

## REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4<sup>th</sup> Street, Madera, California 93637

### NOTICE AND AGENDA

Tuesday, April 11, 2023  
6:00 p.m.

Council Chambers  
City Hall

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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: 89124834031# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89124834031>. Comments will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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#### **CALL TO ORDER:**

#### **ROLL CALL:**

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

#### **INTRODUCTION OF STAFF:**

#### **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. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on

the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

**PUBLIC HEARINGS:**

**1. CUP 2022-25 & SPR 2022-43 – El Epazote**

**Subject:** A continued noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for on-site consumption and use of an outdoor barbeque in conjunction with an existing 1,100 square foot restaurant. The site is located at 301 N. Gateway Dr. in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-071-001).

The project is considered to be categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

**Recommendation:**

Conduct the public hearing and;

- a. Adopt a Resolution adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (existing facilities) for the project and approving Conditional Use Permit 2022-25 and Site Plan Review 2022-43 subject to the findings and conditions of approval. (Report by James Troyer)

**2. CUP 2023-04 – Logoluso Ranch Interim Agriculture**

This item is being returned to staff for further discussion.

**3. CUP 2023-01 & SPR 2023-01 – Mad House Batting Cages**

Staff is requesting this item be continued to the May 9<sup>th</sup> Planning Commission meeting.

**4. REZ 2023-01 – 308 N. C St.**

**Subject:** A noticed public hearing to consider an application for a rezone. The rezone would establish conformity between the zoning district and the General Plan’s land use designation for the parcel. Approval of the rezone would change the zone designation of the parcel from the current C1 (Light Commercial) zone to the R1 (Residential) zone. The site is located at 308 N. C St. with a General Plan land use designation of LD (Low Density) Residential. APN: 007-081-014

Staff performed a preliminary environmental assessment and determined that the project is exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15061 (b)(3), Common Sense. The project proposes no physical development. The project site is served by all required public utilities. The approval of the project would not result in any significant effects relating to traffic, noise, air, air quality or water quality as it is only for a subdivision of parcels and no actual construction.

**Recommendation:**

Conduct the public hearing and;

- a. Adopt a Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopt a Finding of Exemption from California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (General Rule) and approve Rezone 2023-01. (Report by Adileni Rueda)

**5. REZ 2023-02, VAR 2023-02 & TPM 2021-02 – 405 Vineyard Ave.**

**Subject:** A noticed public hearing to consider a rezone, variance and tentative parcel map for the property located at 405 Vineyard Ave. Rezone 2023-02 proposes to change the property's current zone district from R2 (One unit per each 3,000 square feet (sf)) to R1 (One unit per each 6,000 sf) for the purpose of conformity with the property's General Plan LD (Low Density Residential land use designation. Tentative Parcel Map 2021-02 proposes to subdivide the 0.23-acre property with an existing single-family dwelling into two parcels: Parcel 1 (7,167 sf); and Parcel 2 (6,008 sf). Parcel 1 would support the existing residential dwelling. Variance 2023-02 is a request to deviate from the Planning and Zoning Ordinance of the Madera Municipal Code to acknowledge and permit the existing dwelling's non-conformity to the residential front yard setback requirement. The setback reduction would only apply to the existing dwelling in its present location and structural status. No subsequent expansion of the dwelling into the front yard setback would be permitted. The site is in an R2 Zone District with a LD (Low Density Residential) General Plan land use designation (APN: 008-071-001).

Staff performed a preliminary environmental assessment and determined that the project is exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15061 (b)(3), Common Sense. The project proposes no physical development. The project site is served by all required public utilities. The approval of the project would not result in any significant effects relating to traffic, noise, air, air quality or water quality as it is only for a subdivision of parcels and no actual construction.

**Recommendation:**

Conduct the public hearing and;

- a. Adopt a Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopt a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15315 (Minor Land Division) and approve Rezone 2023-02; and
- b. Adopt a Resolution of the Planning Commission of the City of Madera contingently approving Tentative Parcel Map 2021-02, subject to the findings and conditions of approval. (Report by Robert Smith)

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

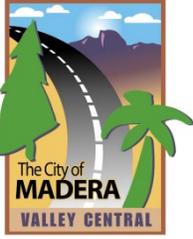
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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing [planninginfo@madera.gov](mailto:planninginfo@madera.gov). Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
  - The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing [planninginfo@madera.gov](mailto:planninginfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.

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

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

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

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



## REPORT TO THE PLANNING COMMISSION

**Prepared by:** James Troyer, Senior Planner

**Meeting of:** April 11, 2023

**Agenda Number:** 1

### SUBJECT:

Conditional Use Permit 2022-25 & Site Plan Review 2022-43 - El Epazote

### RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a Resolution adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (existing facilities) for the project and approving Conditional Use Permit 2022-25, subject to the findings and conditions of approval.

### PROPOSAL:

An application for a use permit (CUP 2025) and site plan review (SPR 2022-43) to allow for the sale of beer and wine for on-site consumption as part of the El Epazote restaurant, an existing counter-serve restaurant and to affirm the restaurant as a business at its present location. The site is approximately 0.25 acres and is located at 301 North Gateway Drive on the northeast corner of East 4<sup>th</sup> Street and North Gateway Drive in the C1 (Light commercial) Zone District with a C (Commercial) General Plan land use designation.

### SUMMARY:

The applicant, Tomas Gonzalez, is requesting a use permit and site plan review to allow for the sale of alcohol under a Type 41 license with the office of Alcohol Beverage Control (ABC), within the current El Epazote restaurant. Type 41 on-sale license would allow the sale of beer and wine for on-site consumption. The proposed use permit request does not include any physical changes to the subject property. Any future site modifications would be subject to site plan review.

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

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	CUP 2022-25 & SPR 2022-43
<i>Applicant:</i>	Tomas Gonzalez
<i>Property Owner:</i>	Chorbadian Hagop & Petrosyan Arthur
<i>Location:</i>	301 N. Gateway Dr. (NEC of E. 4 <sup>th</sup> St. and N. Gateway Dr.)
<i>Project Area:</i>	Approximately 0.25 acres
<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)

<i>Site Characteristics</i>	The site is approximately 11,250 sq. ft. and is developed with an approximately 1,100 sq. ft. restaurant.
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**BACKGROUND:**

The commercial building where the 1,100 square foot (sf) restaurant is located has been utilized as a restaurant for an extended period of time. In more, recent times, the building was occupied by Maria’s Taco Shop for several years followed by Candy’s Grill for a short time after. The prior restaurants that occupied the building did not have an ABC liquor license to sell or consume alcohol on the premises. Following the close of Candy’s Grill in 2022, the applicant re-opened the restaurant as El Epazote in 2023 and now desires to serve beer and wine beverages as part of its operations. Similar to the prior restaurant occupying the site, El Epazote is also an over-the-counter restaurant for both on- and off-site dining. As with the previous restaurants, on-site dining is composed of indoor and outdoor patio seating.

The site’s General Plan Land Use designation is C (Commercial). This land use designation is appropriate for the development of commercial uses. The site’s C1 (Light Commercial) zoning district allows for retail uses including restaurants. Sale and consumption of alcohol in a C1 zone district is allowed only with the approval of a conditional use permit.

**ANALYSIS:**

Alcohol Beverage Control License Type 41

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant wishes to serve beer and wine for on-site consumption as part of the operation of a restaurant and has applied for use permit (CUP 2022-25) to allow for the issuance of an ABC Type 41 alcohol license - On-Sale Beer and Wine for Bona Fide Public Eating Place. The applicant must operate and maintain the licensed premises as a bon fide eating place with suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises.

Public Convenience or Necessity for Issuance of Alcohol Licenses

The project site is in Census Tract 8.02 which generally encompasses the City’s Downtown District. Census Tract 8.02 is an area of overconcentration for ABC licenses for both the on- and off-site sale and consumption of alcoholic beverages. Currently there are 15 on-sale licenses in Census Tract 8.02. Ideally, there should be only three (3) on-sale licenses issued in Census Tract 8.02. Thus, Tract 8.02 is an over-concentrated area of ABC licenses. Over-concentration in a downtown area is typical due to a high concentration of businesses and a low number of residences.

Historically, the Police Department (PD) has opposed any request for the issuance of an alcohol license in Census Tract 8. Census Tract 8 previously represented the combined area of what is now Census Tracts 8.01 and 8.02. The contention behind the opposition is that the Downtown District has an overconcentration of alcohol licenses that has caused a public nuisance to the City’s welfare and safety in that area. This matter was brought to City Council in an administrative report during the April 20, 2011, Council hearing with request from staff for direction regarding businesses who wish to obtain an ABC license in an overconcentrated census tract. The Council came to a unanimous decision that provided staff with direction to review each conditional use permit for the sale and/or consumption of alcoholic beverages within areas of overconcentration on an individual case by case basis and weigh each application on its own merits.

In the case for CUP 2022-25, PD has stated that the request, as proposed, does not raise any serious concerns that would merit a denial. They have stated that they have not received calls or complaints about this or past business at this location that would exacerbate any existing or future public nuisances should

CUP 2022-25 be approved. PD did not provide conditions that would limit the hours of operations. Staff, however, has identified conditions prohibiting off-site alcohol sales. Allowance to operate as a bar, club, liquor store, or similar use is strictly prohibited. The previously housed restaurant has proven to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large.

#### Use Permit

Madera Municipal Code (MMC) Section 10.3.405 requires a use permit for all establishments that wish to serve alcohol. CUP 2022-25 would authorize the ability to serve alcohol within the confinement of the restaurant. CUP 2022-25 would not authorize the ability to serve alcohol on the establishment's existing outdoor patio or any other area outside the building.

#### Site Plan Review

While the applicant is not requesting any interior or exterior structural changes at this time, there is no evidence in the City records of an approved site plan review applicable to the project or that of previous businesses that have occupied the site.

Pursuant to Section 10.3.4.0102 of the MMC, a site plan review is required for all projects which require a use permit, including a change in use where no on-site construction is proposed. SPR 2022-43 would affirm the restaurant, El Epazote, the site's layout and where alcohol may be served and consumed. Staff has identified conditions limiting the sale of alcoholic beverages to the restaurant's existing order and serve and the consumption of alcoholic beverages to the restaurant's existing indoor dining area. The conditions prohibit the sale and consumption of alcoholic beverages outside the restaurant building. No alcoholic beverages are allowed on the patio or parking area.

#### General Plan Conformance

CUP 2022-25 and SPR 2022-043 supports goals and policies established in the General Plan. In allowing this establishment to expand its business to include on-site alcohol consumption supports Vision Madera 2025 and encourages "economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally" (General Plan, p. 1-2. CUP 2022-45 also supports goals and policies outlined in the General Plan's Sustainability Element:

- Goal SUS-1 – Establish and maintain a diverse and sustainable local economy.
- Policy SUS-11 – The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for businesses growth within the City.

#### **ENVIRONMENTAL REVIEW:**

Staff performed a preliminary environmental assessment and determined that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project would result in the licensing of a use within an existing structure and would not result in any potential environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

#### **PLANNING COMMISSION ACTION:**

The Planning Commission (Commission) will be acting on CUP 2022-25 and SPR 2022-43. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit 2022-45 and Site Plan Review 2022-43, based on and subject to the findings and conditions of approval.

**ALTERNATIVES:**

As an alternative, the Commission may elect to:

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

**ATTACHMENTS:**

1. Planning Commission Resolution  
Exhibit "A": Conditions of Approval

ATTACHMENT 1  
*Resolution*

**RESOLUTION NO. 1950**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES  
SECTION 15301 (EXISTING FACILITIES), APPROVING CONDITIONAL USE PERMIT  
(CUP 2022-25) AND SITE PLAN REVIEW (SPR 202-45) (EL EPAZOTE 301 NORTH  
GATEWAY DRIVE, MADERA CA. 93637)**

**WHEREAS**, Chorbadjian Hagop (“Owner”) owns the property at 301 North Gateway Drive, Madera CA. 93637 (“site”); and

**WHEREAS**, the site is an existing commercial building surrounded by commercial uses; and

**WHEREAS**, Tomas Gonzalez (“Applicant”) proposes to operate an existing restaurant with on-sale beer and wine.

**WHEREAS**, the Applicant’s proposal is subject to a conditional use permit (CUP) for on-sale beer and wine pursuant to the development standards in the C-1 (Limited Commercial) zone; and

**WHEREAS**, on-site alcohol sales and consumption shall be limited to the restaurant’s indoor dining area; and

**WHEREAS**, the site provides sufficient parking space to support the proposed use and all other uses associated with the existing commercial building; and

**WHEREAS**, SPR 2022-43 has been determined to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

**WHEREAS**, on April 11, 2023, Madera Planning Commission considered Conditional Use Permit 2022-25; and

**WHEREAS**, a Categorical Exemption under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities) 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 Planning Commission is authorized to review and approve conditional use permits and environmental assessments for associated projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission received and reviewed CUP 2022-25 at a duly noticed meeting on April 11, 2023; 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 Planning Commission; and

**WHEREAS**, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2022-25.

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

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

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings to Approve CUP 2022-25: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-25, as conditioned. The Planning Commission 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:

*Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.*

The General Plan designates the subject site for commercial uses and is consistent with its zoning district of C1 – Light Commercial.

