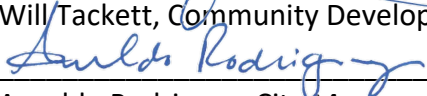


REPORT TO CITY COUNCIL

Approved by:



Will Tackett, Community Development Director



Arnoldo Rodriguez, City Manager

Council Meeting of: May 17, 2023

Agenda Number: B-11

SUBJECT:

Second Reading and Adoption of an Ordinance to Rezone Property Located on 308 North C Street (REZ 2023-01)

RECOMMENDATION:

The Planning Commission and staff recommend the City Council hold a public hearing, make the necessary findings, and take actions as follows:

1. Waive full reading and adopt an Ordinance adopting a Finding of Exemption under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and rezoning the approximately 0.17 acres of property located at 308 North C Street (APN: 007-081-014) from the C1 (Light Commercial) zone district to the R1 (Residential, one unit for each 6,000 square feet) zone district

SUMMARY:

Rezone Application No. REZ 2023-01 requests authorization to rezone approximately 0.17 acres of property (the subject property) located at 308 N. C Street from the C1 (Light Commercial) zone district to the R1 (Residential, one unit for each 6,000 square feet) zone district. The subject property is located along the southwesterly side of North C Street between East 3rd and East 4th Streets. The rezone from the C1 zone district to the R1 zone district is consistent with the Low Density Residential General Plan land use designation pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan.

The project was reviewed and considered by the Planning Commission (Commission) at the regularly scheduled meeting held on April 11, 2023. There were no public comments at the Commission meeting and the applicant agreed with the terms presented. The Commission adopted Resolution No. 1953 recommending the Council adopt a Finding of Exemption under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and approve Rezone Application No. REZ 2023-01.

DISCUSSION:

No development is proposed on the subject property at this time. The subject property is designated for Low Density Residential (2.1-7 units per acre) land uses by the General Plan. Rezoning to the R1 zone district is consistent with the Low Density Residential General Plan land use designation pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan.

The Low Density Residential category represents the traditional single-family neighborhood with a majority of single-family detached homes. This is the pre-dominant land use category of the City's residential areas and the city block in which the subject property is located.

Abutting properties are developed within single family residences and properties adjacent and across the street include single family homes and a residential condominium development (Victorian Village).

The rezone 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. The rezone 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 proposed Rezone will permit future development on the subject property at an intensity consistent with the General Plan and in accordance with the allowable uses and development standards of the R1 residential zone district.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission has recommended the City Council find and determine that the project is exempt under CEQA Guidelines Section 15061(b)(3) (Common Sense). The project site is adequately served by all required utilities and the proposed rezoning of the subject property consistent with the General Plan land use designation does not have a reasonable possibility of resulting in any significant effects relating to traffic, noise, air, air quality, or water quality. Future projects, which may be proposed for the subject property, will be evaluated in accordance with the provisions of CEQA upon submittal to the City of Madera. 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).

FINANCIAL IMPACT:

The applicant submitted entitlement fees to offset the costs associated with processing the rezone application in accordance with the City of Madera's adopted Master Fee Schedule. Additional fees will be required from the Planning and/or Building Departments in conjunction with any future proposed development.

ALTERNATIVES:

As an alternative, the Council may elect to:

1. Deny the request to rezone. Should the request be denied, the project site would remain with the current zoning district of Light Commercial.
2. Continue the item for further consideration or with direction to staff to provide additional information for further consideration in advance of a decision.
3. Provide staff with other alternative directives.

