND MADE A PART OF THAT CERTAIN GRANT DEED FROM BERRY-SINGH PARTNERSHIP,, A CALIFORNIA PARTNERSHIP TO THE STATE OF CALIFORNIA, AND RECORDED JANUARY 07, 2004 AS INSTRUMENT NO. 2004-000585, FRESNO COUNTY RECORDS. AND AS CORRECTED IN THAT CERTAIN CORRECTING GRANT DEED RECORDED JUNE 01, 2006 AS INSTRUMENT NO. 2006-024655, MADERA COUNTY RECORDS (NOT PLOTTABLE)

20. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION PURPOSE: PUBLIC UTILITIES RECORDING DATE: JUNE 18, 2008 RECORDING NO.: 2008020905, OF OFFICIAL RECORDS AFFECTS: REFERENCE IS MADE TO THE RECORD (APPROXIMATE LOCATION SEE SHEET 3)

23. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: RALPH A. PISTORES! AND JIM PISTORES! PURPOSE: AN EASEMENT FOR STREET, INGRESS AND EGRESS, SEWER, WATER, PUBLIC UTILITY, CROSS DRAINAGE RECORDING DATE: NOVEMBER 21, 2008 RECORDING NO.: 2008040436, OF OFFICIAL RECORDS AFFECTS: PORTION OF SAID LAND (SEE SHEET 3)

24. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: DAVID L. BERRY AND KANWAL SINGH PURPOSE: AN EASEMENT FOR STREET, INGRESS AND EGRESS, SEWER, WATER, PUBLIC UTILITY, CROSS DRAINAGE RECORDING DATE: NOVEMBER 21, 2008 RECORDING NO.: 2008040437, OF OFFICIAL RECORDS AFFECTS: PORTION OF SAID LAND (SEE SHEET 3)

25. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: RALPH A. PISTORES! AND JIM PISTORES! PURPOSE: AN EASEMENT FOR STREET, INGRESS AND EGRESS, SEWER, WATER, PUBLIC UTILITY, CROSS DRAINAGE RECORDING DATE: NOVEMBER 21, 2008 RECORDING NO.: 2008040438, OF OFFICIAL RECORDS AFFECTS: PORTION OF SAID LAND (SEE SHEET 3)

26. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: CITY OF MADERA LANDSCAPE MAINTENANCE DISTRICT ZONE 52 EXECUTED BY: CITY OF MADERA RECORDING DATE: DECEMBER 11, 2008 RECORDING NO.: 2008042019, OF OFFICIAL RECORDS. REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. (BLANKET IN NATURE - NOT PLOTTABLE)

27. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE CITY OF MADERA, A MUNICIPAL CORPORATION PURPOSE: WATER MAIN EASEMENT RECORDING DATE: DECEMBER 19, 2008 RECORDING NO.: 2008042885, OF OFFICIAL RECORDS AFFECTS: PORTION OF SAID LAND (SEE SHEET 3)

28. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: RALPH A. PISTORES! AND JIM PISTORES! PURPOSE: CROSS ACCESS EASEMENT RECORDING DATE: FEBRUARY 19, 2009 RECORDING NO.: 2009005217, OF OFFICIAL RECORDS AFFECTS: PORTION OF SAID LAND (SEE SHEET 3)

30. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: DAVID L. BERRY AND KANWAL SINGH PURPOSE: CROSS ACCESS EASEMENT RECORDING DATE: MARCH 4, 2009 RECORDING NO.: 2009007057, OF OFFICIAL RECORDS AFFECTS: PORTION OF SAID LAND (SEE SHEET 3)

31. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: CITY OF MADERA LANDSCAPE AND MAINTENANCE DISTRICT EXECUTED BY: CITY OF MADERA RECORDING DATE: SEPTEMBER 21, 2009 RECORDING NO.: 2009-032100, OF OFFICIAL RECORDS REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. (BLANKET IN NATURE - NOT PLOTABLE)

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 25 AND OF THE COUNTY ROAD LYING SOUTH THEREOF OF SUBDIVISION "B" OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 18 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE MAP ENTITLED, "SUBDIVISION "B" OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 18 EAST, MOUNT DIABLO BASE AND MERIDIAN, FILED AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, JANUARY 4, 1905 IN VOL. 2 OF MAPS, AT PAGE 4, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING ON THE HALF SECTION LINE RUNNING EAST AND WEST THROUGH SAID SECTION 30 AT A POINT 25 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID LOT 25; THENCE NORTH 682.5 FEET; THENCE SOUTH 89° 05' EAST 336 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD; THENCE SOUTH 39° 53' EAST ALONG SAID BOUNDARY 876 FEET TO THE HALF SECTION LINE THENCE NORTH 89° 05' WEST 898 FEET TO PLACE OF COMMENCEMENT, WHICH INCLUDES ONE HALF OF THE COUNTY ROAD ON THE SOUTH.

EXCEPTING THEREFROM THE NORTHEASTERLY 100 FEET THEREOF CONVEYED TO THE STATE OF CALIFORNIA, BY DEED DATED OCTOBER 23, 1940 AND RECORDED MARCH 25, 1941 IN VOL. 284 OF OFFICIAL RECORDS, PAGE 1, & 3, MADERA COUNTY RECORDS.

ALSO EXCEPTING THEREFROM 2 PARCELS OF LAND CONDEMNED TO THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES AND DESCRIBED IN THE ORDER OF CONDEMNATION DATED MAY 12, 1958 AND RECORDED MAY 14, 1958 IN VOL. 718 OF OFFICIAL RECORDS, PAGE 229, MADERA COUNTY RECORDS, AS FOLLOWS:

PARCEL NO. 1: FOR FREEWAY PURPOSES THAT PORTION OF LOT 25 OF SUBDIVISION "B" OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 18 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS PER MAP RECORDED JANUARY 4, 1905 IN VOL. 2 OF MAPS AT PAGE 4, MADERA COUNTY RECORDS, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 30, SAID POINT BEARS SOUTH 88° 29' 19" EAST 3367.73 FEET FROM THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID SECTION THENCE AT RIGHT ANGLES FROM SAID SOUTH LINE, NORTH 1° 30' 41" EAST 30.00 FEET TO THE NORTH LINE OF THE SOUTH 5 FEET OF SAID LOT; THENCE ALONG SAID NORTH LINE SOUTH 88° 29' 19" EAST 75.60 FEET; THENCE NORTH 50° 45' EAST 50.00 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 25, 1941 IN VOL. 284 OF OFFICIAL RECORDS, PAGE 1, LAST SAID POINT BEARS NORTH 39° 15' WEST 82.71 FEET FROM THE INTERSECTION OF SAID SOUTHWESTERLY LINE WITH THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION.

PARCEL NO. 2: FOR FREEWAY PURPOSES THAT PORTION OF LOT 25 OF SUBDIVISION "B" OF SECTION 30, TOWNSHIP 11, SOUTH, RANGE 18, EAST, MOUNT DIABLO BASE AND MERIDIAN, AS PER MAP RECORDED JANUARY 4, 1905 IN VOL. 2 OF MAPS, AT PAGE 4, MADERA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED MARCH 25, 1941 IN VOL. 284 OF OFFICIAL RECORDS, PAGE 1, & 3 THENCE (1) ALONG THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN SAID DEED TO THE STATE, SOUTH 39° 15' EAST 279.19 FEET; THENCE (2) NORTH 47° 15' 09" WEST, 232.60 FEET; THENCE (3) NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST, WITH A RADIUS OF 372 FEET, AN ARC DISTANCE OF 107.18 FEET TO THE NORTH LINE OF THE LAND DESCRIBED IN THAT CERTAIN DECREE OF FINAL DISTRIBUTION, REGARDING THE ESTATE OF WILLIAM HENRY KLINGENBERG, RECORDED APRIL 29, 1948 IN VOL. 449 OF OFFICIAL RECORDS, PAGE 469, THE CENTER OF A CIRCLE OF WHICH SAID TANGENT CURVE IS AN ARC BEING AT COORDINATES Y 588 890.297 FEET AND X 694 420.668 FEET: THENCE (4) ALONG SAID NORTH LINE, SOUTH 88° 20' 19" EAST 82.23 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONDEMNED TO THE STATE OF CALIFORNIA, BY THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED SEPTEMBER 5, 1968 IN BOOK 1018 OF OFFICIAL RECORDS, PAGE 78, MADERA COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION CONDEMNED TO THE COUNTY OF MADERA BY THAT CERTAIN FINAL ORDER OF THE CONDEMNATION RECORDED MAY 13, 1975 IN BOOK 1232 OF OFFICIAL RECORDS, AT PAGE 84, MADERA COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION CONDEMNED TO THE COUNTY OF MADERA BY THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED JUNE 10, 1975 IN BOOK 1234 OF OFFICIAL RECORDS, AT PAGE 529, MADERA COUNTY RECORDS.

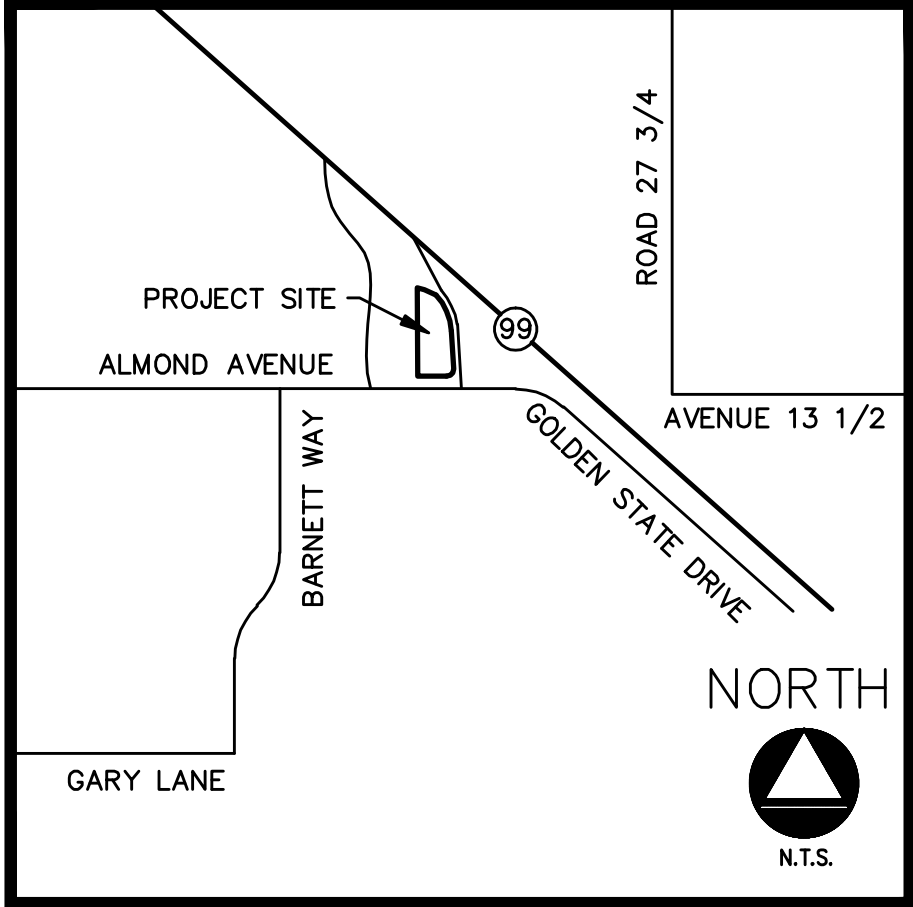
EXCEPTING THEREFROM THAT PORTION CONDEMNED TO THE COUNTY OF MADERA BY THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED OCTOBER 7, 1975 IN BOOK 1247 OF OFFICIAL RECORDS, AT PAGE 283 AND AS AMENDED NOVEMBER 19, 1975 IN BOOK 1251 OF OFFICIAL RECORDS, AT PAGE 355, MADERA COUNTY RECORDS.