*Finding b: The proposed use will be compatible with the surrounding properties.*

The project site is suited for commercial uses. The proposal is for an existing building zoned commercial and is surrounded by like uses to the north, east, and west of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

*Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.*

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Findings to Approve SPR 2022-43: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2022-43, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission 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:

Finding a: *The proposal is consistent with the General Plan and Zoning Ordinance.*

In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

Finding b: *The proposal is consistent with any applicable specific plans.*

The property is not located within the boundary of a specific plan.

*Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.*

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a C2 – Light Commercial zone district. There are no public right improvements required and on-site utilities are consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

*Finding d: The proposed project is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.*

SPR 2022-43 will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

5. Approval of CUP 2022-25 and SPR 2022-43: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-25 and SPR 2022-43 as conditioned and set forth in the Conditions of Approval attached as Exhibit “A”.
6. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP  
Planning Manager

Exhibit "A": Conditions of Approval for CUP 2022-25

**EXHIBIT "A"**  
**CUP 2022-25 AND SPR 2022-43 (EL EPAZOTE RESTAURANT)**  
**CONDITIONS OF APPROVAL**  
**April 11, 2023**

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 site plan 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.

Approval of this permit 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 permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit 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 permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit 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.

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 CUP 2022-25 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2022-43 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, 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 Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 301 North Gateway Drive that are subject to CUP 2022-25 and SPR 2023-43.

CUP 2022-25 is subject to Conditions of Approval Nos. 1 through 7, and 13 through 20.

SPR 2022-43 is subject to Conditions of Approval Nos. 1 through 6, 8 through 12, and 21 through 37.

## **Conditions of Approval**

### **General**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date approved for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request has been submitted to and approved by the Planning Commission
3. The use permit may be null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request has been submitted to and approved by the Planning Commission.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2022-25 and SPR 2022-43.**
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.

6. Approval of CUP 2022-25 and SPR 2022-43 are 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.

7. CUP 2022-25 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
8. SPR 2022-28 shall expire one year from date of issuance unless positive action is taken on the project as provided in the Madera Municipal Code (MMC) or required action is taken to extend the approval prior to the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).

### **Planning Department**

9. Vandalism and graffiti shall be corrected per the Municipal Code.
10. Business hours shall be limited to between 8:00am and 10:00pm daily.
11. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
12. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
13. CUP 2022-25 shall be subject to periodic reviews and inspections by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the uses permitted by CUP 2022-25 is determined by staff to be in violation of the conditions of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.

14. Alcohol shall only be sold and consumed during official business hours of operation of the restaurant.
15. No sale or consumption of alcohol is allowed outside the restaurant building structure, including the outdoor patio dining area or parking area.
16. CUP 2022-25 is specifically limited to on-site sale and consumption of beer and wine beverages. No sale of alcoholic beverages for off-site consumption shall be allowed.
17. The sale of beer and wine beverages is conditioned upon obtaining an appropriate permit from the Department of Alcohol Beverage Control.
18. The applicant, operator and any successors shall comply with all applicable codes. If at any time the use is determined by staff to be in violation to seek revocation of the permit or modification of the conditions of approval.
19. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control License Type 41 shall render CUP 2022-25 revocable. The use must comply with any license requirements for the subject property by Alcohol Beverage Control at all times.
20. The property owner, operator, and/or manager, and/or benefactor of CUP 2022-025 shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said permit. Such conditions that constitute such violation include, but are not limited to:
  - a. The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
  - b. The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
  - c. The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
  - d. The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

### Signage

21. No signs are approved as part of SPR 2022-43. Signs shall be reviewed and approved under a separate permit in accordance with the Madera Municipal Code.
22. No window signs shall be permitted.
23. The property/applicant and/or benefactors of SPR 2022-43 shall post a "No Smoking" signage to the extent required by law.

### **Building/Fire Department**

24. A building permit is required for all construction on site.
25. A Knox key box is required for access by emergency responders if not already existing.
26. Portable fire extinguishers are required per the California Fire Code.
27. Egress paths shall meet California Building Code and California Fire Code.
28. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and shall be confirmed at final inspection.
29. An accessible path must be provided to both accessible parking and the public right of way in accordance with Chapter 11 of the California Building Code

### **Engineering Department**

#### General

30. Deferrals are not permitted for any condition included herein, unless otherwise stated.
31. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
32. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
33. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

#### Sewer

34. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
35. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.

#### Water

36. New or existing water service 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. Each parcel shall have a separate domestic water service.

37. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

END CONDITIONS

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CUP 2023-02

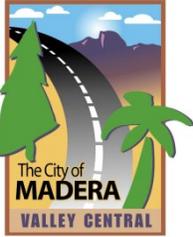
Logoluso Ranch Interim Agriculture

*This item is being returned to staff for further discussion.*

[Return to Agenda](#)

CUP 2023-01  
Mad House Batting Cages

*Staff is Requesting this item be continued to the May 9<sup>th</sup> Planning  
Commission meeting.*



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Adileni Rueda, Assistant Planner

**Meeting of:** April 11, 2023

**Agenda Item:** 4

**SUBJECT:**

Rezone 2023-01 - 308 N. C St.

**RECOMMENDATION:**

Conduct a public hearing and:

1. Adopt a Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera approve a Finding of Exemption under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and Rezone (REZ 2023-01).

**PROPOSAL:**

An application to rezone (REZ 2023-01) the parcel located at 308 North C Street (APN 007-081-014) from C1 (Light Commercial) to R1 (One unit for each 6,000 square feet of site area) to establish conformity between the parcel’s zone district and General Plan land use designation.

Table 1 below provides an overview of the project site characteristics and identification of the project applicant and property owner.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	REZ 2023-01
<i>Applicant:</i>	Delfino Reyes
<i>Property Owner:</i>	Alejandro Reyes
<i>Location:</i>	308 North C Street (APN: 007-081-014)
<i>Project Area:</i>	0.17 Acre or 7,500 sf
<i>Plan Land Use:</i>	LD – Low Density Residential
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	The site is an interior lot, currently vacant along the westside of North C Street, approximately 100 feet northwest of East 4 <sup>th</sup> Street (refer to Attachment 1).

**SUMMARY:**

The proposal to rezone 308 North C Street currently zoned C1 (Light Commercial) (refer to Exhibit A of Attachment 3) and a General Plan land use designation of LD (Low Density Residential) (refer to Attachment 2). Before any development can occur on-site, the General Plan land use designation and zoning district must be in conformity.

The City General Plan Land Use Map designates the subject site LD (Low Density Residential) (refer to Attachment 2). Compatible zoning districts are RA, R1, PD-4500, PD-6000, PD-8000, or PD-12000. The applicant, Delfino Reyes, on behalf of the property owner, Alejandro Reyes, proposes to rezone the subject site from C1 (Light Commercial) to R1 (One unit for each 6,000 square feet of site area).

The subject site is approximately 7,500 square feet (sf) which exceeds the minimum residential interior lot area requirements pursuant to Section 10-3.507 of the Madera Municipal Code (MMC). The width and depth of parcel, 50 and 150 ft, respectively also meets the minimum dimensions pursuant to MMC Section 10-3.507.

**SURROUNDING LAND USES:**

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>Land Use</i>	<i>Zone District</i>
<i>Northwest</i>	Single-Family Dwelling	LD – Low Density Residential	C1 (Light Commercial)
<i>Northeast</i>	Multi-family Apartments	HD – High Density Residential	R3 (One unit per each 2,000 square feet of site area)
<i>Southeast</i>	Single-family Apartments	LD – High Density Residential	C1 (Light Commercial)
<i>Southwest</i>	Commercial/Offices	LD – Low Density Residential	C1 (Light Commercial)

**ANALYSIS:**

Site and Entitlement History

The site was previously approved for a single-family home with a Conditional Use Permit (CUP 2017-33) and Site Plan Review (SPR 2017-49). The entitlements granted the development of a single-family home without the need to rezone the property from C1 (Light Commercial) to R1 (One unit per 6,000 sq ft One unit for each 6,000 square feet of site). The conditional use permit and site plan review were conditionally approved by the Planning Commission on January 9, 2018. CUP 2017-33 and SPR 2017-49 expired one year after Planning Commission approval. During that period, no building permits were issued for site improvements therefore the site remains vacant.

Rezoning 2023-01

Sections 10-3.1501 through 10-3.1515 of the Madera Municipal Code (MMC) establish the procedures for the review and approval of reclassifying zoning districts. The subject site’s current zoning district of C1 (Light Commercial) is inconsistent with the subject site’s General Plan land use designation of LD (Low Density Residential). The applicant’s request to rezone the subject site to R1 (One unit for each 6,000 square feet of site area) (refer to Exhibit A of Attachment 5) would be consistent with the subject site’s LD land use designation. The R1 zone district allows for residential development at a maximum density of one unit for every 6,000 sf of site area.

The approval of the proposed rezoning would require the subject site and any future development of the site to be in compliance with the parcel area and setback requirements for the R1 zone district as specified in MMC Sections 10-3.507 R (Minimum Site Area and Dimensions) and 10-3.508 R (Yard Requirements), respectively. Applicable site area and dimensions, and yard requirements (setbacks) relevant to the proposed rezoning are identified in Table 3 below.

<b>Table 3: R1 Zone District Development Standards</b>		
<i>Standard</i>	<i>Minimum Requirement</i>	<i>Existing Parcel</i>
<b>Site Area Interior Lots</b>	6,000 sf	7,500 sf
<b>Lot Width (minimum)<sup>1</sup> Interior Lots</b>	50 ft	50 ft
<b>Lot Depth (minimum)<sup>2</sup> Interior Lots</b>	80 ft	150 ft
<b>Front Yard (Street) Building Setback</b>	15 ft	
<b>Side Yard Building Setback Interior Yard</b>	5 ft	
<b>Rear Yard Building Setback</b>	15 ft	
<b>Notes:</b> <sup>1</sup> Lot width measured at the midpoint midway between the front and rear lot lines. <sup>2</sup> Lot depth measured in the mean direction of the side lots lines.		

The R1 zone district allows for residential development at a maximum density of one unit for every 6,000 sf of site area. Based on the area of the existing parcel (0.17-acre / 7,500 sf), one dwelling unit would be allowed to be developed on the existing parcel, excluding the provisions for accessory dwelling units (ADUs). As shown above in Table 3, the existing parcel meets the minimum parcel area dimension requirements for an R1 zone district.

The Staff recommends that the Commission recommend the City Council to approve REZ 2023-01.

**ENVIROMENTAL REVIEW:**

Staff performed a preliminary environmental assessment and determined that the project is exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (Common Sense Exemption). The project is exempt as the project proposes no physical development and the purpose of the proposed rezone is to make the zoning consistent with the General Plan, which was previously environmentally assessed. The project site is served by all required utilities and public utilities. The approval of this project does not have a reasonable possibility of resulting in any significant effects relating to traffic, noise, air, air quality, or water quality. Given there is not a reasonable possibility that the project may have a significant, adverse effect on the environment, this project is exempt under CEQA Guidelines section 15061(b)(3).

**PLANNING COMMISSION ACTION:**

The Commission will be acting on the following recommending the approval of REZ 2023-01. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopting a Finding of Exemption pursuant to California Environmental Quality Act (CEQA) Section 15061 (B)(3) (Common Sense Exemption) and approve REZ 2023-01.