ATTACHMENTS:

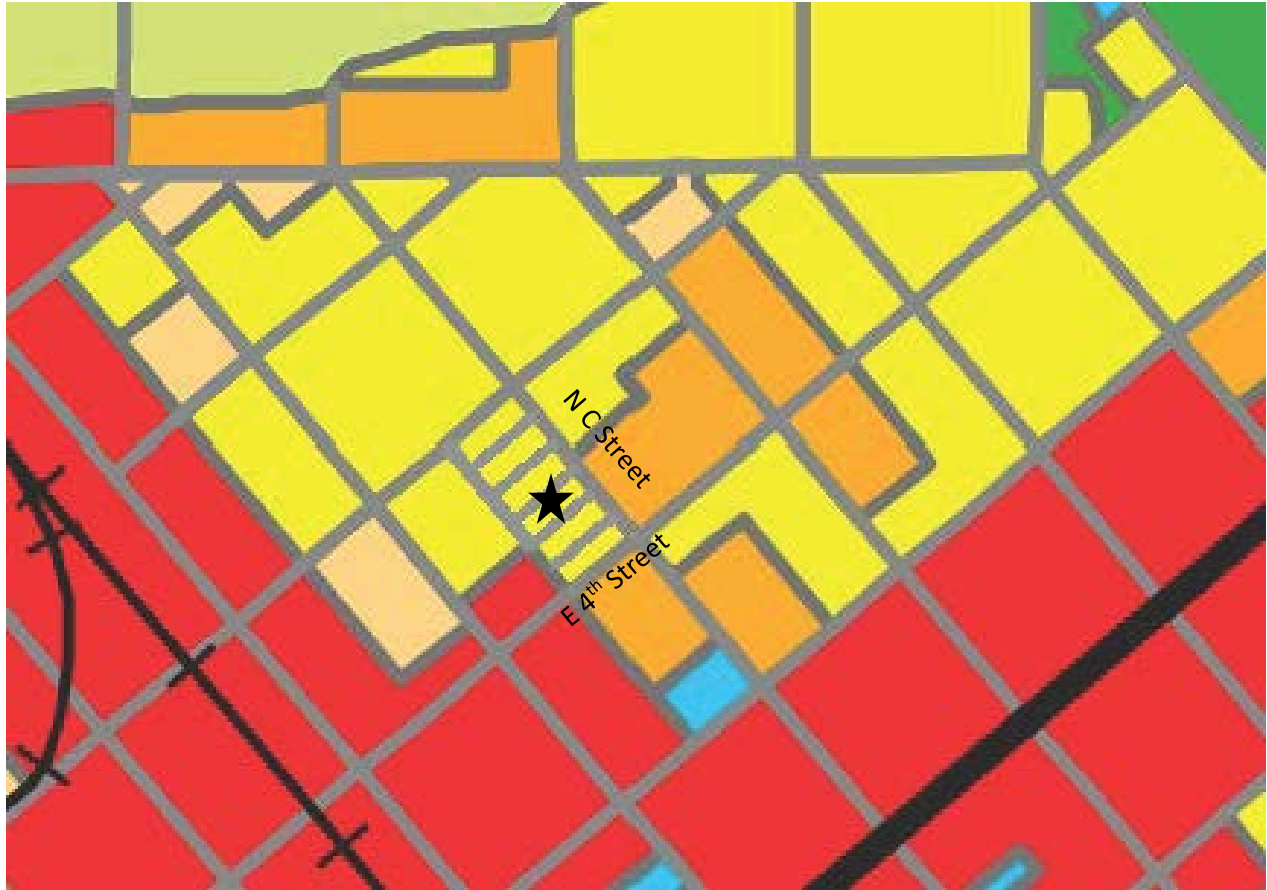
1. Aerial View
2. General Plan Land Use Map
3. Planning Commission Resolution No. 1953
4. Ordinance of the City Council (REZ 2023-01)

ATTACHMENT 1
Aerial View









Aerial View



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 (Low Density Residential)

ATTACHMENT 3
Planning Commission Resolution No. 1953

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 11th day of April 2023, by the following vote:

AYES: Commissioner's Rohi Zacharia, Bobby Shiekh, Balwder Singh, Saim Mohammad,
Jose Eduardo Chavez, Chairperson Robert Gran Jr., Vice-Chair Ramon Lopez