ALSO EXCEPTING FROM THE HEREINABOVE DESCRIBED LANDS THAT PORTION AS GRANTED TO THE STATE OF CALIFORNIA IN GRANT DEED RECORDED JANUARY 07, 2004 AS INSTRUMENT NO. 2004-000585, AND RE-RECORDED JUNE 01, 2006 AS INSTRUMENT NO. 2006-024655, MADERA COUNTY RECORDS.

TENTATIVE PARCEL MAP NO. _____ CITY OF MADERA, MADERA COUNTY, STATE OF CALIFORNIA

CONSISTING OF 3 SHEETS SHEET 1 OF 3 SHEETS

SURVEYED BY: HARBISON INTERNATIONAL, INC. IN JUNE 2021



VICINITY MAP N.T.S.

BENCHMARK

DESIGNATION - MADERA RM 2 AZIMUTH PID - GU1071 USGS QUAD - MADERA(1981)

ELEVATION - 269.9

AT MADERA, 0.8 MILE SOUTHEAST ALONG THE SOUTHERN PACIFIC COMPANY RAILROAD FROM THE STATION, AT THE CROSSING OF COUNTY PAVED ROAD 14E, 183 FEET NORTH OF THE CENTER LINE OF THE ROAD, 137 1/2 FEET NORTHEAST OF AND ACROSS THE TRACK FROM THE NORTHWEST END OF A GATE TO A UNION OIL COMPANY BULK PLANT, ON TOP OF A SMALL KNOLL FORMED BY GRADING AROUND THE MARK, 49.0 FEET NORTHEAST OF THE NORTHEAST RAIL OF THE RAIL TRACK, 11 1/2 FEET EAST OF A TELEGRAPH POLE, 1.8 FEET NORTHWEST OF A WITNESS POST, ABOUT 2 FEET LOWER THAN THE TRACK, AND SET IN THE TOP OF A CONCRETE POST PROJECTION 0.2 FOOT ABOVE THE GROUND.

A.P.N.

APN: 012-390-005

EXISTING PARCEL

EXISTING PARCEL AS DESCRIBED IN GRANT DEED DOC. 99025888 M.C.R. AREA: 129,941 SF± OR 2.98AC±

PROPOSED PARCELS:

PROPOSED PARCEL A: 26,921 SF± OR 0.62 AC PROPOSED PARCEL B: 100,521 SF± OR 2.31 AC STREET DEDICATION: 2,499 SF± OR 0.05 AC TOTAL AREA: 129,941 SF± OR 2.98AC±

SHEET INDEX

SHEET	DESCRIPTION
1	COVER SHEET
2	SITE PLAN AND BOUNDARY
3	EASEMENTS



NOTE:
ALL CALTRANS RECORD DISTANCES AND BEARINGS ARE ON CCS NAD83, ZONE 3. DISTANCE AND STATIONING ARE GRID DISTANCES. TO CONVERT METERS TO U.S. SURVEY FEET, MULTIPLY DISTANCES BY 3937/1200. MULTIPLY BY 0.9999737 TO OBTAIN GROUND DISTANCES.

REV.	HARBISON INTERNATIONAL INC., ENGINEERS- SURVEYORS-PLANNERS 2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710 PHONE: (559) 294-7485 FAX: (559) 294-7481	DR. BY: JMM CH. BY: MAH DATE: 12-8-21 4-28-22 5-11-22 JOB No. 07-189	TENTATIVE TRACT MAP _____ CITY OF MADERA, CA MADERA HOTEL LLC AND SMOKEY BEAR RESTAURANT	SHEET 1 OF 3 SHEETS
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TENTATIVE PARCEL MAP NO. _____
CITY OF MADERA, MADERA COUNTY,
STATE OF CALIFORNIA

CONSISTING OF 3 SHEETS
SHEET 2 OF 3 SHEETS

SURVEYED BY: HARBISON INTERNATIONAL, INC.
IN JUNE 2021

FLOOR AREA RATIO

PROPOSED PARCEL A: 26,921 SF
BLACK BEAR DINER SF: 5,311 SF
FAR RATIO: 5,000 SF / 26,921 SF = 0.197

PROPOSED PARCEL B: 100,521 SF
HOTEL SF: 61,675 SF
FAR RATIO: 61,675 SF / 100,521 SF = 0.613

PROJECT NOTES

1. SHARED ACCESS DRIVEWAYS WITH ADJACENT PROPERTY TO THE SOUTH PER RECORDED AGREEMENT WHICH INCLUDES GRADING AND DRAINAGE, MAINTENANCE, SEWER AND WATER – SEE PAGE 3 EASEMENT AS PLOTTED PER RECORDED DOCUMENTS.
2. PEAK BUILDING HEIGHT FOR THE HOTEL IS 51'-6" PER APPROVED BUILDING PLANS.
3. PEAK BUILDING HEIGHT FOR BLACK BEAR DINER IS 24' PER APPROVED BUILDING PLANS.
4. HOTEL AREA TOTALS:
FIRST FLOOR: 17,557 SF
SECOND FLOOR: 17,312 SF
THIRD FLOOR: 17,312 SF
GRAND TOTAL: 52,181 SF
HOTEL PARKING TOTALS:
STANDARD PARKING: 120 STALLS
ACCESSIBLE PARKING: 6 STALLS
COMPACT PARKING: 0 STALLS
TOTAL PARKING STALLS: 126 STALLS
5. HOTEL CONSTRUCTION TYPE: UBC V-N (SPRINKLERED)
6. HOTEL OCCUPANCY: 3-STORY HOTEL (R-1)
7. BLACK BEAR DINER AREA TOTALS:
SHELL BUILDING: 5,000 SF
POP-OUTS: 311 SF
TOTAL: 5,311 SF
BLACK BEAR DINER PARKING TOTALS:
STANDARD PARKING: 19 STALLS
ACCESSIBLE PARKING: 2 STALLS
COMPACT PARKING: 5 STALLS
TOTAL PARKING STALLS: 26 STALLS
8. BLACK BEAR DINER CONSTRUCTION TYPE: UBC V-N (NON SPRINKLERED)
9. BLACK BEAR DINER OCCUPANCY: SINGLE STORY SHELL BUILDING FOR A RESTAURANT (A3/B)

10. EXISTING HOTEL AND RESTAURANT WERE BUILT PER APPROVED SITE PLAN BY MADERA COUNTY PLANNING DEPARTMENT. BUILDING WAS INSPECTED BY CITY AND APPROVED AND AS-BUILT PLANS WERE SUBMITTED AND APPROVED FOR OCCUPANCY.

ALL EXISTING PARKING AND ACCESSIBLE STALLS MET CITY APPROVAL.

THIS PARCEL MAP WILL REQUIRE NEW CCR'S AS PART OF THE CONDITIONS OF THE PARCEL MAP APPROVAL WHICH WILL INCLUDE JOINT PARKING, JOINT GRADING AND DRAINAGE AND JOINT LANDSCAPE MAINTENANCE, WHICH WILL BE PROVIDED AS PART OF THE FINAL PARCEL MAP.

LEGEND

- BLUE BORDER INDICATES LIMITS OF THIS SUBDIVISION
- PROPOSED NEW PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT
- ABUTTERS RIGHT TO ACCESS IS REVOKED PER CALTRANS MAP
- M.C.R.
- BK.
- PG.
- VOL.
- SF
- M
- SPC
- PUE
- ()
- []
- FOUND 2" BRASS CAP, NOT READABLE, FLUSH IN 6" DIAMETER CONCRETE, OR AS NOTED
- EXISTING 3/4" X 30" IP WITH TAG "RCE 23273", DN. 0.5"
- SET 3/4" X 30" IP WITH TAG "RCE 23273"



EXISTING PARCEL

EXISTING PARCEL -----
AS DESCRIBED IN DOC. 99025888 M.C.R.
AREA: 129,941 SF± OR 2.98AC±

PROPOSED PARCELS:

PROPOSED PARCEL A: 26,921 SF± OR 0.62 AC
PROPOSED PARCEL B: 100,521 SF± OR 2.31 AC
STREET DEDICATION: 2,499 SF± OR 0.05 AC
TOTAL AREA: 129,941 SF± OR 2.98AC±

LINE TABLE		
	LENGTH	BEARING
L1	23.50'	N00°20'14"W
L2	30.89'	S89°23'32"E
L3	12.36'	N42°40'35"W
L4	14.50'	N00°36'28"E
L5	14.50'	N00°36'28"E
L6	12.36'	N42°40'35"W
L7	37.62'	S89°23'32"E
L8	19.59'	S44°43'34"E

SCALE 1" = 40'



HIGHWAY 99 EXIT RAMP

ALMOND AVENUE

NOTE:
ALL CALTRANS RECORD DISTANCES AND BEARINGS ARE ON CCS NAD83, ZONE 3. DISTANCE AND STATIONING ARE GRID DISTANCES.
TO CONVERT METERS TO U.S. SURVEY FEET, MULTIPLY DISTANCES BY 39.37/1200. MULTIPLY BY 0.9999737 TO OBTAIN GROUND DISTANCES.

REV.