**ALTERNATIVES:**

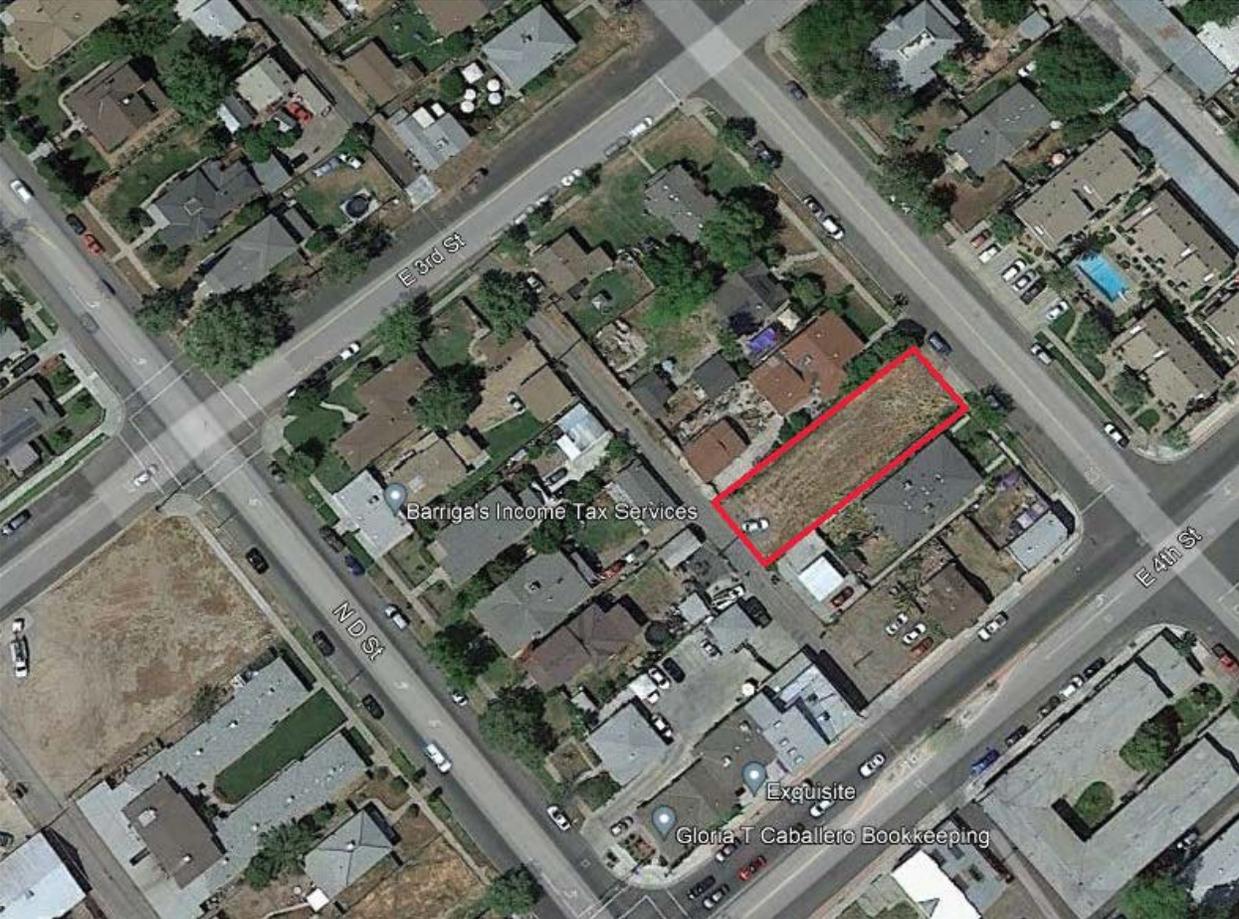
As an alternative, the Commission may elect to:

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

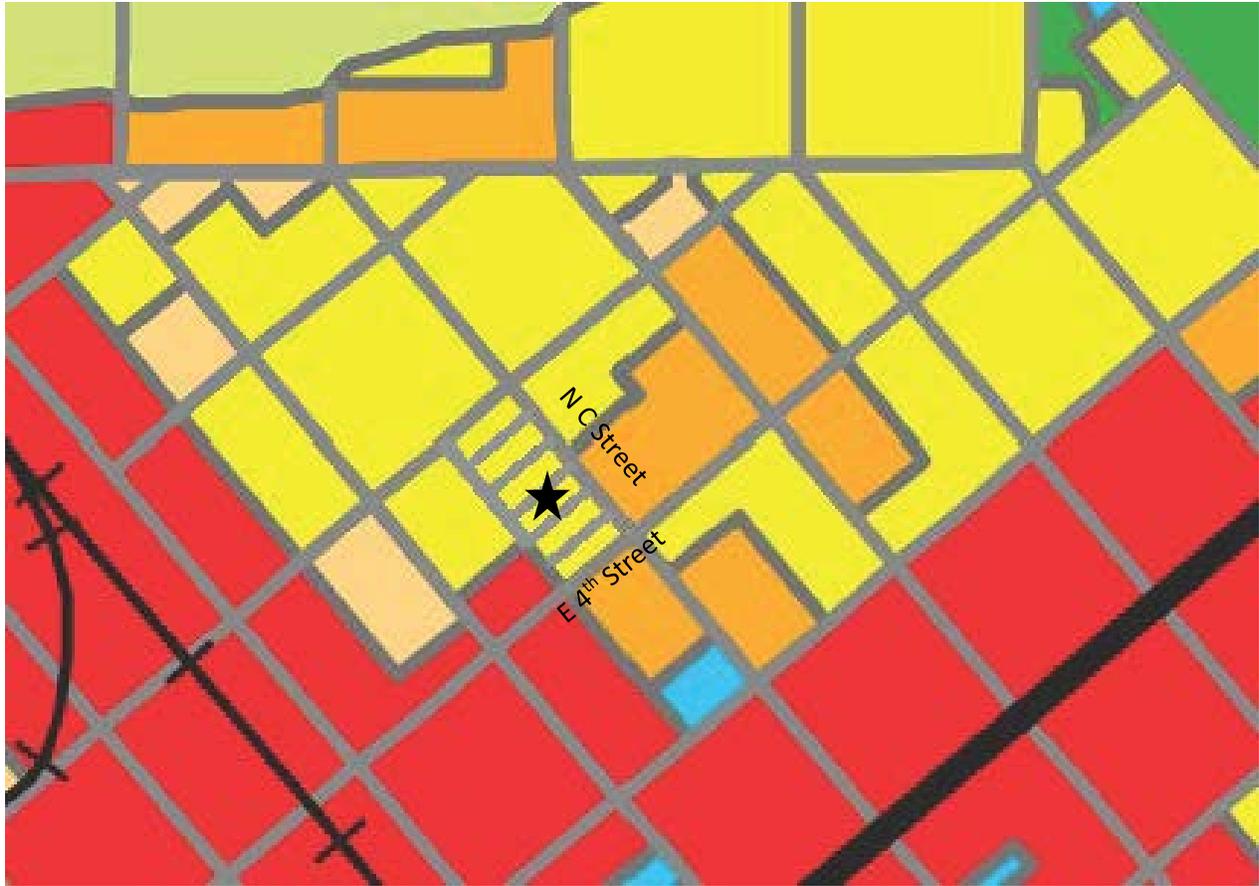
**ATTACHMENTS:**

1. Aerial View
2. General Plan Land Use Map
3. Planning Commission Resolution  
Exhibit "A": Existing and Proposed Zone

ATTACHMENT 1  
*Aerial Map*



ATTACHMENT 2  
*General Plan Land Use Map*



**General Plan  
Land Use Designations**

-  C - Commercial
-  O - Office
-  I - Industrial
  
-  VLD - Very Low Density Residential
-  LD - Low Density Residential
-  MD - Medium Density Residential
-  HD - High Density Residential
  
-  Proposed Site

ATTACHMENT 3  
*Resolution*

**RESOLUTION NO. 1953**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
RECOMMENDING THE CITY COUNCIL OF THE CITY OF MADERA APPROVE AN EXEMPTION  
PURSUANT TO CEQA GUIDELINES SECTION 15061 (COMMON SENSE EXEMPTION) AND  
REZONE 2023-01 (308 NORTH C STREET)**

**WHEREAS**, REZ 2023-01 proposes to rezone a 0.17 acre parcel (Assessor Parcel Number (APN) 007-081-14) (“site”) from C1 (Light Commercial) to R1 (One unit for each 6,000 square feet of site area) as shown in Exhibit “A”; and

**WHEREAS**, Alejandro Reyes (“Owner”) owns the site located on 308 North C Street, Madera, California; and

**WHEREAS**, Delfino Reyes is the “Applicant” of the project Rezone 2023-01 (REZ 2023-01); and

**WHEREAS**, the site’s General Plan land use designation is LD (Low Density Residential); and

**WHEREAS**, C1 (Light Commercial) is inconsistent with the LD (Low Density Residential) General Plan Land Use designation; and

**WHEREAS**, the proposed rezoning (REZ 2023-01) will provide the required consistency between the General Plan and Zoning Ordinance; and

**WHEREAS**, the City performed a preliminary environmental assessment and determined the project to be Exempt under Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, under the City’s Municipal Code and State Planning and Zoning Law, the Planning Commission (Commission) is authorized to review and make recommendations to the City Council (Council) for rezones and environmental assessments for associated projects on behalf of the City; and

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

**WHEREAS**, the Commission received and reviewed REZ 2023-01 at a duly noticed meeting on April 11, 2023; and

**WHEREAS**, at the April 11, 2023, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

**WHEREAS**, after due consideration of all the items before it, the Commission now desires to adopt this Resolution recommending to the Council to adopt a resolution approving an Exemption for the project pursuant to CEQA, and approving REZ 2023-01.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared in accordance with the California Environmental Quality Act. The Planning Commission recommends the Council find and determine the project is exempt under CEQA Guidelines Section 15061(b)(3) (Common

Sense Exemption). The project is exempt as the project proposes no physical development and the purpose of the proposed rezone is to make the zoning consistent with the General Plan, which was previously environmentally assessed. The project site is served by all required utilities and public utilities. The approval of this project does not have a reasonable possibility of resulting in any significant effects relating to traffic, noise, air, air quality, or water quality. Given there is not a reasonable possibility that the project may have a significant, adverse effect on the environment, this project is exempt under CEQA Guidelines section 15061(b)(3).

3. Recommendation of City Council Approval of REZ 2023-01: The Planning Commission finds and recommends the City Council find that REZ 2023-01: i) is consistent with the General Plan goals and policies, including Policy LU-32, which states zoning shall be consistent with General Plan land use designations; and ii) is consistent with the purpose of the zoning ordinance to promote and protect the public’s health, safety, peace, comfort, convenience, and general welfare. The Planning Commission recommends the City Council approve REZ 2023-01 rezoning the parcel at 301 North C Street from C1 (Light Commercial) to R1 (One unit for each 6,000 square feet of site area) as shown in Exhibit “A.”
4. Effective Date: This Resolution shall become effective immediately. The Secretary of the Commission shall certify the adoption of the Resolution and shall transmit copies of the same to the Council of the City of Madera.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

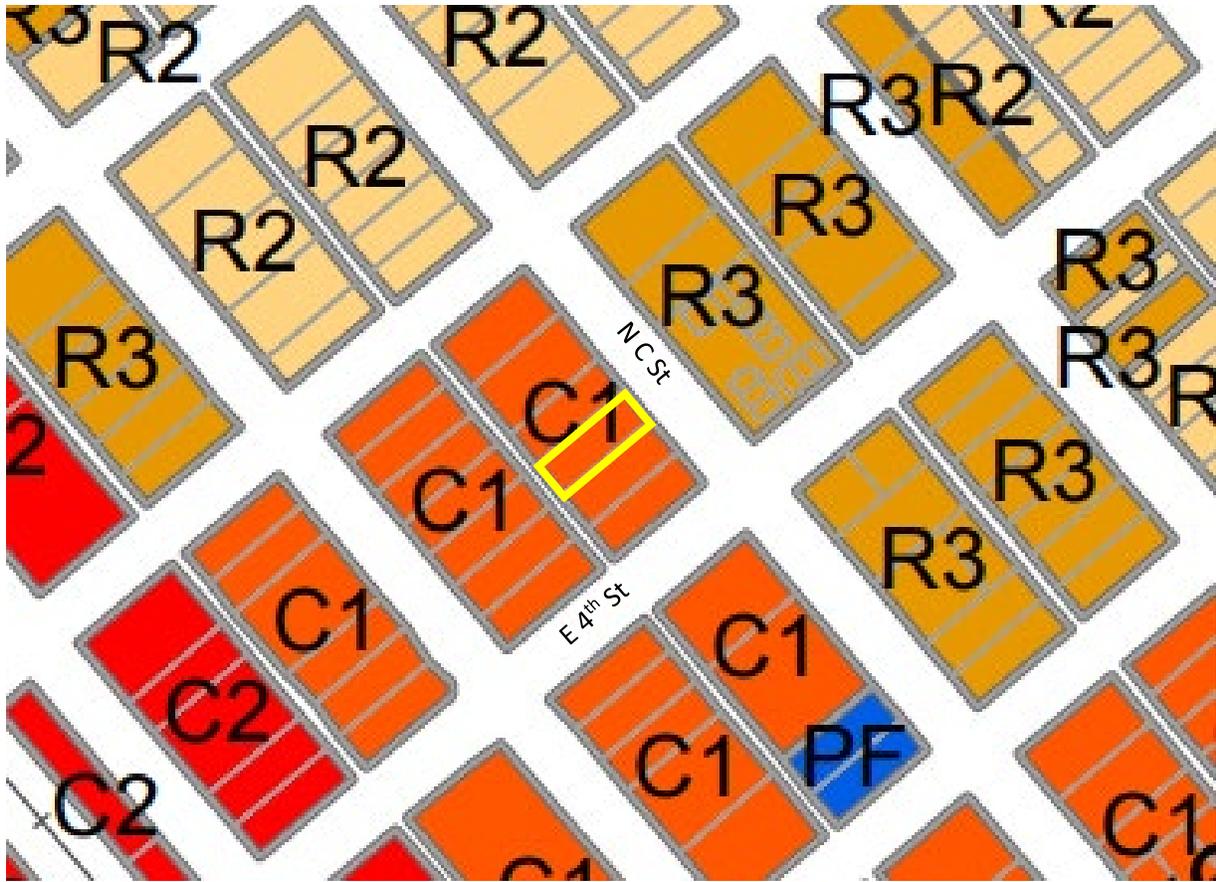
Attest:

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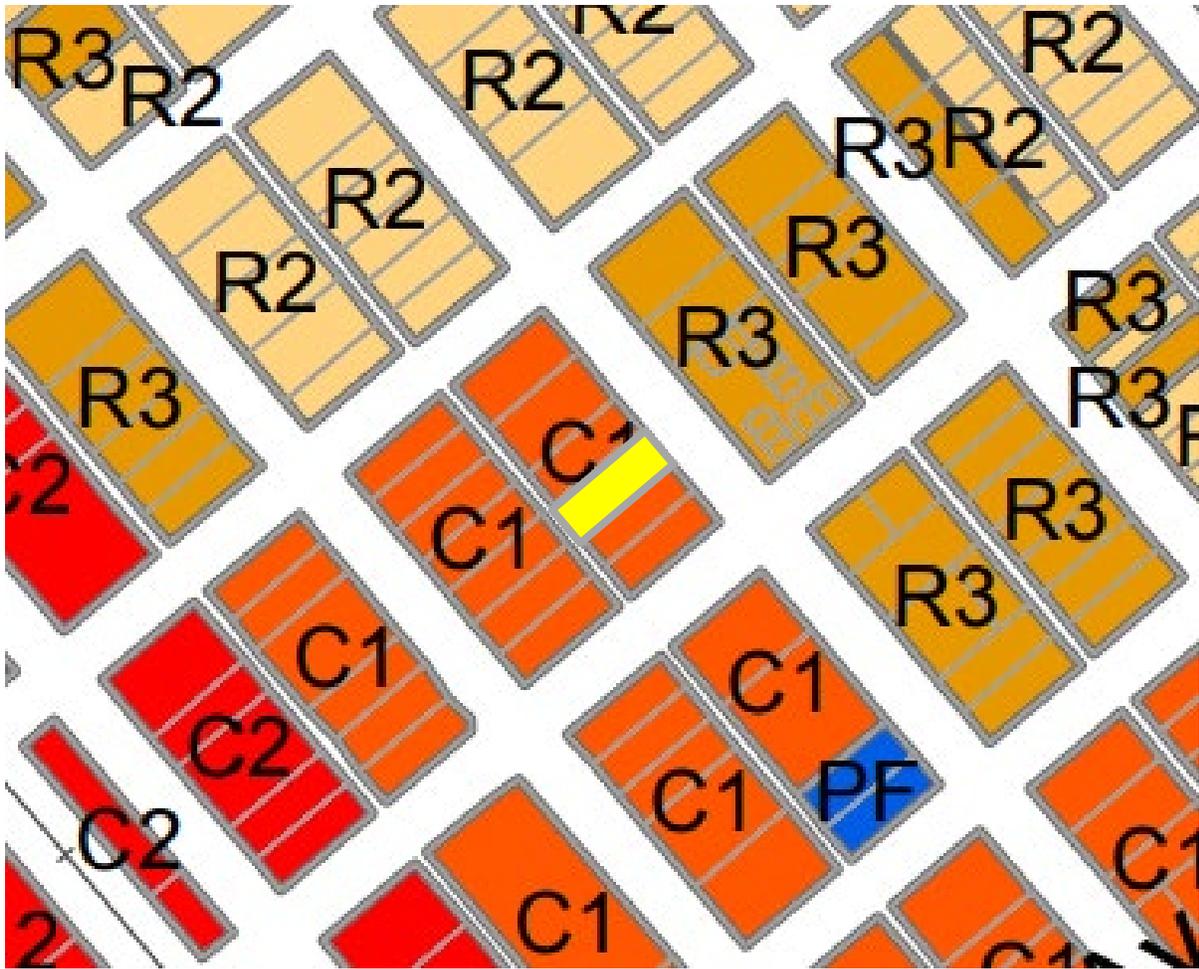
Gary Conte, AICP Planning Manager

“Exhibit A” Existing and Proposed Zone

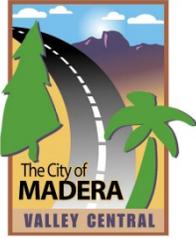
Existing Zone



Proposed Zone



-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  RA - (One unit per each 12,000 square feet)
-  R1 - (One unit per each 6,000 square feet)
-  R2 - (One unit per each 3,000 square feet)
-  R3 - (One unit per each 1,800 square feet)



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Gary Conte, AICP, Planning Manager

**Meeting of:** April 11, 2023

**Agenda Item:** 5

**SUBJECT:**

Rezone 2023-02, Variance 2023-02 and Tentative Parcel Map 2021-02 – 405 Vineyard Ave.

**RECOMMENDATION:**

Conduct a public hearing; and adopt:

- 1) A Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopt a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315 (Minor Land Division) and approve Rezone 2023-02; and
- 2) A Resolution of the Planning Commission of the City of Madera contingently approving Tentative Parcel Map 2021-02, subject to the findings and conditions of approval.

**PROPOSAL:**

The applicant, Michael Ray Sutherland, on behalf of the property owner, Carmina Maldonado, is requesting a rezone (REZ 2023-02) and a setback variance (VAR 2023-02), and approval to subdivide a developed 13,175 square foot parcel located at 405 Vineyard Avenue (APN 008-071-001) into two (2) parcels of 7,167 square feet (sf) (Parcel 1) and 6,008 sf (Parcel 2) (TPM 2021-02). No development or improvements in association with the division of land are proposed.

**SITE CHARACTERISTICS:**

The subject site is a developed irregular shaped 0.30-acre (13,175 square feet (sf)) lot located at 405 Vineyard Avenue (APN 008-071-001). The subject site is an exterior (corner) lot positioned at the southeast corner of Vineyard Avenue and Clinton Street (refer to Attachment 1). The parcel is described as Lot 16 of Millview Addition to the Town, now City of Madera, according to the map thereof recorded in Book 1, Page 28 of Maps, Madera County Records. A 10-foot-wide easement for street, public utility and incidental purposes was granted by a recorded deed across the parcel frontage in May 1968.

According to Madera County Assessor records, site improvements include a 1,117 square foot, single-story, 3-bedroom, 1, bath single-family stucco home built in 1976. No onsite garage, parking pad or driveway are present on the property. However, a depressed curb for the purpose of driveway access is present on Vineyard Avenue between the existing dwelling and the property's southeastern boundary. No sidewalk improvements are present along the subject site frontage. Fencing includes a four-foot-high picket fence along the property's front yard and exterior side yard perimeters. A five-foot-high wood fence is present along a portion of the interior side yard perimeter. The picket fence provided a pedestrian gate

in front of the home along Vineyard Avenue and a vehicle access gate facing Clinton Street located at the northwest corner of property. The picket fence blocks vehicular access onto the site from Vineyard Avenue. A six-foot-high chain-link fence is present along the property’s rear yard perimeter (refer to Attachment 2)

A field site observation conducted on September 12, 2022, noted no landscaping improvements on-site except for a single canopy tree planted in northeast corner of the site and three vehicles parked under the tree. A domed tent was also observed under the tree. Based on the field observation, vehicle access onto the property is gained illegally by using an unpaved, all-weather City and Madera Irrigation District (MID) service driveway from Vineyard Avenue that abuts the subject site’s northerly perimeter. Pole mounted aerial electrical and communication lines were observed on-site paralleling Vineyard Avenue. Aerial electrical and communication lines are extended to the home. Two power poles were positioned on the property – one at the northwest corner and the other at the southeast corner of the site. A guy wire extends from the northwest corner power pole to an anchorage positioned on the subject site along Vineyard Avenue.

Table 1 below provides an overview of the project site characteristics and identification of the project applicant and property owner.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	REZ 2023-02, VAR 2023-02 and TPM 2021-02
<i>Applicant:</i>	Michael Ray Sutherland
<i>Property Owner:</i>	Carmina Maldonado
<i>Location:</i>	405 Vineyard Avenue (APN 008-071-001)
<i>Project Area:</i>	0.30-acre (13,175 sf)
<i>Plan Land Use:</i>	LD – Low Density Residential
<i>Zoning District:</i>	R2 (One unit for each 3,000 square feet of site area)
<i>Site Characteristics</i>	The 13,175 square foot parcel is developed with a 1,117 sf, single-story, 3-bedroom, 1 bath single-family home. The entire lot itself is unpaved and is accessed via a MID service driveway that runs along the northerly property line.  Exterior lot at the southeast corner of Clinton Street and Vineyard Avenue. Adjacent land to the northeast is open vacant land; southeast and southwest are single-family homes; northwest is a City-owned trail constructed over a subsurface piped canal (MID Main Canal).

The City General Plan Land Use Map designates the subject site LD (Low Density Residential) (refer to Attachment 3). The subject site is zoned R2 (One unit for each 3,000 square feet of site area) (refer to Exhibit A of Attachment 4).

**SURROUNDING LAND USE CHARACTERISTICS:**

The subject site is bordered to the north across Clinton Street, east, south and west across Vineyard Avenue by developed single-family residential properties. The developed residential properties are designated LD (Low Density Residential) and zoned R2 (One unit for each 3,000 square feet of site area). The size of the two parcels abutting the subject site to the east and south are 6,794 sf and 2,951 sf, respectively. Individual parcel sizes west of Vineyard Avenue across from the subject site range from 7,339 to 12,730 sf.

Vineyard Avenue street right-of-way width along the subject site varies from 44 to 54 ft. Street improvements include a 36-foot-wide asphalt pavement and vertical curb and gutter on both sides of the street. No sidewalk improvements are present along the subject site frontage. Sidewalk improvements are present along the westside of Vineyard Avenue. Sidewalk improvements extend north from the subject site to Clinton Street on the eastside of Vineyard Avenue. Similar to the subject site, sidewalk improvements are absent along the frontage of the parcel immediately adjacent to the southeast of the project site. Sidewalk improvements on the east side of Vineyard Avenue following the adjacent parcel. Vineyard Avenue sidewalk improvements are only absent along the project site and the adjacent parcel to the southeast of the project site. Water and sewer services lines are present beneath Vineyard Avenue.

Clinton Street right-of-way width abutting the subject site to the north is 132 ft. Street improvements include 36-foot-wide asphalt pavement and curb and gutter on both sides of the street, landscape park strip and sidewalk improvements on the north and sidewalk improvements to on the south. In addition to the southerly side sidewalk improvements, the southside improvements also include a 48 ft wide landscaped linear park and a 12 ft wide service driveway. The linear park includes a paved, shade tree lined east-west trending pedestrian / bicycle trail. Benches and waste receptacles are present at the southeast corner of Vineyard Avenue and southwest corner of Adelaide Avenue. Beneath the landscape parkway is MID's Main Canal. The 12 ft wide service driveway provides access to City and MID utility equipment. The service driveway is not a public access corridor for vehicular traffic.

**PRIOR ACTIONS:**

The subject site has not been subject to prior land use entitlement actions.

**ANALYSIS:**

Rezone 2023-02

Sections 10-3.1501 through 10-3.1515 of the Madera Municipal Code (MMC) establish the procedures for the review and approval of reclassifying zoning districts. The subject site's current zoning district of R2 (One unit for each 3,000 square feet of site area) is inconsistent with the subject site's General Plan land use designation of LD (Low Density Residential). The applicant's request to rezone the subject site to R1 (One unit for each 6,000 square feet of site area) (refer to Exhibit A of Attachment 4) would be consistent with the subject site's LD land use designation. The R1 zone district allows for residential development at a maximum density of one unit for every 6,000 sf of site area.

The approval of the proposed rezone would require the existing parcel and its existing improvements as well as that of the proposed tentative parcel map and its existing improvements to be in compliance with the parcel area and setback requirements for the R1 zone district as specified in MMC Sections 10-3.507 R (Minimum Site Area and Dimensions) and 10-3.508 R (Yard Requirements), respectively. Applicable site area and dimensions, and yard requirements (setbacks) relevant to the proposed rezone are identified in Table 2 below. Site area and dimensions and yard setback compliance requirements specified in Table 2 addresses both the existing parcel and that of the proposed tentative parcel map's compliance to R1 zone district standards.