NOES: None

ABSTENTIONS: None

ABSENT: None



Robert Gran Jr.
Planning Commission Chairperson

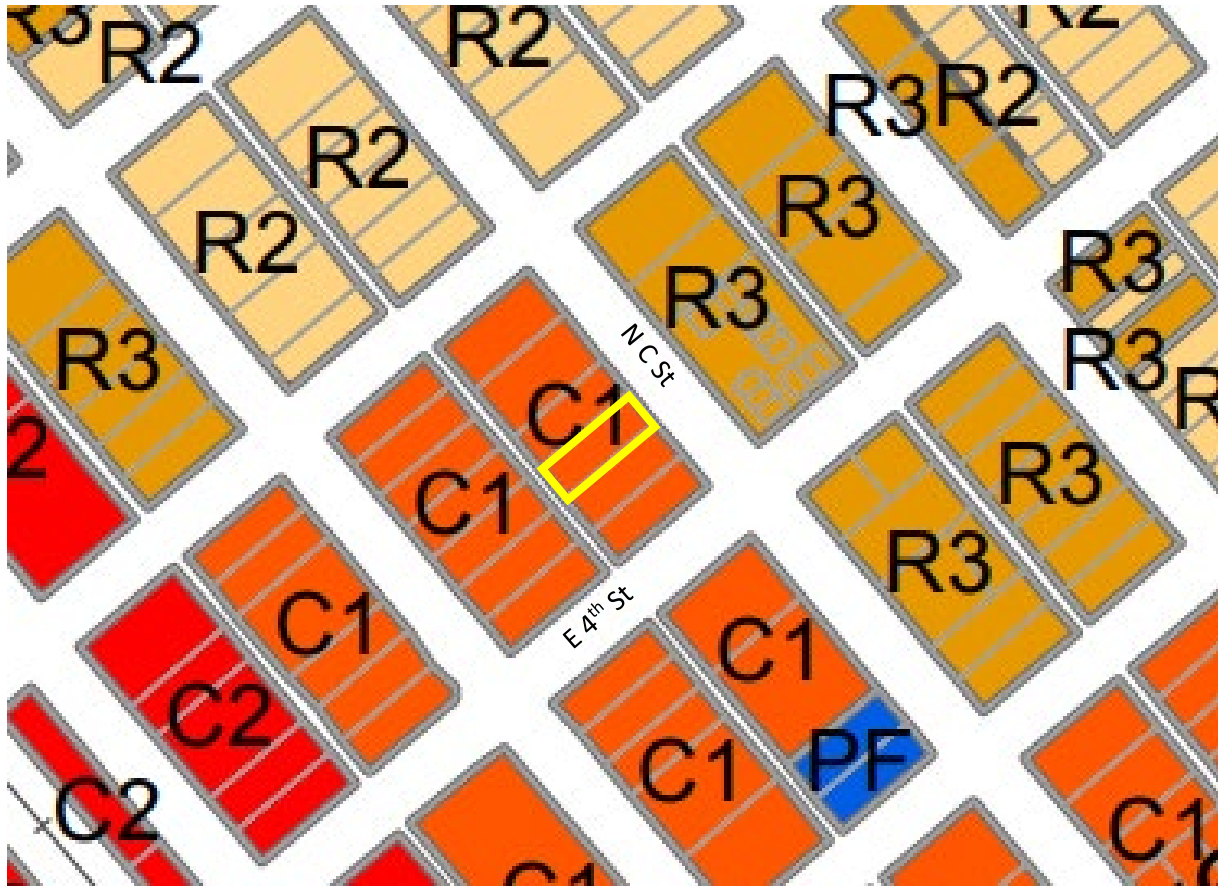