HARBISON INTERNATIONAL INC.,
ENGINEERS- SURVEYORS- PLANNERS

2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710
PHONE: (559) 294-7485 FAX: (559) 294-7481

DR. BY: JMM
CH. BY: MAH
DATE: 12-21-07
4-28-22
5-11-22
JOB No. 07-189

TENTATIVE TRACT MAP _____

CITY OF MADERA, CA

MADERA HOTEL LLC AND SMOKEY BEAR RESTAURANT

SHEET

2

OF 3 SHEETS

TENTATIVE PARCEL MAP NO. _____
CITY OF MADERA, MADERA COUNTY,
STATE OF CALIFORNIA

CONSISTING OF 3 SHEETS
SHEET 3 OF 3 SHEETS

SURVEYED BY: HARBISON INTERNATIONAL, INC.
IN JUNE 2021

EASEMENTS

*NOTE: THE FOLLOWING ITEMS ARE NUMBERED FROM THE PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY AS TITLE No. FWFm-5002101482-MW DATED NOVEMBER 20, 2021

6. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE COUNTY OF MADERA
PURPOSE: PUBLIC HIGHWAY
RECORDING DATE: SEPTEMBER 24, 1896
RECORDING NO.: 2521, BOOK 11, PAGE 55, OF DEEDS
AFFECTS: THE SOUTH 20 FEET OF THE NORTH 1/2 OF SAID SECTION 30
(SHOWN ON MAP)

7. RIGHTS OF THE PUBLIC TO ANY PORTION OF THE LAND LYING WITHIN THE AREA COMMONLY KNOWN AS AVENUE 13 1/2 (ALMOND AVENUE).
(SHOWN ON MAP)

9. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT, RECORDED: NOVEMBER 19, 1975, INSTRUMENT NO. 16669, BOOK 1251, PAGE 355, OF OFFICIAL RECORDS
AFFECTS: ACCESS TO A PORTION OF AVENUE 13 1/2 AND TO FREEWAY 99

THE RIGHT OF ACCESS TO AND FROM AVENUE 13 1/2 OVER AND ACROSS COURSE (5), AS DESCRIBED IN THE AMENDED FINAL ORDER OF CONDEMNATION, RECORDED NOVEMBER 19, 1975 IN BOOK 1251 OF OFFICIAL RECORDS AT PAGE 35, AS INSTRUMENT NO. 16669, MADERA COUNTY RECORDS.
(SHOWN ON MAP)

13. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF MADERA
PURPOSE: FOR STREET, SEWER, WATER, STORM DRAIN, PUBLIC UTILITIES AND ANY AND ALL OTHER MUNICIPAL PURPOSES OVER, UNDER, ON AND IN SAID LAND
RECORDING DATE: JANUARY 11, 2002
RECORDING NO.: 2002-001166, OF OFFICIAL RECORDS
AFFECTS: AS PROVIDED FOR WITHIN SAID INSTRUMENT ALSO, MATTERS AS CONTAINED IN THE MAP ATTACHED TO AND MADE A PART OF THE HEREINABOVE REFERENCED INSTRUMENT
(SHOWN ON MAP)

20. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: JUNE 18, 2008
RECORDING NO.: 2008020905, OF OFFICIAL RECORDS
AFFECTS: REFERENCE IS MADE TO THE RECORD (APPROXIMATE LOCATION SHOWN ON MAP)

23. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: RALPH A. PISTORESI AND JIM PISTORESI
PURPOSE: AN EASEMENT FOR STREET, INGRESS AND EGRESS, SEWER, WATER, PUBLIC UTILITY, CROSS DRAINAGE
RECORDING DATE: NOVEMBER 21, 2008
RECORDING NO.: 2008040436, OF OFFICIAL RECORDS
AFFECTS: PORTION OF SAID LAND
(SHOWN ON MAP)

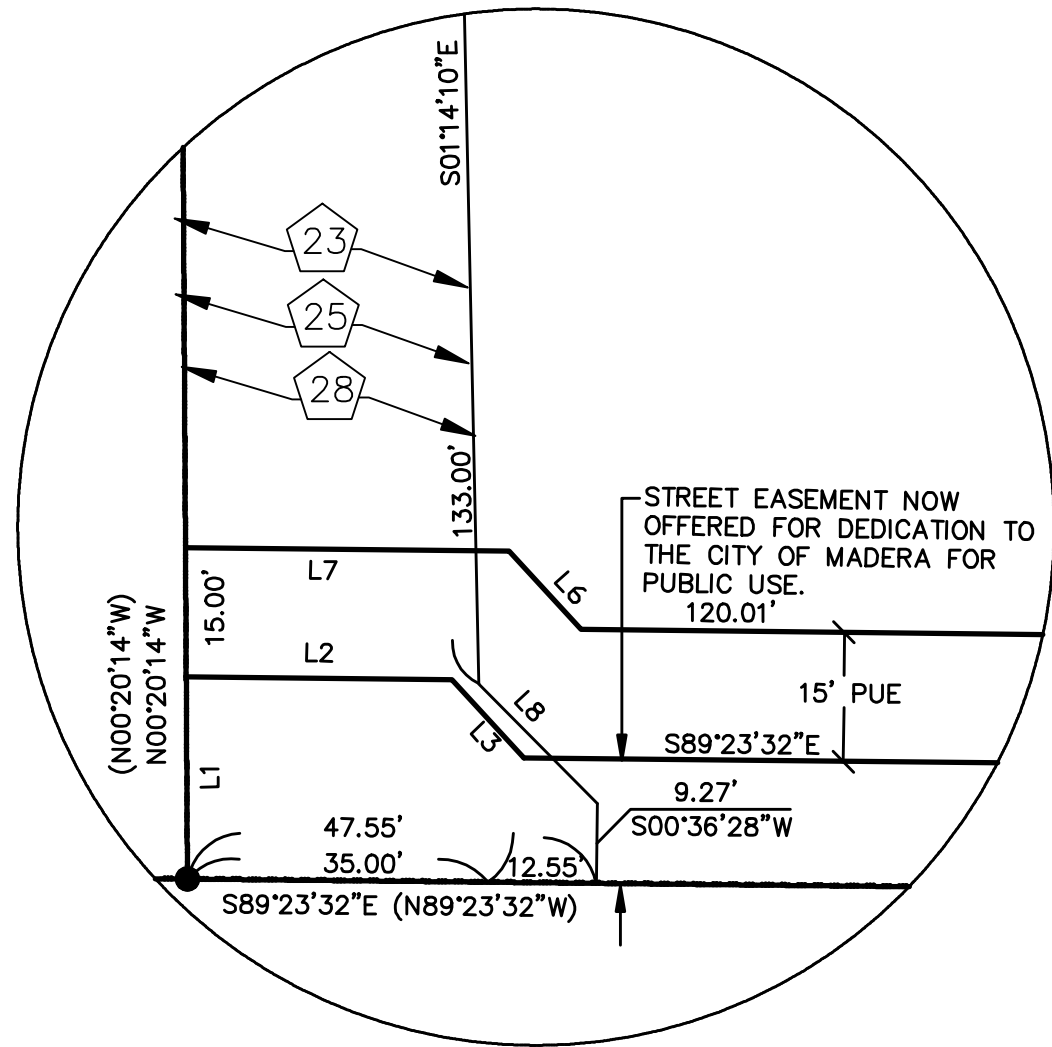
24. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: DAVID L. BERRY AND KANWAL SINGH
PURPOSE: AN EASEMENT FOR STREET, INGRESS AND EGRESS, SEWER, WATER, PUBLIC UTILITY, CROSS DRAINAGE
RECORDING DATE: NOVEMBER 21, 2008
RECORDING NO.: 2008040437, OF OFFICIAL RECORDS
AFFECTS: PORTION OF SAID LAND
(SHOWN ON MAP)

25. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: RALPH A. PISTORESI AND JIM PISTORESI
PURPOSE: AN EASEMENT FOR STREET, INGRESS AND EGRESS, SEWER, WATER, PUBLIC UTILITY, CROSS DRAINAGE
RECORDING DATE: NOVEMBER 21, 2008
RECORDING NO.: 2008040438, OF OFFICIAL RECORDS
AFFECTS: PORTION OF SAID LAND
(SHOWN ON MAP)

27. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF MADERA, A MUNICIPAL CORPORATION
PURPOSE: WATER MAIN EASEMENT
RECORDING DATE: DECEMBER 19, 2008
RECORDING NO.: 2008042885, OF OFFICIAL RECORDS
AFFECTS: PORTION OF SAID LAND
(SHOWN ON MAP)

28. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: RALPH A. PISTORESI AND JIM PISTORESI
PURPOSE: CROSS ACCESS EASEMENT
RECORDING DATE: FEBRUARY 19, 2009
RECORDING NO.: 2009005217, OF OFFICIAL RECORDS
AFFECTS: PORTION OF SAID LAND
(SHOWN ON MAP)

30. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: DAVID L. BERRY AND KANWAL SINGH
PURPOSE: CROSS ACCESS EASEMENT
RECORDING DATE: MARCH 4, 2009
RECORDING NO.: 2009007057, OF OFFICIAL RECORDS
AFFECTS: PORTION OF SAID LAND
(SHOWN ON MAP)



DETAIL "A"

NO SCALE

LEGEND

- BLUE BORDER INDICATES LIMITS OF THIS SUBDIVISION
- PROPOSED NEW PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT
- ABUTTERS RIGHT TO ACCESS IS REVOKED PER CALTRANS MAP
- M.C.R.
- BK.
- PG.
- VOL.
- SF.
- M.
- SPC.
- PUE.
- ()
- []
- FOUND 2" BRASS CAP, NOT READABLE, FLUSH IN 6" DIAMETER CONCRETE, OR AS NOTED
- EXISTING 3/4" X 30" IP WITH TAG "RCE 23273", DN. 0.5'
- SET 3/4" X 30" IP WITH TAG "RCE 23273"
- CROSS HATCH INDICATES AREA TO BE OFFERED FOR DEDICATION TO THE CITY OF MADERA PER THIS MAP FOR PUBLIC STREET USE.

SCALE 1" = 40'

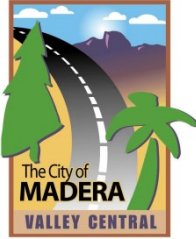


FOUND IP, W/ NAIL. NC TAG. POSITION FOR THE E. 1/4 COR. SEC. 30, T.11S, R 18E. M.D.B.&M. SPC: (N 549528.271) (E 2041194.00)

NOTE:
ALL CALTRANS RECORD DISTANCES AND BEARINGS ARE ON CCS NAD83, ZONE 3. DISTANCE AND STATIONING ARE GRID DISTANCES.
TO CONVERT METERS TO U.S. SURVEY FEET, MULTIPLY DISTANCES BY 3937/1200. MULTIPLY BY 0.9999737 TO OBTAIN GROUND DISTANCES.