<b>Table 2: R1 Zone District Development Standards</b>			
<b>Standard</b>	<b>Minimum Requirement</b>	<b>Existing Parcel</b>	<b>TMP 2021-02 Proposal</b>
<b>Site Area</b> Exterior (Corner) Lots Interior Lots	6,500 sf 6,000 sf	(Exterior) – 13,175 sf	Parcel 1 (Exterior) – 7,167 sf Parcel 2 (Interior) – 6,008 sf
<b>Lot Width (minimum)<sup>1</sup></b> Exterior (Corner) Lots Interior Lots	60 ft 50 ft	(Exterior) – 109 ft	Parcel 1 – 91 ft Parcel 2 – 57 ft
<b>Lot Depth (minimum)<sup>2</sup></b> Exterior (Corner) Lots Interior Lots	80 ft 80 ft	(Exterior) – 95 ft	Parcel 1 – 95 ft Parcel 2 – 95 ft
<b>Front Yard (Street) Building Setback</b>	15 ft	10 ft	Parcel 1 - 10 ft Parcel 2 – Vacant
<b>Side Yard Building Setback</b> Exterior Yard Interior Yard	10 ft 5 ft	10 ft 5 ft	Parcel 1 – 5 ft (Interior) and 45 ft (Street side) Parcel 2 – Vacant
<b>Rear Yard Building Setback</b>	15 ft	38 ft	Parcel 1 – 38 ft Parcel 2 – N/A
<b>Parking Spaces</b>	Vehicle Spaces - 2 Spaces (One of Which Must be Covered)	No On-Site Parking	Parcel 1 – No On-Site Parking  Parcel 2 – Vacant
<b>Notes:</b> <sup>1</sup> Lot width measured at the midpoint midway between the front and rear lot lines. <sup>2</sup> Lot depth measured in the mean direction of the side lots lines.			

The R1 zone district allows for residential development at a maximum density of one unit for every 6,000 sf of site area. Based on the area of the existing parcel (0.30-acre / 13,175 sf), absent approval to subdivide the parcel into two parcels (TMP 2021-02), two dwelling units would be allowed to be developed on the existing parcel, excluding the provisions for accessory dwelling units (ADUs). If the Commission approves TMP 2021-02, resulting in the formation of two parcels – Parcel 1 (7,167 sf) and Parcel 2 (6,008 sf), then only one dwelling unit, excluding provisions for ADUs, would be allowed per each parcel.

As shown above in Table 2, the existing parcel and the parcels proposed to be formed pursuant to TMP 2021-01 meet the minimum parcel area dimension requirements for a R1 zone district. However, the present location of the existing single-family dwelling does not meet the R1 zone district’s front yard setback requirement of 15 feet (ft). The existing dwelling is setback 10 ft from the front yard property line. It should be noted that the present location of the existing dwelling also does not meet the R2 zone district’s front yard setback requirement. As such, the applicant is requesting setback variance (VAR 2023-02) to address the non-compliant existing dwelling front yard setback condition.

It is Staff’s recommendation the Commission recommend the City Council approve REZ 2023-02.

## Variance 2023-002

The applicant on behalf of the property owner is requesting a setback variance (VAR 2023-02) addressing the present non-compliant front yard setback associated with the existing residential dwelling on the project site.

MMC Sections 10-3.1401 through 10-3.1411 establishes the procedures for the review, approval and termination of variances. In accordance with the MMC, a variance may be granted by the Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. Necessary conditions for granting a variance can only occur when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance deprives a property owner of privileges enjoyed by other property in the vicinity under identical zoning classification. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses.

There are two findings that must be made in order to grant a variance. They are as follows:

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

### ***Justification Findings***

Madera County Assessor records indicate the existing single-family dwelling was constructed in 1976. Construction of the dwelling does not predate the setback requirements of the R (Residential) development standards of the zoning ordinance adopted in 1961. Under Section 10-3.508 R of the MMC, all structures are to be set back a minimum of 15 ft from the front property line. As depicted in Table 2 and discussed previously above under Rezone 2023-02, the existing residential dwelling unit is setback 10 ft from the front property line.

The proposed land use entitlement actions (VAR 2023-02, REZ 2023-02 and TPM 2021-02) do not include construction of new residential structures. Nor, at this time, is the applicant seeking to relocate or raise the existing residential structure. Rather, the applicant's request is to memorialize that the existing structure fronting Vineyard Avenue is encroaching within the required 15 ft front yard setback, with a 10 ft setback as shown on the tentative parcel map. Requiring the existing structure to comply with the front yard setback would require the structure to be razed and rebuilt on a new slab foundation repositioned such that it met the front yard setback requirements. Requiring the existing structure to comply with the current setback requirements would be impractical and represent unnecessary hardship due to a strict and literal application of the ordinance.

Staff has included conditions of approval specifying the front yard setback variance is only applicable to the existing residential structure in its present state. Any future improvements to the existing dwelling as well as any future development of the project site is subject to compliance with the MMC. As conditioned, the approval of VAR 2023-03 would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. Therefore, it is Staff's recommendation that the Commission conditionally approve VAR 2023-02 contingent to City Council approval of REZ 2023-02 and the Commission's conditional approval of TPM 2021-02.

#### Tentative Parcel Map 2021-02

The 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 10-3.501 through 10-3.513 establishes standards specific to minimum site area, maximum lot coverage and yard (setback) requirements for property zoned residential development. Section 10-3.1201 through 10-3.1208 establishes standards specific to on-site parking.

The applicant proposes to subdivide the existing 13,175 square foot, irregular-shaped parcel into two irregular-shaped parcels. As proposed, Parcel 1 will encompass 7,167 sf and Parcel 2 will encompass 6,008 sf. The existing single-family home would be located on Parcel 1 (refer to Exhibit "B" of Attachment 5). No development is being contemplated for either parcel at this time.

The parcel to be divided is proposed to be rezoned from R2 (One unit for each 3,000 square feet of site area) to R1 (One unit for each 6,000 square feet of site area). The proposed parcels to be formed will meet all the development standards for an R1 zone district. Applicable site area, lot coverage and yard requirements relevant to the proposed tentative parcel map are identified and addressed in Table 2 above. All subsequent development on the proposed parcels would be subject to the individual lot dimensions and yard (setback) compliance requirements specified in Table 2.

It is Staff's recommendation the Commission conditionally approve TPM 2021-02 contingent to City Council approval of REZ 2023-02 and the Commission's approval of VAR 2023-02.

#### ***On-Site Parking and Accessibility***

The existing parcel is devoid of on-site parking improvements. On-site parking is currently gained illegally by using an unpaved, all weather permeable, City and Madera Irrigation District (MID) service driveway from Vineyard Avenue that abuts the subject site's northerly perimeter. Based on a field site observation, several vehicles were observed parking on the subject site. The vehicles were parked on bare ground. MMC Section 10-3.1206 requires off-street parking areas to be paved or otherwise surfaced and maintained so as to eliminate dust or mud.

MMC Section 10-3.1202 (Parking Spaces Required) mandates residential uses to provide 2 parking spaces for dwelling units having more than 1 bedroom. Of those 2 parking spaces, 1 must be covered. Parcel 1 with the existing single-family home provides sufficient space to accommodate two 2 parking spaces.

Parcel 2 could potentially be accessed by an existing depressed curb constructed for the purpose of a driveway access is present on Vineyard Avenue between the existing dwelling and the property's southeastern boundary. However, neither a driveway approach nor a driveway has been constructed. Presently, a five-foot-high wooden stake fence present along Vineyard Avenue prevents vehicles from entering the property from Vineyard Avenue. No development is proposed for the resulting Parcel 2.

MMC Section 10-2.501.8 allows for the imposing the construction of frontage improvements as well as on- and off-site improvements as a condition of approval parcel maps. Staff has identified conditions requiring the applicant /property owner, prior to recordation of TPM 2021-02, to secure an encroachment permit and construct a driveway on Vineyard Drive and to construct on-site parking improvements to serve the existing residential dwelling (2 spaces, 1 of which must be covered) in compliance with MMC Sections 10.2.501.8, 10-3.1202 and 10-3.1208, and the City’s Standard Drawings and Specifications, and to remove and replace the gate currently used for vehicular access from the City and MID service driveway with the same fencing material present along the subject site’s northern and westerly boundaries.

**Sidewalks**

No sidewalk improvements are present along the project site’s Vineyard Avenue frontage. Sidewalk improvements on the eastside of Vineyard Avenue extend northwest from the subject site to Clinton Street and resume approximately 30 feet southeast of the project site. Only the project site and the parcel immediately adjacent to the southeast of the project site on either side of Vineyard Avenue between Clinton and East 9<sup>th</sup> Streets are devoid of sidewalk improvements.

As noted above, MMC Section 10-2.501.8 allows for the imposing of the construction of frontage improvements as a condition of approval parcel maps. Staff has also identified conditions for sidewalk improvements along the project site’s Vineyard Avenue frontage to be completed prior to recordation of TPM 2021-02.

**ENVIRONMENTAL REVIEW:**

Staff performed a preliminary environmental assessment and determined that the project is categorical exempt under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) as this action is the rezone and division of property in an urbanized area zoned residential into two parcels, in conformance with the City of Madera General Plan and Zoning Ordinance. All services to the proposed parcels are available. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

**PLANNING COMMISSION ACTION:**

The Commission will be acting on REZ 2023-02, VAR 2023-02 and TPM 2021-02. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315 (Minor Land Divisions) and approve Rezone 2023-02; and
2. Move to adopt a Resolution contingently approving Tentative Parcel Map 2021-02, subject to the findings and conditions of approval.

**ALTERNATIVES:**

As an alternative, the Commission may elect to:

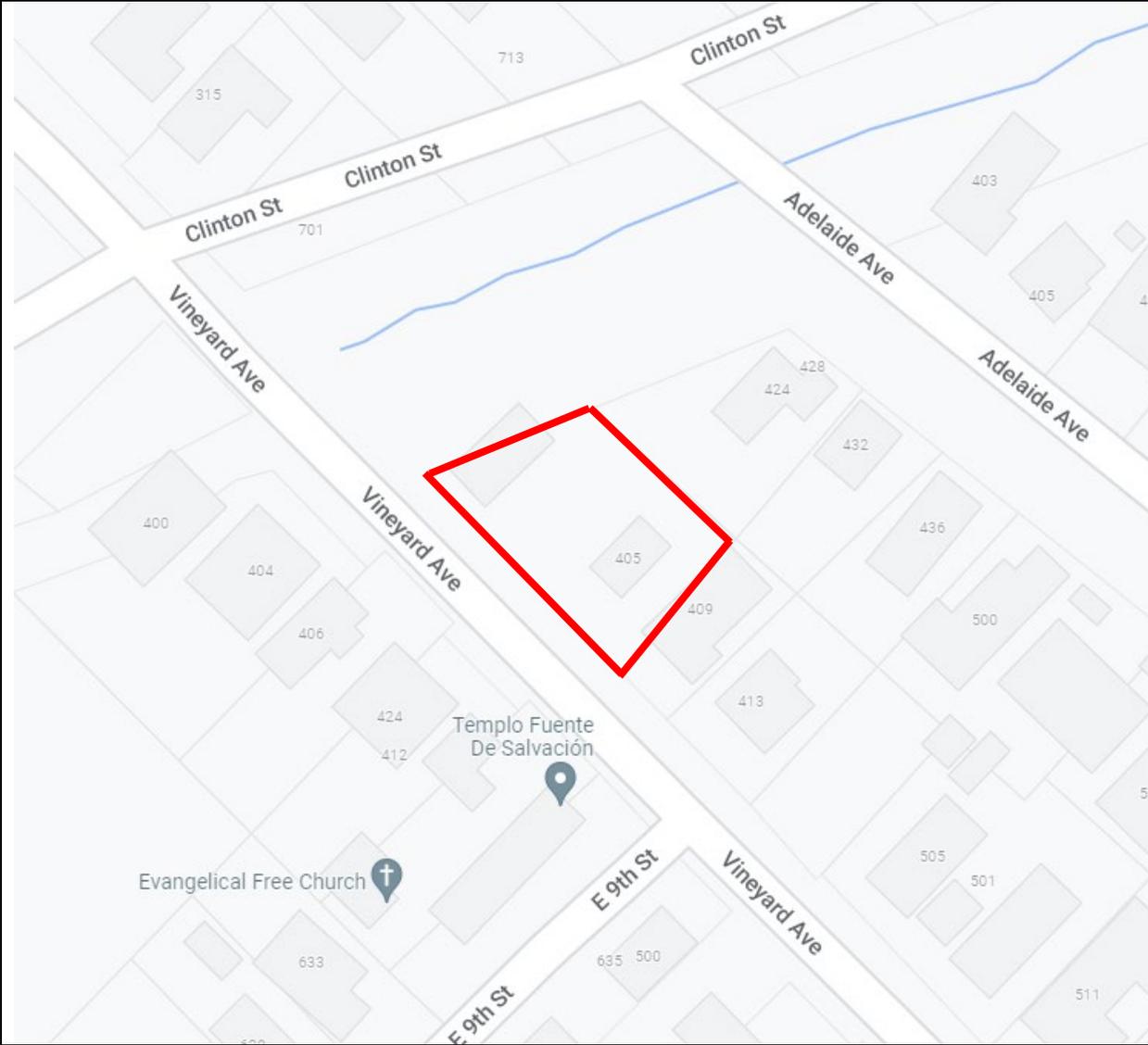
1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution(s): (Commission to specify date and reasons for continuance).