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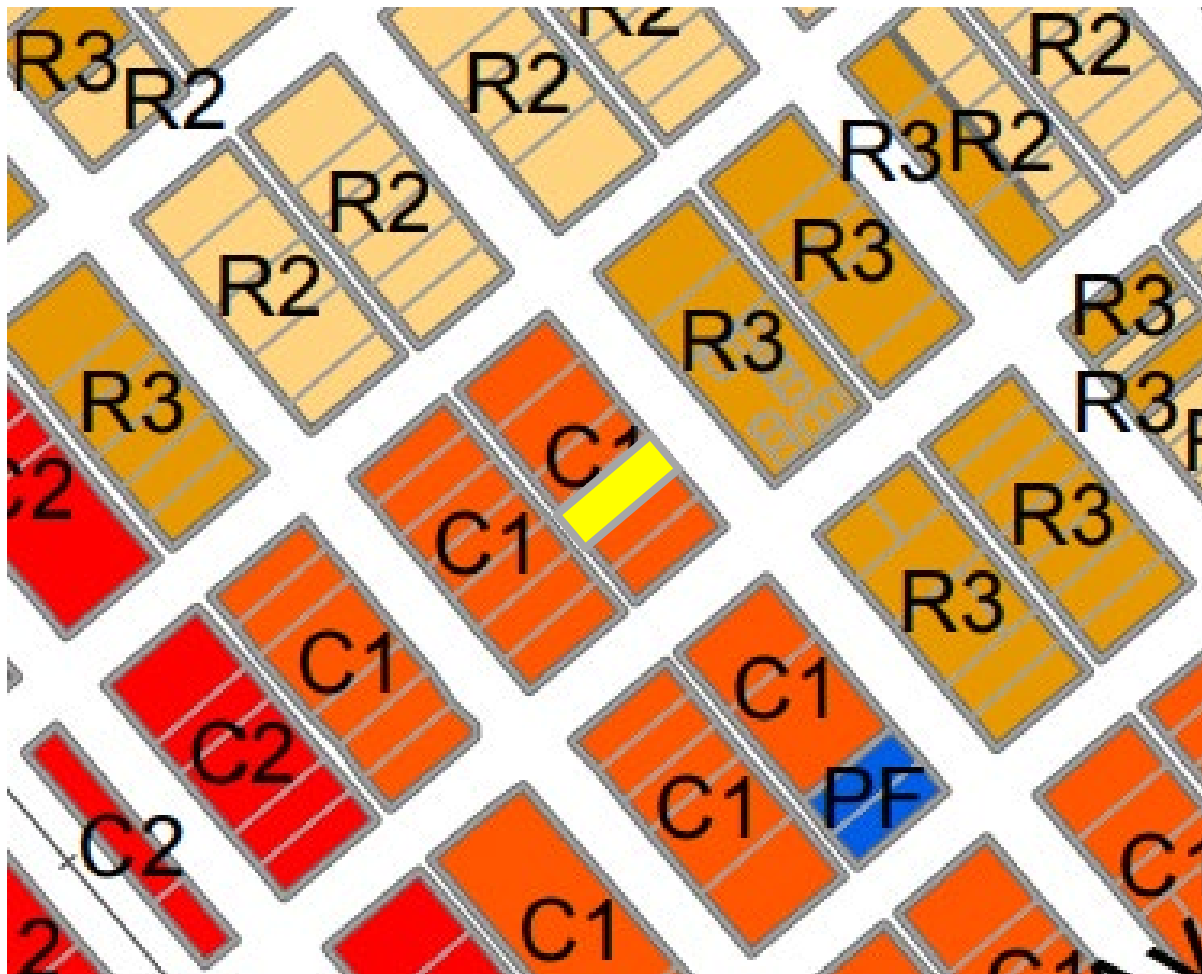