REV.	HARBISON INTERNATIONAL INC., ENGINEERS- SURVEYORS-PLANNERS 2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710 PHONE: (559) 294-7485 FAX: (559) 294-7481	DR. BY: JMM CH. BY: MAH DATE: 12-21-07 4-28-22 5-11-22 JOB No. 07-189
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TENTATIVE TRACT MAP _____	SHEET 3
CITY OF MADERA, CA	OF 3 SHEETS
MADERA HOTEL LLC AND SMOKEY BEAR RESTAURANT	



REPORT TO THE DEVELOPMENT REVIEW COMMITTEE

Prepared by:

Gary Conte, AICP, Planning Manager

Meeting of: December 20, 2022

Agenda Item: 2

SUBJECT:

2000 North Schnoor Avenue Tentative Parcel Map 2022-02

RECOMMENDATION:

Hold a public hearing; and

- 1) Adopt a resolution adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315 (Minor Land Divisions) and approving Tentative Parcel Map 2022-02, subject to the findings and conditions of approval.

PROPOSAL:

An application to subdivide an irregular-shaped improved 1.02-acre parcel (APN 013-151-035) located at 2000 North Schnoor Avenue recently approved for development (Site Plan Review 2021-29) into three (3) parcels ranging in size from 0.19 to 0.56 acres.

SITE CHARACTERISTICS:

The subject parcel is an irregular shaped 1.02-acre (44,44,31.2 square feet (sf)) parcel located west of North Schooner Avenue, between its intersection with Foxglove Way to the north and its intersection with Ironwood Way to the south (refer to Attachment 1). Access to the parcel is provided by an existing improved drive approach on North Schnoor Avenue and by an existing drive approach on Pepper Tree Lane. The drive approaches provide access to a developed on-site parking area that incumbers both the subject site and the developed property abutting the subject site to the west (refer to Attachment 2).

The subject site is composed of approximately 27,125 sf of paved parking, drive approach on North Schnoor Avenue, sidewalk, curb and gutter, and landscape improvements. A 6-foot-high block wall follows the southern boundary separating the subject site from residential development abutting the property. A trash enclosure designed and constructed to house two waste bins is positioned in the southwest corner of the subject site's parking area. The North Schnoor Avenue drive approach, trash enclosure, and the parking and the landscape improvements were originally designed and constructed to serve the professional office building

abutting the property to the west as well as future development anticipated on the subject site. In addition, a 1,250-sf storage building is present in the southeast corner of the property. Except for the perimeter landscaping and street frontage (e.g., curb, gutter, parkway strip, sidewalk) improvements, the northern section of the property is vacant and undeveloped (refer to Attachment 2). A free-standing monument sign is located the southwest corner of North Schnoor Avenue and Foxglove Way.

The City General Plan Land Use Map designates the subject site O (Office) (refer to Attachment 3). The subject site is zoned PO (Professional Office) (refer to Attachment 4).

SURROUNDING LAND USE CHARACTERISTICS:

The subject site is bordered to the north and east by vacant land. The vacant property to the north is designated O (Office) and zoned PO (Professional Office). Vacant property to the east is designated C (Commercial) and zoned C2 (Heavy Commercial). Development entitlements have been approved for a shopping center composed of a single anchor building pad and a series of smaller individual building pads. To the south and southeast, the subject site is bordered by property designated MD (Medium Density Residential) and zoned PD-4500 (Planned Development – One unit for each 4,500 square feet of area). The area to the south and southeast is composed of single-family homes. To the west, the subject site abuts land designated O (Office) and zoned PO (Professional Office).

Table 1: Project Overview	
<i>Project Number:</i>	Tentative Parcel Map 2022-02
<i>Applicant:</i>	DBKO Design + Build
<i>Property Owner:</i>	Audel Avila
<i>Location:</i>	2000 North Schnoor Avenue (APN 013-151-035)
<i>Project Area:</i>	1.02 acres
<i>Plan Land Use:</i>	O – Office
<i>Zoning District:</i>	PO – Professional Office
<i>Site Characteristics</i>	Irregular shaped parcel consisting of paved parking, drive approach onto North Schnoor Avenue, sidewalk, curb and gutter, and landscape improvements. In addition, a 1,250 square foot storage building is present at the southeast corner of the property. Except for the perimeter landscaping and street frontage improvements, the northern section of the parcel is vacant and undeveloped. South and west of the proposed site are single-family homes.

PRIOR PROJECT SITE ACTIONS:

- TPM 1993-02: Established the current parcels bound by Foxglove Way, North Schnoor Avenue, Ironwood Way and Pepper Tree Lane. Map recorded in 1993.
- SPR 1993-02: Siting and development approval of the present improvements on the subject site and adjacent parcel abutting the property to the west (e.g., access, parking, landscaping and structure). Approved in 1993.

SPR 2021-29: Siting and development approval of two professional office buildings on the undeveloped portion of the subject site, and the removal of an existing storage building and parking area reconfiguration area in the southeastern portion of the subject site to enable the development of third professional office building in that location.

ANALYSIS:

The Madera Municipal Code (MMC) establishes procedures for the review and approval of tentative parcel maps (Section 10-2.501). The division of property is also regulated by the California's Subdivision Map Act (Section 66413 of the California Government Code). MMC Sections 10-3.753 through 10-3.756 establishes standards specific to minimum site area, maximum lot coverage and yard (setback) requirements for property zoned PO (Professional Office). Section 10-3.1201 through 10-3.1203 establishes standards specific to on-site parking.

The applicant proposes to subdivide the 1.02-acre irregular-shaped parcel into three parcels ranging in size from 0.17 to 0.59 acres. As proposed, Parcel A will encompass 0.17 acres, Parcel B will encompass 0.59 acres, and Parcel C will encompass 0.25 acres (refer to Attachment 5).

The resulting parcels are to serve 3 professional office buildings approved under Site Plan Review 2021-29 (SPR 2021-29) as it is the property owner's intent to develop the 3 parcels in accordance with the previously approved site plan for the subject site. It is the property owner's intent to construct a 2,960-sf building on Parcel A, a 6,815-sf building on Parcel B, and a 3,236 sf building on Parcel C resulting in a lot coverage of 40, 27 and 30 percent, respectively. No alterations to the approved SPR 2021-29 site plan are being contemplated at this time.

The parcel to be divided is zoned PO – Professional Office and planned for O – Office. The proposed parcels to be formed will remain the same zone district and land use designation and meet all the development standards for a PO zone district. Applicable site area, lot coverage and yard requirements relevant to the proposed tentative parcel map are identified and addressed in Table 3 below. Individual lot coverage and yard (setback) compliance requirements specified in Table 3 are based on, and subject to, the development plan approved pursuant to SPR 2021-29 remains unchanged.

Table 3: Zone District Development Standards		
Standard	Minimum Requirement	Proposed
Site Area Interior Lots Corner Lots	5,000 sf 6,000 sf	Parcel A (Interior) – 7,405.2 sf Parcel B (Corner) – 25,700.4 sf Parcel C (Corner) – 10,890 sf
Lot Width	50 ft	Parcel A – 67.4 ft Parcel B – 101.3 ft Parcel C – 89.4 ft
Front Yard (Street) Setback Standard Partially Located in a	10 ft 20 ft	Parcel A – 39 ft Parcel B – 12 ft Parcel C – 20 ft

Table 3: Zone District Development Standards		
Standard	Minimum Requirement	Proposed
Residential Block		
Side Yard Setback Interior Side Yard Exterior Corner Lots Side Setback (Corner)	5 ft 10 ft	Parcel A (Interior Parcel) –10 ft Parcel B (12.6 ft (Exterior) and 12.6 ft (Interior)) Parcel C – 10.1 ft (Exterior) and 10.33 ft (Interior)
Rear Yard Setback	5 ft	Parcel A – 15 ft Parcel B – 12.58 ft Parcel C – 20 ft
Lot Coverage	75 Percent	Parcel A – 40 Percent Parcel B – 27 Percent Parcel C – 30 Percent

Tentative Parcel Map Review

The parcel to be divided is zoned PO – Professional Office and planned O – Office in the General Plan. The resulting parcels would remain zoned PO and meet the area and setback requirements for the PO zone district.

Parking and Accessibility

The subject site is accessible via a driveway approach along North Schnoor Avenue and via one driveway approach along Pepper Tree Lane. The proposed division of the subject site would not alter the existing driveway approaches or the existing on-site parking conditions. However, a cross-access easement will be required as a condition of approval. This easement would ensure driveway access necessary to serve the newly formed parcels (Parcels A, B and C) and for the neighboring property (APN 013-151-035).

Reciprocal Easements

The division of the property will warrant a reciprocal easement agreement to be recorded between the three (3) resulting parcels and the developed parcel abutting the subject site to the west (APN 013-151-034). The reciprocal easement agreement will need to address and ensure adequate on-site parking and solid waste refuse facility provisions will and are provided to meet and serve the needs of the existing professional office building abutting the subject site to the west and that of the subject site's approved development under SPR 2021-49. In addition, the reciprocal agreement shall address utilities, drainage, access for emergency services and the landscaping common to all properties.

The agreement shall reflect the language included in the Covenant, Conditions, Easements and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the reciprocal easement agreement should provide a responsible party and method in which the responsibility is conveyed to future successors.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt under Section 15315 (Minor Land Divisions) of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned residential and commercial use into two parcels, in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access to the proposed parcels are available. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

RECOMMENDED ACTION:

The Development Review Committee (Committee) will be taking action on Tentative Parcel Map 2022-02 and Categorical Exemption. All required findings for approval under the Municipal Code and law can be made and are described in the proposed Resolution attached to the report (refer to Attachment 6). Staff recommends the Committee:

1. Move to adopt a resolution of the Development Review Committee of the City of Madera adopting a Finding of Categorical Exemption pursuant to CEQA Guidelines Section 15315 for the project, and approving Tentative Parcel Map 2022-02, based on, and subject to, the findings and conditions of approval.