2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

**ATTACHMENTS:**

1. Vicinity Map
2. Aerial View Map
3. General Plan Land Use Map
4. Planning Commission Resolution Recommending City Council adopt a Finding of Categorical Exemption and approve Rezone 2023-02  
Exhibit "A": Zone District Map (Existing and Proposed)
5. Planning Commission Resolution Contingently Approving VAR 2023-02 and TPM 2021-02  
Exhibit "A": Conditions of Approval  
Exhibit "B": Tentative Parcel Map

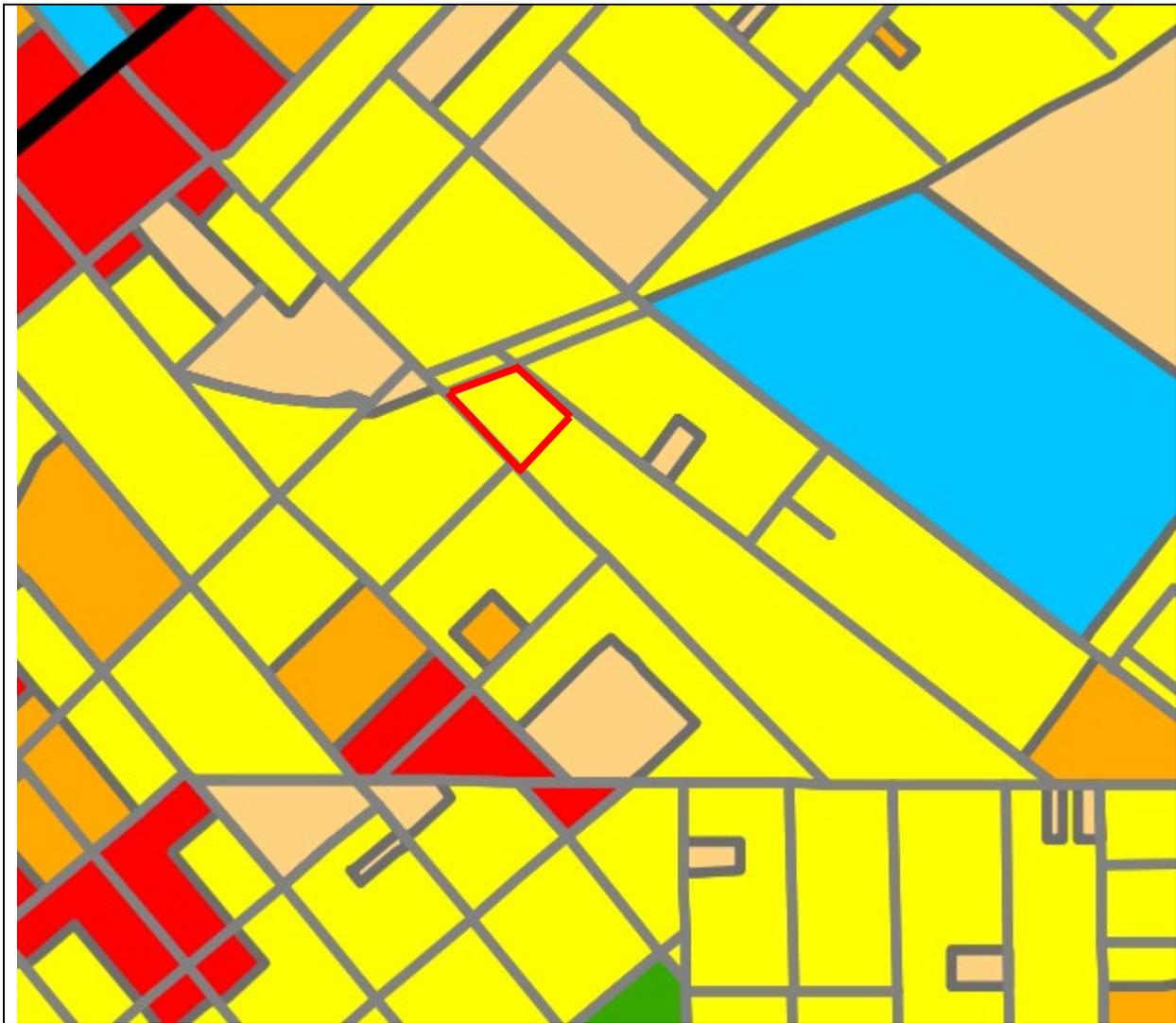
ATTACHMENT 1  
*Vicinity Map*



ATTACHMENT 2  
*Aerial View Map*



ATTACHMENT 3  
*General Plan Land Use Map*



ATTACHMENT 4  
*Resolution for Rezone*

**RESOLUTION NO. 1954**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
RECOMMENDING THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF  
A FINDING OF CATEGORICAL EXEMPTION PURSUANT TO THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT SECTION 15315 (MINOR LAND DIVISION) AND  
APPROVE REZONE (REZ 2023-02) (405 VINEYARD AVENUE PROJECT)**

**WHEREAS**, Michael Sutherland, on behalf of the property owner, Carmina Maldonado, submitted an application for a rezone (REZ 2023-02), setback variance (VAR 2023-02), and approval to subdivide a developed 13,175 square foot parcel located at 405 Vineyard Avenue (APN 008-071-001) into two (2) parcels of 7,167 square feet (sf) (Parcel 1) and 6,008 sf (Parcel 2) (TPM 2021-02) (collectively “Project”); and

**WHEREAS**, the site is located on the eastside of Vineyard Avenue at the southeast corner of Clinton Street and Vineyard Avenue and is inside the City limits of the City of Madera (City); and

**WHEREAS**, City staff have done a preliminary environmental assessment of the Project, and the Project would be qualified for a categorical exemption under the California Environmental Quality Act (CEQA) Guidelines, Section 15315 (Minor Land Divisions); and

**WHEREAS**, under the City’s Municipal Code and State Planning and Zoning Law, the Planning Commission (Commission) is authorized to review and approve variances, tentative parcel maps, and review and make recommendations to the City Council (Council) for rezones and environmental assessments for projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Commission hearing on REZ 2023-02 as required by law; and

**WHEREAS**, the Commission received and independently reviewed REZ 2023-02 concurrently with VAR 2023-02 and TPM 2021-02 at a duly noticed meeting on April 11, 2023; and

**WHEREAS**, at the April 11, 2023, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, received regarding the Project was considered by the Commission; and

**WHEREAS**, after due consideration of all the items before it, the Commission now desires to adopt this Resolution recommending to the Council to adopt a resolution adopting a Categorical Exemption for the Project pursuant to CEQA and recommend approving REZ 2023-02.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Commission recommends the Council find and determines that the project is categorical exempt under Section 15315 (Minor Land Divisions) of the State CEQA Guidelines because the project is a rezone and division of property in an urbanized area zoned residential into two parcels, in conformance with the City

of Madera General Plan and Zoning Ordinance and all services 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. Recommendation of City Council Approval of REZ 2023-02: The Commission finds, and recommends the Council find, that REZ 2023-02, rezoning the parcel at 405 Vineyard Avenue (Assessor Parcel Number (APN) 008-071-001) from R2 (One unit for each 3,000 square feet of site area) to R1 (One unit for each 6,000 square feet of site area) as shown in Exhibit “A” is consistent with the General Plan goals, policies and objectives, and with the General Plan Land Use Plan. The Commission further recommends that the Council find that REZ 2023-02: i) is consistent with the General Plan goals and policies, including Policy LU-32, which states “zoning shall be consistent with General Plan land use designations; and ii) is consistent with the purpose of the zoning ordinance to promote and protect the public’s health, safety, peace, comfort, convenience, and general welfare.

4. Effective Date: This Resolution shall become effective immediately. The Secretary of the Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the Council of the City of Madera.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

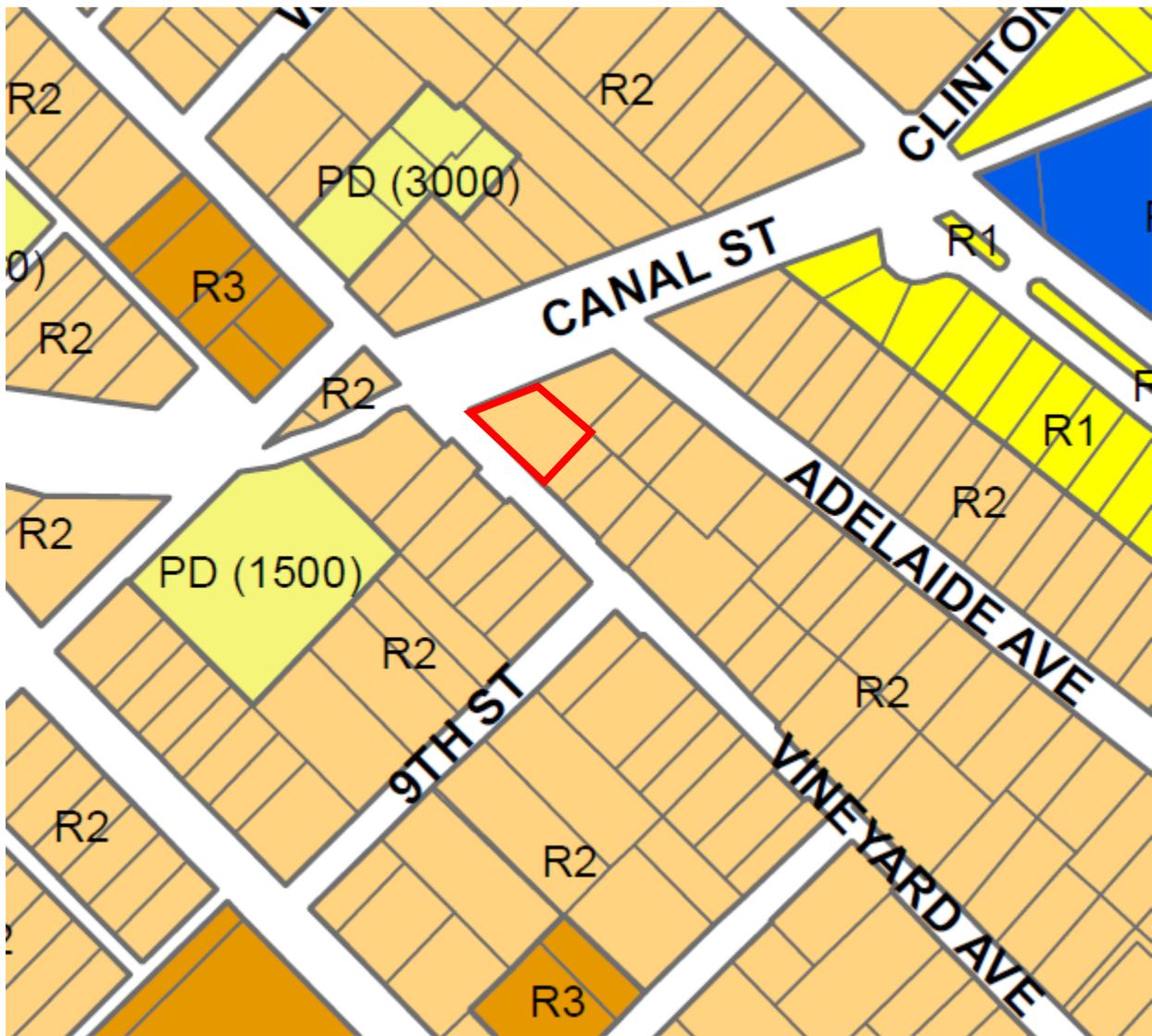
ABSENT:

\_\_\_\_\_  
Robert Gran Jr.  
Planning Commission Chairperson

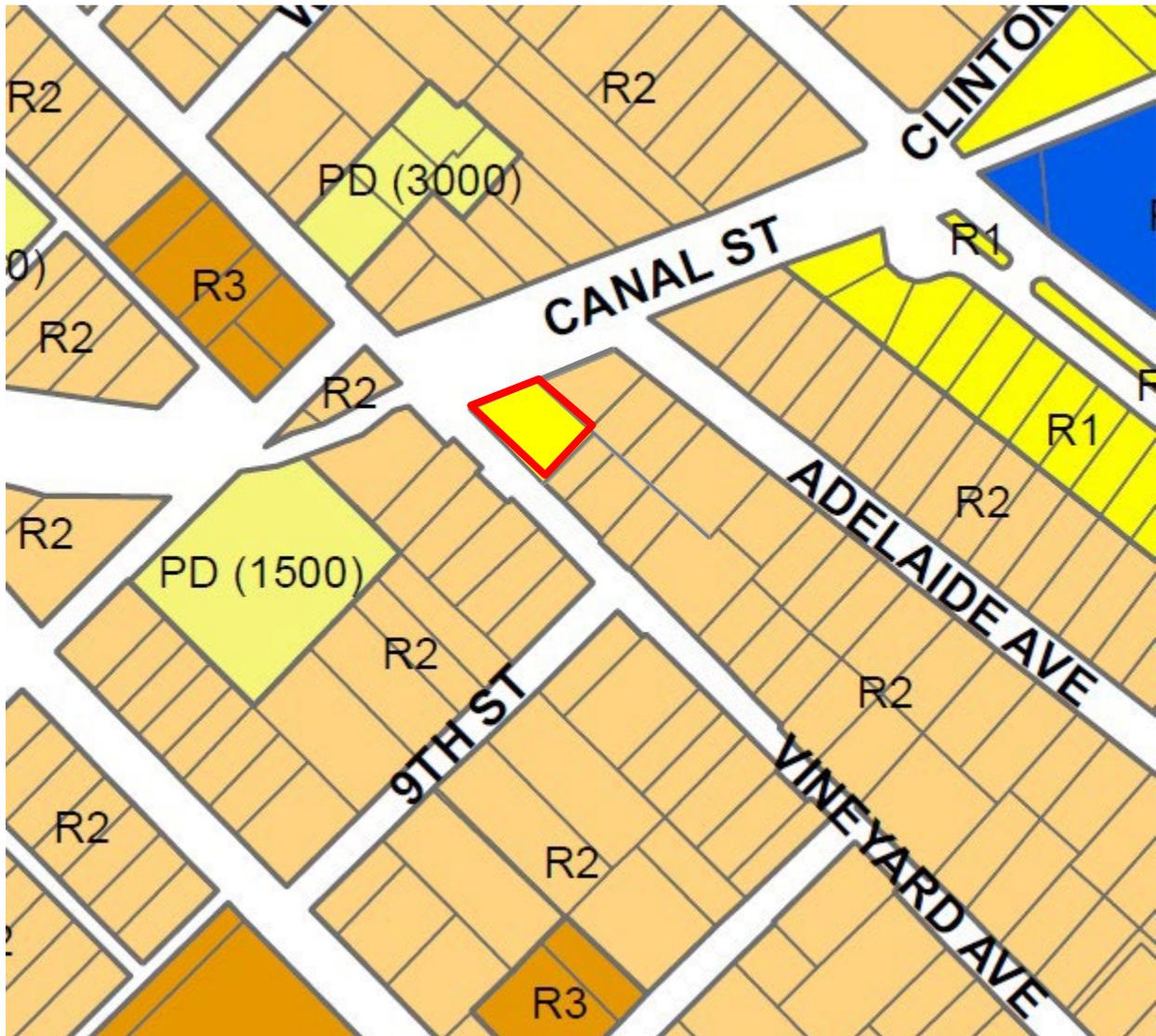
Attest:

\_\_\_\_\_  
Gary Conte, AICP  
Planning Manager

Exhibit “A”: Zone District Map (Existing and Propose)



Zone Districts	
Residential Districts	
	RA - (One unit per each 12,000 square feet)
	R1 - (One unit per each 6,000 square feet)
	R2 - (One unit per each 3,000 square feet)
	R3 - (One unit per each 1,800 square feet)



-  RA - (One unit per each 12,000 square feet)
-  R1 - (One unit per each 6,000 square feet)
-  R2 - (One unit per each 3,000 square feet)
-  R3 - (One unit per each 1,800 square feet)

ATTACHMENT 5  
*Resolution for Variance & Tentative Parcel Map*

**RESOLUTION NO. 1955**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
CONTINGENTLY APPROVING SETBACK VARIANCE (VAR 2023-03) AND  
TENTATIVE PARCEL MAP (TPM 2021-02) (405 VINEYARD AVENUE PROJECT)**

**WHEREAS**, Michael Sutherland, on behalf of the property owner, Carmina Maldonado, submitted an application for a rezone (REZ 2023-02), setback variance (VAR 2023-02), and approval to subdivide a developed 13,175 square foot parcel located at 405 Vineyard Avenue (APN 008-071-001) into two (2) parcels of 7,167 square feet (sf) (Parcel 1) and 6,008 sf (Parcel 2) (TPM 2021-02) (collectively “Project”); and

**WHEREAS**, the site includes a 10-foot-wide easement for street, public utility and incidental purposes was granted by a recorded deed across the site frontage in May 1968; and

**WHEREAS**, the site is developed with a 1,117 square foot, single-story, 3-bedroom, 1, bath single-family dwelling. No onsite garage, parking pad or driveway are present on the site; and

**WHEREAS**, the single-family dwelling front yard setback is 10 which does not meet the City’s residential zone district 15 foot front yard setback requirement; and

**WHEREAS**, the Applicant is requesting setback variance (VAR 2023-03) to address the non-compliant front yard setback condition; and

**WHEREAS**, the Applicant is also requesting to divide the site into two separate irregular-shaped parcels (TPM 2021-02) as shown in Exhibit “B”; and

**WHEREAS**, the project has been determined to be categorical exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15315 (Minor Land Divisions); and

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

**WHEREAS**, the Commission received and concurrently reviewed REZ 2023-03, VAR 2023-03 and TPM 2021-02 at a duly noticed meeting on April 11, 2023; and

**WHEREAS**, at the April 11, 2023, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, received regarding the Project was considered by the Commission; and

**WHEREAS**, the Commission has independently completed its review of the staff report and documents submitted for REZ 2023-03, VAR 2023-03 and TPM 2021-02, evaluated the information contained within the report and documents submitted, and considered testimony received as part of the public hearing process; and

**WHEREAS**, to accommodate the Applicant’s request to consider VAR 2023-03 and TPM 2021-02 in conjunction with the approval of REZ 2023-03, the Commission now desires to contingently approve VAR 2023-03 and TPM 2021-02 such that no decision of approval of VAR 2023-03 or TPM 2021-02 becomes final and effective until immediately after Council adopts a Categorical Exemption for the project and approves REZ 2023-03, and if no such approval occurs within 180 days of the adoption of this Resolution, then the Commission intends that REZ 2023-03 be set for further consideration and a final decision by the Commission.

**NOW, THEREFORE BE IT RESOLVED**, by the Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project, including REZ 2023-03, VAR 2023-03, and TPM 2021-02, and has prepared a categorical exemption under Section 15315 (Minor Land Divisions) of the State CEQA Guidelines because the project is a rezone and division of property in an urbanized area zoned residential into two parcels, in conformance with the City of Madera General Plan and Zoning Regulation and all services to the proposed parcels are available. The Planning Commission has fully considered the categorical exemption and has concurrently recommended it for approval by the City Council. The Planning Commission finds that VAR 2023-03, and TPM 2021-02 are consistent with, and have been fully assessed by, the categorical exemption, and that both VAR 2023-03, and TPM 2021-02 are entitlements anticipated for the proposed Project in as assessed by the categorical exemption and are consistent with the purpose and intent of the categorical exemption. As such, VAR 2023-03, and TPM 2021-02 have been fully environmentally assessed, and no further assessment is required by CEQA.
3. Findings for VAR 2023-03: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of VAR 2023-03, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code. The Commission 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:

There are two findings that must be made in order to grant a variance, which are stated as follows:

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

Due to the current configuration and shape of the lot, requiring the existing structure to comply with the front yard setback would require the structure to be razed and rebuilt on a new slab foundation repositioned such that it met the front yard setback requirements. Requiring the existing structure to comply with the current setback requirements would be impractical and represent unnecessary hardship due to a strict and literal application of the ordinance.

4. Findings for TPM 2021-02: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TPM 2021-02, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code. The Commission 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.*

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 (One unit for each 6,000 square feet of site area) and General Plan designation (LD – Low Density Residential).

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

The project is consistent with all applicable laws. The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the City. Likewise, the design or improvement of the proposed subdivision is also consistent with applicable general and specific plans. The site is physically suitable for the type of development, as well as the proposed density of development. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the property is located within a developed area of the City surrounded by urban uses. Further, the design of the subdivision is not likely to cause serious public health problems, and instead the requirement to install sidewalks and points of legal access to both parcels will promote public health and safety. Finally, the design of the subdivision will not conflict with easements. All findings required by City of Madera Municipal Code Section 10-2.501.7 can be made.

- c. *The proposal is consistent with the General Plan and specific plans.*

The proposed TPM 2021-02 is consistent with the General Plan designation of LD (Low Density Residential). The procedural requirements of the Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable to the site.

- d. *The design or improvements of the proposed subdivision is compatible with applicable general and specific plans.*

The proposed TPM 2021-02 is consistent with the City of Madera General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no applicable specific plan applicable to the site.

- e. *The site is physically suitable for this type of development.*

TPM 2021-02 proposes to subdivide the approximately 13,175 square foot (0.3 acre) property into 2 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation per the General Plan, which requires a density of 2.1 to

7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 6.7 du/ac. This density is also consistent with the existing zone district of R1 (One unit per each 6,000 square feet), which is compatible with the LD (Low Density Residential) land use designation and allows the proposed lot sizes ranging from 6,008 square feet to 7,167 square feet. The site is physically suitable for such proposed type of residential development. Development is required to be consistent with the General Plan and Zoning Ordinance, and there are no unusual conditions that would render the site physically unsuitable for such a subsequent type of consistent development.

- f. *The site is physically suitable for the proposed density of development.*

The proposed TPM 2021-02 will create 2 parcels to support residential uses with ample useable space. The subdivision allows one residential per 6,000 square feet or greater as appropriate for the existing zone district, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with the General Plan and Zoning Ordinance. Such consistency would likewise require consistency with setbacks as per VAR 2023-02, building code, and other requirements that would ensure suitable density of development.

- g. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project site is not located in a sensitive environment but rather in an area surrounded primarily by other residential land uses. Staff performed a preliminary environmental assessment and determined that the project is categorical exempt under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) as this action is the rezone and division of property in an urbanized area zoned residential into two parcels, in conformance with the City of Madera General Plan and Zoning Ordinance. All services to the proposed parcels are available. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

- h. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

The lots created will comply with all applicable sanitary sewer, water service and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

- i. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision.*

All modifications made to the existing public improvements fronting the parcels upon development of the properties will be required to current City standards. Additionally, the subdivision is designed to ensure that it will not conflict with easements and appropriate dedications will be required to ensure public easements for right-of-way, etc., are secured.

5. Approval of VAR 2023-03 and TPM 2021-02: Given that all findings can be made, the Commission hereby approves VAR 2023-03 and TPM 2021-02 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" which approvals are contingent upon the following:

- a. The conditional approval of VAR 2023-03 and TPM 2021-02 shall be final and effective immediately only after Council approves REZ 2023-03.

If the Council approval of REZ 2023-03 does not occur within 180 days of the adoption of this Resolution, then VAR 2023-03 and TPM 2021-02 shall be returned to the Commission for further consideration and a final decision. If Council approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council in a manner that could reasonably affect the findings of the Commission herein or require a modification or addition of a condition of approval to be consistent with a Council approval, then VAR 2023-03 and TPM 2021-02 shall be returned to the Commission for further consideration and a final decision.

6. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
Robert Gran Jr.  
Planning Commission Chairperson

Attest:

\_\_\_\_\_  
Gary Conte, AICP  
Planning Manager

Exhibit "A": Conditions of Approval for VAR 2023-03 and TPM 2021-02  
Exhibit "B": Tentative Parcel Map 2023-03

**EXHIBIT "A"**  
**VAR 2023-02 & TPM 2021-02**  
**CONDITIONS OF APPROVAL**  
**April 11, 2023**

**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 plan 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.

Approval for Variance 2023-02 (VAR 2023-02) and Tentative Parcel Map 2021-02 (TPM 2021-02) 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/or the proposed development.

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 VAR 2023-02 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. Approval for TPM 2022-07 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, 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 Commission 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 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 and variance 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 the tentative parcel map and variance. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the tentative parcel map or variance and 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 variance and 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 VAR 2023-02 and/or TPM 2021-02, and references to “developer” or “applicant” herein also include any applicant, property owner, lessee, operator, or any other person or entity making use of VAR 2023-02 or TPM 2021-02.

VAR 2023-02 is subject to Conditions of Approval Nos. 1 through 9, 19, and 20.

TPM 2021-02) is subject to Conditions of Approval Nos. 1 through 18, and 21 through 40.

### **GENERAL CONDITIONS**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of the filing. Such check shall be made payable to the Madera County Clerk and submitted **no later than three (3) days following approval action on VAR 2023-02 and TPM 2021-02.**
3. Approval of VAR 2023-02 and TPM 2021-02 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.
4. Approval of TPM 2021-02 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. VAR 2023-02 and TPM 2021-02 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 VAR 2023-02 and TPM 2021-02. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of VAR 2023-02 and/or TPM 2021-02 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.
5. These conditions are applicable to any person or entity making use of VAR 2023-02 and/or TPM 2021-02, 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.

6. It shall be the responsibility of the property owner and/or operator to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
7. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and / or manager may be subject to corrective action.
8. The property owner, lessee, operator, and / or manager shall keep the property clear of all trash, rubbish, and debris at all times.
9. 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.

10. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
11. TPM 2021-02 approval 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.

12. Prior to expiration of the conditionally approved tentative parcel map, an extension or extensions to TPM 2021-02 may be requested pursuant to Section 66453.3 of the Subdivision Map Act.