Will Tackett Community Development Director for Gary Conte
Gary Conte AICP Planning Manager

"Exhibit A" Existing and Proposed Zone

Exhibit A: Existing 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)

ATTACHMENT 4
Ordinance of the City Council (REZ 2023-01)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 0.17 ACRES OF PROPERTY LOCATED AT 308 NORTH C STREET (APN: 007-081-014) FROM THE C1 (LIGHT COMMERCIAL) TO THE R1 (RESIDENTIAL, ONE UNIT FOR EACH 6,000 SQUARE FEET) ZONE DISTRICT

WHEREAS, Alejandro Reyes (“Owner”) owns the property located on 308 North C Street (APN: 007-081-014) in Madera, California (“Subject Property”); and

WHEREAS, Delfino Reyes, as authorized agent on behalf of the Owner (“Applicant”), submitted Rezone Application REZ 2023-01 to the City of Madera (City) to rezone the approximately 0.17 acre Subject Property located at 308 North C Street (APN: 007-081-014) on the southwesterly side of North C Street between East 3rd and East 4th Streets; and

WHEREAS, the proposed rezoning (REZ 2023-01) of the Subject Property to the R1 (Residential, one unit for each 6,00 square feet) zone district is consistent with the Low Density Residential General Plan land use designation for the Subject Property pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan; and

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

WHEREAS, the Planning Commission received and reviewed application REZ 2023-01 at a duly noticed meeting on April 11, 2023, wherein the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after its hearing, the Planning Commission adopted Resolution No. 1953 recommending the City Council adopt the environmental finding and approve Rezone REZ 2023-01;

WHEREAS, under the City’s Municipal Code, the City Council is authorized to review and approve rezones on the behalf of the City; and

WHEREAS, the City provided notice of the City Council hearing as required by law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Public Hearing. The City Council received the submittals from the Planning Commission and held a duly noticed public hearing on May 3, 2023, on the rezoning of the Subject Property shown in Exhibit “A” attached hereto and incorporated by reference.

SECTION 3. Findings. Based upon the record before it at the public hearing, the City Council determines the adoption of the proposed rezoning ordinance as recommended by the Planning Commission is in the best interest of the City of Madera. The City Council finds Rezone REZ 2023-01 is consistent with the City’s Zoning Ordinance to promote the growth of the City in an orderly and sustainable manner and to ensure consistency with the City General Plan. The City Council hereby makes the following findings:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETERMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.

SECTION 4. Approval of Rezone. The City Council hereby approves Rezone REZ 2023-01 and hereby amends the City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code from the C1 (light commercial) zone district to R1 (Residential – One Unit for Each 6,000 Square Feet) zone district as illustrated in the hereto attached Exhibit “A” which indicates the segment of the City of Madera Zoning Map to be amended.

SECTION 5. Effective Date of Rezone. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

SECTION 6. Effect Date of Ordinance. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

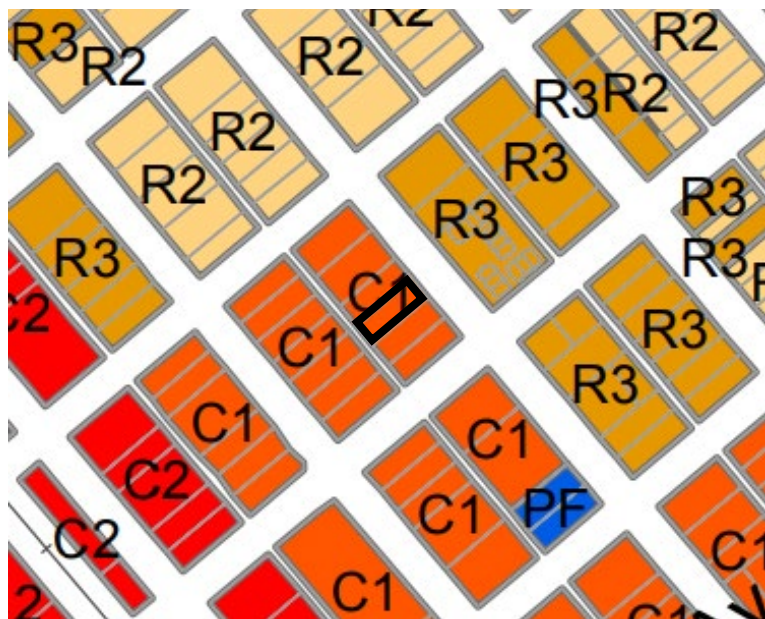
SECTION 7. Posting. The City Clerk shall certify the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this Ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

* * * * *

Exhibit "A" – Existing and Proposed Zoning Maps

Exhibit A: Existing and Proposed Zoning Maps

Existing Zoning: C1 (Light Commercial)



Proposed Zoning: R1 (Residential, one unit for each 6,000 square feet)