ALTERNATIVES:

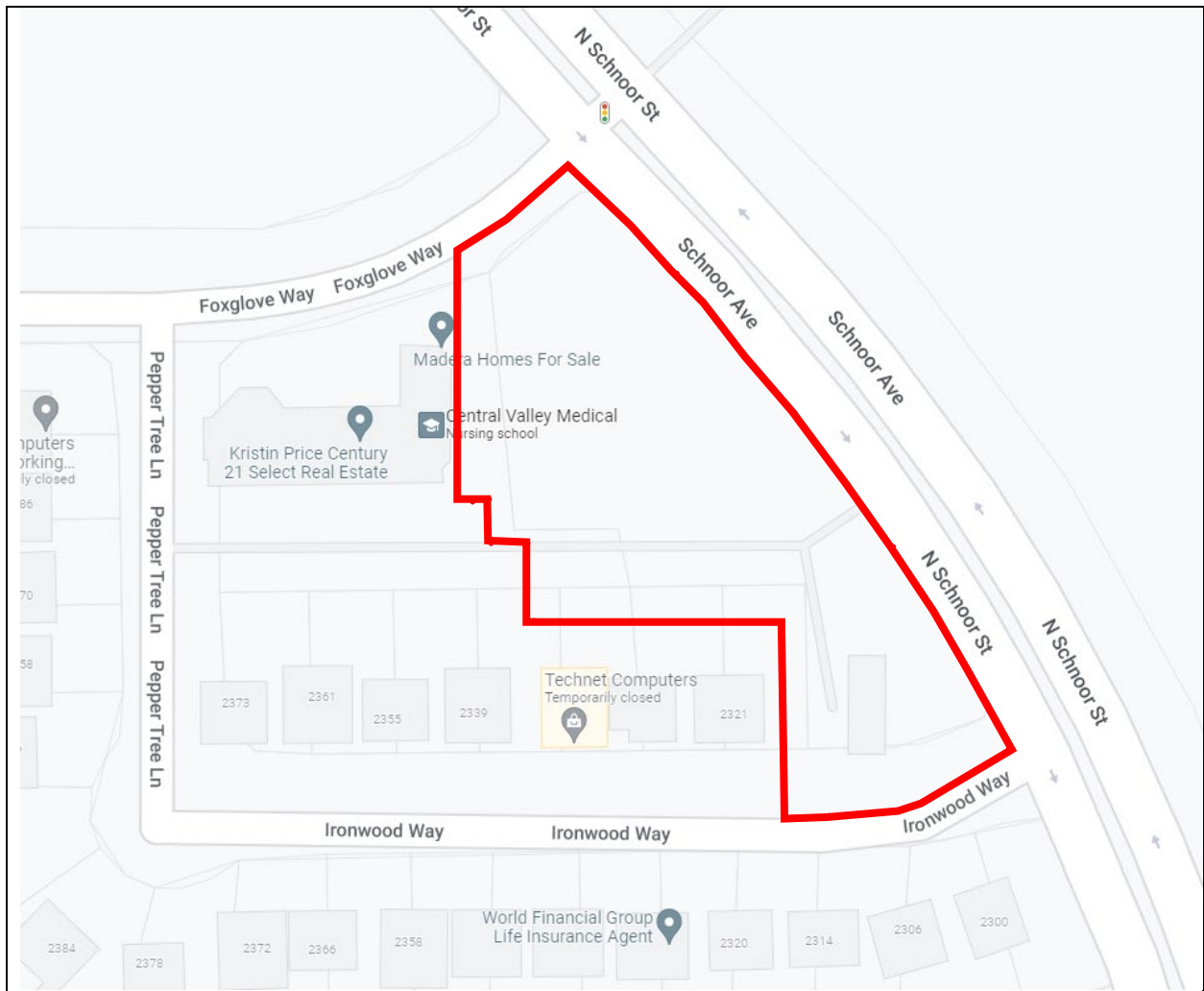
As an alternative, the Committee may elect to:

1. Move to continue the public hearing to a date specified for the following reasons or in order for the following information to be provided: (Specify – Committee to specify date and reasons for continuance).
2. Move to deny the request based on the following appropriate findings for denial: (Specify – Committee to specify findings for denial).

ATTACHMENTS:

1. Vicinity Map
2. Aerial View Map
3. General Plan Land Use Map
4. Zoning Map
5. Tentative Parcel Map
6. Development Review Committee Resolution
 - Exhibit “A” – Conditions of Approval
 - Exhibit “B” – Tentative Parcel Map

ATTACHMENT 1
Vicinity Map



Project Area Boundary



North

Vicinity Map

ATTACHMENT 2
Aerial View Map



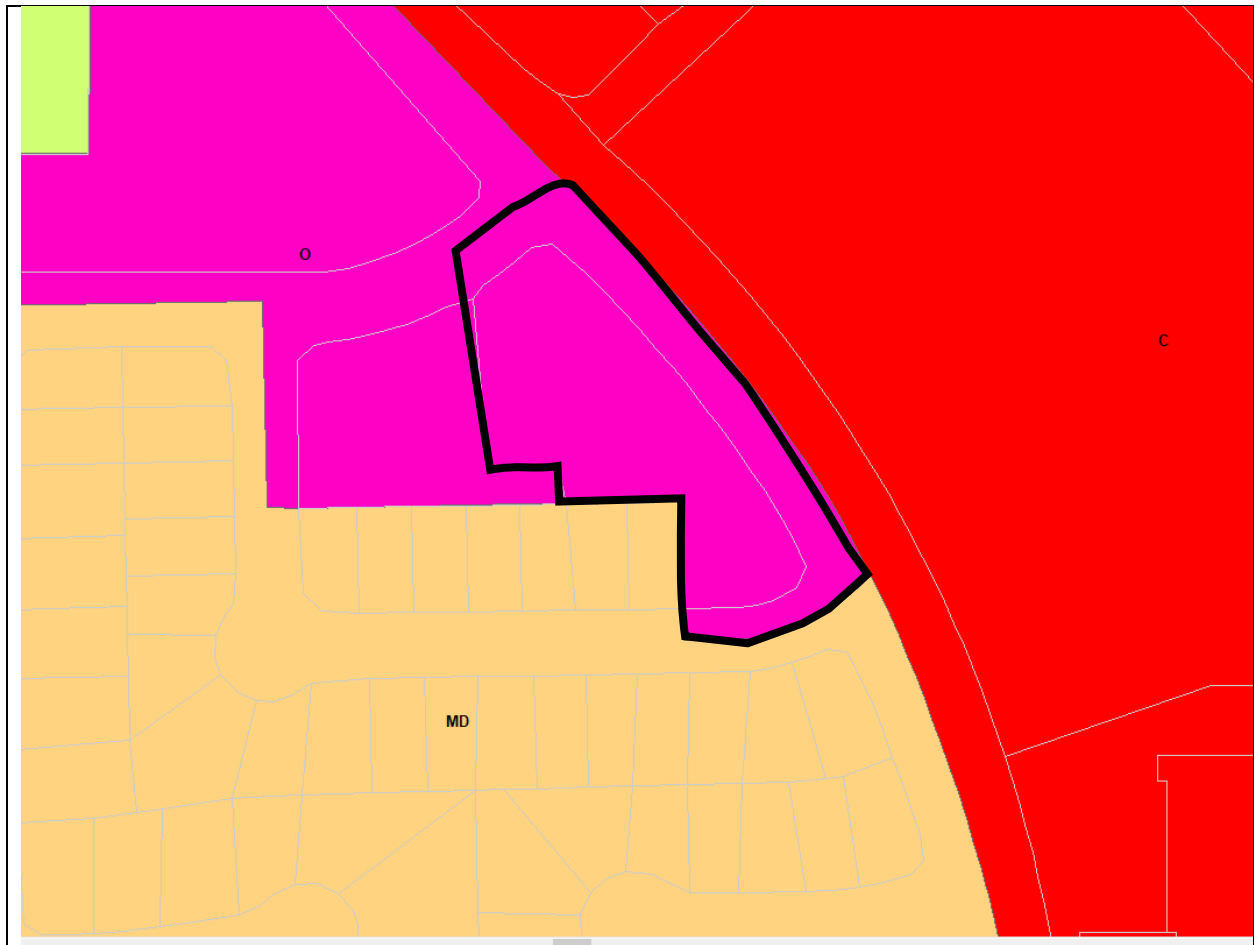
Project Area Boundary

Aerial View Map




North


ATTACHMENT 3
General Plan Land Use Map




General Plan Land Use Designations



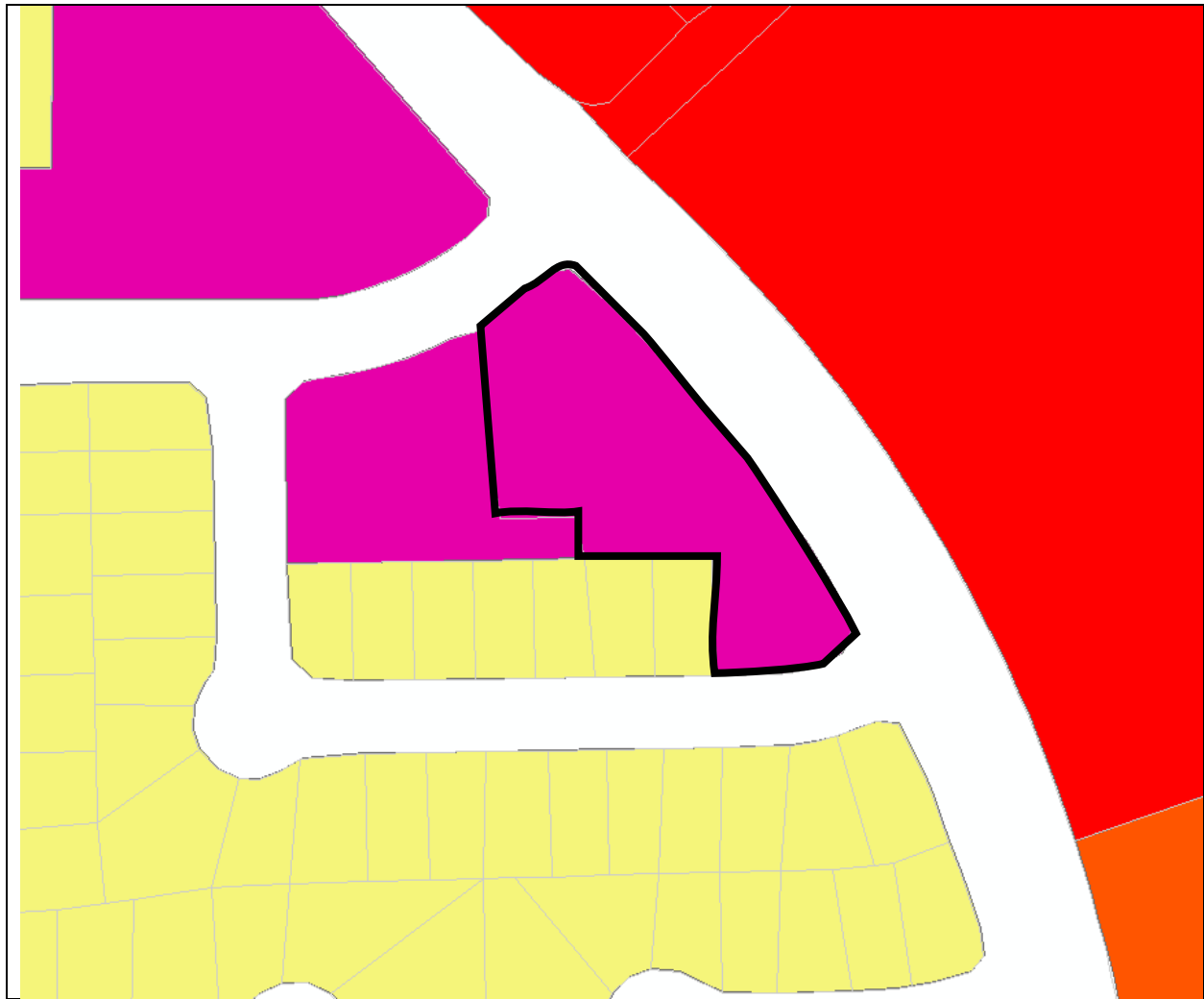
 C - Commercial

 O - Office

 I - Industrial

 Project Area Boundary

ATTACHMENT 4
Zoning Map



Zoning Map

Commercial Districts

-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  CN - Neighborhood Commercial
-  CR - Restricted Commercial
-  PO - Professional Office
-  POWYO - Professional Office
West Yosemite Avenue Overlay