#### **PLANNING DEPARTMENT**

13. The property owner, lessee(s), occupant(s), and operator(s) of Parcel 1 and Parcel 2 shall abandon the use of the driveway approach at Vineyard Avenue, north of Parcel 1, and the use of the unpaved, all-weather City and Madera Irrigation District (MID) service driveway paralleling the Parcel 1 northwest property line.
14. The applicant and/or property owner of Parcel 1 shall construct a driveway approach on Vineyard Avenue, driveway and two (2) paved parking spaces, one (1) which must be covered to serve the existing residential dwelling on Parcel 1 pursuant to the Madera Municipal Code (MMC) Off-Street Parking Regulations and City Standard Drawings and Specifications. The driveway approach on Vineyard Avenue is subject to an encroachment permit from the Engineering Department.
15. No vehicles shall be parked or stowed on an unpaved surface.
16. The applicant and/or property owner of Parcel 1 shall remove and replace the gate along the Parcel 1 northwest perimeter fence used for vehicular access from the City and MID service driveway with the same fencing type, pattern, height, and material present along the remaining northwestern perimeter fencing.
17. Fencing shall not exceed a maximum three (3) feet in height within the front yard setback area. Existing fencing exceeding three (3) feet in height within the front yard setback shall be removed and may be replaced with fencing not exceeding three (3) feet in height.
18. If any modifications to TPM 2021-02 shown in Exhibit B are to be made, an amendment to TPM 2021-02 will be required.
19. VAR 2023-02 shall allow for a variance to MMC Section 10-3.508 R (A) front yard (setback) requirements for the existing residential structure in its present state on Parcel 1. Said variance shall only apply to Parcel 1 and only to the existing residential structure compliance to MMC Section 10-3.508 R (A). As per VAR 2023-02, the minimum front yard (setback) minimum depth shall not be less than 10 feet. If any future modifications or improvements to the existing residential structure, then those future modifications and improvements shall comply with MMC Section 10-3.508 R.
20. VAR 2023-02 is not applicable to Parcel 2.

#### **ENGINEERING DEPARTMENT**

21. The developer shall pay all required fees for processing the parcel map and completion of the 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.
22. A final parcel map shall be required in accordance with Section 10-2.502 of the MMC and the California Subdivision Map Act.
23. Future subdivision of parcels created shall comply with the California Subdivision Map Act.

24. 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.
25. Parcel map preliminary submittal shall include three (3) sets of prints; and two (2) sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
26. 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.
27. 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.
28. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit shall be required from the Engineering Division.
29. If applicable, all construction of off-site improvements shall be completed prior to issuance of final occupancy.
30. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.
31. 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.
32. 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.
33. Each newly created parcel shall have a separate water service. Any existing or new connection(s) shall be upgraded or 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 for non-residential uses. Existing cross lot connections shall be severed.
34. Each newly created parcel shall have a separate sewer service. Any existing or new connection(s) shall be upgraded or constructed to current City standards. Existing cross lot connections shall be severed.
35. The developer shall install sidewalk along the entire project parcel frontage on Vineyard Avenue in accordance with City and ADA standards.
36. If the applicant believes that a hardship waiver is applicable based on the cost of ADA improvements in relation to the overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.
37. 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.

38. Where construction of off-site improvements or utility services is required, it shall be completed prior to issuance of final occupancy; or, in the case where no future occupancies are anticipated as part of the current action, the Subdivider shall either construct or install the required improvements or enter into a bonded secured agreement with the City of Madera providing for the construction of the required improvements and sufficient security prior to the recordation of the final Parcel Map.

**BUILDING DEPARTMENT**

39. A building permit is required for all construction activities.

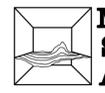
**FIRE DEPARTMENT**

40. The setback from the existing dwelling to the proposed adjacent (new) property line between Parcels 1 and 2 must be a minimum of five (5) feet from the existing structure.

-END OF CONDITIONS-

# TENTATIVE PARCEL MAP NO. 2022-02

IN  
CITY OF MADERA, STATE OF CALIFORNIA  
DECEMBER 2021  
FOR  
CARMINA MALDONADO  
BY



**Michael Sutherland  
and Associates, Inc.**  
LAND SURVEYING AND  
CIVIL ENGINEERING SERVICES  
36691 Avenue 12 • Madera, CA 93636  
(559)447-5815/645-4730 (Fax 645-0241)

**NOTE:**  
THE AREAS SHOWN INCLUDE THE 10' EASEMENT PREVIOUSLY DEEDED TO THE CITY OF MADERA FOR STREET AND PUBLIC UTILITY PURPOSES, RECORDED MAY 14, 1968 IN BOOK 1010, PAGE 408, M.C.R.

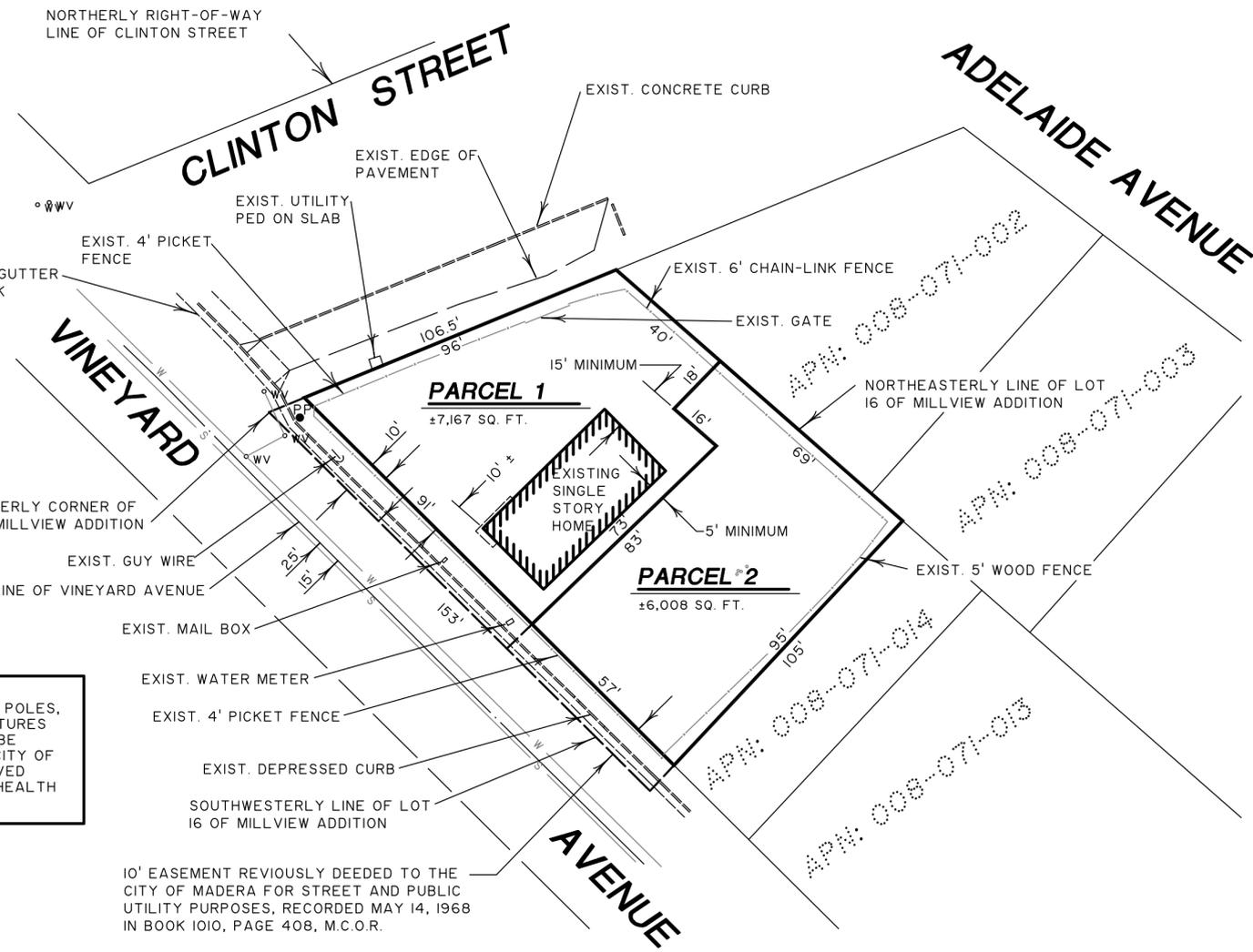
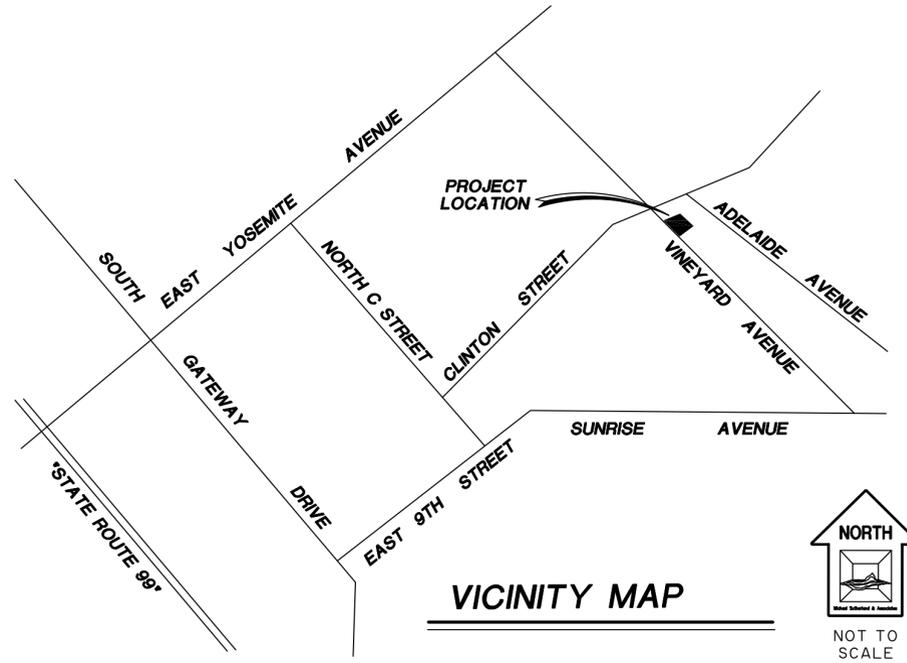
## SITE DATA

EXISTING USE: RESIDENTIAL  
EXISTING ZONE: R-2  
EXISTING WATER SOURCE: CITY OF MADERA  
EXISTING SEWAGE DISPOSAL: CITY OF MADERA  
EXISTING STORM DRAINAGE: CITY OF MADERA  
EXISTING/PROPOSED ELECTRICITY: P.G.&E.  
EXISTING/PROPOSED TELEPHONE: AT&T  
ASSESSOR'S PARCEL NO.: 008-071-001  
SOURCE OF DATA: RECORD MAPS/FIELD SURVEY  
PROPOSED USE: RESIDENTIAL  
PROPOSED ZONE: R-1  
PROPOSED WATER SOURCE: CITY OF MADERA  
PROPOSED SEWAGE DISPOSAL: CITY OF MADERA  
PROPOSED STORM DRAINAGE: CITY OF MADERA  
TOTAL AREA: 13,175 SQUARE FEET  
TOTAL LOTS: 2  
MINIMUM LOT SIZE: 6,000 SQUARE FEET  
FLOOD ZONE: THIS PROPERTY IS LOCATED IN ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL 1160 OF 1385, MAP NUMBER 06039C1160E, EFFECTIVE DATE: SEPTEMBER 26, 2008.

## LEGEND / ABBREVIATIONS

	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	PROPOSED PROPERTY LINE
	EXISTING POWER POLE
	WATER VALVE
	MADERA COUNTY OFFICIAL RECORDS
	EXISTING SANITARY SEWER MAIN
	EXISTING WATER MAIN

**NOTE:**  
UNLESS NOTED OTHERWISE, ALL EXISTING BUILDINGS, FENCES, POWER POLES, UTILITY LINES, WELLS, TREES, IRRIGATION RISERS, AND OTHER STRUCTURES (EXCEPT SEPTIC TANKS) WITHIN THE AREA OF CONSTRUCTION SHALL BE REMOVED OR ABANDONED IN ACCORDANCE WITH THIS PLAN AND THE CITY OF MADERA STANDARD SPECIFICATIONS. SEPTIC TANKS SHALL BE REMOVED OR ABANDONED IN ACCORDANCE WITH CITY OF MADERA AND COUNTY HEALTH DEPARTMENT STANDARDS.



## LEGAL DESCRIPTION

ALL THAT PORTION OF LOT 16 OF MILLVIEW ADDITION TO THE TOWN, NOW CITY OF MADERA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 1, PAGE 28 OF MAPS, MADERA COUNTY RECORDS, DESCRIBED AS FOLLOWS:  
  
COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 16, THENCE SOUTH 44°30' EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT, A DISTANCE OF 153 FEET TO A POINT; THENCE NORTHEASTERLY AND PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT A DISTANCE 110 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 16, THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF SAID LOT 16 TO THE POINT OF BEGINNING.

**SCALE: 1" = 30'**



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