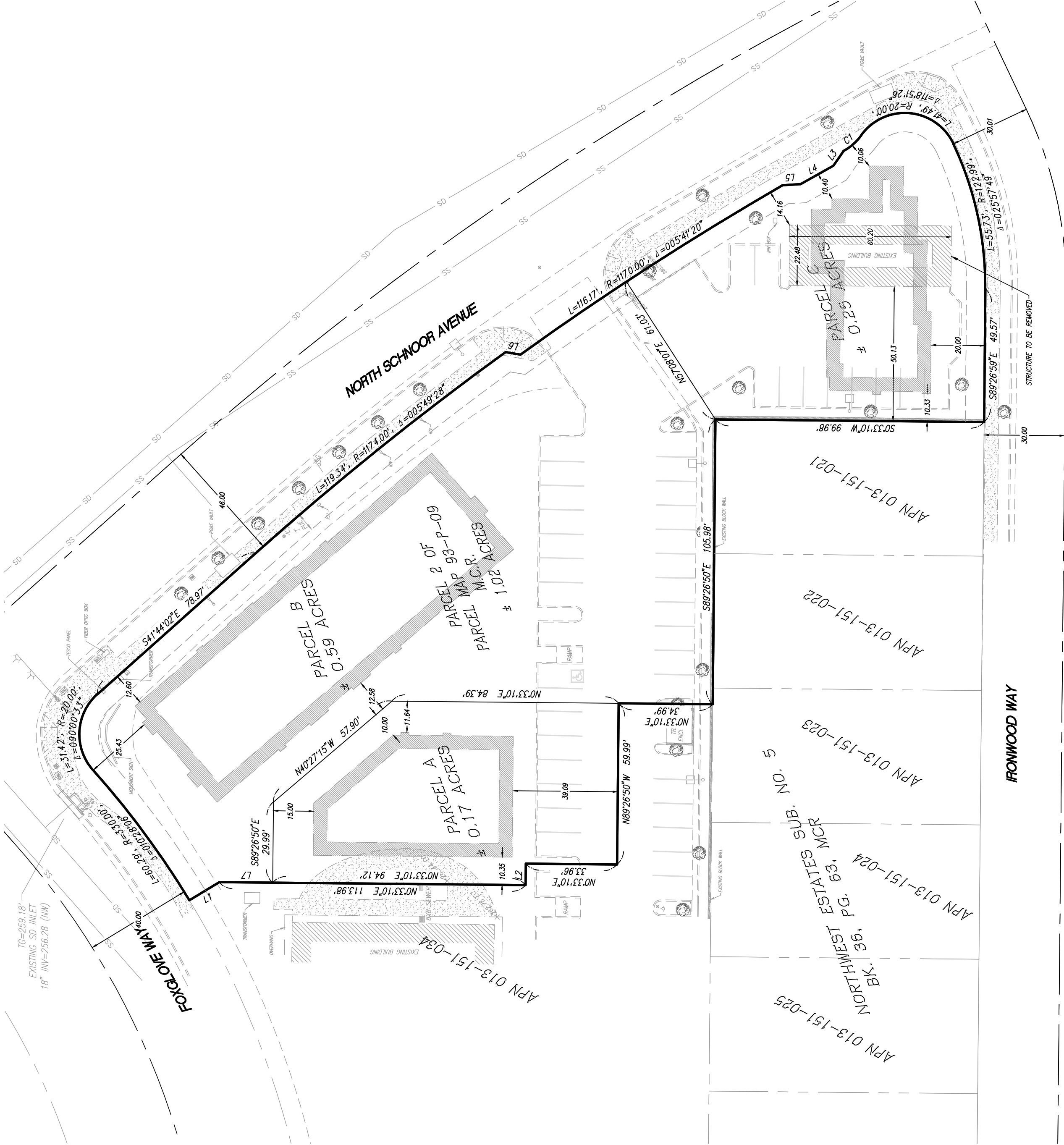
ATTACHMENT 5
Tentative Parcel Map

TENTATIVE PARCEL MAP NO. 2022-

IN THE CITY OF MADERA, STATE OF CALIFORNIA
BY PRECISION CIVIL ENGINEERING, INC.
SHEET ONE OF ONE

NOTES

- APN: 013-151-035
- OWNER: ANILA AUDEL
287 S. WESTBERRY BLVD.
MADERA, CA 93637
- EXISTING/PROPOSED ZONING: PO - PROFESSIONAL OFFICE
- EXISTING/PROPOSED USE: O - OFFICE
- SITE ADDRESS: 2000 N. SCHNOOR
MADERA, CA 93637
- EXISTING STRUCTURES ON SITE.
 - SITE ACREAGE: 1.02 ACRES
 - FLOOD ZONE: ZONE X
FLOOD MAP: 06039C1155E EFF. 9/26/2008
 - SOURCE OF DATA:
PARCEL MAP 93-P-09
BK. 41 OF PARCEL MAPS, PG. 113 AND 114, M.C.R.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°15'40\"W	13.00'
L2	N89°26'50\"W	8.00'
L3	N55°29'28\"W	6.70'
L4	N29°23'14\"W	14.00'
L5	N5°17'03\"W	6.70'
L6	S9°37'06\"W	5.62'
L7	N0°33'10\"E	19.85'

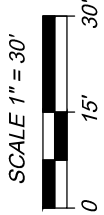
CURVE DATA		
CURVE	RADIUS	DELTA
C1	20.00'	25°25'08\"
		8.87'

LEGEND

- CENTERLINE OF ROAD
- EXISTING PROPERTY LINE
- PROPERTY BOUNDARY
- PROPOSED PARCEL LINE
- EXISTING STRUCTURE OUTLINE
- PROPOSED STRUCTURE OUTLINE

VICINITY MAP

NOT TO SCALE



LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF MADERA, CITY OF MADERA, DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 93-P-09, ACCORDING TO THE MAP THEREOF RECORDED OCTOBER 6, 1983 IN BOOK 41 OF MAPS AT PAGES 113 AND 114, MADERA COUNTY RECORDS.

APN: 013-151-035

PREPARED BY:



1234 O STREET, FRESNO, CA 93721 PH(559)449-4500 FAX(559)449-4515
DATE PREPARED: 3/8/2022
DATE REVISED: 8/23/2022

SHEET 1 OF 1

ATTACHMENT 6
Development Review Committee Resolution

Including:
Exhibit "A" – Conditions of Approval
Exhibit "B" – Parcel Map

RESOLUTION NO. 104

**RESOLUTION OF THE DEVELOPMENT REVIEW COMMITTEE OF THE CITY OF
MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA
GUIDELINES SECTION 15315 (MINOR LAND DIVISION) AND APPROVING
TENTATIVE PARCEL MAP 2022-02 (2000 NORTH SCHNOOR AVENUE)**

WHEREAS, Audel Avila (“Owner”) owns APN 013-151-035 located at 2000 North Schnoor Avenue Madera, California (“site”); and

WHEREAS, the site is zoned PO – Professional Office and is planned for O – Office in the General Plan land use map; and

WHEREAS, the 1.02 acre (44,431.2 square-foot (sf)) irregular-shaped site is composed of approximately 27,125 sf of paved parking, drive approach on North Schnoor Avenue, sidewalk, curb and gutter and landscape improvements; and

WHEREAS, a storage building is present in the southern most section of the site; and

WHEREAS, a six (6) high block wall follows the southerly boundary separating the site from residential development abutting the site’s southern boundary; and

WHEREAS, a trash enclosure designed and constructed to house two waste bins is positioned in the southwest corner of the site parking area; and

WHEREAS, the site’s North Schnoor Avenue drive approach, trash enclosure, parking and landscape improvements were originally designed and constructed to serve a professional office building abutting the site to the west and future professional office on the site pursuant to a previously approved site plan (Site Plan Review 1993-02); and

WHEREAS, Site Plan Review 2021-29 conditionally approved on August 2, 2022 approved the siting and development of two (2) professional office buildings on the undeveloped portion of the site and the removal of the storage building and parking area in the southern most portion of the site to enable the siting and development of third professional office building, and

WHEREAS, DBKO Design + Build is the applicant of the project; and

WHEREAS, the Applicant is seeking a tentative parcel map (TPM) to divide the 1.02 acre site into three (3) separate parcels; and

WHEREAS, the resulting parcels are 0.17 acres (Parcel A), 0.59 acres (Parcel B), and 0.25 acres (Parcel C), respectively; and

WHEREAS, access to the resulting parcels will be provided by the existing driveway approach on North Schnoor Avenue and by an existing drive approach on Pepper Tree Lane; and

WHEREAS, a recorded cross access agreement will be established between all three (3) resulting parcels and the abutting parcel to the west (APN 013-151-034); and

WHEREAS, the parking lot serving the existing office building to the west on APN 013-151-034 will be shared with the resulting parcels via a recorded reciprocal easement agreement; and

WHEREAS, the reciprocal agreement shall address and ensure adequate on-site parking and solid waste refuse facility provisions will and are provided to meet and serve the needs of the existing professional office building found on APN 013-151-03 and the site's development scheme conditionally approved under SPR 2021-29; and

WHEREAS, the reciprocal agreement shall address shared utilities, drainage, access for emergency services and the landscaping common to all properties, and shall reflect the language included in the covenant, conditions, easements and restrictions (CC&R) relating to the maintenance of shared utilities; and

WHEREAS, a Categorical Exemption under the California Environmental Quality Act (CEQA), guidelines, Section 15315 (Minor Land Divisions) has been prepared for the proposed project in accordance with CEQA, Public Resources Code Section 21000 *et. seq.*; and

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

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

WHEREAS, the Committee received and reviewed TPM 2022-02 at a duly noticed meeting on December 20, 2022; and

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

WHEREAS, the Committee now desires to adopt a Categorical Exemption for the project pursuant to CEQA, and conditionally approve TPM 2022-02.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Committee finds and determines that the project is exempt under Section 15315 of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned PO – Professional Office, into three (3) parcels which is in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access to the proposed parcels are available. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings for TPM 2022-02: The Committee finds and determines that there is substantial evidence in the administrative record to support the approval of TPM 2022-02, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code. The Committee further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.*

All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of the designated zoning PO – Professional Office and the O – Office General Plan land use designation.

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

The proposed parcel map and required supporting documents are consistent with the requirements of the Madera Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

4. Approval of TPM 2022-02: Given that all findings can be made, the Committee hereby approves TPM 2022-02 as conditioned as set forth in the Conditions of Approval attached as Exhibit “A.”

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Development Review Committee of the City of Madera this 20th day of December 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Gary Conte
Development Review Committee
Chairperson

Attest:

Brandi Garcia
Recording Secretary

Exhibit "A" – TPM 2022-02 Conditions of Approval
Exhibit "B" – Tentative Parcel Map

EXHIBIT "A"
2000 NORTH SCHNOOR AVENUE
TENTATIVE PARCEL MAP 2022-02
CONDITIONS OF APPROVAL
December 20, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through tentative parcel map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment. Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

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

Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this tentative parcel map may become null and void in the event that the parcel map or the condition of the site is not completed in accordance with all the conditions and

requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this tentative parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the tentative parcel map or in any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the tentative parcel map review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

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

Conditions of Approval

General Conditions

1. Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property.
2. Approval of this tentative parcel map may become null and void in the event that the parcel map or conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the parcel map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

3. These conditions are applicable to any person or entity making use of this tentative parcel map, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative parcel map.
4. 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.
5. This tentative parcel map approval (TPM 2022-02) shall expire twenty-four (24) months from the effective date, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

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

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

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

Engineering Department

Parcel Map

7. The developer shall pay all required fees for processing the parcel map and completion of project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
8. A final parcel map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
9. Future subdivision of parcels created shall comply with the Subdivision Map Act.
10. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
11. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
12. Any and all public or private easements on the property identified on the title report shall be shown on the parcel map with recording data.
13. Prior to recording of the parcel map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
14. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.
15. Structures or any facility encroaching onto adjacent new parcel shall be removed prior to recording of the parcel map. Structure modification shall comply with building codes and setbacks.
16. A title report dated no more than 30 days prior to recording date of parcel map shall be submitted to the City Engineer for review prior to parcel map recordation.
17. Each newly created parcel shall have a separate water service. Any new or existing connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. A separate water meter and backflow prevention device will be required for landscape areas for each newly created parcel. Existing cross lot connections shall be severed.

18. Each newly created parcel shall have a separate sewer service. Any new or existing connection(s) shall be constructed or upgraded to current City standards. Existing cross lot connections shall be severed.
19. The developer shall record a Reciprocal Easement Agreement for ingress/egress, utility, drainage, access for emergency services, and parking easements in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The agreement shall reflect the language included in the Covenant, Conditions, Easements, and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the Reciprocal Easement Agreement should provide a responsible party and method in which said responsibility is conveyed to future successors. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.
20. The developer shall confirm that the newly created parcels can be serviced by the existing refuse enclosures and containers or construct additional refuse enclosures as required. Shared refuse enclosures shall require recordation of an easement that provides mutual right of access and use of the refuse enclosures to all parcels. If necessary, this item will be included in the Reciprocal Easement Agreement referenced in the previous condition.

Dry Utilities

22. All existing and proposed public utilities (electric, telephone, cable, etc.) 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 project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

Building / Fire Comments

23. Parcel map shall identify size and use/occupancy classification of each existing building.
24. Parcel map shall identify building setbacks are consistent with the California Building Code (CBC) for non-rated exterior walls and openings or show how buildings will be made to comply.
25. Provide cross access agreement for all parcels to show adequate street access will be maintained for emergency services.

-END OF CONDITIONS-

TENTATIVE PARCEL MAP NO. 2022-

IN THE CITY OF MADERA, STATE OF CALIFORNIA
BY PRECISION CIVIL ENGINEERING, INC.
SHEET ONE OF ONE

NOTES

APN: 013-151-035

OWNER: AVILA AUDEL
287 S. WESTBERRY BLVD.
MADERA, CA 93637

EXISTING/PROPOSED ZONING: PO - PROFESSIONAL OFFICE

EXISTING/PROPOSED USE: O - OFFICE

SITE ADDRESS: 2000 N. SCHNOOR
MADERA, CA 93637

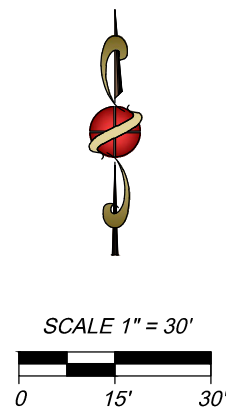
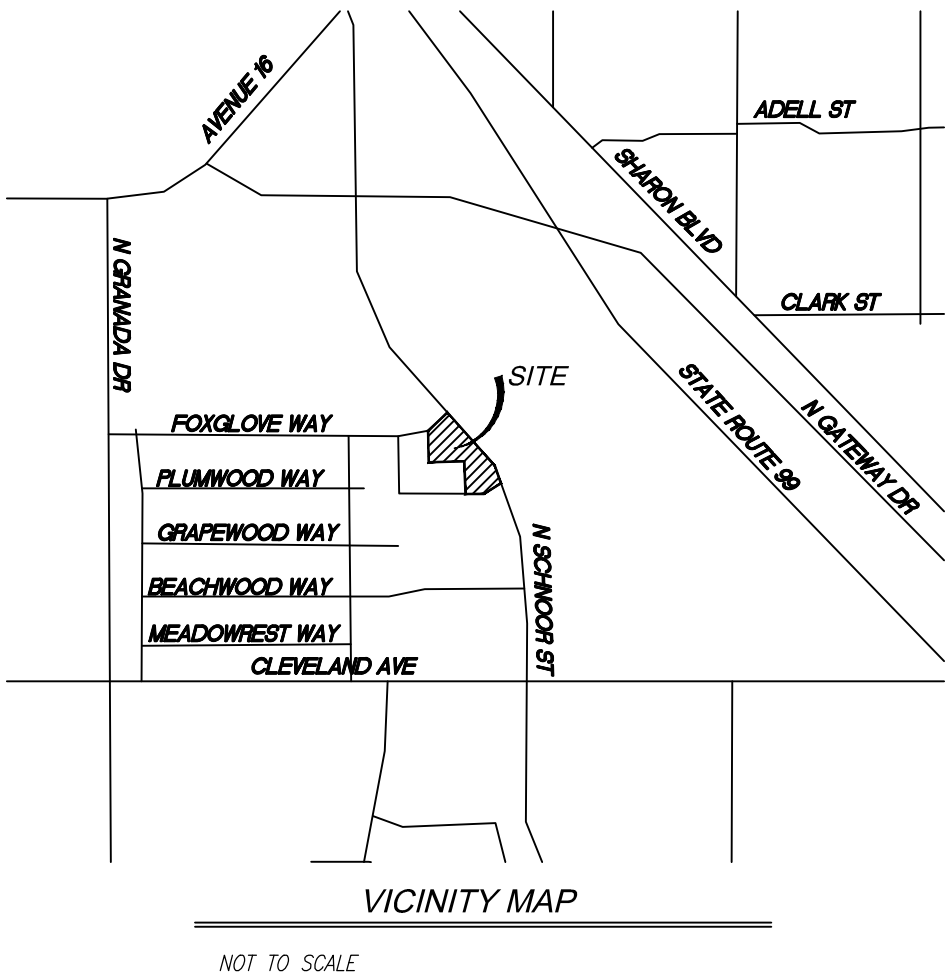
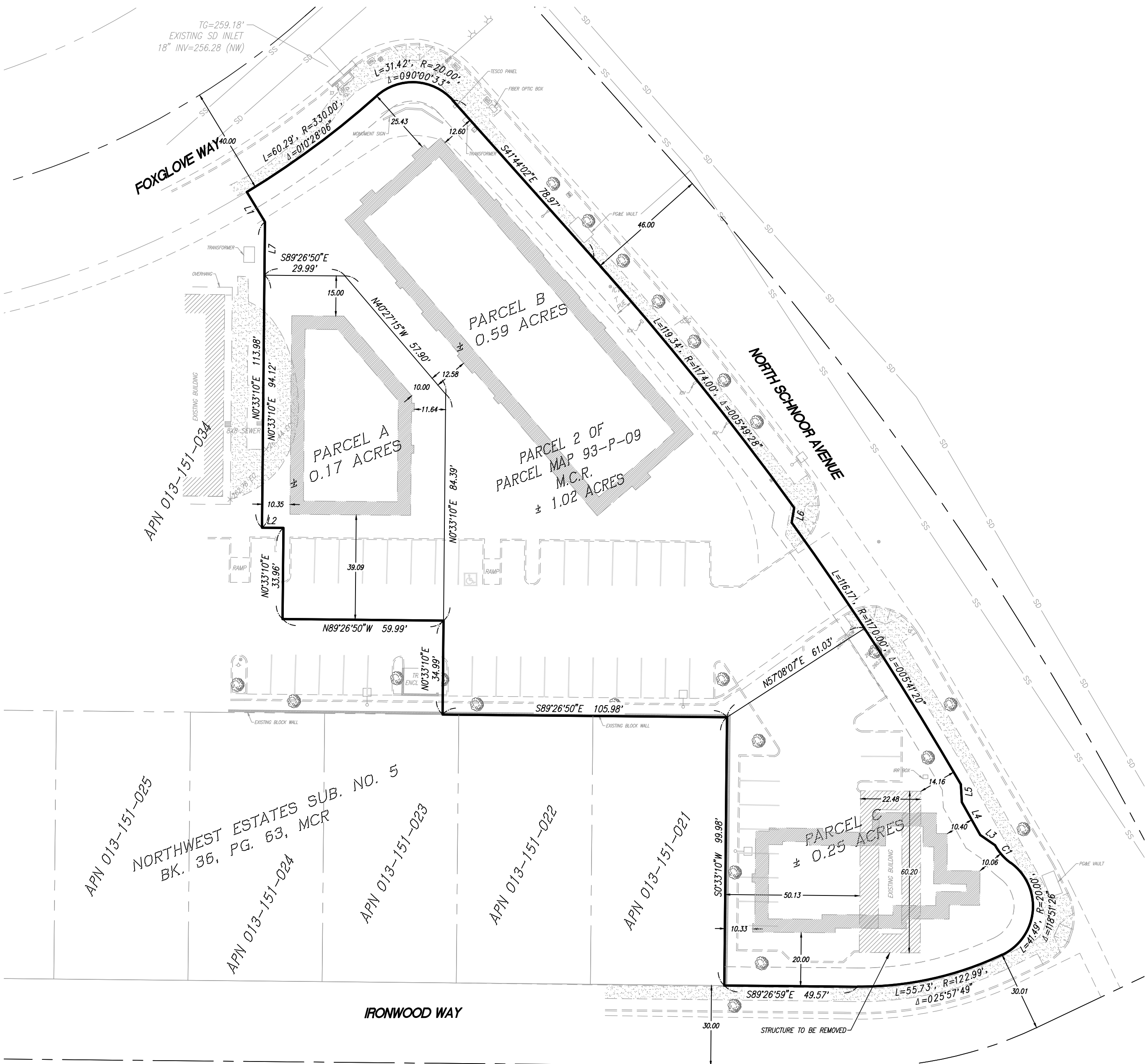
- EXISTING STRUCTURES ON SITE.
- SITE ACREAGE: 1.02 ACRES
- FLOOD ZONE: ZONE X
FLOOD MAP: 06039C1155E EFF, 9/26/2008
- SOURCE OF DATA:
PARCEL MAP 93-P-09
BK. 41 OF PARCEL MAPS, PG. 113 AND 114, M.C.R.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°15'40"W	13.00'
L2	N89°26'50"W	8.00'
L3	N55°29'28"W	6.70'
L4	N29°23'14"W	14.00'
L5	N3°17'03"W	6.70'
L6	S9°37'06"W	5.62'
L7	N0°33'10"E	19.85'

CURVE DATA			
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	25°25'08"	8.87'

LEGEND

- CENTERLINE OF ROAD
- EXISTING PROPERTY LINE
- PROPERTY BOUNDARY
- PROPOSED PARCEL LINE
- EXISTING STRUCTURE OUTLINE
- PROPOSED STRUCTURE OUTLINE



LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF MADERA, CITY OF MADERA, DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 93-P-09, ACCORDING TO THE MAP THEREOF RECORDED OCTOBER 6, 1993 IN BOOK 41 OF MAPS AT PAGES 113 AND 114, MADERA COUNTY RECORDS.

APN: 013-151-035

PREPARED BY:



1234 O STREET, FRESNO, CA 93721 PH(559)449-4500 FAX(559)449-4515

DATE PREPARED: 3/8/2022

DATE REVISED: 8/23/2022

SHEET 1 OF 1

TENTATIVE PARCEL MAP NO. 2022-

IN THE CITY OF MADERA, STATE OF CALIFORNIA
BY PRECISION CIVIL ENGINEERING, INC.
SHEET ONE OF ONE

NOTES

APN: 013-151-035

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MADERA, CA 93637

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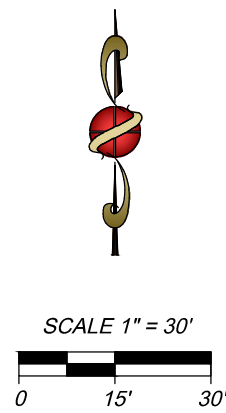
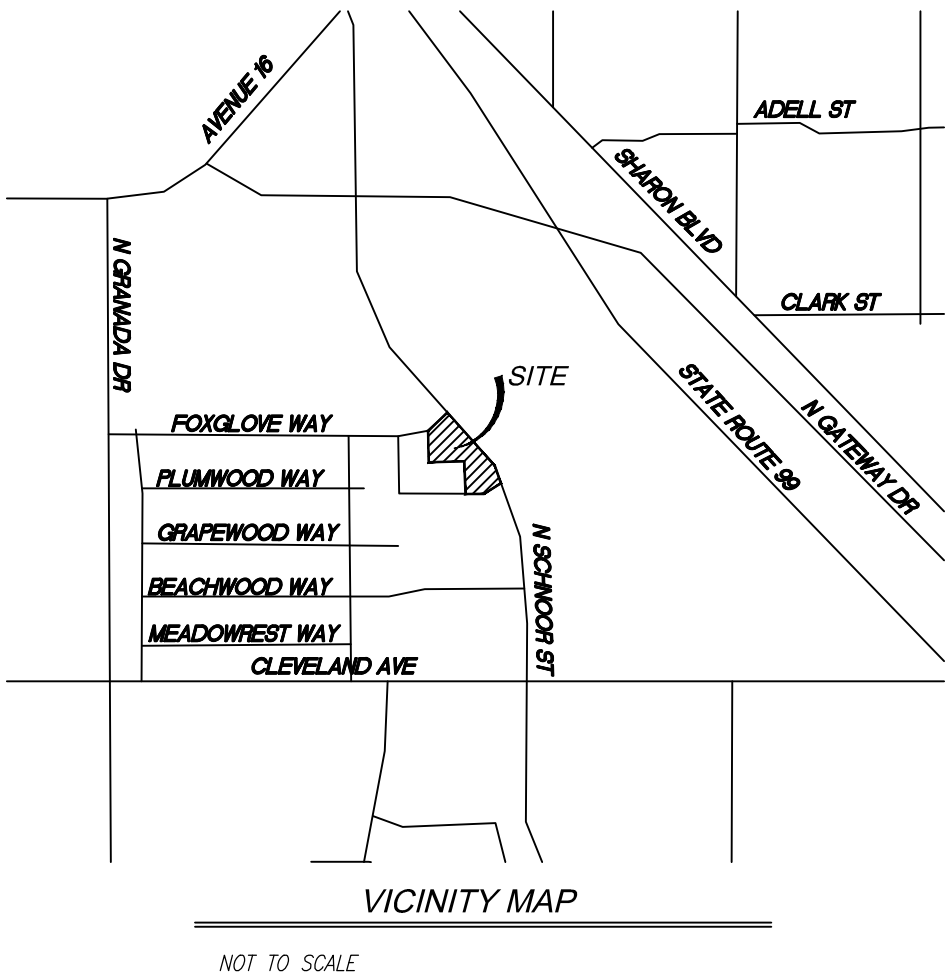
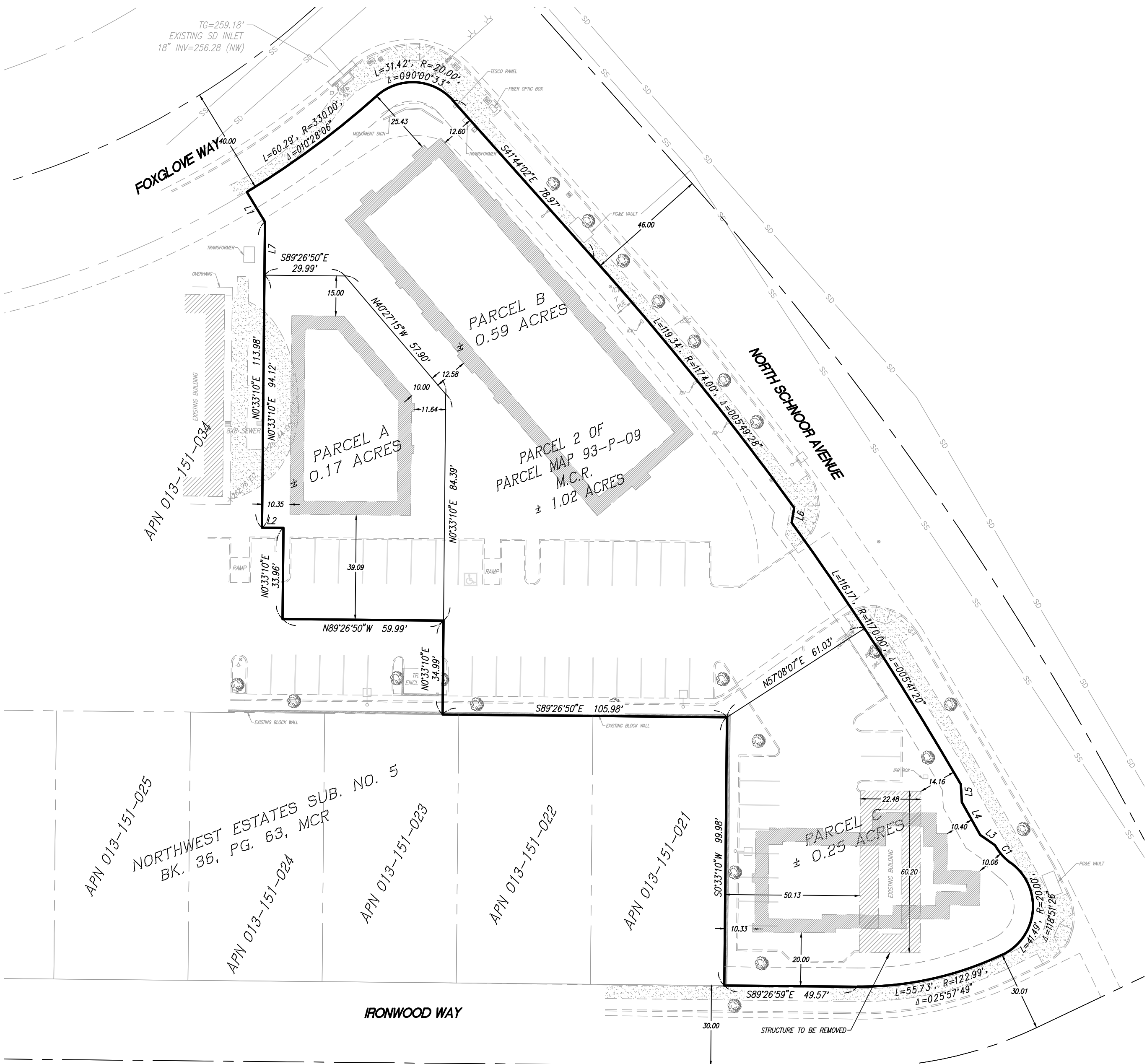
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